

Notes toward the realisation of the Inventory Office

Outcome of the Project

«Yemen-Inventory of Cultural Heritage Priority Sites»

INFORMATION The project developed, for all of Yemen and for the sample area of Hadramaut, a sizeable amount of documentation on their historic and archeological landmarks (for a total of more than 20,000 pages of card-catalogues, sketches and pictures).

QUALIFIED PERSONNEL In the course of the project a team was trained in Hadramaut to document the local landmarks, using the inventory method suggested by the Council of Europe. Some of the operatives are able to consult the information saved both in traditional library form and in database form.

SPACE AND EQUIPMENT Two Offices were equipped, the first in Sana'a and the second in Saiun, with furnishings, hardware, photographic equipment and GPS.

THE INVENTORY OFFICE. The project tested over a 1-year period the functioning of the Office in the inventorying of Yemen's cultural heritage, in collaboration with the Central Office located in Sana'a at the GOAMM and with the first Regional Office in the sample area of Wadi Hadramaut at the Archeological Museum in Salun.

EVALUATION OF THE YEMENI ADMINISTRATION. The Client must evaluate the technical results of the work, the modalities for information conservation and their utilization for safeguarding and exploiting cultural heritage resources. The Client must also evaluate the problem of publicizing the information among a wider public of scholars. But above all the Client must evaluate the ways in which to utilize the human resource of the approximately 20 operatives, between Sana'a and Hadramaut, of which at least 10 are ready to continue the inventory work.¹

The Project here provides the Administration with some evaluation points on the two just briefly illustrated hypotheses.

¹ The archaeologists and architects of the GOAMM and the GOPHCY worked for months with Memar's operatives, analysing the documentary sources (70% of the total), filing the Tarim, Shibam and Saiun (100% of the card-catalogues) monuments, taking digital photos (many dealing with architecture and 100%, principal monuments (90% of the total), familiarising themselves with the GPS.

OPTIMAL HYPOTHESIS

Setup of a NATIONAL INVENTORY OFFICE, starting with Sana'a and then, over the period of a few years. This would involve a type of organization already present in many countries and of course in Italy as well, the country that financed the project. The office would be set up in the principal regions of the country, and its job would be to make a rapid, normalized inventory of historic and archeological priority sites.

Relations between the Memar team and the Yemeni staff began in February 2000 and ended in May 2001. These approximately two years of relations during training and work at the office and in the field enabled us to obtain a good knowledge of the Yemeni operatives: some of them have demonstrated characteristics well-suited to the management of the future Inventory Office and the above-mentioned duties. Starting with our knowledge of the personnel, we consider best suited some assessments and suggestions. Our considerations concern the two future offices, whose characteristics will naturally be different, in keeping with their different duties.

INVENTORY OFFICE

The Central Office in Sana'a

THE OFFICE

During the course of the program estimate an expense of **10,000 US\$** to complete the agreed-upon equipment.

A **5 rooms-office** of about 100 sm will be sufficient for the initial period (***to be set up***):

- Architecture room
- Archaeology room
- Cartography room
- Management room
- Archive room most part of the necessary equipment and furniture has been purchased. We

Equipment (already provided):

- 3 PCs
- 2 CD writers
- 2 scanners
- 2 printers
- 1 photocopier

Other (to be provided):

- Internet
- Local net

Documentary sources (partly provided):

- National cartography (part)
- books
- magazines subscriptions

Furnishing (already provided in part):

- 10 tables with chairs

- 5 bookshelf-cabinets

THE PERSONNEL

It will be necessary to start with the following staff of 4 persons, which will increase to 8 by the end of the 5-year period:

Regular staff

- 1 head
- 1 head of archaeology
- 1 head of architecture
- 1 collaborators with university degrees
- 2 secretary-archivists

The annual cost of the central office staff, in the last phase: **15,000 US\$**

The cost of the consumption, the communications etc. is estimated at **5,000 US\$** per year. We remember that the central office operators unwind their co-ordination and research work without foreseen their mobility on the national territory.

LOCATION OF THE CENTRAL OFFICE IN SANA'A

The choice of the Archeological Museum in Sana'a seems mandatory since it is involved in the process of realizing a computerized inventory of archeological heritage material. Hence there already exists here the beginnings of an information store which will become indispensable in future for the management of a computerized archive of the entire cultural heritage of Yemen.

The first Regional Office in Hadramaut

THE PERSONNEL

It will be necessary to start off with the following staff of 6 persons.

Regular staff

- 2 head of archaeology
- 2 head of architecture
- 1 secretary-archivists

The annual cost of the regional office staff: **15,000 US\$**

THE OFFICE

During the course of the project some of the rooms on the top floor of the Sultan's palace (GOAMM's and Museum's seat) have been restored, furnished and equipped.

We estimate an expense of about **20,000 US\$** to complete the agreed-upon equipment.

A 5-rooms office of about 100 sm will be sufficient for the initial period (***already set up***):

- Architecture room
- Archaeology room
- Cartography room

- Management room
- Archive room

Equipment (already provided):

- 1 PCs
- 1 CD writer
- 1 scanner
- 1 printer
- 1 photocopier
- 1 digital camera
- 1 GPS

Other Equipment (to be provided):

- Internet
- Local net
- Internet

Documentary sources (partly already provided):

- Regional cartography
- books
- magazines subscriptions

Furnishings (partly already provided):

- 10 tables with chairs
- 5 book-shelf cabinets

Transportation (to be provided):

- 4WD vehicle

It is to be remembered that the operatives of the Regional Office will carry out their job of research and coordination partly at the office and partly in the field.

Expenses for meals, telephone, etc., are calculated to be about US\$ 5,000 per year. In order to continue the cataloguing work over the regional area an additional US\$ 5,000 per year will be necessary, for a total of **US\$ 10,000** per year.

LOCATION OF THE REGIONAL OFFICE IN HADRAMAUT

The choice of the Archeological Museum in SAIUN is mandatory since the YEMEN - Inventory of Cultural Heritage Priority Sites project has already contributed to restoring and equipping part of the Sultan's Palace for use as office space.

SECONDARY HYPOTHESIS

Setup of a CONSULTATION ROOM of the material produced in traditional form (about 30 volumes) and in electronic form (two programs with more than 3,000 filecards and 5,000 photos). This hypothesis allows for any possible difficulties in the immediate securing of all the necessary resources for the first optimal hypothesis, and it offers the advantage of not dispersing the information but of adding it to other entirely homogeneous data such as the filecards and the photos of the Archeological Museum in Sana'a. When the time is more propitious for establishing an Inventory Office, the already existing CONSULTATION ROOM can serve as a point of departure.

CONSULTATION ROOM

In the absence or in the expectation of the economic resources necessary for getting this policy of systematic knowledge of the cultural heritage under way, we suggest keeping all the material produced by the «**Inventory of Cultural Heritage Priority Sites**» project at the **Archeological Museum of Sana'a**, by adding it to the inventory of archeological material that is currently being carried out, and to offer the entire body of material in consultation to visitors. In this case it is sufficient to employ only two operatives on a part-time basis, while the cost of equipment upkeep and peripheral expenses would be very limited. The personnel that participated in developing the project could be utilized for the purpose.

THE PERSONNEL

It will be necessary to start off with the following staff of 2 persons.

Regular staff

- *2 collaborators with university degrees*

Equipment

- 2 PCs
- 1 CD writer
- 1 scanner
- 1 printer
- 1 photocopier
- Internet

The information can be made available for consultation in various forms:

- ILLUSTRATIVE PANELS
- VOLUMES with photos, drawings and filecards
- the basic CARTOGRAPHY utilized (500,000-200,000-100,000-50,000-25,000) and the various archeological maps both in their original and digital formats, with the relative satellite photo.
- the basic BIBLIOGRAPHY reproduced in digital format
- the CULTURAL ATLAS OF HADRAMAUT
- a software program for the consultation and printing of the more than 6,000 photographs of Hadramaut.

NOTE: all the data can be reproduced in real time and made available in printed form and on disk, as part of the Museum's free or pay services.

General costs

The annual cost of both the hypothesis are bring in thistable.

CENTRAL OFFICE - SANA'A

TO START US\$ YEAR US\$

<i>Complete the agreed-upon equipment</i>	10,000	
<i>Remuneration (n. 6 Regular Staff)</i>		15,000
<i>Workshops and Training, ecc.</i>		5,000
<i>Miscellaneous Expenses, Communication costs, Documentary sources...</i>		5,000

REGIONAL OFFICE - HADRAMAUT

<i>Complete the agreed-upon equipment</i>	15,000	
<i>Remuneration (n. 6 Regular Staff)</i>		15,000
<i>Workshops and Training, ecc.</i>		5,000
<i>Miscellaneous Expenses, Communication costs, Documentary sources...</i>		5,000
<i>INVENTORY (mobility on the regional territory)</i>		5,000

TOT **25,000 55,000**

CONSULTATION ROOM in Archaeological Museum - SANA'A

TO START US\$ YEAR US\$

<i>Complete the agreed-upon equipment</i>	10,000	
<i>Remuneration (n. 2 Regular Staff)</i>		5,000
<i>Miscellaneous Expenses, Communication costs, Documentary sources...</i>		5,000

TOT **10,000 10,000**

From this, it is possible to obtain easily the cost of an expansion policy of the documentation in the next 5 year period in at least regions (2002-2006)

CULTURAL HERITAGE LEGISLATION AND REGULATION

Concerning documentation, the safeguard and use of Yemen's cultural heritage is regulated by legislation adequate for effective operation, at least by European standards.

Nonetheless, Regulations are lacking for the passage of legislation in this sector: such regulations could already be drawn up on the basis of the results of the "YEMEN: INVENTORY OF CULTURAL HERITAGE PRIORITY SITES" project.

There is, further, a lack of infrastructures on the domestic territory, nor have any choices been made and codified as to the methodology to be adopted for the catalogue, and, above all, no training modules have been devised for preparing the personnel to be allocated to the activities planned by the legislation. Here too the experiences gained during the phase of project development can be utilized.

PROPOSALS

The «**YEMEN-INVENTORY OF CULTURAL HERITAGE PRIORITY SITES**» project also served to demonstrate how indispensable and possible it is to coordinate the two institutions, GOAMM and GOPCHY, first in the phase of defining the cataloguing program and second in the operational field phase.

A quick summary:

1. KNOWLEDGE

For the archeology sector: see article 4 of law # 21/94

As for interventions on long-standing building construction: see article 3, point 5 of law # 129/97.

DEFINITION OF THE COMMON METHOD FOR CATALOGUING THE COUNTRY'S CULTURAL HERITAGE

The «**YEMEN-INVENTORY OF CULTURAL HERITAGE PRIORITY SITES**» project produced a REGISTER and a CHART of the known archeological sites and of the long-standing priority settlementsha along with the monuments to safeguard in Wadi Hadramaut. These works were realized with the significant contribution of the GOAMM and with the participation of the GOPCHY in the period of just one year.

COMMENTS AND SUGGESTIONS

No state organization, from an organizational and economic standpoint, can afford to manage two «different» information gathering systems regarding cultural landmarks, in which ancient settlements are distinguished from long-standing settlements.

These decisions are of a « strategic » nature and should be defined, in our opinion, by a true and proper SET OF RULES to be drafted as soon as possible at the ministerial level and to be adopted jointly by the two Institutions, the GOAMM and the GOPCHY.

2. SAFEGUARD

Article 12 of law # 21/94 establishes that all planned modification of the territory must be subject to the consent of the authority in charge of archeological matters (...it is not permitted to undertake such projects prior to the consent of the archeological authority). The same clarity is present in article 3, point 5 of 129/97 as concerns interventions on long-standing building construction.

DEFINITION OF THE PROCEDURES FOR THE CONTROL AND SAFEGUARD OF CULTURAL LANDMARKS.

In Wadi Hadramaut it is advisable to proceed with a test as concerns the control, on the part of the GOAMM and the GOPCHY, of the territorial modifications, in order to define the procedures which today are set forth only in two laws (# 21/94 and # 129/97), but now rarely applied, at least in Wadi Hadramaewt.

COMMENTS AND SUGGESTIONS

The areas of competence of the GOAMM and the GOPCHY are sufficiently clear and in addition the «Yemen - Inventory of cultural heritage priority sites» Project has furnished a map of the areas of excellence and the areas of risk in Hadramaut.

The Hadramaut question should proceed with a discussion of the project results in the single Mudiriyas² in such a way as to be able to operate in control of the territorial and construction changes on three levels:

² There is the following relation between wadi and mudiriyas:

1. wadi 'Amd = Mudiriya of Assah (South) and Mudiriya of Tarim (North)
2. wadi Al 'Ain = Mudiriya of Haura and of wadi Al'Ain (South) and Mudiriya of Al Qatn (North)
3. wadi 'Adm = Mudiriya of Horeida (North) and Mudiriya of Haura - wadi Al 'Ain (South)
4. wadi Bin 'Ali = Mudiriya of Shibam
5. wadi Daw'an = Mudiriya of Horeida (North) and Mudiriya of wadi Daw'an (South).
6. wadi Hadramaut = Mudiriya of Saiun (East), Mudiriya of Shibam (centre) and Mudiriya of Al Qatn (West).
7. wadi Masila = Mudiriya of Tarim (West) and Mudiriya of Assum (East).
8. wadi Sar = Mudiriya of Al Qatn.

- PUBLIC ADMINISTRATION : first, any intervention on the part of the central government or of a local administration should comply with Project guidelines regarding the safeguard of the territory and its single monuments;
- NON-GOVERNMENTAL ORGANIZATIONS: any modifications of the buildings indicated in the cultural landmarks REGISTER (mosques, etc.) should be subject to the prior approval of the two competent institutions.
- PRIVATE INITIATIVES: citizens should be sensitized to respect the territory and local traditions in their choice of construction techniques.

At the end of the at least year-long experiment in Wadi Hadramaut, these administrative procedures as well should be incorporated into a SET OF RULES, to be defined at the ministerial level, for the control of territorial modifications which, we believe, ought to be carried out at the level of the MUDIRIYA.

TO SUM UP

The experimentation of controls on territorial transformation activities might be arranged as follows.

1 – ROLE OF THE GOAMM AND THE GOPCHY

The cultural heritage CATALOGUE of HADRAMAUT, consisting of a cartography and a directory of sites and monuments, with a definition of their value, should be recognized by the GOAMM and the GOPCHY as a valid instrument for imposing protective restraints on the areas and buildings, in order to guarantee respect of current Yemeni laws.

NOTE: current laws, in order to be applied, need an instrument like the cultural heritage CATALOGUE, which identifies the monuments, sites, villages and areas to be safeguarded.

The GOAMM and the GOPCHY should explain to the single Mudiriyas how many and which of the sites and monuments have been recognized and what safeguard measures have been planned.

2 – THE CULTURAL HERITAGE CATALOGUE SHOULD BE DISCUSSED AND ADOPTED BY THE NINE MUDIRIYAS.

The cartography produced by the project, with the exact location of archeological sites, isolated monuments, villages and areas of special interest, should be discussed at each Mudiriya with the help of the GOAMM and the GOPCHY. Suggestions may be considered for modifying the CATALOGUE, whether they involve enlarging the safeguard areas or upgrading the value attributed to the CATALOGUE monuments.

3 – THE CATALOGUE AS INSTRUMENT FOR CONTROLS ON TRANSFORMATION ACTIVITIES IN THE TERRITORY

From this moment on any intended modification of the territory, whether public or private, can be verified in the single Mudiriyas by the two institutions, according to their respective competences.

- the GOAMM can make sure that any intervention respects the site areas and the distances from archeological monuments (as already provided by law);
- the GOPCHY can make sure that housing and road construction within the areas singled out as “areas of particular environmental value” respects the visual cone of monuments and of villages of special interest. It can also make sure that monuments so identified are not severely modified or actually demolished.
- We recall here the tragic destiny presently awaiting the Mosque of Shihab Ad Din in the village of Al Fugeira, located a few km east of the city of Tarim: rumor has it that it will be demolished when the new larger mosque is completed !

4 – THE CATALOGUE FOR CULTURAL HERITAGE USE

The Mudiriyas, together with the GOAMM and the GOPCHY, may utilize the CATALOGUE for exploiting cultural landmarks, since it contains all the elements needed to identify the priorities and to proceed with projects that are small-scale but coordinated on the basis of the resources annually available.

3. USE AND CIRCULATION OF INFORMATION

For the archeological sector: see article 4 of law #128/97.

For the historical sector: see article 3 della legge n. 129/97.

INFORMATIONAL SYSTEM OF THE CULTURAL LANDMARKS

The project produced both a paper and an electronic archive. The latter represents Hadramaut on a scale of 1:25.000 and all of Yemen on a scale of 1:1.000.000 (circa), with an oriented raster cartography and an initial archive of 3,000 georeferenced locations. Thus the country now possesses an initial information system which could be implemented in the future and periodically updated.

COMMENTS AND SUGGESTIONS

Since, as we have stated, it is very difficult to organize and manage two information gathering systems of cultural landmarks, in which distinctions are made between ancient and long-standing settlements, by the same token it is impossible to manage archives, whether computerized or paper-based, that are separated between competent institutions like the GOAMM and the GOPCHY.

In our opinion a single organization should be set up to handle this delicate task.

NOTES ON THE ORGANIZATION OF A SINGLE NATIONAL INFORMATION SYSTEM OF TERRITORY-WIDE CULTURAL LANDMARKS” SERVICE .³

³ The library heritage is escluded by this note.

In our case the Archeological Museum of Sana'a seems to be the natural site for this function, since only there is the necessary computer infrastructure available.

We suggest conserving all the material produced by the «**Inventory of Cultural Heritage Priority Sites**» project at the **Archeological Museum of Sana'a**, in rooms devoted and accessible to the general public and to scholars, uniting it with the **'Inventory of archeological finds** being completed by the Dutch project.

What has been produced so far by the two projects represents a true resource for the country. The data gathered by the two projects doing field-work in Hadramaut and at the Archeological Museum of Sana'a, are «compatible» and, in our opinion, «joinable» by means of a modest economic commitment. Starting with this initial nucleus of information it will be possible to proceed with the implementation of other territorial projects and other museums.

We feel that for this task no fewer than eight operatives are required: two archeologists, two architects, two archivists and two computer experts.

The three points just treated necessarily require the creation of a proper INVENTORY OFFICE, assisted internationally, for at least 3 years, in order to train Yemeni personnel and to start off work on the rest of the country, beginning with Hadramaut.

Technical and Operational Methodology

As regards the Inventory of the Cultural Heritage of Yemen, two operational methodologies can be used according to the different needs involved:

1. the MUSEUMS can be inventoried with the kind of filecard and the kind of photographic documentation tested in the Archeological Museum in Sana'a
2. the SITES and HISTORICAL and ARCHEOLOGICAL MONUMENTS can be documented with the method developed in Hadramaut.

The Inventory projected for Yemen

The matter, from our viewpoint, can be summed up as follows.

Memar was supposed to evaluate the level of state executives, in relation to the need to realise the Yemeni heritage catalogue, and to proceed with training and drills. All this with the purpose of “designing” a possible organisation of the future Yemeni Catalogue Office.

Memar will evaluate the competence of government staff as regards the procedures for cataloguing Yemeni heritage and will then proceed with training and practicing. The final purpose is to «draft» a possible organisation for the Yemeni Inventory.

We express all in all a positive judgment on the work of the women archaeologists indicated to us by the GOAMM. We wish to stress that they worked with a sense of duty, trying very hard to overcome their limited scholastic preparation, which was no fault of their own. During their training period they had to familiarise themselves with the territory and its forms of representation (use of the quadrants, scale of representation, scale passage, etc.).

The project, that will develop on the entire Yemen’s territory, has the purpose of organically cataloguing all the sites, complexes and monuments.

Filecards will be created for all the sites included in the «*cultural heritage list*», a list, based on documentary sources, to be compiled at the very beginning of the project, before starting on-the-spot team works.

Since Yemen does not have an existing protection decrees’ list, it will be necessary to proceed directly with a definition of the entire artistical-historical heritage of archaeological and historical sites, to be submitted to the competent authorities.

In order to produce a complete definition of the entire cultural heritage all the existing works will be examined (researches, filecards, photographs, surveys, cartographies) and not a single piece of information can be «lost».

Our purpose is to produce an computerised system that is easy to use and easy to upgrade. It will thus be necessary to elaborate traditional paper archives together with an alphanumeric database that will be connected to a magnetic support containing all the images in a digital format.

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The Tasks of the Inventory Office

Staff must provide for every necessity of the INVENTORY OFFICE, in order to produce a co-ordinated activity. In particular, staff must be able to progressively implement the Yemeni cultural heritage database, preserving the initial data elaborated during the course of the project.

The INVENTORY OFFICE staff must be able to carry out a co-ordinated series of operations, in order to fulfill their main tasks:

1. **to provide assistance** to all categories of users with the access to the data;
2. **to complete the initial data** with the cataloguing of other sites:
 - surveying documentary sources,
 - preparing the dossiers with the documentary sources necessary for the territorial surveys,
 - carrying out feasibility studies (time, internal staff, external suppliers and, therefore, costs) for the execution of the single programs,
 - contributing directly to the production of core data and photographs,
 - participating in the testing of the material produced by third parties (core data, photos and topographic surveys),
 - reporting on the proceedings of the works and contracts carried out by external suppliers,
 - computerising, printing and filing the material produced, also by external suppliers.
3. **implementation of the operational work** support tools (vocabularies and repertories controlled by documentary sources).

The employees must know how to respond to all the needs of the Inventory OFFICE with the capacity to co-ordinate all activities: in particular, the employees must be able to implement over a period of time the data bank of the cultural heritage of Yemen starting with the conservation of the initial data elaborated during the phase of project development.

Inventory Office's duties

Main Work Stages

The management of cultural landmarks spread over a vast territorial area requires the creation of an appropriate information system for the architectural, archaeological and artistic heritage: it requires a database in both printed and computerised form, which contains all the data already present in a variety of archives, as well as the other data which must be integrated once it has been collected in the field. A state archive of this cultural heritage implies the presence of qualified local personnel who are able, first of all, to produce the cultural heritage catalogue, and afterwards to manage this considerable amount of information, including daily updates.

The information system will be created over several phases:

- **Identification of the territory to be catalogued**

Definition of the territorial structure and the objects contained therein to be catalogued.

- **Survey of documentary sources**

Preliminary activity within the archives to identify the bibliographic, cartographic and photographic sources needed for the identification of the assets included in the cataloguing project and for the compilation and description of the assets themselves.

- **Territorial cataloguing project**

Operative program of human resources, equipment and time.

Completion of the compilation of the filecard and of the photographic and/or graphic documentation through field reconnaissance.

- **Photographic documentation**

The photographic documentation of the current state.

- **Graphic documentation**

The level of documentation is defined according to the type of project: simple drawings may be required to support the photographic documentation, or detailed scale surveys may be carried out.

- **Topographic Positioning**

Geo-referenced positioning of the objects surveyed according to the level of detail of the chosen cartography.

- **Printed documentation**

Collection, using a printed model, of the information on the assets to be catalogued, in part from documentary sources and in part from the field.

- **Creation of a paper archive**

The data is collected and organised in records within the administrative divisions of the territory to be catalogued.

The operations will be carried out at the headquarters of the Client and will involve the addition of the printed record core data in the database. The work involved will require the guidance and control of the data addition process. s

- **Creation of computerised archives**

All the printed material will immediately be included in the computerised support, divided by archive: filecard, photos (historical and aerial documentation), cartography (present and historic) and bibliographies.

Staff must provide for every necessity of the INVENTORY OFFICE, in order to produce a co-ordinated activity. In particular, staff must be able to progressively implement the Yemeni cultural heritage database, preserving the initial data elaborated during the course of the project.

The employees must know how to respond to all the needs of the INVENTORY OFFICE with the capacity to co-ordinate all activities: in particular, the employees must be able to implement over a period of time the data bank of the cultural heritage of Yemen starting with the conservation of the initial data elaborated during the phase of project development.

HADRAMAUT'S OPERATORS CAN BE FORMED THE STAFF OF ALL THE OTHER REGIONAL OFFICES.

It should be remembered that after the first year the personnel of the Regional Office of Hadramaut should be perfectly capable of teaching to other employees of other regions how to operate in the field and at the office.

The operatives of the Hadramaut Office, starting in 2003, in the course of the at least 3-month long internships that will take place in Saiun and in Shibam, could teach how to photograph, sketch and survey the position of sites, to make filecards and to save data both in paper and electronic form.

Together with the filecard it will be necessary to survey the position with **GPS** point, and to develop a **photographic documentation** with a digital camera; lastly, it will be necessary to make a **sketch** with the position of the photos taken.

SKETCHES. In the field, during the survey, all the complexes, the monuments and the archaeological sites have been represented with sketches on which were signalled the photos' point-of-capture. The edited sketches are not in scale however they allowed to put the properties in their urban and natural context.

GPS. The position of the archaeological and historical sites was determined in the field using the Global Positioning System; in the office they were positioned on cartographic sheets and then inserted into the GIS named GEOSEM-Hadramaut. The latter operation functioned also as a test of the accuracy of the data collected in the field: villages, archaeological sites, monuments and complexes.

PHOTOS. The pictures, completed with captures, point-of-view and univocal code, have been divided in the following categories:

CARD_CATALOGUE. The filecard to be utilized is similar to the one here attached.

STRUCTURE OF THE CARD CATALOGUES	
REFERENCE NUMBER	Y5_A00049
OBJECT	
DENOMINATION	ARCHAEOLOGICAL SITE: CASTLE OF GABER ABD ALLAH
TYPE	CASTLE
LOCATION	
GOVERNATORAT	HADRAMAUT
MUDIRIYA	AL QATN
TOWN OR VILLAGE	GABER ABD ALLAH
CO-ORDINATES	
X	48° 36' 45.7"
Y	15° 50' 39.7"
Z	685.6
COMMENTARY	
NOTICE	ISLAMIC PERIOD
CHRONOLOGY	
FROM	XVI
TO	XIX
CONDITION	
STATE OF CONSERVATION	NOT EXPLOITED
COMMENTARY	
DESCRIPTION	NOBLE HOUSEHOLD, SQUARE PLAN, WITH CORNER TURRETS, (ONLY THE ONES TO THE SOUTH REMAIN STANDING), PRECEDED BY A CLOSED COURTYARD WITH TWO SQUARE TOWERS ALONG ITS SOUTHERN EDGE (ONLY THE WESTERNMOST SURVIVES). THE BUILDING MUST HAVE BEEN AT LEAST THREE STOREYS HIGH, ALTHOUGH FOR THE MOST PART THE MUD BRICK WALLS HAVE COLLAPSED, AND THE INTERNAL AREAS ARE OBSCURED BY THE FALLEN FLOORS. THE INTERNAL WALL'S SURFACES WERE PLASTERED.
RISK	AEOLIAN EROSION/ STRUCTURAL DEGRADATION DUE TO NATURAL ATMOSPHERIC AGENTS
DOCUMENTATION	
CATEGORY	BIBLIOGRAPHY
AUTHOR	AL AIDAROUS H.
TITLE	TAQRIR 'AN AL-MA 'ALIM AT-TARIKHIYYA WA AL-ATHARIYYA BI-MUDIRIYYA AL-QATN (p. 31)
IMAGES	
CAPTION	CASTLE (detail: CORNER-TOWER) (Est)
DIGITAL IMAGE	A00035_d01.jpg
PROTECTION STATUS	
	NONE
ANNOTATIONS	
	ROAD AL QATN-SHIBAM TO SHIBAM;RIGHT 6 KM FROM AL QATN TOWARDS GABER ABD ALLAH FOR 250 M; 300 M N-E. BORDERED BY A DIRT TRACK THAT LEADS TO THE VILLAGE. AGRICULTURAL CONTEXT TO THE SOUTH-WEST; DESERT CONTEXT TO THE EAST. VALLEY FLOOR

NOTES TOWARD A GENERAL ORGANISATION

All this will serve to better define the roles of the GOAMM and the GOPCHY as to their respective responsibilities for cultural landmarks and to establish the levels of coordination at both the planning and the operative stages.⁴

Two institutions exist, the GOAMM for archeology and the GOPCHY for long-standing settlements, both established by specific legislative provisions in 1997, in order to carry out the Government's policies regarding cultural heritage. Nevertheless, an effective functioning of the two requires the existence of well-equipped offices and of personnel trained on site. To this end an analysis of the results of the projects will make it possible to formulate some suggestions.

The organisation of the "territorial" cultural heritage catalogue, whose purpose is to familiarise with the SITES, MONUMENTS and OBJECTS of an **archaeological** and **historical** nature, can take any of several directions in Yemen:

- **HYPOTHESIS A** – The catalogue can be entrusted to already existing institutions, namely GOAMM and GOPCHY, which would co-ordinate the management, while actually working separately, of the realisation of the documentation in their respective fields of expertise.⁵
- **HYPOTHESIS B** – The realisation of the catalogue could be entrusted in Sana'a to a **Central Office**, while on the local level Regional Offices could be set up at the local museums and at the headquarters of GOAMM and GOPCHY, with personnel trained over the next few years.

We suggest, basing on our experience, to choose the **hypothesis B**.

It is interesting though to notice that the two following laws, n. 128 and n. 129 of 1997, which are each pursuing their specific sectors, have the aim of "studying" cultural heritage for restoration and protection.

⁴ We must nevertheless point out a certain lack of integration in the writing of the two fundamental laws (# 128 and # 129 of 1997), albeit passed in the same year. This "misalignment" is especially evident in the process of familiarization with the archeological landmarks. The GOAMM says clearly that it is necessary "to enumerate and register **places and sites of archeological interest**" (law # 128/97, art.4), while the GOPCHY states: "Carry out operations of survey, delimitation and documentation of **archeological buildings**, of sites of historical, religious, scientific and handicraft interest and of other resources; pay attention to the studies of architecture" (law # 129/97, art. 3). On a first reading it would seem that the GOAMM must manage the "areas" and the GOPCHY the "monuments".

⁵ CONTRA-INDICATIONS

Many, but one particularly grave operational aspect to underline, is the fact that some monuments, as for example the mosques (not necessarily abandoned) and the castles, are present in GOAMM's lists as archaeological monuments while other coeval monuments are not.

Further: the very structure of Yemeni law, since it places "abandoned monuments" back in the area of the archaeology lists, effectively impedes working with two teams from two distinct agencies in the same territory.

Next we include the corpus of Yemeni laws (in Arabic) that deal with the safeguard and use of cultural heritage sites, as well as their translation into both English. We have glossed the texts in English so as to underline passages of special interest or to highlight deficiencies or contradictions related to getting under way the process of awareness and safeguard at a national level.

The inspection of documents has been realized with the help of the university professor P. M. Costa.

DOCUMENTS

From the research of the documents on the today's legislation and regulation related to the inventory of cultural heritage results the collection of the laws on the protection of heritage and the regulations of the main National Institutes in charge of the protection and exploitation⁶.

1. **“Law n.12/1972 on archaeological heritage, issued in Sana’a**
[non COLLECTED as repealed from the Law n.8/1997]
2. **“Law n.24/1976 on the regulations of the Yemeni Centre for cultural researches, archaeological heritage and museums, issued in Aden.**
[non COLLECTED as repealed from the Law n.8/1997]
3. **“Law on Antiquities” n.21/1994** [original text COLLECTED]
4. **“Law on Tourism” n.22/1994** [original text COLLECTED]
5. **“Law on Copyright” n.19/1994** [original text COLLECTED]
6. **“Law on the Protection and the artistic Production n.6/1994**
[original text COLLECTED]
7. **“Law n.8/1997 as integration to the “Law on Antiquities” n.21/1994**
[original text COLLECTED with English translation]
8. **“Law on land use and State immovable properties” n.21/1995**
[copy by the GOAMM]
9. **“Law for the general organisation founding of archaeological heritage, manuscripts and museums n.128/1997”** (GOAMM)
[original text COLLECTED with English translation]
10. **“Law for the general organisation founding of historical cities protection n.129/1997”** (GOPCHY)
[original text COLLECTED with English translation]
11. **Decree on “Urban Plan Regulation” n.260/1997**
[original text COLLECTED with English translation]

⁶ It is of great interest the reading of the following publication to understand the very beginning of the protection process of the Yemeni cultural heritage, “Appeal by Mr. Amadou-Mahtar M’Bow, Unesco General Director: *For the safeguarding of the city of shibam and the valley of Wadi Hadramawt*” and by P. Pasolini *“Le mura di Sana’a”* in VHS.

The Law on Antiquities **n.21/1994**, integrated with the Law n.8/1997, defines today the organic text for the archaeological sector's management in the whole country, after having repealed two previous laws (the one of 1972 issued in Sana'a, and the one of 1976 issued in Aden).

It is here necessary to report integrally two fundamental articles of this law that introduce the concept of archaeological site "perimeter" and of a 500 meters "observance area": within these two areas various protection levels are considered.

Republic of Yemen
Ministry of Legislative Affairs
LAW ON ANTIQUITIES
N. 21/1994

With a modification of certain articles on the basis of law n. 8/1997
issued on the date of 28 Ramadan 1417 / 7 February 1997

Chapter one

DENOMINATION, DEFINITION AND PRELIMINARY DISPOSITIONS

ARTICLE 1

This law is called the law on antiquities.

ARTICLE 2

The terms and expressions contained in this law have the meanings shown here as follows, unless the context demonstrates the contrary:

.....

The archeological area: the area of which, because of the fact that it contains one or more archeological objects, the Organization defines the boundaries and places of interest.

The Museum: any building utilized for the conservation and exposition of archeological objects

The Manuscript Center: any building which the Organization prepares for the conservation and exposition of manuscripts.

ARTICLE 3

An archeological object is to be considered any movable or immovable material left by civilizations of the past or by preceding generations of Yemen, which was fabricated, produced, constructed, carved or written more than 200 years ago. This comprises documents, manuscripts and what remains of human, animal or vegetable descendants, and the Organization – on the President's decision – may consider as antiquities any movable or immovable material that is at least 50 years old, if it is maintained that the general interest requires its safeguard on the basis of its historical or artistic value.

It would be interesting to introduce the concept of "traditional building techniques" instead of "previous generations" .

ARTICLE 4

A - By movable archeological object is to be understood an archeological object distinct from the land – whether it be on land or at sea – or from a building, and which can be transported without being damaged, such as sculptures, coins, images, drawings, carvings, manuscripts, whatever may be the materials of which they are composed or the purpose for which they were fabricated and their mode of use, and likewise as regards the remains of human, animal or vegetable descendants and all kinds of important human works and achievements in the sciences, literature, art, handicrafts and traditions.

B – By immovable archeological object is to be understood any archeological object joined to the earth, such as the remains of cities, buildings, fissato al terreno, archeological hills, caves, grottoes, castles, walls, fortifications, civil constructions, schools, etc.; it also comprises anything found under the internal or territorial waters, or anything considered as movable archeological objects which are parts of immovable archeological objects and decorative freizes

No references to “religious buildings” ...

ARTICLE 5

The Organization has the authority to attribute the definition of movable or immovable archeological object and to express itself on the importance of each archeological object.

Chapter two

PROPERTIES OF ARCHEOLOGICAL OBJECTS

ARTICLE 6

All movable and immovable archeological objects present on or beneath the soil are the property of the State, as represented by the Organization, which encharges the superintendence of archeological objects with their protection, conservation, registration and exposition to the public. Exception to this is made for those archeological objects which may be owned even by individuals outside the State, within the respect of the dispositions of law.

ARTICLE 7

The property, possession and utilization of the land does not confer on their owner the right to dispose of the archeological objects there present, nor do they confer the right to effect excavations.

ARTICLE 8

In the case of discovery of immovable archeological objects on land of demonstrated private ownership and whose conservation on the same site as a valuable archeological object is required for the sake of public interest, the Organization has the right of direct expropriation, annexing the property in exchange for just compensation, on the basis of the expropriation Law for public interest. The value of the archeological objects which are found there is not taken into consideration in attributing the value of the expropriated land.

ARTICLE 9

Anyone who discovers a movable archeological object on the surface or underground must notify the Organization, so that it may be registered, and may guard it until it is acquired by the Organization, although the Organization may offer a compensation on the basis of the value of the find.

Chapter three

Protection, conservation and restoration of archeological objects

ARTICLE 10

Only the Organization is in charge of protecting, conserving and restoring archeological objects. It may allow the owner or possessor of the trust in which archeological objects are found to carry out restorations necessary for their protection, within the limits defined by the superintending archeological authority, and00 it may likewise require such parties to undertake restorations due to bad management, but if the party abstains from this the Organization shall undertake them at the expense of the land owner, although the State may assume such expense in cases that require it.

ARTICLE 11

It is forbidden to destroy immovable and movable archeological objects, whether directly or indirectly, or to deface or damage them in any way, whether by changing their aspect or by detaching any of their parts, or by any alteration, attachment of notices or signs. The Organization must define the areas, buildings and archeological hills on maps and inform the competent state Agencies for the purpose of coordinating the work.

The Law on Antiquities n.21/1994, integrated with the Law n.8/1997, defines today the organic text for the archaeological sector's management in the whole country, after having repealed two previous laws (the one of 1972 issued in Sana'a, and the one of 1976 issued in Aden).

*It is here necessary to report integrally two fundamental articles of this law that introduce the concept of archaeological site "**perimeter**" and of a 500 meters "**observance area**": within these two areas various protection levels are considered.*

ARTICLE 12

At the point of starting up planning projects of cities and villages, their extension and embellishment, the **protection of the areas, historical constructions and objects of archeological interest** found there is to be established; it is not permitted to undertake such projects prior to the consent of the archeological authority.

ARTICLE 13

It is forbidden to install heavy and dangerous industries, military industries, cement factories or quarries at a **distance of less than half a kilometer** from any archeological site. Exception is made for those situations in which the Organization permits it with obligatory respect of its conditions, and it is

likewise forbidden to dig under roads, carry out industrial, agricultural or fishery projects, or extend overland electrical, telephone or telegraph cables in archeological site areas, prior to the Organization's consent.

*At the end of the work, we will be able to argue on the territorial definition of "perimeter" for **archaeological sites** and the related "**observance areas**". At the same time it will be possible to give some advise on how to apply a similar method to **historical sites** too.*

NOTA BENE

In Wadi Hadramaut the study must insert every community and nucleus in its natural and agricultural context by the identification of an initial proposal of an area of respect, starting with the "visual cone" perceivable by the condition of the access roads to the nucleus. It will be possible to activate policies for safeguarding communities and nuclei, that is for the entire territory of Wadi Hadramaut by utilizing the information gathered by the project as if it were an urbanistic plan of the entire district to incentivate maintenance interventions and direct new construction.

*In the following articles 15 and 16 it is generally established for immovables that: at the same time the concept of "recording" is clearly introduced, which is indispensable to the standard regulation appliance. Heritage "recording's" task is assigned to the GOAMM, as it is consequently ruled by the law **n. 128/1997**.*

ARTICLE 14

The archeological authority has the right to halt any work which causes damage to an archeological object or to an archeological area whether directly or indirectly, and it likewise has the right to annul the provision through administrative channels with the help of the security forces, such as imposing on the transgressor the duty of restoring the object to its original state, and otherwise it will carry out the work at the transgressor's expense.

ARTICLE 15

It is not permitted to utilize immovable archeological objects **registered** for a purpose other than that conferred by the Organization, regardless of who the owner is, and it is likewise not permitted to destroy, change or transport an archeological object or any part of it, restore it or renew it, unless by the Organization's express consent and under its direct supervision; it is furthermore forbidden to construct any new building next to an archeological building, unless under guarantee that an unconstructed space shall be provided around the historical buildings or the archeological area, and in like manner it is not permitted to open windows or balconies on these constructions, or remove earth or any rubble material or remains from the archeological areas, unless by prior authorization from the Organization.

ARTICLE 16

It is forbidden to utilize the archeological area as a deposit of rubble or remains, and it is forbidden – without the Organization's prior authorization – to set up there cemeteries or irrigation systems, to dig there, cut down trees,

or carry out other work which may by consequence alter the characteristic elements of that region, unless by the Organization's prior authorization.

Future "recording" operations, necessarily preceded by a survey on the field, are favoured by an article which describes briefly the executive besides tasks of inventory.

ARTICLE 17

In case of the exposure of one of the archeological buildings to the danger of distruction from which there would result a change in its characteristic elements, the Organization has the duty of adopting all the necessary provisions for its safeguard, and it is permitted to transport this archeological object or part thereof subsequent to the Minister's knowledge and the consent of the Council of Minister.

ARTICLE 18

Any person occupying land on which there are immovable archeological objects must allow representatives of the Organization access to that land so that it may be examined, information may be gathered, maps charted, photographs taken, and any work carried out regarding archeological aspects which the Organization deems indispensable.

Synthetically but in an exhaustive way, the article n. 20 defines the archaeological heritage INVENTORY assigning its realisation to the GOAMM (with more specified functions from the law n. 128/1997).

ARTICLE 19

The Organization, in collaboration and coordination with the security forces and the local administration in time of pease or of war, will take all measures necessary for the protection of archeological sites and buildings and of museums.

Chapter four

IDENTIFICATION, REGISTRATION AND EXPOSITION OF ARCHEOLOGICAL OBJECTS

ARTICLE 20

The Organization must identify archeological objects, define the characteristic elements of archeological sites and their boundaries, and prepare appropriate registers.

ARTICLE 21

On the basis of this law, whoever is found in possession of national cultural heritage objects must register them with the Organization within a year from the date of issuance of this law.

ARTICLE 22

The Organization must set up museums, manuscript centers, permanent and itinerant exhibits, within the Republic and abroad, on condition that it take all the measures necessary for the safety of the objects exhibited.

Chapter five
ARCHEOLOGICAL RESEARCH

ARTICLE 23

By archeological research is to be understood the complex of the work of excavation, careful inspection and verification, for the purpose of discovering movable or immovable archeological objects underground, in waterways, rivers and in territorial waters. The simple discovery of one or more archeological objects, without any of the above, does not qualify as research.

ARTICLE 24

Only the Organization is holder of the right to carry out research work or excavations; it must permit – by appropriate authorization – organizations, scientific societies and archeological missions to effect archeological research, in accordance with the dispositions of this law.

Any agency or individual is forbidden from carrying out archeological research without the authorization of the archeological authority, even if the land is owned by an individual or an agency.

ARTICLE 25

No authorization may be conceded to organizations, societies, archeological missions or individuals unless upon the ascertainment of their scientific and material capacity and competence. The Organization must pose as a condition the presence of exact technical elements in those who carry out excavations, and in general any authorization conceded by the Organization must contain the following:

- 1 – The qualification of this research and the name of the mission to which the authorization is given.
- 2 – The preceding experiences in this sector, in Yemen or in other countries.
- 3 – The archeological sites in which the research will take place, accompanied by maps.
- 4 – The research program and its deadlines.
- 5 – Other conditions which the Organization deems necessary.

ARTICLE 26

The authorized organizations and missions commit themselves to carrying out research, to photographing and charting the archeological sites for which they have a concession, to immediately registering in appropriate registers the archeological objects discovered, to carrying out the work of conservation and protection required by the objects discovered, to promptly furnishing the archeological authority with the research results, to presenting – in the manner required by the archeological authority – a concise report at the end of each season, to making it possible for the representative of the archeological authority to superintend the research work, and likewise they must – at the end of each season – transport the archeological objects discovered to a place determined by the archeological authority, taking all the necessary precautions for its safety.

ARTICLE 27

The agency which carries out the research must publish the results of the research within a period not in excess of five years from the end of work, otherwise the Organization will do so on its own or through other organizations, without objection on the part of the agency which did the research, which will have to furnish the Organization with a copy of its published research, of the drawings, photographs and slides of the archeological objects discovered, and copies of any films on the discoveries made. The agency which carries out the research enjoys the rights on the scientific property of the results of excavations, and it likewise has priority in the publication of these results. The complex of archeological objects discovered are considered the property of the State, and it is possible to concede to the research team the right to make casts and copies for commercial purposes, on condition that this does not provoke any destruction or damage to the archeological objects.

ARTICLE 28

It is permitted to the foreign mission holding a concession to import the objects and equipment necessary for the research, free of any customs taxes at the momento of their entry into the country, on the condition the it definitively cede these materials and objects to the archeological authorities at the end of the research work, unless a different agreement is made.

Chapter six

COMMERCIAL USE OF ARCHEOLOGICAL OBJECTS

ARTICLE 29

It is forbidden to engage in the commerce of movable archeological objects or to freely dispose of national cultural heritage objects – whether or not they are registered by the Organization – or to transfer their property in violation of the dispositions of this law.

ARTICLE 30

On the basis of law 8/1997 which modifies certain articles of law 21/1994 on antiquities, Article 30 is abrogated.

ARTICLE 31

On the basis of law 8/1997 which modifies certain articles of law 21/1994 on antiquities, Article 31 is abrogated.

ARTICLE 32

The Organization has the right to acquire any archeological object in the possession of private individuals or agencies, whether by donation or by mutual consent that the object be acquired with fair compensation.

ARTICLE 33

It is forbidden to export archeological objects, and notwithstanding this it is permitted – by decision of the President of the Organization – to authorize the exportation of archeological, cultural or natural samples for the purpose of being able to examine them and – by decision of the Minister – to export

archeological and cultural materials for the purpose of maintaining and restoring them, or to lend them temporarily on the basis of special applications: the application foresees that the Organization may give its permission to export or refuse to give it, after having made all legislative provisions.

ARTICLE 34

The archeological authority must take advantage of agreements, pacts and the exhortations of international agencies for retrieving archeological objects that have found their way outside the Republic, and it must also help to repatriate foreign archeological objects, on the basis of mutual accord.

ARTICLE 35

The archeological authority may donate archeological objects only within very narrow limits and in the public interest, and on condition that the object be movable and registered, and that an exception can be made because of the existence of another object equivalent in terms of its construction material, mode of fabrication, historical period and artistic value. It is done upon decision of the Council of Ministers, on the basis of a proposal of the Minister.

Chapter seven **SANCTIONS**

ARTICLE 36

For any transgression of the dispositions of this law there are to be applied the sentences founded on the following articles, with a prohibition to apply sentences more severe than those contemplated by sentence rights or by any other right.

ARTICLE 37

Whoever smuggles or takes part in the smuggling of an archeological object outside of the Republic shall be sentenced to a period of not more than five years or to a fine that is no less than value of the archeological object smuggled – according to the Organization's calculation – on condition that the sum be no less than 100.000 Ryal, or to both penalties, with confiscation of the archeological object which is the object of the crime and of the material used in the execution of the crime, and to its reparation in the interest of the archeology support fund.

ARTICLE 38

Whoever carries out research excavation work of archeological objects without being authorized or admitted shall be sentenced to prison for a period no greater than two years, to a fine not inferior to 30.000 Ryal, or to both penalties together.

ARTICLE 39

1 – Whoever demolishes, destroys or intentionally falsifies a movable or immovable archeological object or defaces, alters or erases its characteristic elements, or detaches a part of it, premeditates its concealment, or participates in any of the aforesaid, shall be sentenced to prison for a period

no greater than three years, or to a fine equal to the value of the object, or to both penalties together.

2 – Whoever robs an archeological object belonging to the State or any part of it, or participates in any of the aforesaid, shall be sentenced to the penalties foreseen by Islamic law, including the confiscation of the objects utilized for the execution of the crime in the interest of the archeology support fund.

ARTICLE 40

Anyone shall be sentenced to prison for a period of no less than six months, or to a fine no greater than 150.000 Ryal, or to both penalties together, who:

- 1 – is in possession of a movable archeological object in violation of the dispositions of this law;
- 2 – violates the authorization conditions concerning archeological excavations;
- 3 – transports without written permission issued by the Organization an archeological object owned by the State or removes it from its location;
- 4 – transforms buildings or archeological sites into a habitation, a work site, an industry, a warehouse, cultivates it or prepares it for cultivation, plants trees on it, or undertakes to damage them in any way, removing what has been done.

Article 41

Anyone shall be sentenced to prison for a period of no less than three months, or to a fine no greater than 10.000 Ryal, or to both penalties together, who:

- 1 – Writes, etches or places paint on an archeological object.
- 2 – Places on it signs or other publicity material.
- 3 – Takes possession of rubble, earth, sand or other materials from an archeological site, without prior authorization of the Organization.

Article 42

Whoever violates any provision of this law shall be sentenced to a fine no greater than 10.000 Ryal.

Chapter eight

GENERAL DISPOSITIONS AND CONCLUSION

Article 43

The rank of public official is given to the functionaries of the Organization and to those who – on the basis of a request by the Minister – are nominated by the Attorney General. They have the power to apply the sanctions foreseen by the dispositions of this law and they have the power of inspection and observation over archeological research work and discoveries; moreover they have the power to enter the sites in which registered archeological objects are found, within the periods set by law, for the purpose of examining and inspecting the archeological objects therein contained.

Article 44

No scientific or other organization is permitted to found museums and archeological exhibits of any kind, unless with the prior consent of the

Organization; the organizing agencies – in the application period of this law – must regulate the conditions and register with the Organization the parts of the museums and the archeological exhibits prepared by them, in consideration of the fact that the national cultural heritage objects are under the supervision the Organization, within a period of six months from the issuance of this law.

Article 45

Law 12/1972 concerning archeological objects in Sana'a and law 24/1976 on the ordination of the Yemeni Center for cultural research, archeological objects and museums in Aden, are abrogated, and likewise any text or dispositon which contradicts this law is abrogated.

Article 46

This law enters into effect from the date of its publication in the Official Gazette.

The 25th of Giumada al-Awwal 1415 H. / 29 October 1994 A.D.

“Law for the general organisation founding of archaeological heritage, manuscripts and museums n.128/1997”

“Law for the general organisation founding of historical cities protection n.129/1997”

It is interesting though to notice that the two following laws, n. 128 and n. 129 of 1997, which are each pursuing their specific sectors, have the aim of “studying” cultural heritage for restoration and protection.

Especially the law n. **129/1997** (GOPCHY), provides in art. 3, comma 4:

“... Prepare studies, plans, projects and the scientific, technical and architectural descriptions for projects of restoration, consolidation and improvement of the different landmarks of the historic cities and for the safeguard of their features and their artistic and historic character, in cooperation with the competent agencies.”

To reach these aims, it is provided at comma 2 of the same article 3, that it has been proceeded with:

“... Carry out operations of survey, delimitation and documentation of archeological buildings, of sites of historical, religious, scientific and handicraft interest and of other resources...”

The law n. **128/1997** (GOAMM) too is pursuing similar targets in art. 4, comma 1, maybe better defined with the introduction of the fundamental concept of heritage “definition and recording”:

“... Establish special policies, plans and programs for the definition and registration of places and sites of archeological interest and of other objects, for the purpose of their protection and of undertaking excavations and guaranteeing safeguards...”

The necessity of “regulated” studies is specifically mentioned at comma 5.

“ ... Carry out archeological, epigraphical and linguistic studies, and make available all possible facilitations for researchers and scholars, according to the rules of scholarly research and observed norms...”

Whereas in the following comma 7, even if it is only about manuscripts, we find for the first time original photographic data associated to “inventory” activity.

“ ... Carry out the enumeration of the manuscripts present in Yemen and of those whose existence abroad is ascertained whether in the possession of foreign Organizations or single individuals, the cataloguing and restoration of what has been collected; the acquisition of what is in the hands of fellow

citizens and efforts at retrieving what has been smuggled abroad; photographing, if possible, what it is difficult to retrieve or whose re-entry is delayed...

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**DECREE OF THE REPUBLIC 128/1997
FOR THE INSTITUTION OF A GENERAL ORGANIZATION FOR
ARCHEOLOGICAL LANDMARKS, MANUSCRIPTS AND MUSEUMS**

The President of the Republic, after having examined the Constitution of the Yemeni Republic, on the basis of law no. 20/1991 regarding the statute of the Council of Ministers, on the basis of law no. 35/1991 regarding public Organizations, Agencies and Corporations, on the basis of law no. 1/1994 which constitutes the Government, on the basis of the proposal of the Ministry of Culture and Tourism, and after the approval of the Council of Ministers, decrees.

Article 1.

On the basis of this decree a public agency called "General Organization for Archeological Landmarks, Manuscripts and Museums" has been established, under the supervision of the Superintendence of the Ministry of Culture and Tourism.

Article 2.

The main headquarters of the Organization is the capital of Sana'a, and it has the right to establish secondary headquarters in the other governorships upon Ministerial decision.

Article 3.

The Organization has juridical status and juridically independent financial responsibility for the realization of its aims.

Article 4.

The aims of the Organization are: to carry out tasks and policies of the State in the area of archeological landmark conservation; to enumerate and register places and sites of archeological interest; to enumerate of manuscripts and their cataloguing, the acquisition of any in the hands of private individuals and the retrieval of any that have been smuggled abroad; to establish museums and set up a special facilities for the care of archeological artifacts. In order to accomplish this, the organization must take the following measures:

1. Establish special policies, plans and programs for the definition and registration of places and sites of archeological interest and of other objects, for the purpose of their protection and of undertaking excavations and guaranteeing safeguards;
2. Educate the public about the archeological heritage and promote such knowledge through the various means available such as museums, exhibits, literature, cultural broadcasts, site visits for residents and tourists, after having arranged all the necessary details for their reception;
3. Found museums and set up special facilities for the conservation of the archeological artifacts contained therein, the mode of registration, cataloguing, photographic reproduction, maintenance, exhibition and storage;
4. The undertaking of archeological excavations and the supervision of the excavations undertaken by the foreign missions in conformity with current facilities and laws, with the participation of the Organization's archeologists;
5. Carry out archeological, epigraphical and linguistic studies, and make available all possible facilitations for researchers and scholars, according to the rules of scholarly research and observed norms;
6. The publication of scholarly studies which the Organization supervises, their placement in specialized libraries and encouragement of the translation of foreign-language publications by archeological missions in this field;
7. Carry out the enumeration of the manuscripts present in Yemen and of those whose existence abroad is ascertained whether in the possession of foreign Organizations or single individuals, the cataloguing and restoration of what has been collected; the acquisition of what is in the hands of fellow citizens and efforts at retrieving what has

- been smuggled abroad; photographing, if possible, what it is difficult to retrieve or whose re-entry is delayed;
8. The conservation of manuscripts which are in the possession of the Organization in already established manuscript centers;
 9. Advertise, encourage and promote culture and knowledge among all levels of the population;
 10. Reinforce scientific and cultural relationships and collaboration with allied Organizations in Arab and friendly countries and with regional and international Organizations specialized in the sector of cultural heritage conservation and its revival;
 11. To retrieve by all possible means national cultural heritage items that have found their way abroad illegally;
 12. The superintendence of all the museums that are instituted in the Republic.

Article 5.

The Organization's financial resources are made up of:

1. Local donations, aid and support, both Arabic and international, and aid offered by the regional and international organizations to which the Minister gives his consent;
2. The support the State offers the Organization;
3. Any other source that is allowed by the Organization's administrative board and current laws and regulations.

Article 6.

The Organization's administrative board is formed in the following way:

1. The administrative board's President, being free of other commitments, is nominated by means of a decree of the Republic upon the consent of the Council of Ministers, on the basis of the candidacy of the Minister of Culture and Tourism;
2. The administrative board's Vice-President, being free of other commitments, is nominated by means of a decree of the Republic upon the consent of the Council of Ministers, on the basis of the candidacy of the Minister of Culture and Tourism;
3. The Organization's representative;
4. The Organization's general directors;
5. The board must refer experts and specialists which it considers competent and it has the responsibility of forming work committees for the preparation of studies and research projects, or offering suggestions on matters defined within the field of archeological landmarks.

Article 7.

The Organization's administrative board carries out the tasks and prerogatives prescribed for the administrative boards of public Agencies in the 35/1991 decree concerning Organizations, Agencies and public Corporations.

Article 8.

1. The administrative board President assumes the job of taking care of matters related to it and carries out the tasks and prerogatives prescribed for the administrative boards presidents of public Corporations and in the Organization's statute.
2. The administrative board Vice-President exercises the functions of president in case of the latter's absence, and the president must delegate someone to substitute him in certain of his responsibilities. The Vice-President also carries out the tasks prescribed in the Organization statute.

Article 9.

The Organization has a special budget which is made up according to the budget regulations of the State; the Organization's fiscal year begins and ends with the State's.

Article 10.

The Organization's funds are considered as public funds, for which the norms concerning the latter have force.

Article 11.

The Organization must agree to carry out all the measures and tasks for whose accomplishment it was formed, in accordance with the legal dispositions and regulations in effect.

Article 12.

For anything not specified in the text of this decree reference should be made to the general norms contained in decree 35/1991 on the matter of public Organizations, Agencies and Corporations.

Article 13.

The Organization's statute was issued by a decree of the Minister.

Article 14.

This decree is said to take effect from the date of its publication in the Official Gazette. Issued by the Presidency of the Republic 19 Dhu 'l-Higgia 1417 26 April 1997 Yahya Hussein al-'arshi – Minister of Culture and Tourism 'Abdul-'Aziz 'Abdu'l-Ghani – President of the Council of Ministers 'Ali 'Abdu'llah Salih – President of the Republic and General of the Armed Forces.

**DECREE OF THE REPUBLIC 129/1997
FOR INSTITUTING THE GENERAL ORGANIZATION
FOR THE PROTECTION OF HISTORIC CITIES.**

The President of the Republic: after having examined the Constitution of the Yemeni Republic, on the basis of law 20/1991 concerning the statute of the Council of Ministers, on the basis of law no. 35/1991 regarding the public Organizations, Agencies and Corporations, on the basis of law no. 1/1994 which constitutes the Government, on the basis of the proposal of the Ministry of Culture and Tourism, and following the approval of the Council of Ministers, decrees:

Article 1.

On the basis of this decree a public agency called "General Organization for Archeological Landmarks, Manuscripts and Museums" has been established, under the supervision of the Superintendence of the Ministry of Culture and Tourism.

Article 2.

The main headquarters of the Organization is the capital of Sana'a, and it has the right to establish secondary headquarters in the other governorships upon the Minister's decision. Article 3: The creation of the Organization has as its purpose the execution of tasks of State in the area of the conservation of the historic cities of the different regions of the Republic, in accordance with the laws in force in this context. To accomplish this, the organization must carry out the following tasks:

1. Establish special policies, plans and programs for the protection of the historic cities of the Republic of Yemen from deterioration or destruction of their structures, origins and cultural features and for the preservation of their artistic and architectural character, their historic and natural heritage. Determine participation in the furnishing of general projects and services and in provisions for their safeguard.
2. Carry out operations of survey, delimitation and documentation of archeological buildings, of sites of historical, religious, scientific and handicraft interest and of other resources; pay attention to the studies of architecture;
3. Propose bills of law and regulations necessary for the conservation of the historic cities of the Republic and the adoption of all provisions necessary for the conservation of those cities from harm done by persons and from natural deterioration, in coordination and collaboration with the various specialized agencies;
4. Prepare studies, plans, projects and the scientific, technical and architectural descriptions for projects of restoration, consolidation and improvement of the different landmarks of the historic cities and for the safeguard of their features and their artistic and historic character, in cooperation with the competent agencies;
5. Issue authorizations and supervise work carried out by juridical or other subjects inside the historic cities, as well as checking on the execution of projects of restoration, conservation or consolidation and of works of improvement;
6. Encourage and protect handicrafts and traditional products, the pursuit of their development and their economic dynamicization;
7. Predispose environmental conditions suitable for the inhabitants of the historic cities and encourage constructors to use materials that are in keeping with the ancient traditional buildings;
8. Sensitize the public through the various media about the importance of conserving the historic cities of the Republic;
9. Coordinate with specialized organizations, Arab and international, in carrying out national and international campaigns in the historic cities and efforts for their dissemination.

Article 4.

The Organization's financial resources are made up of:

1. The funds which the State allocates to the Organization in its annual budget;
2. Local donations, aid and support, both Arabic and international, to which the Minister consents;
3. Support which the State offers the Organization;

4. Any other source approved of by the Organization's administrative board and which the laws and regulations in force allow.

Article 5.

The Organization's administrative board is made up in the following way:

1. The administrative board's President, being free of other commitments, is nominated by means of a decree of the Republic upon the consent of the Council of Ministers, on the basis of the candidacy of the Minister of Culture and Tourism;
2. The administrative board's Vice-President, being free of other commitments, is nominated by means of a decree of the Republic upon the consent of the Council of Ministers, on the basis of the candidacy of the Minister of Culture and Tourism;
3. The Organization's representative;
4. The Organization's general directors;
5. The board must refer to experts and specialists which it considers competent and it has the responsibility of forming work committees for the preparation of studies and research projects, or offering suggestions on matters defined within the field of archeological landmarks.

Article 6.

The Organization's administrative board carries out the tasks and prerogatives prescribed for the administrative boards of public Agencies in the 35/1991 decree concerning Organizations, Agencies and public Corporations.

Article 7.

1. The administrative board President assumes the job of taking care of matters related to it and carries out the tasks and prerogatives prescribed for the administrative boards presidents of public Corporations and in the Organization's statute.
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Article 8.

The Organization has a special budget which is made up according to the budget regulations of the State; the Organization's fiscal year begins and ends with the State's.

Article 9.

The Organization's funds are considered as public funds, for which the norms concerning the latter have force.

Article 10.

The Organization must agree on and carry out all the measures and tasks for whose accomplishment it was formed, in accordance with the legal dispositions and regulations in force.

Article 11.

The Organization's statute is issued by Ministerial decree.

Article 12.

For anything not specified in the text of this decree reference should be made to the general norms contained in decree 35/1991 on the matter of public Organizations, Agencies and Corporations.

Article 13.

The Organization's statute was issued by a decree of the Minister.



TRADUZIONE IN LINGUA ITALIANA

LAW ON ANTIQUITIES N. 21/1994

ARTICOLO 1

Questa legge è chiamata legge sulle antichità.

ARTICOLO 2

I termini e le espressioni contenuti in questa legge hanno significati mostrati qui di seguito, a meno che il contesto dimostra il contrario:

La Repubblica: la Repubblica Yemenita.

Il Ministro: il Ministro della Cultura e del Turismo,

L'Organizzazione: l'Organizzazione Generale per le Antichità, i Musei e i Manoscritti.

Il Presidente: il Presidente dell'Organizzazione.

L'area archeologica: l'area di cui, per il fatto di contenere uno o più beni archeologici, l'Organizzazione definisce i limiti e i luoghi d'interesse.

Il Museo: qualsiasi edificio utilizzato per la conservazione e l'esposizione dei beni archeologici.

La Casa dei Manoscritti: qualsiasi edificio che l'Organizzazione appronta per la conservazione e l'esposizione dei manoscritti.

ARTICOLO 3

E' considerato bene archeologico qualsiasi materiale mobile o immobile lasciato dalla civiltà passata o dalle generazioni precedenti dello Yemen che sia stato fabbricato, prodotto, costruito, inciso, o scritto prima di 200 anni. Ciò comprende i documenti, i manoscritti e quel che resta delle discendenze umane, animale o vegetale e l'Organizzazione – su decisione del Presidente - ha la possibilità di considerare antichità qualsiasi materiale mobile o immobile di almeno di 50 anni, se si dovesse constatare che l'interesse generale richiede la sua tutela in ragione del suo valore storico o artistico.

ARTICOLO 4

A - Per bene archeologico mobile s'intende il bene archeologico distinto dalla terra – sia sulla terraferma che in mare – o dall'edificio e che può essere trasportato senza danno, come le sculture, le monete, le immagini, i disegni, le incisioni, i manoscritti, quali che siano i loro materiali e lo scopo per cui sono stati fabbricati e i loro modi di uso, così come i resti delle discendenze umane, animale o vegetale e tutti i tipi di opere e realizzazioni umane rilevanti delle scienze, delle lettere, delle arti, delle manifatture e delle tradizioni.

B – Per bene archeologico immobile s'intende il bene archeologico fissato al terreno, come i resti delle città, gli edifici, le colline archeologiche, le caverne, le grotte, i castelli, le mura, le fortificazioni, le costruzioni civili, le scuole ecc; ciò comprende anche quel che si trova sotto le acque interne o territoriale, e sono considerate come beni archeologici mobili le parti di beni archeologici immobili e i fregi decorativi.

ARTICOLO 5

All'Organizzazione spetta l'attribuzione della definizione di bene archeologico mobile o immobile ed esprimersi sull'importanza di ciascun bene archeologico.

Capitolo secondo

Proprietà dei beni archeologici

ARTICOLO 6

Tutti i beni archeologici mobili ed immobili presenti sul suolo o nel sottosuolo sono di proprietà dello Stato, rappresentato dall'Organizzazione, che è predisposta alla sovrintendenza ai beni archeologici ed alla loro protezione, conservazione, registrazione e esposizione al pubblico. A ciò fanno eccezione quei beni archeologici che possono essere posseduti anche da individui al di fuori dello Stato, nel rispetto delle disposizioni di legge.

ARTICOLO 7

La proprietà, il possesso e l'utilizzo della terra non conferiscono al loro titolare il diritto a disporre dei beni archeologici lì presenti, né danno diritto ad effettuare scavi.

ARTICOLO 8

Nel caso di rinvenimento di beni archeologici immobili in un terreno di cui è dimostrata la proprietà privata e la cui conservazione nello stesso luogo come oggetto di valore archeologico è richiesta dall'interesse pubblico, l'Organizzazione ha il diritto di effettuarne direttamente l'espropriazione, assumendone la proprietà in cambio di un equo risarcimento, in base alla Legge d'espropriazione per interesse pubblico. Il valore dei beni archeologici che vi si trovano non è tenuto in considerazione per l'attribuzione del valore del terreno espropriato.

ARTICOLO 9

Chi rinviene un bene archeologico mobile in superficie o nel sottosuolo deve avvisare l'Organizzazione, in modo che venga registrato, e può custodirlo finché viene acquistato dall'Organizzazione, sebbene l'Organizzazione offra un compenso simbolico commisurato al valore del reperto.

Protezione, conservazione e restauro dei beni archeologici

ARTICOLO 10

Solo l'Organizzazione è destinata alla protezione dei beni archeologici, alla loro conservazione e al loro restauro. Essa ha la possibilità di permettere al proprietario o al possessore del fondo in cui si trovano beni archeologici di eseguire i restauri necessari per la loro protezione, nei limiti definiti dall'autorità archeologica sovrintendente, così come ha la possibilità di richiederli i restauri per cattiva gestione, ma se se ne astiene l'Organizzazione li esegue a spese del proprietario del terreno, con possibilità allo stato di accollarsi interamente delle spese nei casi che lo richiedono.

ARTICOLO 11

E' vietata la distruzione diretta o meno dei beni archeologici immobili e mobili, la loro deturpazione, arrecare loro qualsiasi danno, sia tramite cambiamento dei suoi aspetti che separazione di alcune parti, o qualsiasi alterazione, affissione di avvisi o insegne. L'Organizzazione deve definire le aree, gli edifici e le colline archeologiche sulle carte ed informare gli Enti statali competenti a fine del coordinamento dei lavori.

ARTICOLO 12

Al momento di attuare progetti di pianificazione di città e villaggi, di loro ampliamento e abbellimento, viene stabilita la protezione delle aree, delle costruzioni storiche, degli oggetti d'interesse archeologico che vi si trovano; non è permesso stabilire questi progetti prima dell'assenso da parte dell'autorità archeologica.

ARTICOLO 13

E' fatto divieto di installare industrie pesanti, pericolose, industrie belliche, forni per la calce o cave a una distanza inferiore di mezzo chilometro da qualsiasi luogo archeologico. Fanno eccezione le situazioni in cui l'Organizzazione lo permette con rispetto obbligatorio delle sue condizioni, così come non si può scavare nelle strade, eseguire progetti industriali, agricoli, o di pesca, stendere linee terrestri elettriche, telefoniche, telegrafiche nelle aree dei siti archeologici, prima dell'assenso dell'Organizzazione.

ARTICOLO 14

L'autorità archeologica ha il diritto di arrestare qualsiasi lavoro da cui deriva il danno del bene archeologico o dell'area archeologica in maniera diretta o indiretta, ed ha altresì il diritto di annullare il provvedimento seguendo le vie amministrative con l'aiuto delle forze di sicurezza, come quello di imporre al trasgressore il ripristino del bene nella sua forma originale, altrimenti essa eseguirà questo lavoro a spese del trasgressore.

ARTICOLO 15

Non è permesso utilizzare i beni archeologici immobili registrati per uno scopo diverso da quello conferito dall'Organizzazione, quale che sia il loro proprietario, così come non è permesso distruggere, cambiare o trasportare il bene archeologico o una sua parte, restaurarlo, rinnovarlo, a meno che l'Organizzazione non abbia dato il suo assenso tramite supervisione diretta; è inoltre vietato fiancheggiare un nuovo edificio ad un edificio archeologico, a garanzia di provvedere un spazio non costruito attorno agli edifici storici o all'area archeologica, così come non si può aprire finestre o balconi su quelle costruzioni, prendere terra, qualsiasi materiale delle macerie o resti dalle aree archeologiche se non dopo precedente autorizzazione dell'Organizzazione.

ARTICOLO 16

E' proibito utilizzare l'area archeologica come deposito di macerie o resti, ed è proibito – senza previa autorizzazione dell'Organizzazione - stabilirvi cimiteri o sistemi d'irrigazione, scavarvi, coltivarvi, tagliarvi alberi, o eseguire altri lavori che possano avere come conseguenza il cambiamento degli elementi caratteristici di quella regione se non dopo precedente autorizzazione dell'Organizzazione.

ARTICOLO 17

In caso di esposizione di uno degli edifici archeologici al pericolo di distruzione del quale risulterebbe il cambiamento dei suoi elementi caratteristici, l'Organizzazione ha il compito di adottare tutti i provvedimenti per la sua protezione, ed è permesso trasportare questo bene archeologico o parte di esso dopo che il Ministro ne ha preso conoscenza e l'assenso del Consiglio dei Ministri.

ARTICOLO 18

Ogni persona che occupa un terreno in cui vi sono beni archeologici immobili deve permettere ai rappresentanti dell'Organizzazione l'ingresso in quel terreno affinché venga esaminato, si raccolgano

informazioni, si traccino carte, si scattino foto, si compia qualsiasi lavoro riguardante aspetti archeologici che l'Organizzazione ritiene indispensabile.

ARTICOLO 19

L'Organizzazione, in collaborazione e coordinamento con le forze di sicurezza e l'amministrazione locale in tempo di pace o di guerra, prende tutte le misure necessarie per la protezione dei siti e degli edifici archeologici e dei musei.

Identificazione, registrazione ed esposizione dei beni archeologici

ARTICOLO 20

L'Organizzazione deve identificare i beni archeologici, definire gli elementi caratteristici dei siti archeologici ed i loro confini, preparare gli appositi registri.

ARTICOLO 21

In base a questa legge, chiunque si trovi in possesso di beni culturali nazionali deve registrarli presso l'Organizzazione entro un anno dalla data di emissione di questa legge.

ARTICOLO 22

L'Organizzazione deve allestire i musei, le case dei manoscritti, le mostre permanenti ed itineranti, all'interno della Repubblica e all'estero, a condizione di prendere tutte le misure necessarie per l'incolumità degli oggetti esposti.

La ricerca archeologica

ARTICOLO 23

Per ricerca archeologica s'intende l'insieme dei lavori di scavo, d'indagine accurata, di verifica, allo scopo di rinvenire beni archeologici mobili o immobili, nel sottosuolo, nei corsi d'acqua, nei fiumi, nelle acque territoriali. Il semplice rinvenimento di uno o più beni archeologici, senza quanto sopra, non è considerato ricerca.

ARTICOLO 24

Solo l'Organizzazione è titolare del diritto di compiere lavori di ricerca o di scavo; essa deve permettere – con apposita autorizzazione - alle organizzazioni, alle società scientifiche e alle missioni archeologiche l'esecuzione della ricerca archeologica, in accordo con le disposizioni di questa legge. A qualsiasi ente o individuo è vietata la ricerca archeologica senza l'autorizzazione dell'autorità archeologica, anche se il terreno è di proprietà di un individuo o di un ente.

ARTICOLO 25

Le autorizzazioni non sono concesse alle organizzazioni, alle società, alle missioni archeologiche e agli individui, se non dopo la certezza della loro capacità e della loro competenza dai punti di vista scientifico e materiale. L'Organizzazione deve porre come condizione la presenza di elementi tecnici precisi in coloro che eseguono gli scavi e generalmente ogni autorizzazione concessa dall'Organizzazione deve contenere quanto segue:

- 1 – La qualifica di questa ricerca e la denominazione della missione a cui si dà l'autorizzazione.
- 2 – Le precedenti esperienze in questo settore, in Yemen o in altri paesi.
- 3 – I siti archeologici in cui si ricerca, accompagnati da cartine.
- 4 – Il programma di ricerca e le sue scadenze.
- 5 – Altre condizioni che l'Organizzazione vede necessarie.

ARTICOLO 26

Le organizzazioni e le missioni autorizzate si impegnano a compiere la ricerca, a fotografare e disegnare i siti archeologici per i quali hanno la concessione, a registrare immediatamente i beni archeologici scoperti in appositi registri, ad eseguire i lavori di conservazione e di protezione richiesti dai beni scoperti, a fornire all'autorità archeologica i risultati della ricerca in periodi ravvicinati, a presentare – nei modi richiesti dall'autorità archeologica - una relazione concisa alla fine di ogni stagione, a rendere possibile al rappresentante dell'autorità archeologica la sovrintendenza ai lavori di ricerca, così come esse devono – alla fine di ciascuna stagione – trasportare i beni archeologici scoperti nel luogo determinato dall'autorità archeologica, prendendo tutte le precauzioni necessarie per la loro incolumità durante il trasporto.

ARTICOLO 27

L'ente che opera la ricerca deve pubblicare i risultati delle sue ricerche entro un periodo non superiore ai cinque anni dalla fine dei lavori, altrimenti l'Organizzazione lo farà per proprio conto o attraverso altre organizzazioni, senza obiezione da parte dell'ente che ha operato la ricerca, il quale dovrà fornire all'Organizzazione copia delle ricerche pubblicate, dei disegni, delle fotografie, delle diapositive dei beni archeologici scoperti, copie dei film sulle scoperte fatte. All'ente che compie la ricerca spettano i diritti sulla proprietà scientifica dei risultati degli scavi, così come ha la priorità nella pubblicazione di questi risultati.

L'insieme dei beni archeologici rinvenuti sono ritenuti di proprietà dello Stato, ed è possibile concedere all'équipe di ricerca il diritto di ricavare calchi e copie per scopi non commerciali, a condizione che ciò non provochi distruzione o danneggiamento dei beni archeologici.

ARTICOLO 28

Alla missione straniera titolare di una concessione è permessa l'importazione degli oggetti e delle attrezzature necessarie per la ricerca esonerati dalle tasse doganali al momento dell'ingresso del paese, a condizione di cedere definitivamente questi materiali ed oggetti alle autorità archeologiche al termine dei lavori di ricerca, a meno di un diverso accordo.

Capitolo sesto

Il commercio di beni archeologici

ARTICOLO 29

E' vietato il commercio di beni archeologici mobili o disporre liberamente dei beni culturali nazionali – siano registrati o non dall'Organizzazione, o il trasferimento della loro proprietà contravvenendo alle disposizioni di questa legge.

ARTICOLO 30

In base alla legge 8/1997 che modifica alcuni articoli della legge 21/1994 sulle antichità, l'articolo 30 viene abrogato.

ARTICOLO 31

In base alla legge 8/1997 che modifica alcuni articoli della legge 21/1994 sulle antichità, l'articolo 31 viene abrogato.

ARTICOLO 32

L'Organizzazione ha il diritto di acquisire qualsiasi bene archeologico in possesso di privati o enti, sia attraverso la donazione o il mutuo consenso che l'acquisto a fronte di un equo compenso.

ARTICOLO 33

E' vietata l'esportazione di beni archeologici, e nonostante ciò è lecito – con decisione del Presidente dell'Organizzazione – autorizzare l'esportazione di campioni archeologici, culturali o naturali al fine di poterli esaminare e – con decisione del Ministro – l'esportazione di materiali archeologici e culturali al fine di mantenerli e restaurarli, il prestito temporaneo in base a modelli speciali : il modello prevede che l'Organizzazione può dare il permesso di esportare o rifiutarsi, dopo aver preso tutti i provvedimenti legislativi.

ARTICOLO 34

L'autorità archeologica deve trarre profitto dagli accordi, dai patti, dalle esortazioni degli enti internazionali per recuperare i beni archeologici trafelati al di fuori della Repubblica, e deve anche aiutare al espatriamento dei beni archeologici forestieri, alla base di un accordo reciproco

ARTICOLO 35

L'autorità archeologica può donare beni archeologici solo entro strettissimi limiti e per un interesse pubblico, e a condizione che il bene sia mobile, registrato, e che se ne possa prescindere in ragione dell'esistenza di un altro oggetto equivalente in termini di materiale di costruzione, modo di fabbricazione, epoca storica, valore artistico. Ciò viene eseguito su decisione del Consiglio dei Ministri, in base a proposta del Ministro.

Le sanzioni

ARTICOLO 36

Per la trasgressione delle disposizioni di questa legge si applicano le condanne fondate sugli articoli seguenti, con divieto di infrazione di qualsiasi condanna più severa stabilita dal diritto penale o da qualsiasi altro diritto.

ARTICOLO 37

E' condannato al carcere per un periodo che non supera i cinque anni o a una multa non inferiore al valore del bene archeologico trafugato – a seconda della valutazione dell'Organizzazione – a patto che la somma non sia inferiore a 100.000 Ryal, o ad entrambe le pene, chiunque contrabbanda o partecipa al contrabbando di un bene archeologico fuori dalla Repubblica, con la condanna alla confisca del bene archeologico soggetto del crimine e del materiale utilizzato nell'esecuzione del crimine, e all'ammenda e nell'interesse della cassa di sostegno dell'archeologia.

ARTICOLO 38

Chiunque compia lavori di scavo di ricerca di beni archeologici senza essere autorizzato o senza esservi ammesso, è condannato al carcere per un periodo non superiore ai due anni, ad una multa non inferiore ai 30.000 Ryal, o alle due pene congiuntamente.

ARTICOLO 39

1 – Chiunque demolisca, distrugga, falsifichi intenzionalmente un bene archeologico mobile o immobile, o ne deturpi, ne cambi, ne cancelli gli elementi caratteristici, o ne separi una parte, ne premediti

l'occultamento, o partecipi a tutto ciò, è condannato al carcere per un periodo non superiore ai tre anni, o a una ammenda pari al valore del bene, o alle due pene congiuntamente.

2 – Chiunque rubi un bene archeologico di proprietà dello Stato o una sua parte, o partecipi a tutto ciò, è condannato alle pene previste dalla legge islamica, compresa la confisca degli oggetti utilizzati per l'esecuzione del crimine nell'interesse della cassa per il sostegno all'archeologia.

ARTICOLO 40

E' condannato al carcere per un periodo non inferiore ai sei mesi, o a una ammenda non superiore ai 150.000 Ryal, o alle due pene congiuntamente, chiunque:

1 – Sia in possesso di un bene archeologico mobile contravvenendo alle disposizioni di questa legge.

2 – Contravvenga alle condizioni dell'autorizzazione agli scavi archeologici.

3 – Trasporti senza permesso scritto emesso dall'Organizzazione un bene archeologico di proprietà dello Stato o lo tolga dalla sua collocazione.

4 – Trasformi gli edifici o i terreni archeologici in abitazione, cantiere, industria, magazzino, la coltivi o la predisponga alla coltivazione, vi pianti alberi, o avvii il loro danno in ogni modo, togliendovi ciò che vi ha fatto.

Articolo 41

E' condannato al carcere per un periodo non inferiore ai tre mesi, o a un'ammenda non inferiore ai 10.000 Ryal, o alle due pene congiuntamente, chiunque:

1 – Scriva, incida, ponga della vernice su un bene archeologico.

2 – Vi apponga insegne pubblicitarie o simili.

3 – Si impadronisca di macerie, terra, sabbia o altri materiali da un sito archeologico, senza precedente autorizzazione dell'Organizzazione.

Articolo 42

E' condannato ad una ammenda non superiore ai 10.000 Ryal chiunque trasgredisca uno dei provvedimenti di questa legge.

Capitolo ottavo

Disposizioni generali e conclusione

Articolo 43

E' fissata la qualità di pubblico ufficiale per i funzionari dell'Organizzazione e per coloro i quali – in base a richiesta del Ministro – vengono nominati dal Procuratore generale. Dispongono del potere di applicare le sanzioni previste dalle disposizioni di questa legge ed hanno il potere di ispezione e di osservazione sui lavori di ricerca e le scoperte archeologiche; hanno inoltre il potere di entrare nel luogo in cui si trovano beni archeologici registrati nei periodi fissati dalla legge, allo scopo di esaminare e di ispezionare i beni archeologici vi contenuti.

Articolo 44

Non è permesso alle organizzazioni scientifiche e non, fondare musei ed esposizioni archeologiche di ogni tipo, se non dopo l'assenso dell'Organizzazione; gli enti organizzatori – nel periodo di applicazione di questa legge – devono regolare le condizioni, registrare presso l'Organizzazione i pezzi dei musei e delle esposizioni archeologiche da essi allestite, in considerazione del fatto che si tratta di beni culturali nazionali sottoposti alla supervisione dell'Organizzazione, entro un periodo di sei mesi dall'emanazione di questa legge.

Articolo 45

Vengono abrogate la legge 12/1972 sui beni archeologici emessa a San'a e la legge 24/1976 sull'ordinamento del Centro yemenita per le ricerche culturali, i beni archeologici e i musei emessa a 'Aden, così come viene abrogato qualsiasi testo o disposizione in contraddizione con questa legge.

Articolo 46

Questa legge entra in vigore dalla data di pubblicazione sulla Gazzetta Ufficiale.
Emessa dalla Presidenza della Repubblica – San'a
In data 25 Giumada al-Awwal 1415 H. / 29 Ottobre 1994 A.D.

DECRETO DELLA REPUBBLICA

128/1997 PER L'ISTITUZIONE DELL'ORGANIZZAZIONE GENERALE PER I BENI ARCHEOLOGICI, I MANOSCRITTI E I MUSEI

Il Presidente della Repubblica:
(omissis...)

decreta

Articolo 1

Sulla base di questo decreto viene istituito un ente pubblico denominato "Organizzazione generale per i beni archeologici, i manoscritti e i musei", sottoposto alla sovrintendenza del Ministro della cultura e del turismo.

ARTICOLO 2

La sede principale dell'Organizzazione è la capitale San'a', ed ha il diritto di istituire sedi secondarie negli altri governatorati su decisione del Ministro.

ARTICOLO 3

L'Organizzazione gode di personalità giuridica e di responsabilità giuridica finanziaria indipendente per la realizzazione dei suoi scopi.

ARTICOLO 4

Gli scopi dell'Organizzazione sono l'attuazione dei compiti e della politica dello Stato nel campo della conservazione dei beni archeologici; l'enumerazione e la registrazione dei luoghi e dei siti d'interesse archeologico; l'enumerazione dei manoscritti e la loro catalogazione, l'acquisto di quelli che sono nelle mani di privati e il recupero di quelli che sono stati trafugati all'estero; la costituzione di musei e la fissazione di un ordinamento speciale per la tutela dei beni mobili archeologici. Per realizzare ciò, l'organizzazione deve mettere in pratica i seguenti compiti:

1. Stabilire la politica, i piani e i programmi speciali per la definizione e la registrazione dei luoghi, dei siti d'interesse archeologico e degli altri beni, ai fini della loro protezione e dell'attuazione dei lavori di scavo e di salvaguardia;
2. Diffondere la coscienza del patrimonio archeologico e farlo conoscere attraverso i differenti mezzi a disposizione come i musei, le mostre, le opere a stampa, le trasmissioni culturali, le visite in loco per i residenti e i turisti, dopo avervi predisposto tutto ciò che occorre per la loro accoglienza;
3. La fondazione di musei e la determinazione degli ordinamenti speciali per la conservazione dei beni mobili archeologici in essi contenuti, delle modalità di registrazione, catalogazione, riproduzione fotografica, manutenzione, esposizione e deposito;
4. Lo svolgimento degli scavi archeologici e la supervisione sugli scavi intrapresi dalle missioni straniere conformemente agli ordinamenti e alle leggi in corso, con la partecipazione degli archeologi dell'Organizzazione;
5. Lo svolgimento degli studi archeologici, epigrafici e linguistici, e la messa a disposizione di tutte le facilitazioni possibili per i ricercatori e gli studiosi, secondo le regole della ricerca scientifica e delle norme regolarmente osservate;
6. La pubblicazione delle studi scientifici ai quali l'Organizzazione sovrintende, la loro sistemazione in biblioteche specializzate e l'incoraggiamento alla traduzione di ciò che in questo campo viene edito nelle lingue straniere da parte delle missioni archeologiche;
7. Eseguire l'enumerazione dei manoscritti presenti in Yemen e di quelli di cui si conosce l'esistenza all'estero presso le Organizzazioni straniere ed i singoli individui, la loro catalogazione ed il restauro di ciò che è stato raccolto; l'acquisto di quelli che sono nelle mani di connazionali e il lavoro per il recupero di quel che è stato trafugato all'estero; fotografare, se possibile, quel che è difficile recuperare o che ritarda a rientrare;
8. La conservazione dei manoscritti che sono in possesso dell'Organizzazione in Case dei manoscritti appositamente predisposte;
9. Diffondere, incoraggiare e promuovere la cultura e la conoscenza tra tutti gli elementi del popolo;
10. Rafforzare i rapporti scientifici e culturali e la collaborazione con le Organizzazioni affini dei paesi arabi ed amici e con le Organizzazioni regionali e internazionali specializzate nel settore della conservazione del patrimonio culturale e della sua rivivificazione;
11. Quanto serve al recupero dei beni culturali nazionali filtrati all'estero in maniera illegale, con tutti i mezzi possibili;
12. La sovrintendenza a tutti i musei che sorgono nella Repubblica.

ARTICOLO 5

Le risorse finanziarie dell'Organizzazione sono composte da:

1. Gli stanziamenti che lo Stato destina all'Organizzazione nel bilancio annuale;
2. Le donazioni locali, gli aiuti e gli appoggi, arabi ed internazionali, e gli aiuti offerti dalle organizzazioni regionali ed internazionali sui quali dà l'assenso il Ministro;
3. I sostegni che Lo Stato offre all'Organizzazione;
4. Qualsiasi altra fonte ammessa dal consiglio d'amministrazione dell'Organizzazione e che le leggi e gli ordinamenti in vigore permettono.

ARTICOLO 6

Il consiglio d'amministrazione dell'Organizzazione è formato nel seguente modo:

1. Il Presidente del consiglio d'amministrazione dell'Organizzazione, libero da altri impegni, nominato attraverso un decreto della Repubblica dopo l'assenso del Consiglio dei ministri, in base alla candidatura del Ministro della Cultura e del Turismo;
2. Il vicepresidente del consiglio d'amministrazione dell'Organizzazione, libero da altri impegni, nominato attraverso un decreto della Repubblica dopo l'assenso del Consiglio dei ministri, in base alla candidatura del Ministro della Cultura e del Turismo;
3. Il rappresentante dell'Organizzazione;
4. I direttori generali dell'Organizzazione;
5. Il consiglio deve ricorrere agli esperti ed agli specialisti che ritiene adatti ed ha il compito di costituire commissioni di lavoro per preparare studi e ricerche, o presentare suggerimenti su questioni definite nel campo dei beni archeologici.

ARTICOLO 7

Il consiglio d'amministrazione dell'Organizzazione svolge i compiti e le prerogative prescritte per i consigli d'amministrazione degli Enti pubblici nel decreto legge 35/1991 in tema di Organizzazioni, Enti e Aziende pubbliche.

ARTICOLO 8

1. Il presidente del consiglio d'amministrazione dell'Organizzazione si assume l'incarico di occuparsi delle questioni ad essa relative ed esercita i compiti e le prerogative prescritte per i presidenti dei consigli d'amministrazione degli Enti pubblici dal decreto legge 35/1991 in tema di Organizzazioni, Enti e Aziende pubbliche e nello statuto organizzativo dell'Organizzazione.
2. Il vicepresidente del consiglio d'amministrazione esercita le funzioni del presidente in caso di sua assenza e il presidente deve delegare il suo sostituto affinché possa sostituirlo in alcuni dei suoi compiti. Il vicepresidente svolge altresì i compiti prescritti nello statuto dell'Organizzazione.

ARTICOLO 9

L'Organizzazione ha un suo bilancio particolare che viene stilato secondo le regole del bilancio dello Stato; l'anno finanziario dell'Organizzazione inizia con l'anno finanziario dello Stato, così come la sua fine.

ARTICOLO 10

I fondi dell'Organizzazione sono considerati fondi pubblici, per i quali valgono le norme relative a questi ultimi.

ARTICOLO 11

L'Organizzazione deve concordare ed eseguire tutte le misure ed i lavori per la cui realizzazione è stata formata, in accordo con le disposizioni di legge e le ordinanze in vigore.

ARTICOLO 12

Per ciò che non è specificato nel testo di questo decreto si fa riferimento alle norme generali contenute nel decreto legge 35/1991 in tema di Organizzazioni, Enti e Aziende pubbliche.

ARTICOLO 13

Lo statuto dell'Organizzazione è emesso con un decreto del Ministro.

**DECRETO DELLA REPUBBLICA
129/1997 PER L'ISTITUZIONE DELL'ORGANIZZAZIONE GENERALE PER LA PROTEZIONE
DELLE CITTA' STORICHE**

Il Presidente della Repubblica:
(omissisa ...)
decreta

Articolo 1

Sulla base di questo decreto viene istituito un ente pubblico denominato "Organizzazione generale per la protezione delle città storiche" dotato di personalità giuridica, di responsabilità finanziaria indipendente e sottoposto alla sovrintendenza del Ministro della cultura e del turismo. La sede principale dell'Organizzazione è la capitale San'a', dalla quale dipenderanno sedi secondarie nelle altre città storiche, decise dal Ministro.

Articolo 2

La creazione dell'Organizzazione ha per scopo l'attuazione dei compiti dello Stato nel campo della conservazione delle città storiche delle differenti regioni della Repubblica, in accordo con le leggi in vigore in questo contesto. Per realizzare ciò, l'organizzazione deve mettere in pratica i seguenti compiti:

1. Stabilire la politica, i piani e i programmi particolari per la protezione delle città storiche della repubblica dello Yemen dal degrado o dalla distruzione delle loro costruzioni, delle loro origini e dei loro tratti culturali e per la preservazione del loro carattere artistico e architettonico, della loro eredità storica e naturale. Stabilire la partecipazione alla fornitura di progetti e servizi generali ed i provvedimenti a loro tutela.
2. L'esecuzione delle operazioni di rilievo, di delimitazione e di documentazione degli edifici archeologici, dei siti d'interesse storico, religioso, scientifico e artigianale e delle altre risorse; l'attenzione per gli studi di architettura;
3. Proposizione dei progetti di legge e dei regolamenti necessari per la conservazione delle città storiche della Repubblica e adozione di tutti i provvedimenti necessari per la conservazione di quelle città dalle offese arrecate dagli uomini e dal degrado naturale, in coordinamento e collaborazione con i differenti enti specializzati;
4. Preparazione degli studi, dei piani, dei progetti e delle descrizioni scientifiche, tecniche e architettoniche necessarie per i progetti di restauro, di consolidamento e di miglioramento dei differenti beni delle città storiche e per la tutela delle loro caratteristiche e del loro carattere artistico e storico, in cooperazione con gli organi competenti;
5. L'emissione delle autorizzazioni e la sovrintendenza ai lavori svolti da soggetti giuridici o meno all'interno delle città storiche, così come il controllo sull'esecuzione dei progetti di restauro, di conservazione o di consolidamento e dei lavori di miglioramento;
6. L'incoraggiamento e la protezione delle produzioni artigianali e tradizionali, il perseguimento del loro sviluppo e la loro dinamizzazione dal punto di vista economico;
7. La predisposizione delle condizioni ambientali adeguate per gli abitanti delle città storiche e l'incoraggiamento dei costruttori a preparare i materiali che vanno a comporre gli antichi edifici tradizionali;
8. La sensibilizzazione e la presa di coscienza dell'importanza della conservazione delle città storiche della Repubblica, utilizzando i differenti mezzi d'informazione;
9. Il coordinamento con le organizzazioni specializzate, arabe ed internazionali, per effettuare le campagne nazionali ed internazionali nelle città storiche e l'opera per la loro divulgazione.

ARTICOLO 4

Le risorse finanziarie dell'Organizzazione sono composte da:

5. Gli stanziamenti che lo Stato destina all'Organizzazione nel bilancio annuale;
6. Le donazioni locali, gli aiuti e gli appoggi, arabi ed internazionali, sui quali dà l'assenso il Ministro;
7. I sostegni che Lo Stato offre all'Organizzazione;
8. Qualsiasi altra fonte ammessa dal consiglio d'amministrazione dell'Organizzazione e che le leggi e gli ordinamenti in vigore permettono.

ARTICOLO 5

Il consiglio d'amministrazione dell'Organizzazione è formato nel seguente modo:

6. Il Presidente del consiglio d'amministrazione dell'Organizzazione, libero da altri impegni, nominato attraverso un decreto della Repubblica dopo l'assenso del Consiglio dei ministri, in base alla candidatura del Ministro della Cultura e del Turismo;
7. Il vicepresidente del consiglio d'amministrazione dell'Organizzazione, libero da altri impegni, nominato attraverso un decreto della Repubblica dopo l'assenso del Consiglio dei ministri, in base alla candidatura del Ministro della Cultura e del Turismo;
8. Il rappresentante dell'Organizzazione;
9. I direttori generali dell'Organizzazione;
10. Il consiglio deve ricorrere agli esperti ed agli specialisti che ritiene adatti ed ha il compito di costituire commissioni di lavoro per preparare studi e ricerche, o presentare suggerimenti su questioni definite nel campo della protezione delle città storiche;

ARTICOLO 6

Il consiglio d'amministrazione dell'Organizzazione svolge i compiti e le prerogative prescritte per i consigli d'amministrazione degli Enti pubblici nel decreto legge 35/1991 in tema di Organizzazioni, Enti e Aziende pubbliche.

ARTICOLO 7

3. Il presidente del consiglio d'amministrazione dell'Organizzazione si assume l'incarico di occuparsi delle questioni ad essa relative ed esercita i compiti e le prerogative prescritte per i presidenti dei consigli d'amministrazione degli Enti pubblici dal decreto legge 35/1991 in tema di Organizzazioni, Enti e Aziende pubbliche e nello statuto organizzativo dell'Organizzazione;
4. Il vicepresidente del consiglio d'amministrazione esercita le funzioni del presidente in caso di sua assenza e il presidente deve delegare il suo sostituto affinché possa sostituirlo in alcuni dei suoi compiti. Il vicepresidente svolge altresì i compiti prescritti nello statuto dell'Organizzazione.

ARTICOLO 8

L'Organizzazione ha un suo bilancio particolare che viene stilato secondo le regole del bilancio dello Stato; l'anno finanziario dell'Organizzazione inizia con l'anno finanziario dello Stato, così come la sua fine.

ARTICOLO 9

I fondi dell'Organizzazione sono considerati fondi pubblici, per i quali valgono le norme relative a questi ultimi.

ARTICOLO 10

L'Organizzazione deve concordare ed eseguire tutte le misure ed i lavori per la cui realizzazione è stata formata, in accordo con le disposizioni di legge e le ordinanze in vigore.

ARTICOLO 11

Lo statuto dell'Organizzazione è emesso con un decreto del Ministro.

ARTICOLO 12

Per ciò che non è specificato nel testo di questo decreto si fa riferimento alle norme generali contenute nel decreto legge 35/1991 in tema di Organizzazioni, Enti e Aziende pubbliche.

ARTICOLO 13

Si dà applicazione a questo decreto dalla data della sua pubblicazione sulla Gazzetta Ufficiale.

ANNOTAZIONI

Per quanto attiene la documentazione, la tutela e la valorizzazione del patrimonio culturale lo stato yemenita è attrezzato con una legislazione adeguata per operare con efficacia, almeno secondo i parametri europei⁷.

⁷ Tuttavia si deve sottolineare una certa mancanza di integrazione nella scrittura delle due leggi fondamentali (n. 128 e n. 129 del 1997) benchè promulgate nello stesso anno. Questo "disallineamento" si nota soprattutto nel processo di conoscenza del patrimonio archeologico. Per il GOAMM si parla chiaramente di " *to enumerate and register **places and sites of archeological interest*** " (legge n. 128/97, art.4) mentre il per il GOPCHY: " *Carry out operations of survey, delimitation and documentation of **archeological buildings**, of sites of historical, religious, scientific and handicraft interest and of other resources; pay attention to the studies of architecture* " (legge n. 129/97, art.3). Da una prima lettura sembrerebbe che il GOAMM si debba occupare delle "aree" e il GOPCHY dei "monumenti".

Esistono già due organismi, il GOAMM per l'archeologia e il GOPCHY per l'insediamento storico, istituiti con provvedimenti legislativi specifici nel 1997 per l'attuazione delle politiche del Governo nei riguardi del patrimonio culturale. Tuttavia il buon funzionamento dei due istituti richiede l'esistenza di uffici attrezzati e di personale formato all'interno. A tale scopo l'analisi degli esiti del progetto ci permette di formulare alcuni suggerimenti.

LE PROPOSTE

Il progetto "YEMEN: INVENTORY OF CULTURAL HERITAGE PRIORITY SITES" è servito anche a dimostrare come sia del tutto indispensabile e possibile realizzare un coordinamento fra le due istituzioni, GOAMM e GOPCHY, prima in fase di definizione del programma di catalogazione e poi in fase operativa sul territorio.

In estrema sintesi:

1. LA CONOSCENZA

Per il settore archeologico: vedi l'articolo 4 della legge n. 21/94

Per quanto attiene gli interventi sull'edilizia storica: vedi l'articolo 3, punto 5 della legge n. 129/97.

LA DEFINIZIONE DEL METODO COMUNE per CATALOGARE IL PATRIMONIO CULTURALE DEL PAESE.

Il progetto "Yemen: Inventory of cultural heritage priority sites" ha prodotto un REGISTRO e una CARTA dei siti archeologici conosciuti e degli insediamenti storici prioritari con i monumenti da salvaguardare dell'Hadramaut. Questi prodotti sono stati realizzati con l'apporto significativo del GOAMM e la partecipazione del GOPCHY nell'arco di un solo anno. Occorre che i due istituti definiscano come procedere sul resto del territorio nazionale: con quale metodo e con quale documentazione « minima ».

2. LA TUTELA

L'articolo 12 della legge n. 21/94 stabilisce che tutte le previsioni di modificazioni del territorio devono essere sottoposte al parere dell'autorità in materia archeologica (...it is not permitted to undertake such projects prior to the consent of the archeological authority.). La stessa chiarezza è presente nell'articolo 3, punto 5 della legge 129/97 per quanto attiene gli interventi sull'edilizia storica.

LA DEFINIZIONE DELLE PROCEDURE PER IL CONTROLLO E PER LA SALVAGUARDIA DEL PATRIMONIO CULTURALE.

In wadi Hadramaut si dovrebbe procedere con un test per quanto attiene il controllo da parte del GOAMM e del GOPCHY delle modificazioni territoriali in modo da definire le PROCEDURE che oggi sono solo previste dalle due leggi (n. 21/94 e n. 129/97), ma ora scarsamente applicate, almeno in wadi Hadramaut. Si ricorda qui il tragico destino che incombe in questi giorni sulla Mosque of Shihab Ad Din nel villaggio di Al Fugeira posta pochi km ad est della città di Tarim: it is said that it will be demolished when the new larger mosque is completed !

3. LA VALORIZZAZIONE E LA DIFFUSIONE DELL'INFORMAZIONE

Per il settore archeologico: vedi l'articolo 4 della legge n. 128/97.

Per il settore storico: vedi l'articolo 3 della legge n. 129/97.

IL SISTEMA INFORMATIVO DEL PATRIMONIO CULTURALE

Il progetto ha realizzato un archivio cartaceo e un archivio elettronico. Quest'ultimo rappresenta l'Hadramaut alla scala 1:25.000 e l'intero Yemen alla scala 1:1.000.000 (c.a.) con cartografia raster orientata e un primo patrimonio di 3.000 località georeferenziate. Il paese possiede quindi un primo sistema informativo che potrebbe essere implementato nel tempo e periodicamente aggiornato.

I tre punti precedentemente trattati richiedono necessariamente la creazione di un vero e proprio UFFICIO CATALOGO e l'assistenza internazionale per almeno altri 3 anni

al fine di formare il personale yemenita e di avviare i lavori sul resto del paese a partire dall'Hadramaut.

IN SINTESI

La sperimentazione sul controllo delle attività di trasformazione del territorio potrebbe essere impostata come di seguito.

1 - IL RUOLO DEL GOAMM E DEL GOPCHY

Il CATALOGO del patrimonio culturale dell'HADRAMAUT, costituito da cartografia e dall'elenco dei siti e dei monumenti con la definizione del loro valore, dovrà essere riconosciuto dal GOAMM e dal GOPCHY come strumento valido per porre dei vincoli di protezione sulle aree e sugli edifici al fine di poter rispettare la normativa yemenita vigente.

NOTA BENE: le leggi vigenti per poter essere applicate hanno bisogno di uno strumento come il CATALOGO del patrimonio culturale che individui i monumenti, i siti, i villaggi e le aree da salvaguardare.

IL GOAMM e il GOPCHY dovranno illustrare alle singole Mudiriye quanti e quali siti e monumenti sono stati riconosciuti e quali misure di salvaguardia sono stati previsti.

2 - IL CATALOGO DEL PATRIMONIO CULTURALE DEVE ESSERE DISCUSO E ADOTTATO DALLE 9 MUDIRIYE.

La cartografia prodotta dal progetto con l'esatto posizionamento dei siti archeologici, dei monumenti isolati, dei villaggi e delle aree di particolare interesse dovrà essere discussa in ogni Mudiriya con l'assistenza del GOAMM e del GOPCHY. Eventuali suggerimenti potranno essere recepiti per modificare il CATALOGO, sia ampliando le aree di salvaguardia o per modificare il grado di valore attribuito ai monumenti dal CATALOGO.

3 - IL CATALOGO COME STRUMENTO PER IL CONTROLLO DELLE ATTIVITA' DI TRASFORMAZIONE DEL TERRITORIO

Da questo momento tutte le previsioni di intervento di modificazione del territorio sia pubbliche che private potranno essere verificate nelle singole Mudiriye dai due istituti per le relative competenze:

4 - IL CATALOGO PER LA VALORIZZAZIONE DEL PATRIMONIO CULTURALE

Le Mudiriye con il GOAMM e il GOPCHY potranno utilizzare per la valorizzazione del patrimonio culturale il CATALOGO in quanto esso contiene tutti gli elementi per individuare le priorità e per procedere con progetti di piccole dimensioni, ma coordinati, sulla base delle risorse disponibili annualmente.

- il GOAMM potrà controllare che gli interventi rispettino le aree dei siti e le distanze dai monumenti archeologici (come già previsto dalla legge);

Il GOPCHY potrà controllare l'edificazione e la realizzazione di strade all'interno delle zone individuate come "area of a particular environmental value" per il rispetto dei con visivi dei monumenti e dei villaggi di particolare interesse. Potrà anche vigilare affinché i monumenti individuati non siano pesantemente modificati o addirittura demoliti.