

No. 26860

**FRANCE
and
YEMEN**

**Agreement on cooperation in the field of archaeology (with
annexes). Signed at San'a on 11 December 1988**

Authentic texts: French and Arabic.

Registered by France on 6 October 1989.

**FRANCE
et
YÉMEN**

**Accord de coopération dans le domaine de l'archéologie (avec
annexes). Signé à Sana'a le 11 décembre 1988**

Textes authentiques : français et arabe.

Enregistré par la France le 6 octobre 1989.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ ON COOPERATION IN THE FIELD OF ARCHAEOLOGY BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE GOVERNMENT OF THE YEMEN ARAB REPUBLIC

The Government of the French Republic and
The Government of the Yemen Arab Republic,

Pursuant to the Agreement for Cultural and Technical Cooperation between the Government of the French Republic and the Government of the Yemen Arab Republic signed at Paris on 16 February 1977,² which entered into force, in accordance with article XV thereof, on 3 October 1980,

Pursuant to the Agreement on Archaeological Cooperation between the Government of the French Republic and the Government of the Yemen Arab Republic signed on 8 April 1983 for a period of five years and renewed automatically,

With the aim of strengthening cooperation between them, enhancing knowledge of the illustrious civilization of Yemen and emphasizing the archaeological heritage of the Yemen Arab Republic, the Government of the French Republic, represented by its Ambassador to Sana'a and the Government of the Yemen Arab Republic, represented by the President of the General Organization of Antiquities and Libraries, have agreed, in a spirit of mutual trust, to organize the following scientific programmes for the next five years. The programmes will be implemented according to a General Convention and an excavation permit, both of which are annexed to the present Agreement, and in compliance with the regulations currently in force at the General Organization of Antiquities and Libraries.

The French Archaeological Mission in the Yemen Arab Republic having undertaken various survey and study expeditions in several regions and archaeological sites, the French Party proposes to conduct various programmes under the scientific responsibility of the French individuals referred to hereunder, who may, where necessary, be replaced on the initiative of the French Party with the approval of the Yemeni Party.

The two Parties have agreed on the following arrangements:

Article 1

This programme comprises archaeological studies and work in the Al-Jawf region:

1. *Prehistory.* Study, survey and excavation of prehistoric sites.

The team will be headed by Mrs. Marie-Louise Inizan.

2. *Proto-history.* Study, survey and excavation of proto-historic sites.

The team will be headed by Mr. Serge Cleuziou.

¹ Came into force on 11 December 1988 by signature, in accordance with article 3.

² United Nations, *Treaty Series*, vol. 1306, p. 205.

3. *Ancient irrigation.* Study of ancient irrigated areas.

Mr. Pierre Gentelle will have responsibility for this programme.

4. *Southern Arabian.* Study, excavation and restoration of ancient archaeological sites.

This programme comprises:

(a) Kamna: Excavations to be arranged subsequently.

(b) As-Sawda: Excavation and restoration of the "Banat Ad" temple located outside the walls of the ancient town of As-Sawda.

(c) Archaeological samplings on the site of As-Sawda with a view to unearthing wooden inscriptions.

The team executing this programme will be headed by Mr. Jean-François Breton.

5. *Southern Arabian epigraphy.* Study of southern Arabian inscriptions.

Mr. Christian Robin will have responsibility for this programme.

6. *Islamic period.* Study of historical sites and monuments.

This programme, under the responsibility of Ms. Marie-Christine Danchotte and Mr. Bernard Maury, will be undertaken in collaboration with the Islamic Epigraphic Mission, headed by Mrs. Solange Ory.

7. Any other operation which both parties deem it useful to undertake in this region.

With regard to new work, French archaeological teams shall have priority over any other foreign mission in the Al-Jawf region.

Article 2

This programme comprises geological studies and work in the Islamic field:

1. It aims to complete the studies and restoration work already under way on the mosques of Al-Abbas (Khawlan) and Zafar Di-Bin.

Regarding the Al-Abbas mosque, it entails, on the one hand, publishing the historical, architectural and ornamentation studies already undertaken by the French Mission, and on the other, continuing the restoration work begun in 1985.

Regarding the Zafar Di-Bin mosque, it entails publishing the historical, architectural and ornamentation studies already undertaken. The Mission will establish the topography of the Zafar Di-Bin site and study its entire remains.

The programme for these two sites will be carried out in conjunction with Mrs. Solange Ory, who is heading the Islamic Epigraphic Mission.

2. The purpose of the Islamic Epigraphic Mission is to collect and assemble Arab inscriptions from Yemen in order to create documentation which can be processed by the most modern techniques (computerization), thereby facilitating its study and publication.

The choice of sites to be surveyed will be made in due course in agreement with the General Organization of Antiquities and Libraries.

Article 3

This Agreement shall enter into force on the date of its signature.

IN WITNESS WHEREOF, the representatives of the two Governments, duly authorized to that effect, have signed this Agreement and have affixed their seals thereto.

DONE at Sana'a, on 11 December 1988, in duplicate in the French and Arabic languages, both texts being equally authentic.

For the Government
of the French Republic:

[Signed]

MICHEL-YVES PEISSIK
Ambassador of France
to the Arab Republic
of Yemen

For the Government
of the Arab Republic
of Yemen:

[Signed]

QADI ISMAIL AL-AKWA'
President
of the General Organization
of Antiquities and Libraries

ANNEX 1. GENERAL CONVENTION

In order to uncover the Yemeni civilization dating back to the origins of history, undertake the necessary excavations, and create an awareness of the Yemeni cultural heritage, in view of the importance of that heritage and the need to develop scientific research in the field of archaeology, and wishing to collaborate in the scientific and technical field,

The General Organization of Antiquities and Libraries, hereinafter referred to as “the Yemeni Party”, and

..... hereinafter referred to as “the French Party”,

In the service of culture and humanity, have agreed to conclude this Convention according to the following conditions:

Article 1

The French Party shall propose a general programme of work in the archeological regions for a period of

Article 2

The French Party shall submit a list of the team members, along with their curricula vitae giving details of their fields of specialization and photocopies of their scientific diplomas stamped by the competent authorities, in order to enable the team to undertake all requisite specialist tasks.

It shall be possible to add to or change members of the team in cases of *force majeure*, notably illness, provided that the Yemeni Party receives a written request to such effect at least one month prior to their arrival.

Article 3

The two Parties shall exchange knowledge and experts in the fields of archaeology and museology.

Article 4

The Yemeni Party shall designate specialist representatives to collaborate with the French Party for the purpose of training and follow-up.

Article 5

Within the Yemen Arab Republic and as far as its circumstances permit, the French Party shall train the specialist staff of the Yemeni Party and award a number of grants for study and training at specialist universities and institutes.

Article 6

The French Party shall assist and advise the Yemeni Party at the request of the latter.

Article 7

The French Party shall submit to the Yemeni Party a scientific report, in Arabic, on its work within the six months which follow each expedition of work.

Article 8

All archaeological discoveries shall be the property of the Yemeni Party. Under no circumstances shall the French Party have the right to export antiquities. In the event of absolute necessity, scientific study or treatment abroad, the French Party may export antiquities once the Yemeni Party has obtained the necessary legal guarantees to ensure that such antiquities return to the territory of the Yemen Arab Republic. The President of the General Organization of Antiquities and Libraries, having obtained the approval of the Higher Committee

on Antiquities, may offer the French Party certain archaeological items of which duplicates are discovered but the French Party shall not be able to take part in the decision.

Article 9

The French Party shall publish the results of its research and the information obtained during the course thereof within a maximum of five years following completion of work. Where this deadline is not observed, the Yemeni Party shall have the right to publish such results and information.

Article 10

The Yemeni Party shall endeavour to obtain exemption from taxes and customs duties in respect of the materials, technical equipment and personal effects of the French Party and its team in accordance with the regulations in force in the Yemen Arab Republic.

Upon expiry of the permit attached hereto, the materials shall become the property of the Yemeni Party with the exception of those in respect of which there is agreement between the two Parties.

Article 11

The French Party shall undertake to respect the law on protecting Yemeni antiquities and the annexes thereto.

Article 12

The Yemeni Party must accord all necessary work facilities to the French Party according to its means and in compliance with the laws in force in the Yemen Arab Republic.

Article 13

Where the French Party fails to commence work during the year following the date of signature of this Convention, or where it interrupts its work during two consecutive years without valid reason, the Yemeni Party shall have the right to terminate the Convention and to reconsider the situation in the event of a new application being made.

Article 14

Where either Party fails to fulfil its commitments under any article of this Convention, the other Party shall have the right to terminate the Convention or to cease work.

Article 15

This Convention shall enter into force on the date of signature. Any additions or modifications must be agreed by both Parties.

DONE at, on, in duplicate in the Arabic and French languages, both texts being equally authentic.

ANNEX 2

IN THE NAME OF GOD THE COMPASSIONATE, THE MERCIFUL
 [ARAB REPUBLIC OF YEMEN]
 PRESIDENCY OF THE REPUBLIC
 GENERAL ORGANIZATION OF ANTIQUITIES AND LIBRARIES
 SANA'A

*Permit No. of 19
 for archaeological excavations and work*

The President of the General Organization of Antiquities and Libraries,

Pursuant to Presidential Decree No. 58 of 1969 regarding the establishment of a Department of Antiquities and Libraries and the definition of its functions,

Pursuant to Law No. 12 of 1972 on Antiquities,

Pursuant to Presidential Decree No. 53 of 1973 regarding the modification of the name of the Department to "the General Organization of Antiquities and Libraries",

Considering Command Council Decree No. 51 of the year 1977 regarding the organization of the General Organization of Antiquities and Libraries,

Pursuant to the agreement of the Higher Committee on Antiquities dated 19, authorizes the Mission referred to hereunder:

The French Party, represented by to undertake in the Governorate of district subdistrict village the General Organization of Antiquities and Libraries (Yemeni Party), outlined on the map and according to the following conditions:

Article 1

This permit is strictly reserved for the authorized Party and may under no circumstances be given to a third Party without the consent of the Higher Committee on Antiquities.

Article 2

The Yemeni Government shall bear no responsibility towards third Parties where the authorized Party contravenes article 1.

Article 3

This permit shall be valid from 19 to 19 It shall be renewable provided that an application is submitted at least three months prior to its expiry. It may be amended only with the written agreement of the General Organization of Antiquities and Libraries.

Article 4

Work shall be carried out under supervision from the head of the Mission, who may not be changed without the written approval of the General Organization of Antiquities and Libraries.

Article 5

The Organization shall have full authority to oversee and control the work of the Mission in order to ensure the safety of antiquities on the archaeological sites. The designated representatives of the Organization shall have exclusive right to enter the archaeological areas and the storage sites of the authorized Party and to consult the records. The authorized Party must place all work-related documents and information at the disposal of the representatives.

Article 6

The Mission shall undertake to treat the representatives of the Organization, supervisors and accompanying staff as members of the Mission throughout the duration of work (accommodation, living expenses, relocation costs) so that they may accomplish the tasks incumbent upon them.

Article 7

The Mission shall undertake to carry out cleaning and preservation work at the end of each expedition.

Article 8

The Mission shall be responsible for expenses relating to excavation work and the closure of excavated sites, the latter having to be carried out prior to or subsequent to the work.

Article 9

The Mission shall be responsible for the cost of security throughout the period, specified in the permit, during which excavation and preservation work is to take place.

Article 10

If, upon expiry of the permit, the Mission has submitted no application for renewal according to the conditions described in article 3, all duty-free material and equipment brought into the Yemen Arab Republic by the Mission shall become the property of the Organization, apart from equipment brought in with the experts which was essential to the work of the Mission and recorded in their passports upon their arrival at Sana'a airport, thereby enabling it to be taken out again.

Article 11

The Mission shall furnish the General Organization of Antiquities and Libraries with a copy of the documents concerning the excavations, with the exception of personal notes.

Article 12

Prior to excavation work, the authorized Party shall submit for approval by the Organization a proposed list of the members of the Mission consistent with the nature of the work to be carried out. The Organization shall have the right to request other specialists.

Article 13

The two Parties shall agree upon the choice of the technical means and equipment essential to the success of the project.

Article 14

The authorized Party must pay the salaries and medical and social insurance of the appointed Yemeni labourers and security guards throughout the term of the project and shall advise the General Organization of Antiquities of their identity.

Article 15

Neither the authorized Party nor his colleagues shall be permitted to enter the work area outside the period of work without a permit from the Organization.

Article 16

Neither the authorized Party nor his colleagues shall be permitted to travel outside the work area while this permit remains valid without the approval of the Organization.

Article 17

No form of construction shall be permitted on the archaeological site and the surrounding area, the limits of which are specified in this permit, except by written permission from the General Organization of Antiquities, in accordance with the conditions which it specifies and following confirmation that the site of construction contains no antiquities. Such construction shall become the property of the Organization once the Mission has completed work on the site, failing which the authorized Party shall undertake to demolish it immediately without prejudice to the right of the Organization to revoke the permit.

Article 18

All archaeological discoveries should be recorded during the course of work carried out on the site. The Mission shall retain a copy of all documents, with a further copy being forwarded to the representative of the Organization.

Article 19

The authorized Party shall have the right to publish the scientific results of the work of the Mission. Following each expedition, the head of the Mission shall make available to the General Organization of Antiquities five copies of a preliminary report in Arabic and French on the stages and results of the work and shall attach thereto a full copy of the plans and designs of the fixed structures unearthed, as well as all necessary documents relating to the artifacts discovered. This report shall be deposited with the Organization before the departure of the Mission, and the final scientific report shall be transmitted six months after the departure of the Mission. The authorized Party shall have no right of publication prior to submission of the final report.

Article 20

Should no publication take place during the five years following the expiry of the permit, the Organization shall reserve the right to undertake publication itself or to choose a third party to do so without the authorized Party being able to assert his rights before the Organization or the individual responsible for publication.

Article 21

The authorized Party shall provide the General Organization of Antiquities with 10 copies of any scientific publications relating to the subject of the permit.

Article 22

The Organization shall have the exclusive right to reproduce for sale models or photographs of the antiquities which are the subject of the permit. Such right shall commence once the authorized Party has exercised the aforesaid right of scientific publication or following the five-year period stated in article 20.

Article 23

Any artifacts discovered shall be transported on the same day to the warehouse of either the Mission or the Organization under the supervision of representatives from the Organization. The warehouse must be closed and sealed at the end of each expedition by the head of the Mission and the representative of the Organization. The key to the warehouse must be handed over to the representative of the Organization, who shall in turn deposit it with the competent Department of the Organization.

Article 24

The authorized Party must complete the project which is the subject of the permit before commencing work on another site. It must clean and close the site upon completion of work and remove any debris to a location specified by the representative of the Organization.

Article 25

In the event of a structure being discovered, the authorized Party shall undertake to ensure the protection thereof at its own expense during the term of the project in accordance with technical descriptions to be agreed and authorized by the Organization.

Article 26

Under the supervision of the Organization, the authorized Party shall undertake to restore all artifacts requiring restoration and to safeguard and reinforce any structures discovered during the term of the permit. All costs related to such work shall be borne by the authorized Party.

Article 27

Where the period of work on a single site exceeds five years, the authorized Party shall, where necessary, undertake to construct a warehouse for storing artifacts where security conditions will be observed in accordance with the specifications of the Organization and the conditions stated in article 17.

Article 28

The President of the Organization — in agreement with the competent Higher Committee on Antiquities — shall permit the authorized Party to borrow artifacts for study within the Arab Republic of Yemen for a maximum period of five years. He shall be permitted to take them abroad only with the approval of the General Organization of Antiquities, and on condition that the artifacts borrowed are returned at the end of the period.

Article 29

Without prejudice to the rules and decrees stipulated, the President of the Organization may, with the approval of the Higher Committee on Antiquities, offer the authorized Party certain archaeological items of which duplicates are discovered, but the authorized Party shall not be able to take part in the decision.

Article 30

The authorized Party shall provide an undertaking that any archaeological items given to him are intended only for study or for exhibition in institutes and museums. The Organization shall be officially advised of the names and addresses of the institutes and museums where they are deposited.

Article 31

The authorized Party shall specify the working duration of each expedition and the type of studies which it is to carry out.

Article 32

The authorized Party may work on one archaeological site only except where reasons of study, scientific publication or restoration are concerned.

Article 33

The head of the Mission or his representative must comply with the following rules:

1. He must be present on site throughout the period of work.
2. He must accompany the representative of the Organization to the opening and closing of the sites where he works daily.
3. He must officially hand over warehouse keys to the local representative of the Organization at the end of the expedition.

4. He must submit a written application, from his home country, at least one month before the expedition is to begin in order to obtain entry visas for himself and his colleagues.

5. He must apply for a residence permit at least one month prior to commencing work after he and his team arrive in the territory of the Yemen Arab Republic.

6. He must apply for a renewal of the permit at least three months prior to its expiry.

7. He must keep a scientific record of all antiquities discovered by the Mission, along with photographs, and sign each page of the record. The signature must be authorized by the representative of the Organization who is accompanying the Mission. The record must be kept in both Arabic and French during the expedition itself.

Article 34

Should the authorized Party contravene any of these articles, the Organization shall have the right to halt work immediately and to review the permit granted.

Article 35

This permit shall not exclude any other rules and procedures stated in the Law on the Protection of Antiquities and the annexes thereto.

Article 36

Where the Mission fails to complete the work assigned to it during the course of the year following the date of the permit, it shall forfeit its right. The situation must be re-examined in the event of a new request being made.

Article 37

In the event of litigation regarding interpretation of any article of the permit, both the Arabic and the French texts shall be equally authentic.

DONE on 19

