

On October 2, 2019, the U.S. Department of State published notification in the Federal Register of the receipt of a request from the Republic of Yemen Government to the Government of the United States of America for import restrictions on archaeological and ethnological material from Yemen representing Yemen's cultural patrimony. The following public summary, authorized by the Republic of Yemen Government, does not contain sensitive or privileged information. This summary does not represent the position of the Government of the United States, which has yet to review the request under the Convention on Cultural Property Implementation Act.

PUBLIC SUMMARY

Request by the Republic of Yemen to the Government of the
United States of America for Imposing Import Restrictions to
Protect its Cultural Patrimony under Article 9 of the 1970 Convention

The Republic of Yemen is the custodian of a significant and diverse cultural patrimony, reaching back to the earliest human settlements in the Middle East. Despite sustained periods of unrest and conflict, successive governments have taken a wide range of measures to protect cultural sites and objects from theft, clandestine excavation, and illicit export. Even in the midst of humanitarian crisis, Yemen continues to work to protect its cultural heritage. On June 3, 2019, Yemen deposited with the United Nations Educational, Scientific, and Cultural Organization (UNESCO) the instrument of ratification for the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (the 1970 Convention). The treaty entered into force with respect to Yemen, in accordance with the terms of its Article 21, three months later on September 3, 2019. Even with this accomplishment, Yemen's cultural property remains under severe and continuing threat due to the ongoing conflict and recent attacks from criminals, violent extremists, and armed insurgents. Therefore, the Republic of Yemen invokes Article 9 of the 1970 Convention and requests the imposition of U.S. import restrictions on its archaeological material dating from the prehistoric periods through the Ottoman Era (up to 1750 CE) and on its ethnological material dating from 1517 to 1918 CE.

Protection is sought for archaeological material including fragments of monumental architecture, statues and other sculptures, inscriptions, vessels and containers, coins, stamps and ring seals, accessories and tools, ornaments, weapons, jewelry, and human remains. Protection is sought for ethnological material in stone, metal, ceramic and clay, wood, bone and ivory, glass, beads, textiles, and leather and parchment.

Evidence of Pillage and Jeopardy to the Cultural Patrimony of Yemen

One of the many tragedies taking place during the continuing conflict in Yemen is the plunder of its rich history. Yemen's cultural heritage has survived millennia of opportunistic looting by grave robbers and tomb raiders. In recent years, however, it has come under increased attack from criminals, armed insurgents, and violent extremists seeking to fund their activities through

the illicit trade in ancient art and artifacts. Yemen has cautioned that criminal organizations, armed forces, and their affiliates are carrying out antiquities looting and trafficking in Yemen. These warnings have been corroborated by international experts, including archaeologists, nongovernmental organizations, and the United Nations Panel of Experts on Yemen.

This is in addition to reports of pillage of important and unique sites across Yemen. Targeted locations include libraries, museums, religious sites, ancient cities, and historical buildings. Despite a number of arrests, the extent of this devastating and harmful plunder is not yet fully known, given the ongoing conflict. While these are by no means the only examples, the government has documented extensive pillage at three museums: the Aden National Museum, the Taiz National Museum, and the National Museum of Zinjibar. The conflict, however, has destroyed many records, even for these large museums. Without proper inventories of cultural property, it will be difficult to provide information about antiquities that show up on the black market. Even for these institutions, many records have been lost in the conflict and with them, information about objects that may be on the black market. A bilateral agreement is the only way for Yemen to recover these stolen, but now undocumented, objects. For other institutions, such as the Dhamar Museum, onsite inventories have been destroyed outright.

Opportunistic looters have long targeted Yemen's rich ancient sites and collections. According to the German Archaeological Institute (DAI), illegal excavations were "a major problem even before the war, especially in the north of the country and on the desert outskirts, where the old South Arabian polities had their centers."

Steps the Government of Yemen has taken consistent with the 1970 UNESCO Convention to Protect the Heritage of Yemen

Legal Framework for Protecting Yemen's Cultural Patrimony

Yemen has wide legal protections in place for cultural heritage, although the ongoing war has made enforcement difficult. Law Number 21 of 1994 on Antiquities, as amended by Law Number 8 of 1997, is the primary law governing ancient sites and objects. It defines "archaeological" materials; vests their ownership in the State, and controls their protection, conservation, restoration, and study. It addresses aspects of ownership, permissions and obligations for archaeological work, introduces penalties for the illegal trade, and sets duties and guidelines on how to deal with discovered and excavated objects.

Law Number 16 of 2013 on the Preservation of Historical Cities, Regions, Historical Monuments and Urban Heritage complements the antiquities law by providing a framework for protecting historic cities and cultural landscapes. It seeks to address the legal requirements UNESCO has set for Yemen concerning its heritage sites. In addition, it strengthens penalties for violations, as well as enforcement mechanisms.

National Services and Institutions

The Ministry of Culture has the ultimate responsibility for Yemen's national heritage, including the protection, conservation, and monitoring of archaeological, historic, and other cultural sites;

the establishment and maintenance of museums; and cultural tourism. It consists of two main institutions, the General Organization for Antiquities and Museums (GOAM) and the General Organization for the Preservation of Historic Cities of Yemen (GOPHCY). The Ministry of Culture operates under the leadership of H.E. Minister of Culture Marwan Damaj and collaborates closely with the Ministry of Tourism.

At the start of the war, there were twenty-seven public museums. Approximately a dozen have been damaged or destroyed due to the armed conflict, such as the Dhamar Museum, the National Museum of Taiz, and the Military Museum of Aden. Whenever possible, collections have been moved elsewhere for safekeeping.

Registries and Inventories for Cultural Heritage

The Ministry of Culture fully appreciates the importance of registries and inventories of cultural heritage. Article 20 of the 1994 Law on Antiquities requires GOAM to conduct such documentation. Before the war, the national museums in Aden, Dhamar, Taiz, and Zinjibar, as well as provincial authorities in Sana'a, just to name a handful of examples, had extensive records. Along with their collections, however, many of these records have been looted or destroyed. Those records that have survived are in severe need of digitization and cross checking with the remaining objects.

Public Outreach

National and local authorities are actively collaborating on awareness campaigns on the importance of cultural preservation at Yemen's World Heritage Sites, including the Historic Town of Zabid, the Old City of Sana'a, and the Old Walled City of Shibam, all of which remain on the List of World Heritage in Danger. In January 2018, the government joined with the International Council of Museums (ICOM) in releasing the Emergency Red List of Cultural Objects at Risk, in a high profile event at New York's Metropolitan Museum of Art. In May 2018, the government distributed a 289-page language file to the United Nations and the United States, which details artifacts looted from the Aden National Museum, the Taiz National Museum, and the National Museum of Zinjibar. In January 2019, Yemen's ambassador to the United States, Dr. Ahmed Awad Bin Mubarak, authored an op-ed in the *Washington Post* on the need to restrict U.S. imports of undocumented Yemen antiquities. Both the Embassy of Yemen in Washington, D.C., and the Ministry of Culture are actively using the internet and social media to publicize thefts from the country. The Embassy of Yemen has additionally launched a 24-hour hotline for the public to report any of its stolen artifacts.

Nature and Extent of Art Market for Archaeological and Ethnological Material from Yemen

The government of Yemen has tracked the international antiquities market in recent years, looking for sales of Yemeni cultural property. This research demonstrates that U.S. consumers have access to a large number and wide range of archaeological and ethnological objects that come from Yemen based on style, composition, and other criteria. These are being offered by sellers through websites such as eBay, galleries, major auction houses, and even social media.

Prices ranged from several hundred to over one million dollars. While some pieces were attributed to established collections, many objects did not have any listed provenance.

Furthermore, U.S. consumers now have access to Yemeni cultural property through nontraditional platforms, such as social media. In June of 2019, the Antiquities Trafficking and Heritage Anthropology Research Network (ATHAR) compiled a catalogue that compares suspected illicit artifacts for sale on social media platforms with objects on the ICOM Red Lists for Egypt, Iraq, Syria, Libya, and Yemen. Manuscripts from Yemen in particular are highly sought after by international consumers.

How import restrictions are consistent with the general interest of the international community in the interchange of cultural property among nations for scientific, cultural, and educational purposes

Yemen has long demonstrated dedication to making archaeological and ethnological materials available overseas for scientific, cultural, and educational purposes. Yemeni law restricts the *unauthorized* export of archeological objects. However, it permits and encourages temporary export for study, conservation, and exhibits.

Before the war, Yemen regularly participated in loans and other exchanges. In 2002, museums across the country loaned objects to an exhibition at the British Museum, “Queen of Sheba: Treasures of Ancient Yemen.” In 2005, Yemen loaned artifacts to the Arthur M. Sackler exhibition entitled “Caravan Kingdoms: Yemen and the Ancient Incense Trade,” the first major international exhibition on the history and artifacts of the incense kingdoms. In 2009, GOAM loaned artifacts from Baynun to the University of Pisa for an exhibition on Art and Technique in Yemen. Even after the conflict began, Yemen continued to share its cultural heritage, in 2014 loaning the University of Pisa bronze artifacts from the Military Museum of Sana’a for restoration and display.

Numerous internationally sponsored archaeological projects and joint excavations have taken place in Yemen over the last century, with just some examples including the French Archaeological Mission, the Soviet-Yemeni Multidisciplinary Expedition of the Academy of Sciences, the Canadian Archaeological Mission of the Royal Ontario Museum, and the Italian Archaeological Mission in Yemen. The German Archaeological Institute (DAI) has also conducted excavations and surveys in the region of Marib and Sirwah since 1978, and projects in Tan’im since 2009.

More recent American collaborative archaeological projects have also been very successful. This includes projects with the Metropolitan Museum of Art and New York University; the Archaeology Fund; the American Foundation for the Study of Man; the Ohio State University (Roots of Agriculture in Southern Arabia); and University of Chicago and University of Arkansas, Little Rock (Dhamar Archaeological Survey Project).

Pre-war conferences and professional meetings on Yemeni cultural heritage—either in the country or overseas—are too numerous to list. However, even after the start of hostilities, Yemeni archaeologists and their foreign colleagues have continued the study of Yemen’s rich

history to the best of their ability. Recent highlights from around the world follow. “Out of Arabia: South Arabian Long-Distance Trade in Antiquity,” organized by the Austrian Academy of Sciences, took place this June in Vienna and included GOAM’s Dr. Mohannad Al-Sayani. “Culture at Risk: Yemen’s Heritage Under Threat” took place in February 2019 at the Freer Gallery of Art in Washington D.C. This conference incorporated an international roster of archaeologists, art historians, and specialists in heritage preservation, including Yemeni officials. The Middle East Studies Association hosted a round-table entitled, “Challenges facing Yemen’s Millennia-Long Cultural Heritage” in San Antonio during November 2018.

Yemen is a proud custodian of its cultural patrimony. As a cradle of civilization throughout history, it has long been a cultivator of multicultural exchange. The government looks forward to resuming such exchanges as soon as the security situation allows, to the benefit of both the Yemeni people and international community.