

APPENDIX 1

Ordinance for the Protection of Antiquities 1999

APPENDIX 1

In the name of Allah, Most Compassionate, Most Merciful

Ordinance for the Protection of Antiquities 1999

(Translated from the Arabic)

Chapter I

Preliminary Regulations

1. The name of the Act and the date it is effective

This Act shall be called The Ordinance for the Protection of Antiquities 1999 and is effective on the date it is signed.

2. Revocation or exclusion

The new Ordinance cancels the Antiquities Protection Act 1952, but all regulations issued on its strength shall remain in force until they are either modified or cancelled on the strength of this Ordinance.

3. Explanation

In this Act, unless the context otherwise requires, the following words mean the statement before each.

Antiquities :

Means anything surviving from the ancient civilisations or past generations and has been discovered or excavated whether the object is fixed or mobile and is a hundred years or more old. The Antiquities Corporation could for technical or historical reasons consider any premises or relics of archaeological value if there is any interest for the country in its preservation. Documents, prints, some human, animal or botanical remains are also considered as part of antiquities.

Archaeological Land :

Means the land which accommodates the site of archaeological interest, or a historical building. The limits of such land shall be defined by the National Corporation for Antiquities and Museums.

Excavations :

Means all the prospecting, surveying, excavation, sounding and investigation activities for the purpose of finding antiquities deep in the earth or on the surface, or in water courses, lakes or regional waters.

A Historical Building :

Means any building or part thereof surviving from the past generations or civilisations. It becomes an object of archaeological interest according to the terms of this law.

The Director General :

Signifies the post held by the Director General of the National Corporation for Antiquities and Museums.

The Discoverer :

Means anyone who finds anything of archaeological interest and includes local or foreign archaeological missions.

The Archaeological Site :

Means any site of archaeological interest defined by the National Corporation for Antiquities and Museums, which is established by the law of the National Corporation for Antiquities and Museums 1991.

The Minister :

Means the Minister defined by the Council of Ministers.

Chapter II

Antiquities and Archaeological Sites

4. Ownership of antiquities

1. All relics or objects of archaeological interest, whether buried deep in the earth or found on the surface, are considered property of the State.
2. The Corporation is responsible for the preservation of antiquities and for assessing the archaeological value of objects, historical buildings, the archaeological sites and recording such information and is also responsible for the implementation of the terms of this law.

5. The State Power to take possession of archaeological sites

1. The State is empowered, within the terms of the law, to dispossess and to take into possession any site or historical building and has the right to invalidate any right of property essential for a passage or for a road to lead to such a site. The State also has the right to take any antiquity from a land the State does not own, provided the State pays adequate compensation to the landlord or occupant of the land for the actual losses incurred.
2. On assessing the value of land in which objects of archaeological interest are found, the value of the antiquities found deep in the earth or on the surface is not taken into consideration.

6. Prohibition of disposal of objects of archaeological interest

1. The landlord is not permitted to dispose of objects of archaeological interest found on the surface of his land, nor is he/she allowed to excavate for any relics without prior approval of the National Corporation for Antiquities and Museums.
2. Whoever excavates or disposes of relics or objects of archaeological interest thereby acting contrary to item (1) shall be punished with imprisonment for a period not exceeding 5 years, or be fined, or receive both punishments.

7. Placing posters or notice-boards on archaeological sites

1. It is not permissible to place advertisements or posters on registered buildings of historical importance, or on sites of archaeological interest, or on museums.
2. Whoever places a notice board or an advertisement poster on a registered archaeological site, a historical building or a museum shall be fined.

8. Prohibition of any modification to historical buildings

1. The landlord of any registered building of historical interest shall make no changes whatsoever and does not possess any right to demolish the building concerned, or make any modification that may change the historical shape of the structure or its artistic character. It is forbidden to construct a new building near an archaeological or historical building without the prior approval of the National Corporation for Antiquities and Museums.
2. Whoever violates the regulations of item (1) shall be imprisoned for a period not exceeding 3 years, or be fined, or receive both punishments.

9. Prohibition of the use of archaeological land for purposes part from those earmarked for its utilisation

1. It is not permitted to build, or dig irrigation channels, or make a cemetery, or a water tower, or any other activity leading to the erosion of traces of antiquities on archaeological or historically registered land. Both the planting of trees and their cutting on such land is forbidden without prior permission from the National Corporation for Antiquities and Museums.
2. Whoever is found guilty is liable to a fine punishment, or imprisonment for a period not exceeding 6 months, or may receive both punishments and should remove the damage.

10. Prohibition of building bakeries, laboratories or factories on archaeological sites

- 1 It is not allowed to build any sort of structures or roads at a distance that may affect buildings or sites of archaeological interest without the prior approval of the National Corporation for Antiquities and Museums.
2. Developmental projects may be initiated after the completion of archaeological studies and surveys provided the benefiting parties bear the expenses incurred by the studies, surveys and salvage operations.

11. Site admission powers of the staff of the National Corporation for Antiquities and Museums

1. It is possible for any staff member of the National Corporation for Antiquities and Museums to enter any archaeological or historical building or land that contains antiquities for the purpose of inspection, observation, mapping, research or taking photographs. But he/she shall observe the conditions of inspection stated in the

procedures of the Sudanese criminal law 1991, provided somebody else owns the land or the building.

2. Whoever objects or hinders the staff member of the Corporation to exercise his/her powers as stated in Article 11 (1) shall receive prison indictment for a period not to exceed a year, or a fine, or both punishments.

12. Preparing archaeological sites to receive visitors

The National Corporation for Antiquities and Museums prepares registered archaeological sites and historical buildings owned by the State for visits by the citizens, research students and tourists, and shall demonstrate or reveal the technical aspects and the historical properties for the visitors.

13. Preservation of antiquities

1. The National Corporation for Antiquities and Museums is assigned to preserve movable antiquities in museums, where they would be studied, conserved and exhibited in permanent or temporary exhibitions. The remaining antiquities shall be kept in the antiquities stores and provided with the relevant temperature conditions.
2. The National Corporation for Antiquities and Museums shall provide an authenticated and recognised map of all archaeological sites that are discovered, or are in the process of being so, or expected to yield antiquities findings.

14. The sale of antiquities

The sale or donation of registered antiquities owned by the State is prohibited. These shall be kept in museums and shall not be removed from the sphere of influence of the Corporation, except through legitimate ways according to the terms of this law.

15. Exchange of antiquities with other museums and foreign scientific institutes

It is possible for the National Corporation for Antiquities and Museum, having obtained the approval of the Minister, to exchange portable and duplicate archaeological objects with similar organisations, international museums and educational institutions provided that the Corporation feels that it will provide some benefit to the Sudan.

16. Mounting temporary exhibitions of antiquities

It is possible for the Corporation, with the approval of the Minister, to arrange temporary exhibitions of archaeological and other heritage material within the Sudan or overseas to disseminate knowledge and present Sudanese culture.

17. Reporting any new archaeological discovery to the Government

It is imperative upon whoever discovers anything assumed to be of archaeological interest or leads to such an assumption, whether he is an occupant or proprietor of such land, whether on its surface or below the surface, to report such incidents to the National Corporation for Antiquities and Museums, or to the nearest possible administrative authority. The authority thus informed shall report the news to the Corporation at their earliest possible convenience.

18. The rights of antiquities discoverer

It is possible for the National Corporation for Antiquities and Museums, with the approval of the Minister, to decide whether they would like to add the discovered antiquities to the already preserved collections in museums or to leave them in the possession of the person who found them, or in the possession of his descendants according to the following conditions :

- a. In case that the Corporation decides to keep the discovered antiquity, the Corporation shall pay the equivalent current market value of the discovered object whether it is a piece of gold, silver or jewellery, without taking into consideration the artistic or archaeological value. But if it is a treasure, the Corporation pays the discoverer four fifths of the value of the discovered treasure.
- b. The Corporation shall assess the value of the antiquity according to the current market value. The person who made the discovery may sue the Corporation into court if he is not satisfied with the value assessment made by the Corporation. He shall do so within three months after being informed of the assessed value.
- c. The person concerned, who possesses the antiquity, shall sign a concession to confirm the right of possession of the Corporation of the discovered object, after payment of compensation by the Corporation.
- d. If, on the contrary, the Corporation decides to allow the discoverer to retain possession of the object concerned, they shall then write and sign a concession to this effect and register the object concerned under the name of the discoverer. In this case possession devolves to the discoverer.
- e. The owner of the antiquity is not permitted to dispose of his/her object without prior approval of the Corporation.

19. The right of the Corporation to demand an antiquity from its proprietor

It is legally possible for the Corporation to demand from owners of registered antiquities to temporarily hand over their property to the Corporation for the purpose of study, drawing, photographing or taking a mould of it, or for the purpose of temporary exhibition. It will thereafter be returned to the owner.

20. Conservation and restoration of antiquities

Conservation and restoration of antiquities shall not be allowed without approval of the Corporation. Conservation and restoration shall be conducted under the supervision of the Corporation.

21. Prohibition of imitation and falsification of Archaeology

1. Imitation and falsification or trading in transportable antiquities is prohibited.
2. Despite the regulations of item (1) it is possible to make models, moulds or photographs of antiquities with the approval of the Corporation according to the conditions the Corporation deems appropriate.
3. Whoever violates the regulations of item (1) shall be imprisoned for a period not exceeding 7 years, or be fined, or receive both punishments.

Chapter III

Archaeological Excavation

22. Licences

1. The National Corporation for Antiquities and Museums enjoys the right to embark on archaeological excavation and to authorise missions of universities and museums to excavate on the basis of a special licence in accordance to the terms of this law.
2. It is forbidden to start excavation works on any land owned by the government, or individuals, without prior receipt of a licence issued by the National Corporation for Antiquities and Museums, or from whoever is delegated by the Corporation.
3. Licences are divided into three types :
 - a. A licence to search for archaeological sites without making any excavations.
 - b. A licence to make an archaeological survey authorising the holder to use any means of search except excavation, but authorising the holder to make preliminary diggings to ascertain the existence of archaeological objects.
 - c. A licence for archaeological excavations and to conduct a comprehensive scientific study on the site, on the archaeological findings and the environment.
4. The licences are issued, on the strength of the signature of whoever is authorised by the Corporation, after payment of the relevant fee charged by the Corporation.

23. Conditions for the issuance of licences

1. It is possible for the Corporation, or whoever it may authorise, to issue licences referred to in Section 23 (3) for individuals, institutions or missions which satisfy the following conditions :
 - a. The institution must possess an adequate scientific competence to enable it to complete surveys, prospection, study and excavation work in this field.

- b. The institution must have the financial capability to pay for all the operations carried out according to the approved plans, on the specified period and to pay the expenses of maintenance, study and publication activities.
 - c. The institution concerned has already published or made arrangements for the publication of results of excavation work they conducted in the past.
2. The licensed authority shall undertake to do the following :
 - a. To maintain the site and any antiquities he discovers and to submit a comprehensive report on his achievements.
 - b. To hand over to the Corporation all antiquities he has discovered and all copies of the documents pertinent to the special survey, prospection and excavation.
 3. The Corporation shall have the right to :
 - a. Participate with any archaeological mission to investigate the existence of antiquities on a site provided the Corporation states its financial, scientific and technical participation conditions on the excavation licence.
 - b. Add any conditions the Corporation deems appropriate to any licence.
 4. Any archaeological mission authorised to conduct archaeological activities shall be accompanied by a representative of the Corporation whose expenses shall be borne by the licence holder. This representative shall submit an administrative and scientific report to the Corporation at the end of the mission's work.

24. Request for licence

The application for a licence made to the Corporation shall include the following details :

1. Name of applicant, academic qualifications and his past experience in archaeological excavation and publication works.
2. The boundaries of the archaeological site intended to be surveyed and excavated.
3. A summary of the excavation plan and the work programme.

25. Special licensing conditions

1. The applicant for a licence must satisfy the following :
 - a. Shall be a representative of a non-profit seeking scientific institution or is affiliated with a non-profit scientific institution.
 - b. The archaeological mission shall be composed of a panel of specialised scientists in archaeology, architecture, drawing, survey and excavation, documentation, maintenance or affiliated sciences.
 - c. Excavation works shall be continued as agreed with the Corporation.
 - d. Reports shall be submitted to the Corporation on the excavation work with the results and all details on discovered archaeological remains.
 - e. Maps/plans and sections are drawn according to the internationally and scientifically recognised standards. These plans shall contain the details of

conditions of archaeological remains at the time of discovery in a way so as to enable their re-structuring or rebuilding.

- f. A list including the relevant scientific details on all the discovered and transported antiquities shall be compiled and submitted to the Corporation at the end of the excavations, together with a complete collection of copies of the maps, plans and photographs.
 - g. To publish, within two years after the termination of the excavation works, a scientific publication to show the general results of the excavations, mentioning the names of the sites where the antiquities were found, and what has been done. To present two copies of such a report or publication to the Corporation.
2. The licence holder must do the following :
 - a. Present 10 books, with the publications of articles, he issues on his excavation works and results to the Corporation.
 - b. Arrange at his own expense the area in which he made his excavations and display the most important archaeological remains left on site. Provide clues or indications to show the sequences of archaeological stratifications and the different eras that have survived.
 3. No part of any building shall be removed or transported before satisfying item (e) of Section (25).

26. The termination of a licence, its withdrawal or cancellation

1. The Corporation shall either terminate or withdraw the licence if the holder deviates from or violates any conditions of the licence.
2. The licence shall be terminated if the holder suspends his activities for two seasons in two consecutive years without permission or an acceptable reason. A new licence may be authorised for another archaeological mission, which satisfies the conditions, on the same archaeological site.

27. Rights of scientific property

1. The National Corporation for Antiquities and Museums shall preserve the rights of scientific property on the results of excavations and research conducted by archaeological missions. It will offer them a priority right on publications of the antiquities they discovered and will register the photographs of their discoveries in the publications of the museum in which the archaeological remains are exhibited or stored. The study and publication shall be conducted within 10 years after the date of the discovery.
2. The Corporation undertakes to create links among national societies and organisations functioning in the field of archaeology and similar foreign societies, institutions and organisations and co-ordinate archaeological activities among them for the aim of gaining experience and effecting close observation so as to avoid loss of antiquities.

28. Ownership of discovered antiquities

Ownership of all discovered antiquities rests with the Government and is kept in museums for exhibitions and study, whereas it is possible for the mission which made the discovery, after the approval of the Minister to :

- a. Take moulds of the discovered antiquities and their photographs, drawings, maps and plans.
- b. Take duplicate pieces of antiquities discovered on the same site and which are similar in material, type, description, historical significance and artistic value, which the Corporation may dispose of on duplication grounds, after the publication of all information related to these antiquities for the sake of briefing countries overseas on the civilisations of the Sudan which prospered in the past. The licence holder may specify such artefacts for exhibition in museums open to the public in his/her own country for an exhibition period not exceeding two years.
- c. Borrow antiquities for the purpose of temporary exhibition or study.
- d. Study, draw or photograph objects he/she discovered, which are kept in museums or stores.

29. Exemption from Customs

1. The foreign archaeological mission holding a licence is allowed to import its equipment free of customs and other levied taxes on the entry of such equipment into the Sudan.
2. Customs law is applied in case of disposal of equipment belonging to archaeological missions to non-government organisations or individuals.

30. Recovery of lost antiquities

1. The National Corporation for Antiquities and Museums endeavours to recover antiquities that were taken out of the country by illegitimate means.
2. The Corporation undertakes to preserve and to recover stolen antiquities in co-operation with the judicial procedures.
3. The police is assigned to antiquities.

31. Prohibition of export and trading in antiquities

1. Trading in and exporting of antiquities is forbidden except under a licence from the Corporation.
2. Whoever breaks the rules of item (1) shall receive 3 years imprisonment, or be fined, or receive both punishments.

32. Destruction of antiquities or demolition of an archaeological building

1. Whoever intentionally destroys a recorded or recently discovered archaeological site, or demolishes with ill intention a recorded archaeological building, or part

thereof, or takes one of its stones or decorations or does anything that may change the features, shall be imprisoned for a period of not less than 3 years, or be fined, or receive both punishments.

2. If the wrong-doer of a crime stated in item (1) is a staff member of the National Corporation, or in the field of antiquities, museums, conservation, restoration at universities, or missions working in the field of archaeology, or that the piece of antiquity is important, or one of the prominent antiquities the destruction or demolition or collapse of which would lead to the loss of part of the national archaeological heritage, the wrong-doer shall be punished with imprisonment for a period of not less than 5 years, or be fined, or receive both punishments.

33. Conducting unlicensed archaeological activity

Whoever carries out survey, prospection or archaeological operations, or helps, or instigates or encroach upon registered archaeological land or site and transports antiquities from one place to another within the Sudan without a licence, shall be punished with imprisonment for not less than 3 years, or be fined, or receive both punishments.

Chapter VI

Conclusion Regulations

34. General Regulations

1. Inspectors of antiquities, museum curators and guards of museums and archaeological sites are endowed with police powers to arrest without prior legal authorisation in relation to their assigned duties, to combat illegitimate trading in antiquities and their smuggling and to combat damages against museums and archaeological sites.
2. Any antiquities which are the subject of a dispute shall be handed to the Corporation until the dispute is legally settled.

35. Power to issue regulations

The Minister, on the strength of a recommendation from the Corporation, shall issue the relevant regulations for the implementation of this law.

Certificate

This is to certify that The National Assembly has passed the Ordinance for the Protection of Antiquities 1999 in their session No. 20 of the eighth tournament dated 8th Shaaban of the year 1420 Hijriyah, which conforms to the 16th November 1999.

Dr. Hassan Abdalla Al Turabi
Chairman of the National Assembly

I agree

General (PSC) Omar Hassan Ahmed El Beshir
President of the Republic

Date : 23rd Shaaban 1420
1st December 1999

APPENDIX 2

Conservation of the Proposed Sites: Recommendations by Missions

APPENDIX 2

Conservation of the Proposed Sites: Recommendations by Missions

Specific Work Programme and Recommendations for Naqa

Professor D. Wildung (Ägyptisches Museum, Berlin)

Excavation has been concentrated on the Temple of Amun. After complete excavation and restoration, it was re-dedicated in an official celebration in December 2006. Restoration strictly follows the Venice Charter, refraining from any reconstruction and thus respecting and preserving the 'romantic spirit' of the site. Five columns of the hypostyle, collapsed in antiquity, have been re-erected. For the many finds from the temple – wall paintings, statuary, stelae – a site museum is planned to be ready in 2009. Valuable finds are kept either in the excavation house at Naqa or in the National Museum at Khartoum. The most important object, the perfectly preserved boat stand from the sanctuary now in Khartoum, will return to its original place as a replica, produced by 3D-scanner technology.

Excavation of the small subsidiary Temple 200 has produced over 1200 relief fragments of highest quality. After complete clearance (2008) at least a part of the wall decoration will be reassembled for display in the site museum.

The next focus of the Berlin team will be the Roman Kiosk (Hathor chapel). A complete recording by 3D-scanner has been the first step for the conservation and consolidation of the ruin, exclusively financed by the Friends of the Egyptian Museum, Berlin. After excavation loose blocks will be replaced: otherwise the chapel will be preserved as a ruin. The most fragile elements such as capitals will be replaced by replicas reproducing their actual appearance; the originals will be displayed in the site museum.

Next on the agenda are Temple 400 and selected buildings in the city. The final aim of the project is the creation of the Archaeological Park of Naqa, preserving the balance between natural environment, the daily life of the nomads, and the ruins of the ancient town. Any tourist installations in or near the site, including paved roads, should be avoided.

Naqa will remain an area of scientific interest for several generations. The work done by the Berlin mission is just the beginning of many decades of excavations. It is hoped that the scientific standards and the general philosophy of the actual work will serve as a guideline for future generations.

Specific Recommendations for Musawwarat

Professor C. Näser (Humboldt University, Berlin)

The Archaeological Mission of the Humboldt University plans to continue its research and its commitment to the preservation of the site. For 2007/8 necessary work on the roof of the Lion Temple was carried out. The mission is supported by the Sudan Archaeological Society (Sudanarchäologische Gesellschaft zu Berlin e.V.), which

sees the restoration work at Musawwarat as its special responsibility. It has already sponsored many of the works carried out in the last decade.

Protection, consolidation, and restoration measures are planned for the Great Enclosure. In 2006/7 a conservation campaign began which involved the basic consolidation of Temple 300. However, the scope of the measures needed to effectively secure the structure exceeds the budget that could be raised by the mission alone. The mission sees its role mainly in contributing the expertise and the means for conducting the works and developing a comprehensive site management plan.

Preservation/conservation work still required includes the following:

- *for the entire site:*
 - tourist management plan: establishing a visitor guiding system and driving and walking routes for tourists, blocking endangered sites from access, erecting information panels;
 - *archaeological features* without visible remains above ground need to be marked and protected from being driven over;
 - establishment of *better coverage by local guards*;
 - *systematic integration of the local population* into the archaeological, conservation, and tourist site management (eg by training them as guards and restorers).
- *for the Great Enclosure*
 - *systematic conservation of the architectural remains* on the basis of the existing results of the survey and the photogrammetric documentation: restoration of collapsing or otherwise endangered walls and strengthening of weak foundations; covering of open wall tops with original covering blocks or with special mortar;
 - eventually, *re-consolidation and renewed waterproofing* of the stone by chemical agents;
 - *partial reconstruction of the Central Terrace* with Temple 100 and the assemblage of Temple 300;
 - *permanent preservation measures* for doorways and thresholds and other parts of structures which undergo constant wear from tourists.
 - eventually *replacement of endangered architectural elements* (columns, sculptures) by copies;
 - *enlargement of storage and display areas* in order to save important endangered architectural objects;
 - further *clearing of courts* and removal of invasive sand dunes;
 - providing *means to conduct rainwater out* of the Great Enclosure;
 - continuation of the *re-erection of the enclosure wall*;
 - *tourist management plan*: establishing a visitor guiding system and walking paths for tourists, blocking endangered parts from access, erecting information panels, re-erection of a bridge between the Central Terrace and the northern part of the Great Enclosure;

- establishment of better *coverage by local guards*.
- *for the Lion Temple*
 - *repair of the modern roof* of the temple;
 - *consolidation of the temple foundations* if subsidence continues;
 - *removal of water-soluble salts* from the sandstone reliefs;
 - eventually, *re-consolidation and renewed waterproofing* of the stone and the reliefs, especially on the outside of the building, by chemical agents;
 - *renewal of the plaster* used to protect areas without reliefs;
 - *removal of dust* from the roof timbering;
 - *removal of bird faeces and wasps' nests* and establishment of means of preventing the nesting of birds inside the temple;
 - *renewal of the fence* around the temple and the gate.

For the Small Enclosure

- complete *cleaning* of the building;
- *consolidation of the architectural structures*;
- installation of a *visitor guiding system* with protection for endangered parts.

For other standing monuments

- the programmes set out above for the large standing structures should also be applied to the smaller features;
- the smaller features need to be systematically surveyed to assess their condition and eventually they need to be protected from damage by natural and human causes.

Specific recommendations for Meroe

The Royal Ontario Museum–University of Khartoum team

In terms of future work we anticipate excavating selected areas of the site, such as the palace M 750 as well as some buildings within the enclosed area known as the Royal City. However, the first priority will be the completion of our investigations and partial reconstruction of walls and columns in the Amun Temple as well as the removal of spoil dumps left by Garstang and Shinnie. The work has to proceed relatively slowly as we have to monitor constantly the effects of the weather. The soft material used in the construction is easily and negatively impacted by the strong seasonal rains and sandstorms.

In terms of threats and challenges to the site one can identify the following as negatively impacting the site:

- the impact of the harsh environment on structures made of the relatively soft materials.
- the impact of the dramatic growth in the number of visitors to the site.

- the fact that part of the site remains outside the fenced area, especially within the village of Deragab.
- the construction of a police guard station within the Royal City immediately on top of the unexcavated portion of the site.

Two issues are of great urgency and ought to be addressed as soon as possible without much effort and without any substantial expense:

1. The presence of armed guards on the site, while welcome in terms of security, poses also a threat with the police seemingly unaccountable to the antiquities authorities and erecting structures within the antiquities area. It is recommended that these structures, whether temporary or otherwise, be immediately re-located.

2. The influx of tourists must be better controlled by providing designated car parking outside the fenced area and outlining visitors' paths to prevent tourists from climbing on, and breaking the walls of, ancient palaces and temples.

In addition the electricity pylons need to be removed (a programme to carry out this work has now been agreed).