

GOVERNMENT OF KUWAIT

PRINCELY DECREE No. 11 OF 1960
LAW OF ANTIQUITIES

GOVERNMENT PRESS OF KUWAIT

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OF THE LAW OF ANTIQUITIES.

We, Abdullah Al-Salim Al-Sabah, The Prince of Kuwait on perusal of what the President of Education has laid before us, declare the following law:

First Section — GENERAL PRINCIPLES

Article. 1.

Within its boundaries and according to the provisions of this law Kuwait protects its existent antiquities so as to preserve its cultural heritage which has been accumulating throughout the ages; and, according to treaties and conventions concluded with Arab peoples and other nations, it respects their antiquities outside its boundaries.

Article. 2.

The Department of Education is invested with the responsibility of preserving antiquities; and this Department is the sole responsible authority for evaluating the antiquarian and historical quality of buildings, sites and materials, and it decides the importance of each one and the antiquities which ought to be recorded, so as to preserve, maintain, study and make use of them.

Article. 3.

Everything man made, produced or built forty calendar years ago is considered of the antiquities which should be studied, recorded and preserved.

Article. 4.

Antiquities are classified as movable and immovable. The immovable antiquities are those which are immobile and which have acquired this quality by the virtue of their nature such as debris of cities and ruins of perished establishments and historical buildings founded for various purposes. The movable antiquities are those which are separated from the ground whatever their material, purpose of their manufacture and ways of their usages are.

All antiquities, movable or immovable, found in the depth of Kuwait lands are considered the public property of the state. The antiquities which are found on the surface of any land will remain in charge of its proprietor until the Department of Education completes the procedure of possessing what it deems necessary to be possessed.

Article. 6.

Ownership of land does not entitle its proprietor the right to dispose of the antiquities found over or under its surface and does not entitle him to make any archaeological excavation on it.

Article. 7.

Right is vested in the President of Education Department to possess any movable or immovable antiquities on the land of Kuwait; and this will be carried out according to the established rules.

Article. 8.

It is completely prohibited to damage, spoil, distort by writing or engraving, transform or separate a part, or falsify any movable or immovable antiquity.

Second Seion — **IMMOVABLE ANTIQUITIES**

Article. 9

The specialized officers of the Department of Education will study all immovable antiquities on Kuwait land, collect scientific documents and historical information about these antiquities and classify them in files to decide what to conserve and what to leave for free usage.

Article. 10.

The purpose of recording the sites of antiquities and historical buildings in Kuwait is to decide whether these sites and buildings are worth preserving and handing over to the coming generations and to secure official protection and maintenance for them. The foregoing recording is carried out by a resolution issued by the President of Education, and the Departments concerned shall be informed of this resolution; and the sites and buildings registered in the Estate Registration Department shall be indicated.

If the Department of Education does not acquire any given recorded site of antiquities or historical building within one year of its recording, the proprietor may ask for compensation from the Department of Education in lieu of recording.

Article. 12.

The Department of Education shall undertake to carry out the operations of maintenance and repair required for all recorded sites of antiquities and historical buildings. It shall supervise them so as to preserve their artistic qualities and their historical characteristics and spend on them from its budget. It shall beautify them and set up gardens round them and prepare them to receive tourists. It shall turn into museums and permanent exhibitions what may be so treated and it shall annex to them the lounges necessary for visitors.

Article. 13.

The Department of Education shall prevent any damage from befalling the recorded sites of antiquities and historical buildings. The proprietor has no right to carry out any repair or maintenance before securing the agreement and supervision of the afore-said Department. If the proprietor pulls down his recorded holdings or part of them, or alters them without the agreement of the Department of Education, he shall be compelled to restore the building to its former state in addition to the penalties specified in this law.

Article. 14.

User's rights may be assured, in the public interest, on any estate or land adjacent to a site of antiquities or a historical building, and similarly no new building may be erected on a site of antiquities nor may such a building be annexed to a registered historical building without procuring a licence from the Department of Education. The owners of estates whose value has been abated by obligations and user's rights so imposed on them shall be paid fair compensation.

Article. 15.

When the Public Works Department or any concerned authority lays down the plans of Kuwait town and its suburbs, or executes these plans, it shall consult the Department of Education about the recorded historical buildings and shall provide unbuilt space round these buildings.

The conditions and types of the surrounding new buildings shall be specified so as to be harmonious with the existing historical environment.

Article. 16.

During peace and war, the Department of Education, in conjunction with the Security authorities, shall adopt all necessary measures to conserve the historical buildings and the sites of antiquities and other cultural domains defined in the international convention for protection of cultural domains at the time of an armed dispute.

Third Section — MOVABLE ANTIQUITIES

Article. 17.

Movable antiquities will be kept in the Museum of Kuwait town and in the other museums which will be founded in the future; they will be studied, repaired, some of them exhibited and the rest stored. These antiquities shall not be sold or presented although it will be possible to barter them for other antiquities with the museums of Arab and foreign states.

Article. 18.

Individuals are allowed to keep some antiquities provided that they show them to the Department of Education to record what ever is important and to get issued official documents for them so that they may be free to dispose of the unimportant antiquities.

Article. 19.

After the issue of this law a three-year period is given to the individuals to record the antiquities they have; at the expiration of this period any movable antiquities which are not recorded or licensed shall be subject to confiscation.

Article. 20.

The ownership of recorded movable antiquities can be transferred. Anyone wanting to sell any piece of movable antiquities should show it to the Department of Education who may use a right of pre-emption over it. The seller must inform the Department of Education of the name and domicile of the new purchaser.

Anyone discovering any movable antique, or finding one by accident, should inform the Department of Education within 48 hours of discovering or finding it. The Department of Education has the right to decide whether to hold it and in this case the aforesaid department shall offer him a suitable monetary prize or leave it in his possession

Article. 22.

Anyone who imports any antique from outside Kuwait should inform the Department of Education of it within three days of its arrival in Kuwait. The importer shall not be obligated to cede it if he wants to keep it and not to trade with it.

Article. 23.

Recorded movable antiquities should not be transformed or repaired and they should not be transferred from one place to another without a licence from the Department of Education.

Fourth Section — ARCHAEOLOGICAL EXCAVATIONS

Article. 24.

Archaeological excavations mean all investigations carried out to discover movable and immovable antiquities by exploring or digging the surface of land or diving into the depth of Kuwait territorial Sea-waters.

Article. 25.

The right of carrying out archaeological excavations is confined to the Department of Education and to the Arab and foreign scientific associations of antiquities and archaeologists who are licensed, according to the provisions of this law, by the aforesaid Department. No one is allowed to carry out archaeological excavations without procuring an official licence even if the land is his own.

Article. 26.

The Department of Education has the right to carry out archaeological excavations in any part of Kuwait lands. At the end of these archaeological excavations the aforesaid Department should restore the private lands to their owners who have the right to ask for compensation for the damage that has befallen their lands owing to the excavations unless the Department took possession of the land.

The Department of Education grants permits for archaeological excavations to Arab and foreign archaeological expeditions after being sure of their scientific and financial efficiency and ability to carry out these excavations. During their stay in Kuwait, these expeditions shall be under the protection of its laws and in the care of its authorities.

Article . 28.

Before the head of the archaeological expedition obtains the excavation licence he should undertake in writing to :

- a) Abide by the provisions of this law;
- b) Let his expedition accept one companion or more of the Department of Education during the excavating season;
- c) Send fortnightly brief reports about the procedure of the works of excavations and their results during the excavating season;
- d) Submit, at the end of the excavating season, copies of all diagrams, sections and photos which he has taken of all discovered antiquities, movable or immovable;
- e) Deposit a copy of his detailed record which describes, with the necessary scientific details, all discovered antiquities; and he should arrange this record in a manner conforming to his agreement with the Department of Education;
- f) Transfer at the end of the excavating season all discovered movable antiquities and hand them over to the curator of Kuwait Museum according to the detailed record;
- g) Submit within six months at the end of every excavating season, a preliminary report, ready for print, in Arabic, English or French containing the most important scientific results;
- h) Produce within two years, and it may be extended to five years, on the completion of the licensed excavations a detailed scientific study of the results of these excavations;
- i) Deliver to the Department of Education ten copies of every book, brochure or article he may produce about the works of excavations and their results.
- j) Help the Department of Education in arranging the area of excavations and preparing it to receive scientists, tourists educated people and students; and assist the curator of the Museum in classifying, exhibiting and storing discovered movable antiquities in a scientific manner.

Article . 29.

Right is vested in the Department of Education to participate in an archaeological expedition to investigate a certain area for antiquities. It has also the right to offer financial aid to some expeditions whose revenues are not sufficient to carry out their work provided that this work has proved to be of a great scientific value.

Article . 30.

The following particulars should be recorded in the excavating licence given to foreign archaeological expeditions:

- a) The scientific, technical and financial stipulations of the department of antiquities for participation if there is any participation;
- b) The location of the historic site where excavation will take place;
- c) The names of the archaeologists: leader and members of the expedition;

Article . 31.

Right is vested in the Department of Education to stop the excavation of the licensee and withdraw his licence in the event of a break of any term of his covenant prescribed in article (28) of this law. The foregoing Department also has the right to cancel his licence if he ceases from excavation for two consecutive seasons without a plausible pretext.

Article . 32.

The Department of Education undertakes to reserve for the foreign archaeological expeditions all rights of scientific authorship of the results of their excavations for a period of five years; it also guarantees their right of priority to publish such facts as they may have discovered about the antiquities.

If this period expires without publishing what they have discovered, the foregoing department may publish such facts as it has collected about the said antiquities and consign the act of publication to someone other than the discoverer.

Article . 33.

All finds made by archaeological expeditions shall belong to Kuwait; and they shall be deposited in the Museum to form complete collections representing the cultures, history and arts of the area.

After all scientific data have been reported, some movable pieces or collections of antiquities may be granted to the archaeological expeditions as a reward for their labour, provided that the Department of Education can dispense with these antiquities because it has deposited in the Museum some finds from the same excavations similar to antiquities so given, whether in material, make, historical denotation or artistic value.

Article . 34.

The Department of Education may allow the foreign archaeological expeditions to borrow, temporarily, some of their findings of antiquities provided that these are solid, stand transport and cannot be studied in Kuwait.

The Department of Education may also allow the dispatch of some of the Kuwaiti antiquities, temporarily, to the Arab and foreign countries as a propaganda for the civilization of the country and to acquaint others with its wealth of antiquities and to participate in different international exhibitions and occasions.

Fifth Section — TRADE AND EXPORT OF ANTIQUITIES

Article . 35.

The Department of Education shall supervise the organization of trading with antiquities to prevent the leakage of the antiquities out of the country and to provide all facilities to expand and develop the collections of antiquities kept in the museums.

Article . 36.

No one shall trade in antiques unless he obtains a licence from the Department of Education : This licence is personal, for one year and renewable. The antiquities he is trading in should be recorded or free from control. If it appears that this trader has antiquities other than the afore described, they shall be confiscated and he shall be prosecuted.

The authorised officers of the Department of Education may enter and inspect the shops of the traders, and the latter shall abide by the rules issued by the Department of Education.

Article . 38

It is prohibited to export any antique out of Kuwait unless the Department of Education has allowed that with a special licence. Before doing so, the Department will make sure that the antiquities intended to be exported do not impoverish the Kuwaiti cultural heritage and that it has similar ones in Kuwait museums and may therefore dispense with the objects.

Article . 39.

The Department of Education may allow or refuse exportation; and it may purchase what it chooses of the antiquities intended for export at the price given in the export application. The said Department may give an export permit for the followings.

- a) Antiquities, that have been decided to barter for other antiquities from museums and scientific associations outside Kuwait;
- b) Antiquities that have been designated to a scientific expedition after official archaeological excavations; or those that have been temporarily sent to be studied.

Article . 40.

Any individual who applies for a permit to export antiquities must pack the antiquities intended to be exported and put them in a special box and seal it with lead with the seal of the Department of Education.

Article . 41.

Officers of customs, post and security authorities shall confiscate any antique and deliver it to the Department of Education if its owner has not obtained an export-permit for it.

Sixth Section — PENALTIES

Article. 42.

Anyone who damages, intentionally, a recorded piece of movable antiquities even if it is his own and in his hands, or who destroys a historical building or a discovered site of antiquities, or who encroaches on a historical building or a site of antiquities thereby breaching articles 8, 13, and 14 of this law, shall be liable to imprisonment for not less than one year and not more than five years and fined not less than one thousand rupees and not more than ten thousand rupees or to either of these penalties.

Article. 43.

Anyone who has failed to inform the authorities of finding antiquities; or who has practised or incited to archaeological excavation without a licence; or who has traded with antiquities; or who has exported or helped in exporting antiquities without an export permit thereby breaching the articles 21, 25, 36, and 38 of this law shall be liable to imprisonment for not less than one month and not more than one year and fined not less than 500 rupees and not more than 1000 rupees or to either of these penalties.

Article. 44.

Anyone who has counterfeited an antiquity; or who has defaced a historic building or a site of antiquities by carving, writing or painting; or who has stuck placards or sign-boards on them; or who has acquired unrecorded antiquities; or who has presented or sold recorded antiquities; or who has imported antiquities from outside Kuwait and has not informed the Department of Education within three days; or who has transferred any antiquities from one place to another, or who has entered into museums and places of antiquities intentionally breaching the proclamations and announced orders and thus violating the articles 8, 15, 19, 20, 22, 23, of this law shall be liable to imprisonment for not less than one week and not more than one month and fined not less than 100 rupees and not more than 500 rupees, or to either of these penalties.

This law shall be promulgated in the Official Gazette and shall be effective from the date of its promulgation; the necessary resolutions for its enforcement shall be issued by the President of Education.

The Prince of Kuwait

Abdullah Al-Salem Al-Sabah

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