

American Center of Research

Department of Antiquities of Jordan

Manual for Prevention of Illicit Trafficking of Cultural Property - Jordan

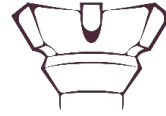
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Department of Antiquities
JORDAN | الأردن



The manual is made possible by the generous support of the American People through the United States embassy to the Hashemite Kingdom of Jordan's public affairs section. The content of this manual is the responsibility of the American Center of Research and does not necessarily reflect the views of the Embassy, Department of State, or the United States Government.



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Cover design and layout: Mohammad al-Mahayni

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ISBN 978-1-955918-10-7

Table of Contents

Introduction	1
Methodology	3
Prevention of Illicit Trafficking Project Goals and the Purpose of this Manual	4
Chapter 1 What Are...?	7
1. What Are Antiquities and Cultural Property?	8
2. What Is an Archaeological Site and an Archaeological Reserve?	10
3. What Is Illicit Trafficking of Cultural Property?	10
3.1. Illegal Excavations	11
3.2. Theft	12
3.3. Producing Fakes and Forgeries	13
4. What Is the Art Market?	13
5. What Is Provenance?	14
6. What Is the Difference between the Signing, Ratification, Acceptance, Approval, and Accession of an International Convention?	15
7. What Are International, Intergovernmental, and Non-governmental Organizations (NGOs)?	16

Chapter 2 Jordanian Legislation and Protecting Antiquities _____ 17

- 1. Antiquities Law No. 21, 1988 (Amended in 2004 and 2008) ____ 19**
 - 1.1. Ownership in the Jordanian Antiquities Law _____ 21
 - 1.2. Protecting and Reporting Antiquities in the Jordanian Antiquities Law 23
 - 1.3. Buying and Selling Antiquities in the Jordanian Antiquities Law ____ 24
 - 1.4. Exporting and Importing Antiquities in the Jordanian Antiquities Law 25
 - 1.5. Antiquities on Loan in the Jordanian Antiquities Law _____ 26
 - 1.6. Reward and Punishment in the Jordanian Antiquities Law _____ 27
- 2. The Law of Architectural and Urban Heritage Protection ____ 29**

Chapter 3 International Legal Frameworks and Conventions _____ 31

- 1. MOU between the United States and Jordan Concerning the Import Restriction on Categories of Archaeological Material of Jordan (2019) _____ 32**
- 2. MOU between Jordan and Egypt (2021) _____ 34**
- 3. The 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and Its Protocols _____ 35**
- 4. The 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property _____ 38**
 - 4.1. How Is the 1970 UNESCO Convention Managed? _____ 43
 - 4.2. Operational Guidelines of the 1970 UNESCO Convention _____ 45

5. The 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects	47
6. Annex 11 of the Nairobi Convention, World Customs Organization (WCO)	49
7. United Nations Convention against Transnational Organized Crime	51
8. UNESCO 2001 Convention on the Protection of the Underwater Cultural Heritage	52
9. United Nations Security Council Resolutions	53
9.1. United Nations Security Council Resolution 1483/2003	53
9.2. United Nations Security Council Resolution 2199/2015	55
9.3. United Nations Security Council Resolution 2253/2015	56
9.4. United Nations Security Council Resolution 2347/2017	56
 Chapter 4 How to Do It	 59
1. How to Benefit from International Organizations	60
1.1. INTERPOL (Database for Stolen Works of Art)	60
1.2. International Council of Museums (ICOM Red Lists)	61
1.3. ICPRCP Committee	62
1.4. Blue Shield International	63
1.5. International Criminal Court (ICC)	64
2. How to Prevent Antiquities from Being Stolen and Smuggled	65
2.1. Monitoring Historical Sites and Security in Museums (Drones, Satellites, and Guards)	65

2.2. Documenting and Labeling Objects (Object ID)	67
2.3. Database Organization (National Inventory)	67
3. How to Handle Looting Cases	68
3.1. Looting of Archaeological Sites (Undocumented Artifacts)	68
3.2. Looting of Museums or Private Collections (Documented Artifacts)	70
3.3. Jordanian Artifacts Abroad	71
3.4. Confiscated Artifacts within the Country (Writing a Technical Report)	76
3.5. Confiscated Artifacts at the Border or Airports	80
 Appendices	 83
Appendix 1. Jordanian Antiquities Law of 1988	84
Appendix 2. UNESCO Convention of 1970	98
Appendix 3. MOU between Jordan and the United States of America	110
 References	 113

Introduction

In recent years, interest in preserving and protecting cultural property has grown, resulting in the launch of many projects to train personnel and to support other efforts for fighting illicit trafficking. This manual is a result of one such endeavor, the Prevention of Illicit Trafficking of Cultural Property Project, which was funded by the U.S. Embassy in Amman's Office of Public Affairs and implemented by the American Center of Research (ACOR) and the Jordanian Department of Antiquities (DoA) with the goal of supporting the DoA's efforts to combat the illegal acquisition, trade, and transport of cultural property. The project, which began in September 2021, evaluated the state of affairs, provided logistical support, and offered training courses to DoA personnel. Fifty-one employees of the DoA participated in courses that covered all aspects of preventing the illegal trafficking of cultural property, from monitoring sites to preparing a repatriation request. The trainers were carefully selected not only for their expertise in these various areas but also because each had an understanding of Jordan's specific situation.

To bridge the language gap, when it arose, lectures in English were recorded and given Arabic subtitles. There were two levels of courses: first and advanced. Courses of the first level were held in Amman, Irbid, and Aqaba, targeting the DoA employees of Amman, Zarqa, Balqa, Madaba, Irbid, Ajloun, Jarash, Mafraq, Aqaba, Ma'an, Karak, and Tafilah. From these regions, trainees were selected for the

advanced level, which was held at the American Center of Research in Amman. These trainees represented the most critical Jordanian regions, having international borders or facing illegal excavations at archaeological sites, including Amman, Balqa, Zarqa, Madaba, Karak, Ma'an, Aqaba, and Irbid.

To meet its goal of maintaining the training beyond the period of its grant, the project created two important resources.

The first is a webpage that presents the learning materials from the courses, consisting mainly of recorded lectures by professors and other experts. It will also offer the second resource, which is this manual, to ensure the widest possible access to learning materials related to fighting the illicit trafficking of cultural property.



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Learning materials and the
manual in pdf

Methodology

This manual focuses on Jordan. It presents first the local Jordanian reality and then moves to international conventions and agreements. It supplies information about the procedures, followed by different situations that DoA personnel may face. In addition, the manual provides many useful links that lead to complete texts or more detailed important information that stakeholders and experts involved in the struggle against illicit trafficking of cultural property may wish to consult. This manual has three appendixes: Appendix 1: The Jordanian Antiquities Law of 1988 (amended in 2004 and 2008); Appendix 2: The UNESCO 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property; and Appendix 3: The Memorandum of Understanding between Jordan and the USA signed in 2019 to restrict the importation of Jordanian cultural property.

Prevention of Illicit Trafficking Project Goals and the Purpose of this Manual

Because smuggling cultural property is an international problem that involves individuals and groups belonging to different countries, fighting it calls for international effort and cooperation. Jordan has signed and ratified a variety of conventions and agreements with other countries intended to protect both cultural and natural property and to fight illicit trafficking. But even with such laws and agreements in place, personnel of Jordan's Department of Antiquities still confront day-to-day difficulties. This manual serves as a tool to supplement the training courses and equipment provided to the DoA by the Prevention of Illicit Trafficking of Cultural Property Project. It can assist the work of any DoA employee or other stakeholder who is involved in combating illicit trafficking of antiquities and other such objects. It offers not only an outline of legal and practical procedures but also links to materials that will be useful for the development of future training courses. Thus, any trainer in this field who would like to know more about the current situation in Jordan can consider this manual as a good reference. It also clarifies certain procedures that employees of the DoA are to follow, thus serving as a guide to help them easily reach the information that they need in their work.

The primary purposes of this manual are as follows:

- **Knowledge Transfer:** The manual serves as a repository of knowledge, providing comprehensive information about the identification, documentation, and protection of cultural property. It includes details about threats against cultural property, different types of stolen artifacts, and the means of restitution of stolen artifacts to their rightful owners. Thus, it covers relevant international conventions, legal frameworks, and best practices in fighting illicit trafficking.
- **Effective Enforcement:** By offering guidelines and strategies, the manual equips DoA employees and stakeholders with the tools necessary to effectively identify, investigate, and prevent the theft of cultural property. It provides insights into monitoring archaeological sites and documenting cultural property. Additionally, it outlines measures for cooperation and coordination among different agencies and international bodies.
- **Capacity-Building:** The manual is also a resource for capacity-building, offering good materials for training that will enhance the skills of professionals engaged in the protection of cultural property.

Chapter 1

What Are...?



It is necessary to be aware of concepts, definitions, and terminology often used in the field of fighting the illicit trafficking of cultural property. Obviously, definitions might vary from country to country or from one legal document to another. For example, what are considered “antiquities” in a one country might not be “antiquities” in another.

With this in mind, what follows are some useful terms and their definitions.

1. What Are Antiquities and Cultural Property?

Among the types of objects usually included under the term “cultural property” are antiquities, archaeological sites, historical items and buildings, collections of specimens of rare fauna and flora, and artworks, to name just a few (see Appendix 2, 1970 UNESCO Convention, Article 1), although the definition does differ from country to country. And it should be noted that the term “cultural property,” which is used consistently in international conventions, is typically replaced in Arab countries with “antiquities.” The definition of what an antiquity is likewise varies from one country to another. In Jordan, antiquities are:

- a. Any movable or immovable object which was made, written, inscribed, built, discovered or modified by a human being before the year AD 1750 including caves, sculpture, coins, pottery, manuscripts and

other kinds of manufactured products which indicate the beginning and development of science, arts, handicrafts, religions, traditions of previous civilizations, or any part added to that thing or rebuilt after that date.

- b. Any movable or immovable object as provided for in Clause “a” of this definition which dates back after AD 1750 and which the Minister requests to be considered an antiquity by a decision published in the Official Gazette.
- c. Human, animal and plant remains which date back before AD 600. (Jordanian Antiquities Law of 1988, Article 2.7)

Most Arab countries have the same basic definition, but the age or date limit may be different. For example, under Syrian law antiquities are any movable or immovable object, as in Jordanian law, but the object must be older than 200 years (Syrian Antiquities Law of 1963, Article 1). Similarly, the Saudi legal definition of antiquities specifies that an object has to be 100 or more years old (Saudi Antiquities Law of 2014, Article 1).



Be careful about what are considered antiquities or cultural property in each country. See the UNESCO List of National Cultural Heritage Laws.

2. What Is an Archaeological Site and an Archaeological Reserve?

Archaeological sites are part of a country's cultural property. In Jordan, archaeological sites are any areas in the Kingdom that have been considered a historic site under former laws or any other area that the Minister of Tourism and Antiquities decides contains antiquities or is related to important historical events, provided that this decision is announced in the Official Gazette (Jordanian Antiquities Law 1988, Article 2.8). On the other hand, an Antiquities Protectorate, or archaeological reserve, is an area of land that contains archaeological, human, or natural remains that have been so designated and announced by a decision of the Cabinet. This decision is based on the recommendation of the Minister of Tourism and Antiquities, supported by a recommendation by the Director General of the Department of Antiquities. This official decision includes terms and conditions necessary for the preservation of things present within the Antiquities Protectorate (Jordanian Antiquities Law 1988, Article 2.14).

3. What Is Illicit Trafficking of Cultural Property?

Illicit trafficking is any buying, selling, or smuggling of illegally obtained artifacts. Among the many potential sources of illegal artifacts are illegal excavations, theft from a museum, and the production of fakes. The illicit trafficking and smuggling of cultural

property consists of a chain of different players in different countries where different legislative frameworks can help launder the objects to be sold there. This chain starts at the source of illegal artifacts (usually in countries rich in archaeological sites), goes through stages of transit and laundering of the objects (in countries where trading and exporting antiquities are legal), and finishes at art markets (usually in wealthy countries that have legal art auction houses, museums, or collectors).

3.1. Illegal Excavations

Illegal excavations are excavations undertaken to find antiquities without the permission of the responsible authorities.

The motivations behind illicit excavations vary from one person to another and from one place to another. In some places, people resort to these illegal practices mainly due to the impact of extreme poverty. They consider finding and selling antiquities to be a means of survival. In some countries, organized crime or terrorist groups force people to dig up artifacts that can be sold to fund the group's activities. Another reason behind illegal excavation is the desire to find ancient and "exotic" artifacts. Some people are enticed by legends and local stories about hidden treasures.

In Jordanian law, an illegal excavation is when someone searches for antiquities without the permission of the antiquities authorities, represented by the DoA. "Searching for antiquities" is defined as carrying out the activities of excavation, probing, and inquiring with the goal of finding movable or immovable antiquities.

However, the discovery or finding of antiquities by chance is not considered to be “searching for antiquities” (Jordanian Antiquities Law 1988, Article 2.11).



Jordanian Antiquities Law 1988, Article 14: Despite the provisions of any other law, no person or entity will be allowed to carry out any excavations in archaeological sites in search of gold or other hidden treasures.

3.2. Theft

Museums and archaeological storehouses can be targets of theft, and those without an effective security system are more at risk of being plundered, particularly during times of social or political turbulence or natural disaster. Thieves can silence security systems or staff and might be armed and willing to kill.

The Jordanian Antiquities Law criminalizes stealing antiquities and imposes a punishment that ranges from one to three years of imprisonment and a fine of not less than 3,000 Jordanian dinars (equivalent to around U.S. \$4,200), in proportion to the value of the stolen artifact (Jordanian Antiquities Law 1988, Article 26.8).¹

¹ See chapter 4 (“How to Do It”) for information about some specific measures to prevent theft.

3.3. Producing Fakes and Forgeries

There can be confusion about fakes, forgeries, and replicas. A fake is an object that has been created or modified with the intent of deceiving people into believing that it is genuine when it is not. A forgery, on the other hand, is a copy of an authentic object made with the intention of being presented as genuine rather than a copy. A replica is a copy of an authentic object that is acknowledged to be merely identical to the original.²

Jordanian antiquities law punishes the production of replicas or even molds for producing replicas without authorization from the DoA (Jordanian Antiquities Law 1988, Article 27.b.1 and b.2).

Obviously, the law also criminalizes faking antiquities or dealing with imitation antiquities while alleging that they are genuine (Jordanian Antiquities Law 1988, Article 26.a.5 and a.9).

4. What Is the Art Market?

The art market consists of shops where antiquities or artworks are sold, in addition to auction houses that deal or trade in cultural property. These auction houses are legal in various countries.³ Sometimes illegal antiquities or cultural property can end up in such markets.

² For some cases of fakes in art and antiquities, watch the recorded lecture by Dr. Noah Charney available through <https://acorjordan.org/prevention-of-illicit-trafficking-resources>.

³ For lists of auction houses, see <https://auctiondaily.com/auction-house/> and <http://www.artnet.com/auction-houses/directory/>.

Today, the internet offers websites and social media platforms where it is possible to easily sell (and buy) illegal artifacts. Some social media sites try to limit the offering of illegal artifacts by their users, but the problem persists. Thus, it is always necessary to observe such websites and auction catalogs for any artifacts with suspicious provenance.⁴

5. What Is Provenance?

Provenance is information about an artifact's history, such as its place of discovery and who has owned it. Provenance must be supported by documentation and is the main means of identifying artifacts in legal circulation (UNESCO Toolkit 2018, p. 77).



Be careful: some dealers produce fake provenance documents to hide the actual illicit origin of an artifact so that they can sell it “legally.”

⁴ For more information about the types of antiquities costumers, watch the recorded lecture by Prof. Morag Kersel available through <https://acorjordan.org/prevention-of-illicit-trafficking-resources>.

6. What Is the Difference between the Signing, Ratification, Acceptance, Approval, and Accession of an International Convention?

Countries become parties of international conventions in different phases or ways. When a country signs a convention, it accepts the treaty but is still not legally bound to it. However, this is the first step to a country being bound to its terms, following either ratification, acceptance, approval, or accession. The first three of these terms are used in different countries, depending on their own national laws. The fourth term, accession, is an act through which a state accepts an offer or opportunity to become a party to a convention that has already been negotiated and signed by other states.⁵

There are procedures for all of these stages at national and international levels. A state first undertakes a study of the treaty and assesses the feasibility of joining it. Subsequently, upon reaching a decision, the state must enact national legislation that aligns with the provisions of the convention. Then, at the international level, the state is required to deposit the document of ratification, acceptance, approval, or accession with the convention's governing body, such as the Director General of UNESCO (in the case of UNESCO agreements) or the Government of the Italian Republic (in the case of the UNIDROIT Convention of 1995). Typically, a treaty goes into

⁵ For more terms used in the UN documents, visit their glossary: https://treaties.un.org/pages/overview.aspx?path=overview/glossary/page1_en.xml.

effect after a period of three or six months after state's accession document has been submitted to the appropriate depository.



A convention usually includes in its provisions details about how and where accession documents are to be deposited and the length of time that will pass before it enters into force. It also includes instructions for how a party may withdraw from the convention.

7. What Are International, Intergovernmental, and Non-governmental Organizations (NGOs)?

International organizations are divided into two categories: intergovernmental organizations (IGOs) and non-governmental organizations (NGOs). Only states can be members of IGOs, such as the United Nations and INTERPOL. NGOs, on the other hand, operate independent of a government and do not enter into treaties or other such international agreements. An example of an NGO is ICOMOS, the International Council on Monuments and Sites. NGOs are usually nonprofit organizations that work across borders in support of some aspect of the public good.

Chapter 2

Jordanian Legislation and Protecting Antiquities



Effective regulation of antiquities in Jordan began with the foundation of the Kingdom, early in the 20th century. The first Jordanian regulation for antiquities dates to 1925, following the separation of the antiquities administrations in Palestine and Transjordan in 1923 (Myers, Smith, and Shaer 2010, p. 18). Excavations in search of antiquities were already prohibited without permission from the authorities, but at the time, laws made no mention of the trade in antiquities. This changed in 1935, when trading in antiquities was finally regulated: at that time, someone who wished to engage in the antiquities trade could do so after obtaining a license from the antiquities authority (Antiquities Law 1935, Article 32). It also allowed someone who had antiquities and wished to sell them to offer the objects first to the DoA; if the DoA did not buy them, the owner would receive permission (or a concession) to sell them to whomever they wished, unless the sale required export, in which case the seller needed an export license (Antiquities Law 1935, Article 31). One year later, in 1936, a complete regulation was issued for trading in antiquities. This was followed by the laws of 1953, 1968, and 1976, which prohibited trading in antiquities and nullified all trading licenses.



Jordanian Antiquities Law 1976, Article 23: Trading in antiquities shall be prohibited in the Kingdom. All licenses for trading in antiquities shall be considered canceled upon the entry into force of the provisions of this law.

Thus, the date of 1976 is very important for cases that involve the trafficking and smuggling of Jordanian cultural property. Currently, cultural property in Jordan is regulated by two laws: Antiquities Law No. 21, issued in 1988 (amended by regulations No. 23 in 2004 and No. 55 in 2008), and Law of Architectural and Urban Heritage Protection No. 5, issued in 2005.

1. Antiquities Law No. 21, 1988 (Amended in 2004 and 2008)

The Antiquities Law of 1988 extended the prohibition of trading in cultural property issued in 1976. This law was amended in 2004 by regulation No. 23 and in 2008 by regulation No. 55, although it is still called the “Antiquities Law of 1988” (Jordanian Antiquities Law 1988, Article 1). The law replaced the previous law of 1968 and

repealed any other legislation or law insofar as it was in conflict with the new law (Jordanian Antiquities Law 1988, Article 35).

The law determines the duties of the DoA in Article 3 as being:

- The execution of archaeological policy of the state.
- The appraisal of the archaeology of objects and archaeological sites and evaluation of the importance of every piece of antiquity.
- The administration of antiquities, archaeological sites, and archaeological reserves in the Kingdom, their protection, maintenance, repair, and preservation, beautification of their surroundings, and display of their features.
- The spread of archaeological culture and the establishment of archaeological and heritage institutes and museums.
- Searching for antiquities in the Kingdom.
- Rendering assistance in organizing museums pertaining to government activities in the Kingdom, including historical, technical, and popular museums.
- Cooperation with local Arab and foreign archaeological groups who serve the national heritage and spread archaeological awareness in accordance with the laws and regulations in force.
- The control of possession and disposal of antiquities pursuant to this Law and the regulations, decisions and instructions issued hereunder.

In addition, the Director of the DoA, the Director's assistants, section heads, inspectors of antiquities, museum curators, employees of archaeological reserves, and any DoA employee authorized by the Director are vested with powers of judicial police provided for in the Law of Penal Procedures. This is for the purposes of executing the antiquities law (Jordanian Antiquities Law 1988, Article 29).



What is the judicial police in Jordan? It is the officers entrusted with investigating crimes, collecting the evidence for crimes, arresting those who commit crimes, and referring those who commit crimes to the courts entrusted with punishing them.

1.1. Ownership in the Jordanian Antiquities Law

Jordanian law demands that anyone in possession of antiquities should provide the DoA with a list indicating the quantity, descriptions, and pictures of the objects (Jordanian Law 1988, Article 7). Through this provision, all artifacts that were in the possession of antiquities dealers are recorded at the DoA. The owner does not have right to dispose of these antiquities without the approval of the Minister of Tourism and Antiquities, on the recommendation of the Director of the DoA (Jordanian Antiquities Law 1988, Article 8.a). Thus, movable antiquities are not exclusively in the state's ownership.

However, the law emphasizes that the state is the owner of any antiquities recovered during any work carried out by any entity or person in the country (Jordanian Antiquities Law 1988, Article 21). The law does not allow the selling of antiquities but does allow the transfer of ownership from one person to another if the DoA does not buy the object. Such a transfer needs to be made with the knowledge of the DoA and under its supervision (Jordanian Antiquities Law 1988, Article 25.b).

However, all immovable antiquities are in the ownership of the state. Consequently, no one can own immovable antiquities in any way or make a claim against this state's ownership by delay or other means (Jordanian Antiquities Law 1988, Article 5.a). In addition, the law allows the DoA to purchase or appropriate any real estate or antiquities required by the DoA's interest (Jordanian Antiquities Law 1988, Article 5.e).



Jordanian Antiquities Law 1988, Article 5.d: The ownership of the land will not entitle the landlord to own the antiquities present on its surface or in its subsurface or dispose thereof nor shall it entitle him to prospect for antiquities therein.

1.2. Protecting and Reporting Antiquities in the Jordanian Antiquities Law

Jordanian law protects movable and immovable antiquities and archaeological sites. One of the ways it accomplishes this is by prohibiting the licensing of the establishment of buildings or walls close to antiquities. Such structures must be from 5 to 25 meters away from the archaeological site. The law gives the Minister of Tourism and Antiquities the right to increase the required distance upon recommendation of the Director of the DoA. This regulation was created to protect an archaeological site, increase its protected area, or ensure that a structure will not obscure it (Jordanian Antiquities Law 1988, Article 13.a and b). In addition, the law prohibits the establishment of heavy industries closer than 1 kilometer to an archaeological site if the industries might threaten it (Jordanian Antiquities Law 1988, Article 13.c). It gives advantages to the DoA to appropriate or purchase any real estate or antiquities when the DoA's interest so requires (Jordanian Antiquities Law 1988, Article 5.e).



Jordanian Antiquities Law 1988, Article 9: It is prohibited to destroy, ruin, disfigure, or cause damage to antiquities including the change of their features, the separation of any part thereof, transformation thereof, affixing of notices thereon, or displaying signs on them.

Jordanian law also emphasizes that any accidental discovery of antiquities must be reported. Article 15 of the 1988 Law of Antiquities states:

a. Any person not having an excavation permit who discovers, finds or knows of the discovery of any antiquities shall announce the discovery to the Director of the nearest Public Security Center within ten days from the date of discovery, finding or knowing of the discovery of such antiquities.

In addition, the article mentions the possibility of a reward, stating:

b. The Director may, subject to the approval of the Minister, pay to the one who discovered or found the antiquities an appropriate cash reward pursuant to this Law (Jordanian Antiquities Law 1988, Article 15.b).

1.3. Buying and Selling Antiquities in the Jordanian Antiquities Law

As mentioned previously, Jordanian law prohibited trading in antiquities in 1976. As the law demands that individuals or entities record at the DoA the antiquities that they have (Private Collections Register), the law also gives the DoA the right to purchase these

antiquities with the approval of the Minister of Tourism and Antiquities. The price is estimated in agreement with the Minister, and if the two parties do not reach an agreement, the price is to be estimated by two experts, one to be appointed by the DoA and the other by the owner of the antiquity. If the two experts differ, they appoint a third expert who will cast a tie-breaking vote (Jordanian Antiquities Law 1988, Articles 8 and 25).

1.4. Exporting and Importing Antiquities in the Jordanian Antiquities Law

The law restricts the export and import of antiquities. Bringing any movable antiquities into the Kingdom with the intention of exporting them is prohibited, whether they are held by a person or through transit, unless it is proved in writing that possession of such antiquities is legal (Jordanian Antiquities Law 1988, Article 5.g). The law allows amateur collectors of antiquities to import objects only from a country that allows such antiquities to be exported, but only if the amateur has the intention of keeping the antiquities in Jordan. The owner has to declare the objects at the border Customs Center, which will give them to the DoA, which then has seven days to register and document the items (Jordanian Antiquities Law 1988, Article 5.c).



Remember: Border Customs should be advised upon entry of any antiquities to Jordan. In addition, consent from the DoA should be obtained to authorize their import. Check the export license and be sure that the origin country allows exportation.

Transportation and exportation of antiquities outside the Kingdom is not allowed without approval of the Cabinet on the recommendation of the Minister of Tourism and Antiquities based on the recommendation of the Director of the DoA (Jordanian Antiquities Law 1988, Article 24).

1.5. Antiquities on Loan in the Jordanian Antiquities Law

The law restricts the lending, exchanging, or presenting of antiquities, by order of the Cabinet. It specifies the receiving parties will be “official, scientific or archaeological authorities in addition to museums” (Jordanian Antiquities Law 1988, Article 10).

1.6. Reward and Punishment in the Jordanian Antiquities Law

Any damage caused to land by licensed archaeological excavations should be compensated. This compensation, which is guaranteed by the DoA, should be paid by the party licensed to perform the excavation. The compensation is estimated by a committee of three experts (including one from the private sector), which is formed by the Minister of Tourism and Antiquities on the recommendation of the Director of the DoA (Jordanian Antiquities Law 1988, Article 17).

The Jordanian Antiquities Law of 1988 encourages rewarding any person who contributes to enforcing its provisions. Article 32 states:

A suitable financial reward shall be granted to any person who:

- a. Assists in confiscating any antiquities which are found and circulated in violation of this Law, the regulations, instructions, and decisions issued hereunder.
- b. Provides any information which leads to the disclosure of any violation of this Law, the regulations, instructions, and decisions issued hereunder.

Correspondingly, the law specifies punishment for violation of its provisions. It imposes imprisonment of not less than one year and not more than three years and a fine of not less than 3,000 Jordanian dinars (equivalent to U.S. \$4,200), in proportion to the value of the antiquities, for anyone who:

- Searches for antiquities without obtaining a license;
- Trades in antiquities and/or assists, participates in, becomes involved with, or incites others to do so;
- Does not provide the DoA with a list of antiquities that they own or possesses;
- Produces fakes or forgeries;
- Transfers any antiquities in violation of the Law, including by hiding or smuggling;
- Steals antiquities;
- Trades in replicas, alleging that they are genuine (Jordanian Antiquities Law 1988, Article 26).

In addition, the lack of a license from the DoA to create replicas of antiquities, to deal with replicas, or to manufacture and make use of molds or samples of antiquities can lead to imprisonment for a period not less than two months and not more than two years or a fine of not less than 500 Jordanian dinars (around U.S. \$700), in proportion to the value of the antiquities (Jordanian Antiquities Law 1988, Article 27).

2. The Law of Architectural and Urban Heritage Protection

Jordan has a rich cultural heritage, much of which dates to after 1750 CE, a date specified in the Antiquities Law of 1988. Thus, law No. 5 was released in 2005 to protect later architectural and urban heritage. The law, in its Article 2, defines a heritage site as a building or site that came into existence after 1750 CE and has heritage value in terms of its building style or its relationship to important historic personalities or national or religious events. This does not conflict with Antiquities Law No. 21 of 1988. In accordance with its provisions, the Law of Architectural and Urban Heritage Protection includes the following definitions:

Heritage Buildings: Architectural facilities and elements with distinctive architectural, historical, or cultural characteristics that tell of specific events.

Urban sites: the urban fabric, public squares, residential neighborhoods, and landscaping sites that represent the permanent values on which the population's culture is based.

The law calls for the foundation of a national committee that has several duties, one of which is to recommend to the Cabinet sites to be listed under the classification of architectural and urban heritage.

The law furthermore aims to restore and preserve these sites, imposes restrictions on their use, and protects them against any damage (Jordanian Law of Architectural and Urban Heritage Protection of 2005, Article 5). It does not address trading in architectonic elements belonging to these sites.

Chapter 3

International Legal Frameworks and Conventions



Each country has its own national or local legislation, so contradictions among the laws of various nations are to be expected. To coordinate these contradictions and allow for more effective legislation, several international organizations were founded and conventions were developed. What follows are summaries of the most important of these conventions and agreements.



Remember: A convention comes into force in a country after the date of its ratification or accession by that country, not from the date of the convention's release.

1. MOU between the United States and Jordan Concerning the Import Restriction on Categories of Archaeological Material of Jordan (2019)

On December 16, 2019, Jordan and the United States of America signed a memorandum of understanding (MOU). This MOU entered into force on February 1, 2020, and lasts for five years. It facilitates implementation of the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property by imposing more restrictions on the export of Jordanian archaeological materials into the USA. The archaeological materials included are:

objects in stone, ceramic, metal, bone, ivory, shell and other organic materials, glass, faience and semi-precious stone, painting, plaster, textiles, basketry, rope, wood, and leather ranging in date from about 1.5 million B.C. to A.D. 1750 identified in the list to be promulgated by the United States (hereinafter referred to as the Designated List), unless Jordan issues a license which certifies that such exportation was not in violation of its laws.

By this MOU, the United States offers technical support for Jordan to fight illicit trafficking of cultural property. In addition, it facilitates the return of Jordanian archaeological materials confiscated in the USA (MOU 2019, Article 1.2) and encourages the interchange and loans of archaeological and heritage objects (MOU 2019, Article 2.5).⁶ The United States has signed similar memoranda of understanding with other countries, with the same aims



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Current agreements and
import restrictions



The 2019 MOU facilitated the return of nine artifacts from the United States to Jordan in March 2022.

⁶ For the importance of this MOU, see the recorded lecture by Prof. Patty Gerstenblith, which can be requested from the ACOR Library.

2. MOU between Jordan and Egypt (2021)

A memorandum of understanding for cooperation in the field of antiquities and museums was signed between the Ministry of Tourism and Antiquities of the Hashemite Kingdom of Jordan and the Ministry of Tourism and Antiquities of the Arab Republic of Egypt on March 23, 2021. The duration of this memorandum is five years, renewable automatically if one of the parties does not wish to terminate it. The memorandum encourages the two parties to cooperate and coordinate at the international level regarding antiquities and museums (MOU 2021, Article 6). It also encourages the exchange of experiences in and information about the restoration of museum collections, the exchange of temporary exhibitions, and cooperation in the field of scientific research for the protection and preservation of antiquities (MOU 2021, Article 3). The memorandum devoted an article to combating illegal trafficking in cultural property, which states: “The two parties shall cooperate in combating smuggling and illegal trafficking in antiquities in both countries” (MOU 2021, Article 8).

3. The 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and Its Protocols

In the twentieth century, particularly in the aftermath of the Second World War and its widespread destruction and plunder, countries began to be more concerned about preserving cultural heritage during times of conflict. As a result, on August 7, 1956, the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict came into force, as did the First Protocol of the Convention, which states that occupying powers must not allow the export of cultural property from occupied territories. The Second Protocol, which was adopted in 1999 and entered into force on March 9, 2004, improves upon the provisions in the Convention and its First Protocol.



Jordan has been a member of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict since October 2, 1957, of the First Protocol since December 22, 1954, and of the Second Protocol since May 5, 2009.

The Hague Convention invites its members (“High Contracting Parties”) to distinguish special cultural heritage sites by means of a “distinctive emblem” that allows their specially protected status to be recognized. These sites are to be considered immune from

“any act of hostility” and from military occupation (Hague Convention 1954, Articles 9 and 10; Article 16 describes the design of the emblem).



The Convention states: “The High Contracting Parties further undertake to prohibit, prevent and, if necessary, put a stop to any form of theft, pillage or misappropriation of, and any acts of vandalism directed against, cultural property. They shall refrain from requisitioning movable cultural property situated in the territory of another High Contracting Party” (Hague Convention 1954, Article 4.3).

The First Protocol obligates the occupying power to perform several duties, these three among them:

- Each High Contracting Party undertakes to prevent the exportation of cultural property from a territory occupied by it during an armed conflict;

- Prohibition of retention of cultural property. When the occupation ends, the State must return the cultural object to the formerly occupied authorities;
- Prohibition of the sale of the cultural property. If the cultural property is sold, the purchaser is entitled to fair compensation to be paid by the occupying power (First Protocol, Article 1).

Its Second Protocol emphasizes that any member state in occupation of the whole or part of the territory of another state party must prohibit any archaeological excavation, except for that undertaken to fulfill strict needs to safeguard, record, or preserve cultural property (Second Protocol 1999, Article 9).

The Convention further demands that, during peacetime, its members introduce provisions into their military regulations or instructions that ensure the implementation of the Convention. They are also requested to establish services or specialist personnel to secure respect for cultural property (Hague Convention 1954, Article 7.1 and 7.2).



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Hague Convention
of 1954



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First Protocol of
Hague Convention



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Second Protocol of
Hague Convention

4. The 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property

After the colonialism era, more independent countries established legislation to protect their national cultural heritage, including archaeological sites and museums, from plunder. With the acknowledgment that protecting the cultural property of any country requires international collaboration, on November 14, 1970, the United Nations Educational, Scientific and Cultural Organization (UNESCO) adopted a new convention to fight illicit trafficking between countries: the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property.



The 1970 Convention provides a broad definition of “cultural heritage,” including even natural property. The definition appears in Article 1:

For the purposes of this Convention, the term “cultural property” means property which, on religious or secular grounds, is specifically designated by each State as being of importance for archaeology, prehistory, history, literature, art or

science and which belongs to the following categories:

- (a) Rare collections and specimens of fauna, flora, minerals and anatomy, and objects of palaeontological interest;
- (b) property relating to history, including the history of science and technology and military and social history, to the life of national leaders, thinkers, scientists and artist and to events of national importance;
- (c) products of archaeological excavations (including regular and clandestine) or of archaeological discoveries;
- (d) elements of artistic or historical monuments or archaeological sites which have been dismembered;
- (e) antiquities more than one hundred years old, such as inscriptions, coins and engraved seals;
- (f) objects of ethnological interest;
- (g) property of artistic interest, such as:
 - (i) pictures, paintings and drawings produced entirely by hand on any support and in any material (excluding industrial designs and manufactured articles decorated by hand);
 - (ii) original works of statuary art and sculpture in any material;

- (iii) original engravings, prints and lithographs;
- (iv) original artistic assemblages and montages in any material;
- (h) rare manuscripts and incunabula, old books, documents and publications of special interest (historical, artistic, scientific, literary, etc.) singly or in collections;
- (i) postage, revenue and similar stamps, singly or in collections;
- (j) archives, including sound, photographic and cinematographic archives;
- (k) articles of furniture more than one hundred years old and old musical instruments.

Article 5 of this convention requires that the states parties establish at least one national service for the protection of cultural property. This national service must be able to:

- draft legislation on the prevention of the illicit import, export and transfer of ownership of cultural property;
- establish and update the national inventory of the important cultural heritage;⁷
- promote the development of museums, archives, etc.;

⁷ See chapter 4.2.3, on the National Inventory, in this manual.

- arrange the supervision of the archaeological excavations and protect the archaeological sites;
- raise awareness through educational measures;
- ensure that publicity is given to stolen or disappeared cultural property. (UNESCO Toolkit 2018, p. 29)

The 1970 UNESCO Convention demands that its members (states parties) establish an export certificate.⁸ Obviously, Jordan and many other countries have no “export certificate” for items of cultural property, because exporting them is entirely prohibited.⁹



Remember: The 1970 UNESCO Convention entered into force on April 24, 1972, in accordance with Article 21, which states that the Convention enters into force three months after the third instrument (document) of ratification, acceptance, or accession is deposited.

⁸ See the UNESCO recommended model of export certificate for cultural here: UNESCO Models: <https://unesdoc.unesco.org/ark:/48223/pf0000139620>.

⁹ The states of the European Union established a list that identifies the customs offices specializing in cultural goods. European List: [https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1528139851504&uri=CELEX:52018XC0222\(01\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1528139851504&uri=CELEX:52018XC0222(01)).

For the return of artifacts to their country of origin—namely, repatriation—countries usually consider Article 3, Article 7, or Article 9. These articles address the illegality of “import, export or transfer of ownership of cultural property [that is] effected contrary of the provisions adopted under this Convention by the States Parties” (UNESCO 1970, Article 3). In addition, Article 7 demands that states parties take measures to protect cultural property of other states parties and likewise prohibit the import of inventoried cultural property, which means artifacts stolen from museums, galleries, or any collection recorded in a national register. Article 9 addresses cultural property in danger of pillage. Countries are asked to collaborate and impose restrictions on the export, import, and international commerce in such materials (see Appendix 2 the 1970 UNESCO Convention).

The state requesting repatriation of artifacts should follow diplomatic channels and has the responsibility of furnishing the needed documentation and necessary evidence. It must also bear the costs. In addition, the Convention includes a provision that the requesting state should pay a “just compensation” to “an innocent purchaser or to a person who has valid title to that property” (UNESCO 1970, Article 7.ii).



Remember: Jordan ratified the 1970 UNESCO convention on March 15, 1974. To date, the 1970 Convention has been ratified by 143 states.

To restrict movement of cultural property that has been illegally removed from another state party, the Convention encourages states parties to employ public education, information, and vigilance, as well as penalties for antique dealers, who should be obligated to keep records of the origin and suppliers of each item of cultural property (UNESCO 1970, Article 10).



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List of States Parties of the
1970 UNESCO Convention

4.1. How Is the 1970 UNESCO Convention Managed?

The 1970 Convention is managed by its statutory organs, namely 1) the Meeting of States Parties to the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property and 2) the Subsidiary Committee of the Meeting of States Parties to the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.

The Meeting of States Parties provides strategic orientations for promoting and implementing the convention. It has held ordinary meetings once every two years since 2012, when it was decided to establish the Subsidiary Committee as a monitoring body on the implementation of the Convention. The Committee consists of 18 members, elected for four years in accordance with the principle of

equitable geographical distribution. The duties of the Subsidiary Committee are:

- To promote the objectives of the Convention.
- To review the national reports submitted to the General Conference by the States Parties to the Convention.
- To share good practices, prepare and submit to the Meeting of States Parties' recommendations and guidelines that can help in implementing the Convention.
- To identify difficult situations resulting from the implementation of the Convention, including topics regarding the protection and return of cultural property.
- To establish and maintain coordination with the “Return and Restitution Committee (ICPRCP)”¹⁰ in connection with capacity-building measures to combat the illicit trafficking of cultural property.
- To inform the Meeting of States Parties of the activities that have been implemented. (UNESCO Toolkit 2018, 2.3.1, pp. 35–36)

¹⁰ For ICPRCP, see chapter 4.1.

4.2. Operational Guidelines of the 1970 UNESCO Convention

Forty-five years after the 1970 UNESCO Convention, many challenges arose that suggested that Convention and certain issues in it needed to be made more clear. Thus, the third Meeting of States Parties (May 18–20, 2015) adopted Operational Guidelines by Resolution 3.MSP 11.¹¹ These Operational Guidelines strengthen the implementation of the 1970 Convention and minimize disputes arising from its interpretation. In addition, they provide a common international standard, although this is not binding. Thus, states are expected to:

- set criteria for due diligence in order to decide on good faith with reference to Article 4.4 of the UNIDROIT Convention;
- ensure that the products of clandestine excavations are considered within the scope of the Convention;
- pose import restrictions for any cultural artefact that is illegally exported from another country and return the object to the country of origin when detected;
- consider scientific examinations as evidence when a State requests the return of its illegally exported cultural object, especially in instances where it is not possible to produce retroactive evidence;

¹¹ See the complete text of the Operational Guidelines from the 1970 UNESCO Convention: <https://en.unesco.org/fighttrafficking/operational-guidelines>.

- acknowledge that the 1970 Convention does not legitimize any illegal transaction that took place prior to its entry into force;
- give special attention to the sales of auction houses to ensure that the cultural property offered for sale has been legally imported, as documented by a legally issued export certificate, to inform the State of origin of the properties of any doubts in this regard, and to put in place the appropriate interim measures;
- monitor the online sales of cultural property and even create a network among the public to supervise the online market and notify the State authorities when an object of dubious origin appears. (UNESCO Toolkit 2018, pp. 37–38)



Remember: The 1970 UNESCO Convention is valid only for artifacts stolen or illegally transferred from one country to another after 1972. Artifacts stolen or illegally transferred prior to this date are subject to negotiation, and an intergovernmental committee, the ICPRCP, was founded for this reason. See chapter 4.1.

5. The 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects

In 1995, the International Institute for the Unification of Private Law, known as UNIDROIT, released the Convention on Stolen or Illegally Exported Cultural Objects. This convention aims to increase collaboration and establish common and minimal legal rules for the restitution and return of cultural property between contracting states. It uses the same definition of cultural property employed by the 1970 UNESCO Convention (UNIDROIT 1995, Article 2 and Annex).



Notice: Jordan does not belong to the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects.

The UNIDROIT convention distinguishes between stolen artifacts and artifacts illegally exported. It considers any artifact that has been unlawfully excavated or lawfully excavated but unlawfully retained to be a stolen artifact (UNIDROIT 1995, Article 3.2). This includes artifacts not registered in any national inventory. Although this convention emphasizes the return of any stolen or smuggled artifacts, it emphasizes paying a fair and reasonable compensation for a bona fide possessor, namely, someone who did not know and could not reasonably have known that the object was stolen and who can

prove that they “exercised due diligence” during acquisition (UNIDROIT 1995, Article 4). In addition, it implies a time restriction on the right to request the return of an artifact. Article 3, paragraph 3, states the following (and Article 5, paragraph 5, says the same regarding requests for return of an illegally exported artifact):

Any claim for restitution shall be brought within a period of three years from the time when the claimant knew the location of the cultural object and the identity of its possessor, and in any case within a period of fifty years from the time of the theft.

Also, under the terms of this convention, artifacts illegally exported are subject to “fair and reasonable compensation” for a bona fide possessor. Moreover, if the requesting state agrees, the convention gives a bona fide possessor the right to retain ownership of the object or to transfer ownership of the object (with or without compensation) to someone of the owner’s choosing who lives in the requesting state and who provides whatever guarantees are deemed necessary (UNIDROIT 1995, Article 6.3).¹²

¹² For complete text and list of states parties, see: <https://www.unidroit.org/instruments/cultural-property/1995-convention/>.

6. Annex 11 of the Nairobi Convention, World Customs Organization (WCO)

After the 1970 UNESCO Convention, the Customs Cooperation Council, which is today called the World Customs Organization, began to concern itself with the problem of preventing and stifling the “smuggling, fraud and theft” of artworks, antiquities, and other cultural



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Nairobi Convention PDF

property. Thus, in 1976 the Council alerted its members to the importance of the 1970 UNESCO Convention and invited them “to develop mutual administrative assistance to combat the smuggling of art work and antiquities.” The efforts resulted in the release of the Nairobi Convention on Mutual Administrative Assistance for the Prevention, Investigation and Repression of Customs Offences in 1977. The convention includes 11 annexes and entered into force on May 21, 1980. Annex 11, “Assistance in Action against the Smuggling of Works of Art, Antiques and Other Cultural Property,” emphasizes communication among customs administrations in countries belonging to the Convention, namely that customs services must share with one another information about suspected operations of cultural-property smuggling, individuals known to be engaged in such activities, and novel smuggling techniques (Nairobi Convention 1977, Annex 11.3).¹³

¹³ For the list of contracting parties of Nairobi Convention, see: <https://www.wcoomd.org/-/media/wco/public/global/pdf/about-us/legal-instruments/conventions-and-agreements/conventions/eg0019e1.pdf>.



Notice: Jordan has been a member of the World Customs Organization since 1964 and signed the Nairobi Convention with all its annexes on June 9, 1978.

The World Customs Organization's anti-smuggling Cultural Heritage Programme developed a tool to be used by customs and other law-enforcement professionals and experts around the world.



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Cultural Heritage
Programme

The tool, which is managed by the Programme, is a secure communication network called ARCHEO. Hosted on the WCO's CENcomm platform, this network provides operational support and the means to exchange information and intelligence on current investigations into trafficking and theft of cultural objects. ARCHEO has been recommended for use by United Nations Security Council Resolution 2347/2017, as well as by Resolution 10/7, "Combating Transnational Organized Crime against Cultural Heritage," of the United Nations Convention against Transnational Organized Crime.¹⁴

¹⁴ For information about the tool, visit: https://www.wcoomd.org/-/media/wco/public/global/pdf/topics/enforcement-and-compliance/activities-and-programmes/cultural-heritage/archeo_brochure_en.pdf.

7. United Nations Convention against Transnational Organized Crime

The United Nation adopted the Convention against Transnational Organized Crime by General Assembly Resolution 55/25 of November 15, 2000. This convention entered into force on September 29, 2003. It is supplemented by three protocols that target specific

areas of organized crime: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; the Protocol against the Smuggling of Migrants by Land, Sea and Air; and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition.

The Convention and its protocols do not specify provisions for cultural property, but the last paragraph of the preamble of General Assembly Resolution 55/25 mentions the importance of the Convention for fighting illicit trafficking in endangered species of wild flora and fauna, offences against cultural heritage, and the growing links between transnational organized crime and terrorist crimes.



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Signatories to the
convention



Notice: Jordan has been party to the United Nations Convention against Transnational Organized Crime since May 22, 2009.

8. UNESCO 2001 Convention on the Protection of the Underwater Cultural Heritage

The “importance of underwater cultural heritage as an integral part of the cultural heritage of humanity and a particularly important element in the history of peoples, nations and their relations with each other concerning their common heritage” was affirmed by UNESCO, which thus released, in 2001, the Convention on the Protection of the Underwater Cultural Heritage. It entered into force on January 2, 2009. Besides addressing the protection of underwater cultural heritage and the sharing of information about such discoveries, it requires that states parties take measures to prevent illegally exported or recovered underwater cultural heritage from being brought into, dealt in, or possessed in their territory (UNESCO 2001, Article 14).¹⁵



Jordan has been a party to the UNESCO 2001 Convention on the Protection of the Underwater Cultural Heritage since December 2, 2009.

¹⁵ For the complete text and list of the states parties, see: <https://www.unesco.org/en/legal-affairs/convention-protection-underwater-cultural-heritage#item-2>.

9. United Nations Security Council Resolutions

The United Nations Security Council specializes in cases that threaten international security. Thus, its resolutions have the potential to be legally binding. The council has released various resolutions related to conflicts, and these sometimes include provisions for cultural heritage.



UN Security Council
Resolutions

9.1. United Nations Security Council Resolution 1483/2003

On August 6, 1990, during the Gulf War of the early 1990s, the United Nations Security Council issued Resolution 661, imposing an embargo on the importation of any goods originating in Iraq or Kuwait.¹⁶ Resolution 661 was lifted in May 2003 by Resolution 1483, which took into consideration Iraqi cultural property. It emphasizes the need for respect for the archaeological, historical, cultural, and religious heritage of Iraq and for the continued protection of the country's archaeological remains and demands that all member states facilitate the return of Iraqi property. Paragraph 7 of Resolution 1483/2003 states that the Security Council:

¹⁶ The complete text of the resolution is available in different languages: [https://undocs.org/Home/Mobile?FinalSymbol=S%2FRES%2F661\(1990\)&Language=E&DeviceType=Desktop&LangRequested=False](https://undocs.org/Home/Mobile?FinalSymbol=S%2FRES%2F661(1990)&Language=E&DeviceType=Desktop&LangRequested=False).

Decides that all Member States shall take appropriate steps to facilitate the safe return to Iraqi institutions of Iraqi cultural property and other items of archaeological, historical, cultural, rare scientific, and religious importance illegally removed from the Iraq National Museum, the National Library, and other locations in Iraq since the adoption of resolution 661 (1990) of 6 August 1990, including by establishing a prohibition on trade in or transfer of such items and items with respect to which reasonable suspicion exists that they have been illegally removed, and calls upon the United Nations Educational, Scientific, and Cultural Organization, Interpol, and other international organizations, as appropriate, to assist in the implementation of this paragraph.¹⁷



Jordan has played an important role in recovering smuggled Iraqi cultural property. In 2008, Jordan repatriated to Iraq some 2,466 artifacts. More recently, in 2019, Jordan repatriated to Iraq 1,376 artifacts.

¹⁷ The complete text of the resolution is available in different languages: [https://undocs.org/Home/Mobile?FinalSymbol=S%2FRES%2F1483\(2003\)&Language=E&DeviceType=Desktop&LangRequested=False](https://undocs.org/Home/Mobile?FinalSymbol=S%2FRES%2F1483(2003)&Language=E&DeviceType=Desktop&LangRequested=False).

9.2. United Nations Security Council Resolution 2199/2015

With the conflict that began in Syria in 2011, Syrian cultural property suffered plundering and destruction at a high rate. Consequently, in 2015 the United Nations Security Council released Resolution 2199, which acts under Chapter VII of the Charter of the United Nations.¹⁸ This resolution, which concerns the financial sources of terrorist groups, dedicates several provisions related to the destruction of and trade in cultural heritage (nos. 15–17). It reaffirms the decision in paragraph 7 of Resolution 1483/2003 and emphasizes that all member states shall take steps to prevent the trade in Iraqi and Syrian cultural property removed from Iraq since August 6, 1990, and from Syria since March 15, 2011 (Resolution 2199/2015, 17).¹⁹



Be aware that United Nations Security Council Resolution 2199/2015 is retroactive. It covers periods prior to its release, referencing the illegal removal of cultural property from Iraq since 1990 and from Syria since 2011.

¹⁸ Chapter VII of the UN gives more power to maintain peace, including taking military and nonmilitary action. See: <https://www.un.org/en/about-us/un-charter/chapter-7>.

¹⁹ The complete text of the resolution is available in different languages: [https://undocs.org/Home/Mobile?FinalSymbol=S%2FRES%2F2199%2520\(2015\)&Language=E&DeviceType=Desktop&LangRequested=False](https://undocs.org/Home/Mobile?FinalSymbol=S%2FRES%2F2199%2520(2015)&Language=E&DeviceType=Desktop&LangRequested=False).

9.3. United Nations Security Council Resolution 2253/2015

United Nations Security Council Resolution 2253 (2015) established more effective steps for monitoring the terroristic activities led by the so-called Islamic State in Iraq and the Levant (ISIL, or ISIS), al-Qaida, and associated groups and individuals. In it, the Security Council condemned the destruction of cultural heritage by such groups (particularly in Iraq and Syria) and recalled an earlier decision that its member states should take steps to prevent trade in Iraqi and Syrian cultural heritage (no. 5). It formed a Monitoring Team, which would submit written reports that include, among many other things, “updates on each of the following subjects: oil trade; trade in cultural property; kidnapping for ransom and external donations....” (Resolution 2253/2015, Annex I.a.iii).²⁰

9.4. United Nations Security Council Resolution 2347/2017

Resolution 2347 is the first resolution released by the United Nations Security Council dedicated exclusively to the protection of cultural heritage. Issued in 2017, it emphasizes the important role of UNESCO and invites countries to greater collaboration and to take steps in the direction of protecting cultural property and fighting illicit trafficking in it. The Resolution underscores the relationship between illicit trafficking of cultural property and terroristic groups. It calls

²⁰ The complete text of the resolution is available in different languages: [https://undocs.org/Home/Mobile?FinalSymbol=S%2FRES%2F2253\(2015\)&Language=E&DeviceType=Desktop&LangRequested=False](https://undocs.org/Home/Mobile?FinalSymbol=S%2FRES%2F2253(2015)&Language=E&DeviceType=Desktop&LangRequested=False).

upon member states to consider adopting several measures, among them:

- Creating or improving national cultural-property inventories;
- Adopting effective regulations for the export and import of cultural property, including certification of provenance;
- Supporting and contributing to updating the World Customs Organization (WCO) Harmonized System Nomenclature and Classification of Goods;²¹
- Establish, where appropriate, specialized units for cultural heritage in administrations, customs, and law enforcement;
- Establish a database dedicated to collect information on criminal activities related to cultural property and illicit excavation, exportation, importation, or trade of cultural property;
- Using and contributing to the INTERPOL Database of Stolen Works of Art, UNESCO Database of National Cultural Heritage Laws, and WCO ARCHEO platform, as well as the relevant national database;
- Engaging museums and art-market participants regarding standards of provenance documentation, due diligence,

²¹ For more information, visit:

https://www.wcoomd.org/en/topics/nomenclature/instrument-and-tools/hs_nomenclature_previous_editions/hs_nomenclature_table_2012.aspx.

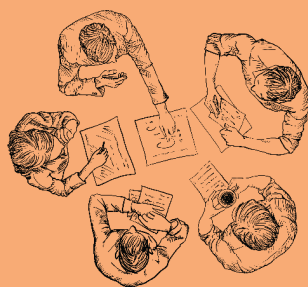
and all measures to prevent the trade of illegal cultural property;

- Providing, where available, to relevant industry stakeholders and associations operating within their jurisdiction lists of archaeological sites, museums, and excavation storage houses that are located in territory under the control of ISIS or any other sanctioned group;
- Raising public awareness and creating educational programs about the protection of cultural heritage and illicit trafficking of cultural property;
- Creating inventory lists for cultural property that has been looted or otherwise removed (Resolution 2347/2017, 17).²²

²² The complete text of the resolution is available in different languages: [https://undocs.org/Home/Mobile?FinalSymbol=S%2FRES%2F2347\(2017\)&Language=E&DeviceType=Desktop&LangRequested=False](https://undocs.org/Home/Mobile?FinalSymbol=S%2FRES%2F2347(2017)&Language=E&DeviceType=Desktop&LangRequested=False).

Chapter 4

How to Do It



1. How to Benefit from International Organizations

1.1. INTERPOL (Database for Stolen Works of Art)

INTERPOL, the International Criminal Police Organization, is an intergovernmental organization that offers investigative support, helping to collect evidence and facilitate collaboration between national police bodies around the world. It releases Red Notices, which are requests sent to law enforcement worldwide, alerting them of individuals who are the subjects of arrest warrants or court orders issued by a judicial authority. INTERPOL also investigates cultural property crimes. It established a database for stolen artifacts and launched a mobile app (ID-Art) for this database through which stolen antiquities and other objects can be reported and searched.²³

INTERPOL has 195 member states, including Jordan.²⁴



QR codes to download the mobile application ID-Art.

²³ To check the database and download the mobile app, visit the INTERPOL website: <https://www.interpol.int/Crimes/Cultural-heritage-crime>.

²⁴ For the Jordanian office of INTERPOL, visit: <https://www.psd.gov.jo/en-us/psd-department-s/arab-and-international-police-department-interpol/>.

1.2. International Council of Museums (ICOM Red Lists)

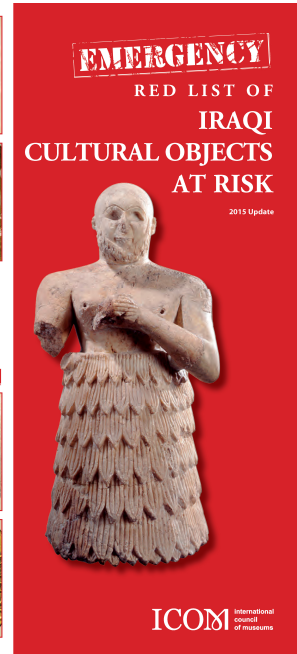
The International Council of Museums, known as ICOM, was formed between 1946 and 1947. This non-governmental organization, which is active in 119 countries, with its 119 national committees and 32 international committees, establishes professional and ethical standards for museum activities. Because one of its primary interests is the illicit

trafficking of cultural property, ICOM issues ethical codes for museums and for dealers in cultural property.²⁵ In addition, it publishes awareness flyers, called Red Lists. These lists present categories of cultural property that are apt to be stolen or smuggled.



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ICOM Red Lists



²⁵ For the ICOM Code of Ethics for Museums, visit: <https://icom.museum/wp-content/uploads/2018/07/ICOM-code-En-web.pdf>.



The ICOM Red Lists are not catalogs of stolen objects. Instead, they present examples of cultural property that illustrate categories of cultural goods that are most vulnerable to illicit trafficking.

Recently, ICOM dedicated a website to illicit trafficking. The ICOM International Observatory on Illicit Traffic in Cultural Goods offers a variety of tools, descriptions, best practices, case studies, and a glossary for the prevention of illicit trafficking of cultural property.



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Observatory on Illicit
Traffic

1.3. ICPRCP Committee

The UNESCO Intergovernmental Committee for Promoting the Return of Cultural Property to Its Countries of Origin or Its Restitution in Case of Illicit Appropriation (ICPRCP) was established by the General Conference of UNESCO in 1978 as a permanent intergovernmental body. The main goal of the Committee is to work on cases of cultural property that were transferred from one country to another before 1970, as illicit cultural property cases after this date are covered by the 1970 UNESCO Convention. It is an advisory body that

facilitates bilateral negotiations for restitution and develops tools for the protection of cultural heritage. One of these is a standard form for requesting the return of artifacts.²⁶ This form must be completed by both parties engaged in the case.

1.4. Blue Shield International

Blue Shield International is an international non-governmental nonprofit organization committed to the



protection of cultural and natural heritage worldwide. Its focus encompasses museums, monuments, archaeological sites, archives, libraries, audiovisual material, and significant natural areas, as well as intangible heritage. The emblem developed by the 1954 Hague Convention inspired Blue Shield International's own symbol and name. Its activities include promoting ratification of the 1954 Hague Convention and its two protocols, raising awareness of the importance of protecting heritage and encouraging inter-entity cooperation in emergency situations, promoting community engagement, and providing training courses related to the protection of cultural property, including fighting illicit trafficking.²⁷

²⁶ To see the form, rules of mediation and conciliation and the statutes of ICPRCP, visit: <https://en.unesco.org/fighttrafficking/icprcp>.

²⁷ For more information about the activities of Blue Shield, visit: <https://theblueshield.org/>.

1.5. International Criminal Court (ICC)

The International Criminal Court was founded in 1998 as a court where the world's most serious crimes can be investigated, prosecuted, and tried, not only to end the impunity that many perpetrators had enjoyed but also to help prevent such crimes from recurring. Its founding treaty, the Rome Statute, grants the ICC jurisdiction over four main crimes: crimes of genocide; crimes against humanity; crimes of aggression (use of armed force by one state against the sovereignty, integrity or independence of another); and war crimes. War crimes are grave breaches of the Geneva Conventions in the context of armed conflict; they include attacks against historic monuments or buildings dedicated to religion, education, art, science, or charitable purposes.²⁸ In 2016, the first case related to cultural property to be tried in the ICC resulted in the sentencing of an al-Qaeda leader in Mali who had led attacks against mosques and historical buildings in 2012.²⁹



Jordan signed the Rome Statute, the founding treaty of the International Criminal Court, on October 7, 1998.

²⁸ For more information about ICC and its function, visit: <https://asp.icc-cpi.int/>.

²⁹ For more information about this case, see: <https://www.icc-cpi.int/mali/al-mahdi>.

2. How to Prevent Antiquities from Being Stolen and Smuggled

As already mentioned, the reasons behind looting, stealing, and smuggling antiquities vary. Poverty and turbulent situations in a country increase many crimes, including those related to cultural property. Archaeologists and other stakeholders can work to fight crimes against antiquities and other cultural heritage. What follows is a selection of procedures and practices used in doing that.



Jordanian Antiquities Law 1988, Article 9: It is prohibited to destroy, ruin, disfigure, or cause damage to antiquities including the change of their features, the separation of any part thereof, transformation thereof, affixing of notices thereon, or displaying signs on them.

2.1. Monitoring Historical Sites and Security in Museums (Drones, Satellites, and Guards)

Usually, historical and archaeological sites need guards and other permanent employees to monitor integrity and safety. Various methods are available to facilitate the monitoring of sites and to help determine what measures are needed to protect them. Comparing satellite imagery from different years can reveal changes that have taken place, such as illegal excavations carried out at a site. There are several sources for such images, including such as Google Earth and

the Corona Atlas and Referencing System.³⁰ In addition, there are aerial-photography projects, such as APAAME (the Aerial Photographic Archive for Archaeology in the Middle East).³¹

Recently, technological advances and reasonable cost have made feasible the use of drones to monitor sites directly and consequently limit the opportunities for illegal excavations.³²



Note: Using drones in Jordan requires permission from the appropriate authorities.

Museums and warehouses likewise require effective monitoring and security systems. Such buildings should have burglar and fire alarms. Doors and windows must be appropriately secured. In addition, a good system for storage and management of the collections should be a priority.

³⁰ To download Google Earth Pro: <https://www.google.com/earth/about/versions/>. For Corona satellite imagery, visit: <https://corona.cast.uark.edu/>.

³¹ Visit APAAME: <http://www.apaame.org/>.

³² See more about using drones in the recorded lecture by Dr. Austin Chad Hill, available through <https://acorjordan.org/prevention-of-illicit-trafficking-resources>.

2.2. Documenting and Labeling Objects (Object ID)

To prevent loss of artifacts, they must be very well documented and recorded. With such data available, legal ownership can be proved through documentation in the event of theft. A documentation standard called Object ID was developed through a collaboration of museums, police and customs agencies, the art trade, insurance industry, and valuers of art and antiques.



Scan or click

Object ID guidelines

2.3. Database Organization (National Inventory)

As previously mentioned, the 1970 UNESCO Convention and others encourage each country to establish a national inventory for its cultural property.

Jordan has a database, MEGAJordan, for all of its historical and archaeological sites. MEGAJordan is built on a geographic information system (GIS) and contains information in Arabic and English about virtually all of the archaeological sites in the country.³³

Recently, a project was launched to inventory all of Jordan's movable antiquities. Known as the National Cultural Heritage Property Database of the Kingdom of Jordan, or simply as the National Inventory, this new centralized system will standardize the recording of movable cultural property and facilitate management of Jordan's vast cultural heritage.³⁴

³³ To use MEGAJordan, visit: <http://megajordan.org/>.

³⁴ For updates about the project, visit ACOR's website: <https://acorjordan.org/national-inventory-jo/>.

3. How to Handle Looting Cases

3.1. Looting of Archaeological Sites (Undocumented Artifacts)

Illegal excavations are excavations that lack permissions from the appropriate authorities. Excavations without permission are prohibited because they destroy priceless historical objects and archaeological evidence, as well as commit other violations of cultural heritage legislation. Typically, illicit excavations are motivated by a desire for financial benefit. Looters may be looking for valuable artifacts such as coins, jewels, or statues, which can command high prices on the black market or through other types of criminal trade networks.

Illegal excavations cause permanent damage to archaeological sites. Looters frequently dig recklessly, without following basic archaeological practices, which thus destroys crucial contextual information that is critical for understanding the history and culture of a site. The non-scientific removal of objects from their context also makes it more difficult to study and interpret them. Governments have enacted legislation and regulations to safeguard cultural heritage sites and objects, so excavations of this kind are a crime in most nations. Looters and traffickers face legal punishment, such as fines, imprisonment, and confiscation of the stolen items. In the current Jordanian Antiquities Law (No. 21, 1988), many articles stress

sanctions and fines to prevent or reduce violations against cultural heritage.



Any violation of archaeological sites or antiquities dealing must be communicated to the Director of the Department of Antiquities or security forces. See Articles 9, 14, and 15 of the 1988 Jordanian Antiquities Law.

An artifact looted directly from an archaeological site and either displayed in a museum or offered for sale in the art market creates a many questions and challenges: Where did it come from? Is it legal to own or not? It is more difficult to repatriate such an artifact because proving provenance and legal ownership can be difficult. This kind of illegal acquisition is called “undocumented looting” because artifacts buried in archaeological sites do not have documentation.

3.2. Looting of Museums or Private Collections (Documented Artifacts)

Awareness of valuable contents may lead to objects being stolen from museums and private collections. These artifacts may be sold on the black market, through unlawful networks. In the course of the crime, thieves may destroy display cases, infrastructure, and vital paperwork. Repairing this damage can be costly and can interrupt the educational and cultural missions of the affected institutions. The looting of museums and private collections calls for international cooperation due to the global character of art theft and illicit trafficking. Governments and other stakeholders can share information, improve border controls, and devise initiatives. Surveillance systems, enhanced storage facilities, and public awareness can inhibit thefts and protect exhibits. Collectors, art dealers, and the public should also know to report suspicious activities or objects they believe may be connected to looting or the illegal trade of cultural property.

Various local and international laws address these crimes. In all cases, proper documentation of objects in a collection helps investigation and facilitates repatriation. National and international databases are thus important tools for preventing the sale of stolen artifacts in shops or auctions and for preventing their display in museums or private collections.



Incidents of looting or theft should be reported immediately to INTERPOL, and the stolen works should be added to the INTERPOL Database for Stolen Works of Art. Doing so quickly might save the artifact from being smuggled out of the country.

Repatriation of an artifact stolen from a museum or other recorded collection is easier than one taken from an archaeological site because, in the former case, an artifact has probably been recorded and documentation for it should be available. Proving provenance and ownership can be straightforward with the appropriate paperwork in place.

3.3. Jordanian Artifacts Abroad

Many artifacts are held by individuals, museums, or institutions that do not belong to the country in which the objects were created or discovered. Such situations can arise through legal or illegal means. In the case of suspicious ownership, the following procedures are recommended:

1. **Research:** Learn about the objects, their locations, and any existing provenance and other documentation.

2. **Consultation:** Inform cultural heritage authorities, such as Jordan's Department of Antiquities, about the artifacts and ask for advice.
3. **Diplomatic Channels:** Contact Jordan's embassy or consulate in the country where the artifact is located. Inform them, offer documentation, and ask for help with the return of the artifacts.
4. **Collaboration:** Work with cultural heritage organizations and other bodies involved with fighting illegal trafficking bodies, such as UNESCO and INTERPOL. They can offer advice, support, and resources for reports and help with recovery of the objects.



Many auction houses throughout the world sell artworks and antiquities legally. But sometimes illegal artifacts end up among their offerings. Thus, it is important to monitor the objects that these auction houses put up for sale and examine any that seem suspicious.

After the legality of ownership has been verified, it must next be considered whether the artifact was transferred from its original country before or after the 1970 UNESCO Convention.



Remember to verify the date that both the artifact's country of origin and the country hosting the artifact ratified the 1970 UNESCO Convention.

If the artifact was transferred after the 1970 UNESCO Convention, it is easy to repatriate the artifact if both the country of origin and the current hosting country were party to the Convention before the date when the artifact was smuggled.

The situation is more difficult when the artifact was smuggled before the 1970 Convention or before both countries ratified it. In these cases, only negotiations between the two countries can resolve the issue. This is why, in 1978, the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation (ICPRCP) was created. It promotes bilateral or multilateral cooperation for the restitution of cultural property by facilitating negotiations and, when necessary, seeks a third-party mediator (see Chapter 4.1).



ICPRCP Statutes, Article 3.2: A request for the restitution or return by a Member State or Associate Member of UNESCO may be made concerning any cultural property which has a fundamental significance from the point of view of the spiritual values and cultural heritage of the people of a Member State or Associate Member of UNESCO and which has been lost as a result of colonial or foreign occupation or as a result of illicit appropriation.

Usually, communication between two countries regarding a specific case occurs in two stages: an informal assistance (administrative assistance) and an official judicial assistance (letter rogatory/letter of request).

The first step involves communication between the law enforcement agencies of the two countries in order to request administrative assistance regarding the case or the artifact. This is done to gather and exchange information or to inquire about the details of the case and possible actions that law enforcement or customs can take.³⁵

The second step is judicial assistance, which is preferably sought only after administrative assistance has been exhausted. For

³⁵ See the Nairobi Convention and the ARCHEO platform in chapter 3.6.

judicial assistance, judicial authorities from the country of origin ask judicial authorities in the country where the auction is taking place or where the artifact is held to conduct additional investigations, to seize the artifact, or to take some other action. This request is made through an official letter known as a “rogatory letter” or “letter of request.” The letter of request should be sent from a judicial body in one country to a judicial body in another country, often through diplomatic channels (for example, a Jordanian court sends the letter to the Ministry of Foreign Affairs and Expatriates, which then passes it to the U.S. Embassy in Amman, which will then send it on to the U.S. Department of State, from which it will go to the U.S. Department of Justice to arrive at the competent court).³⁶ The letter must be translated by a sworn translator into the language of the receiving country. The letter of request may include the following information: the name/position of the requesting authority; a brief summary of the case, including information about the parties and the nature of the claim (any information that could help a foreign court better understand the case); the type of case, whether criminal or civil; the specific requested assistance; detailed information about individuals, if the request pertains to compelling evidence, examination, interrogation, etc.; a list of questions to be asked if a written interrogation is concerned; a list of the required evidence to be produced; and the location of the artifact that the requesting country is asking to be seized or confiscated.

³⁶ There are different international agreements to accelerate this process. Between some countries, direct contact between courts is possible (for example, members of the European Union) (UNESCO 2018, pp. 101–102).

Additional documents and detailed explanations may be attached to the letter of request.³⁷

3.4. Confiscated Artifacts within the Country (Writing a Technical Report)

Police arrest those suspected of leading illegal excavations or illegally possessing antiquities. The police either address the Department of Antiquities directorates located in the relevant administrative region or communicate with the DoA headquarters in Amman. In the relevant governorate, the DoA dispatches one or more representatives to the Police Directorate or other relevant entity, and here the representative receives the confiscated artifact(s).

The DoA representative analyzes the artifacts with the goal of writing an expert report on them. He or she examines each artifact individually and makes preliminary notes on a technical report template. The items are written up separately, so that each artifact receives its own item number. This is followed by the name of the object, a description of what type of artifact it is and what it is made of (for example: pottery jar; metal ring), and details such as measurements and physical condition. If there are any distinguishing features, such as decoration or damage, the representative must describe it in the report.

The representative must also indicate in the report whether or not the items are authentic and, if possible, the date or approximate

³⁷ For more information, see the UNESCO Toolkit (2018), pp. 101–102.

period for each artifact. This should include evidence for conclusions regarding authenticity and dating. It is recommended that the representative present the artifacts to experts, either within or outside the DoA, for scientific or other scholarly examination. In addition, he or she should take photographs of these artifacts to be included in the report.

The report includes recommendations for either seizing the artifacts or further investigation. Through all these procedures, the DoA representative should take care to protect the artifacts during transportation, handling, and storage, being mindful that different artifacts require different storage conditions due to the nature of the material from which they are made. The representative signs the report and gives a copy to their associated office, which must notify the DoA's Anti-illicit Trafficking Unit in order to track the file.

Under legal oath, the representative confirms the information in the report. Occasionally the court requests a second technical report, implying that additional scientific analysis is required to confirm the authenticity of the artifacts.

Technical reports on objects confiscated inside the country must be systematic and detailed. A report should follow this outline:

Title: Technical reports

1. Include the title of the report, your name, date of the report, relevant department, and office.
2. Introduce the report topic and provide background on the confiscated objects. Include the location of confiscation, number of artifacts, and material of the artifacts:
 - ✓ Explain how the confiscated artifacts were identified and documented.
 - ✓ Explain the confiscation, including legal procedures and authorities involved.
 - ✓ Explain how the items were dated and identified from an archaeological viewpoint.
3. **Confiscated artifacts:**
 - Describe each confiscated artifact, including:
 - ✓ Type (e.g., sculpture, ceramic, painting)
 - ✓ Size and weight
 - ✓ Designs/motifs
 - ✓ Markings
 - ✓ Damage
 - ✓ Possible origin

Documentation of history, provenance, and related items. Photographs taken from different perspectives that show details and distinctive traits.

4. **Conservation and preservation status:** Check the state of preservation/conservation of the object/artifact. If it is in need for urgent intervention, document this in your report.
5. **Protective measures for handling the artifacts:** Discuss storage conditions (temperature, humidity, and lighting) to properly preserve and conserve the confiscated objects.
6. **Legal proceedings:** explain the relevant legal articles for the confiscated artifacts, including:
 - ✓ National and international cultural-property laws;
 - ✓ Any legal proceedings to examine artifact origins or repatriation procedures;
 - ✓ Legal assistance from law enforcement, legal authorities, or international bodies.

7. **Conclusion and important notes:**

When artifacts are confiscated, it is vital to confirm their authenticity, whether they are forged or not, and whether they are imitations in the manner of souvenir pieces that are sold in many tourist shops across the world. After confirming their legitimacy, avoid assigning a date to the artifacts until you are certain of similar/parallel examples discovered through documented archaeological excavations or trusted scientific research. It is usually best to use outside expertise to prevent legal implications. For this, access to a list of experts within the Department of Antiquities database will be needed.

3.5. Confiscated Artifacts at the Border or Airports

Customs or law-enforcement forces stop any suspected artifacts at border crossings and airports. They contact the DoA to ensure the legality of the object. Created with the UNESCO 1970 Convention and the World Customs Organization initiative in mind, the following framework, which will help one adhere to national and international laws, is suggested for reports on items confiscated at airports and borders and other measures that should be taken.

Title

1. Your name, date, affiliations, and location.
2. Introduction:
—Briefly explain illicit trafficking of cultural property across borders and through airports.
3. Recording and Documentation:
 - ✓ Document the material, size, and cultural importance of confiscated artifact.
 - ✓ Photograph the artifact and its distinguishing features.
 - ✓ Note the chain of custody and steps of inventory management.
4. Handling Confiscated Artifacts

Write your recommendations on how to handle and store the confiscated artifact to avoid any risk or threat to it. Protective measures: discuss storage conditions (temperature, humidity, and lighting) needed to preserve and conserve the confiscated object.

5. Review the International Red Lists

Review the International Red Lists and contact relevant international entities (for example, ICOM, INTERPOL, UNESCO) to identify stolen or smuggled artifacts and to return them to their countries of origin.

6. Create separate inventory lists for the confiscated artifacts and store them in special places until they are returned to their country of origin.
7. Inform international organizations, providing sufficient information about the confiscated artifacts.



Customs agents can use the World Customs Organization's ARCHEO platform to keep informed about how to help prevent the illicit trafficking of cultural property.

Appendices

Appendix 1. Jordanian Antiquities Law of 1988³⁸

The Antiquities Law No. 21 for the year 1988 and its Amendments

Article 1:

This Law shall be called the Antiquities Law for the Year 1988 and shall be put into effect as of the date it is promulgated in the Official Gazette.

Article 2:

The following words and terms set out in the law shall have the meanings assigned to them below unless the context denotes otherwise.

1. The Minister: The Minister of Tourism and Antiquities.
2. The Department: The General Department of Antiquities.
3. The Director: The Director General of Antiquities.
4. The Council of Trustees: The Council of Trustees of the Jordan Museum.
5. The Chairman of the Council of Trustees: The Chairman of the Council of Trustees.
6. The Director of the Museum: The Director of the Jordan Museum.
7. Antiquities:
 - a. Any movable or immovable object which was made, written, inscribed, built, discovered or modified by a human being before the year AD 1750 including caves, sculpture, coins, pottery, manuscripts and other kinds of manufactured products which indicate the beginning and development of science, arts, handicrafts, religions, traditions of previous civilizations, or any part added to that thing or rebuilt after that date.

³⁸ Updated and modified translation by Ahmed Fatima Kzzo, based on the DoA translation available from:
<http://publication.doa.gov.jo/Publications/ViewPublic/203>.

b. Any movable or immovable object as provided for in Clause “a” of this definition which dates back after AD 1750 and which the Minister requests to be considered an antiquity by a decision published in the Official Gazette.

c. Human, animal and plant remains which date back before AD 600.

8. Archaeological site:

a. Any area in the Kingdom that was considered as historic site under former laws.

b. Any other area that the Minister decides that it contains any antiquities or that is related to important historical events, provided that his decision shall be announced in the Official Gazette.

9. Immovable antiquities: These are fixed antiquities that are connected to the ground whether built on it or existing underground including antiquities underwater, and those in territorial waters.

10. Movable antiquities: These are antiquities separated from the ground or from immovable antiquities whose place can be changed without causing destruction to them, to the antiquities connected thereto, or to the place where they were found.

11. Searching for antiquities: To carry out the activities of excavation, probing and inquiry aimed at finding movable or immovable antiquities. However, the discovery and finding of antiquities by chance shall not be considered as searching.

12. Trader: Any person or entity that carries on trading in antiquities.

13. Season: It is a period of the year during which searching is stipulated to be performed continuously pursuant to the provisions of this Law.

14. Antiquities Protectorate: An area of land that contains archaeological remains or human or natural remains that have been designated and announced by a decision of the Cabinet. This decision is based on the

recommendation of the Minister supported by a recommendation by the Director General. These include the terms and conditions necessary for the preservation of things present therein.

Article 3:

a. The Department will carry out the following:

1. The execution of archeological policy of the state.
2. The appraisal of the archaeological value of objects and sites and evaluation of the importance of every piece of antiquity.
3. The administration of antiquities, archaeological sites and antiquities protectorates in the Kingdom, their protection, maintenance, repair and preservation, beautification of their surroundings and display of their features.
4. The spread of archeological culture and the establishment of archeological and heritage institutes and museums.
5. Searching for antiquities in the Kingdom.
6. Rendering assistance in organizing museums pertaining to Government activities in the Kingdom including historic, technical and popular museums.
7. Co-operation with local, Arab and foreign archeological groups who serve the national heritage and spread archeological awareness in accordance with the laws and regulations in force.
8. The control of possession and disposal of antiquities pursuant to this Law and the regulations, decisions and instructions issued hereunder.

b. The Minister may, on the recommendation of the Director, decide that any antiquities are immovable ones if they are part of immovable antiquities, supplemental thereto, coupled therewith or an ornament thereof.

Article 4:

a. The Minister may, on the recommendation of the Director and in cooperation with the Department of Land and Survey decide the names and limits of archaeological

sites. These shall be written down in the immovable antiquities register, including the specification of any rights of easement.

b. Notice of such a decision shall be given to all of the authorities concerned. Further, such archaeological sites shall be marked and their rights of easement shall be written in the registers and maps of the Department of Land and Survey.

Article 5:

a. Ownership of immovable antiquities shall be exclusively vested in the state. No other party may own these antiquities in any way or challenge the state's right to such ownership by delay or any other means.

b. The ownership, possession and disposal of movable antiquities shall be subject to the provisions hereunder.

c. Amateurs shall have the right, with the consent of the Department, to own or collect antiquities from outside the Kingdom with a view to acquisition if this is permitted by the legislation of the country of origin of any such material. The border Customs Centers should be advised upon entry of any such material into the Kingdom. The centers will, in turn, hand them over to the Department through an employee of the Customs in the presence of the owner to register and document them according to legal procedures within seven days from the date they are received.

d. The ownership of the land will not entitle the landlord to own the antiquities present on its surface or in its subsurface or dispose thereof nor shall it entitle him to prospect for antiquities therein.

e. It is permissible to appropriate or purchase any real estate or antiquities which the Department's interest requires the appropriation or purchase thereof.

f. All archaeological sites shall be registered in the name of the Treasury/Antiquities in addition to all the archaeological sites which are not registered with the Department, which are discovered in the Treasury land or which are appropriated or purchased.

g. It shall be prohibited to bring into the Kingdom any movable antiquities with a view to export them whether they are held by a person or through transit unless it is proved in writing that his possession of such antiquities is legal.

Article 6:

The Minister will, on the recommendation of the Director, publish in the Official Gazette a list of the names and borders of the archaeological sites in the Kingdom provided that such lists will be displayed in the center of the governorate, province, district, locality or village where the archaeological site is located. No land in such sites shall be authorized, leased or appropriated to any entity without the approval of the Minister.

Article 7:

Whoever has or is in possession of any movable antiquities shall provide to the Department a list thereof containing their number, pictures, and other details as well as a brief description of every one of them.

Article 8:

a. The Department may, with the approval of the Minister, purchase the antiquities referred to in the preceding Article or any part thereof provided that their value shall be estimated pursuant to this Law. The antiquities not purchased shall remain in the possession of their owner, who shall have no right to dispose thereof in any way without the approval of the Minister on the recommendation of the Director.

b. Any person may donate the antiquities he owns or any part thereof to the Department. Any antiquities presented in this way shall be kept in the names of their donors at the museums of the Department.

c. The Director may request in writing anybody having antiquities to hand them over to the Department for the purpose of examination or study or for any other purpose related to its duties provided that they shall be returned to their owners after their examination within a maximum period of one year.

Article 9:

It is prohibited to destroy, ruin, disfigure, or cause damage to antiquities including the change of their features, the separation of any part thereof, transformation thereof, affixing of notices thereon, or displaying signs on them.

Article 10:

The Cabinet may, on the recommendation of the Minister, lend, exchange or present antiquities if the Department has similar ones provided that lending, exchange or presentation shall be made to official, scientific or archaeological authorities in addition to museums.

Article 11:

- a. The prices of books, printed materials, publications, pictures, maps, molds, modern mosaic works and models issued by the Department, supervised by it or related to its program shall be fixed by a decision of the Director.
- b. The Director may present any of the materials mentioned in Paragraph “a” of this Article to any scientific institution, university or institute, following a recommendation by the Minister.

Article 12:

The Minister may, on the recommendation of the Director exempt persons, institutes and institutions from all the fees and prices stated herein.

Article 13:

- a. It is prohibited to license the establishment of any structure including buildings and walls unless it is from 5 to 25 meters away from any antiquities, against a fair compensation.
- b. It is permissible, by a decision of the Minister on the recommendation of the Director, to increase the distance mentioned above if necessity requires it in any of the following cases:

1. The protection or maintenance of the archaeological site.
 2. The expansion of the protected area of the archaeological site.
 3. To secure that the archaeological site is not obscured by any construction.
- c. It is prohibited to set up any heavy or dangerous industries, lime furnaces or stone quarries at a distance less than one kilometer from the location of the protected area of the archaeological sites. In all cases, prior approval of the Department shall be given before inviting offers or awarding tenders for engineering services, designs and sketches and preparing the documents of public and private projects tenders.

Article 14:

Despite the provisions of any other law, no person or entity will be allowed to carry out any excavations in archaeological sites in search of gold or other hidden treasures.

Article 15:

- a. Any person not having an excavation permit who discovers, finds or knows of the discovery of any antiquities shall announce the discovery to the Director or the nearest Public Security Center during ten days from the date of discovery, finding or knowing of the discovery of such antiquities.
- b. The Director may, subject to the approval of the Minister, pay to the one who discovered or found the antiquities an appropriate cash reward pursuant to this Law.

Article 16:

- a. The Department alone will have the right to carry out the work of surveying or excavating antiquities in the Kingdom. Further, it may, with the approval of the Minister, allow scientific institutions, commissions and societies as well as archaeological expeditions to survey for or excavate such antiquities by a special license after ascertaining their ability and efficiency, provided that the work will proceed pursuant to the conditions specified by the Director.

b. Subject to the provisions of Paragraph “a” of this Article, no person or entity shall be permitted to search for antiquities in any place in the Kingdom, even if such place is owned by him.

Article 17:

a. The Department or party licensed to excavate may do so in the state’s domain and other property provided that it shall be restored to its natural and previous condition before the excavation. The said party shall compensate the landlords for the damage they sustain due to the activities of excavation. The Department shall warrant the compensation and guarantee its payment.

b. The estimation of the compensation set out above shall be made by a committee to be formed by the Minister on the recommendation of the Director of three specialists, one of whom shall be from the private sector.

Article 18:

The parties licensed to excavate antiquities in the Kingdom, as well as the bodies and expeditions provided by such parties, shall comply with the instructions issued by the Minister, carry out their functions pursuant to the arrangements and shall abide by the procedures provided for in those instructions.

Article 19:

a. If the licensee for excavation or the excavation entity delegated thereby violates the instructions issued under this Law, the Department may, in addition to the measures provided for herein, suspend the excavation activities immediately until the violation is removed. The Minister may, on the recommendation of the Director, cancel the license.

b. The Minister may, on the recommendation of the Director, suspend the work if he believes that the safety of the expedition or security exigencies so require.

Article 20:

If excavation work is not commenced within one year from the date of granting the license or stopped through two seasons in two consecutive years without an acceptable excuse, the Minister may, on the recommendation of the Director, cancel the license. The Minister, however, may grant a license for work in the same area to any other party and the first party shall have lost all rights.

Article 21:

- a. The state shall be the proprietor of all the antiquities found during any work carried out by any entity or person in the Kingdom.
- b. Further, the state shall be the proprietor of all the antiquities found during the excavation work carried out by the licensee in the Kingdom. It is permissible, by a decision of the Minister on the recommendation of the Director, to grant the licensee some of the movable antiquities found, if there are others that are similar.

Article 22:

The Department may, solely or in conjunction with any other scientific entity, carry out excavation work in any Arab or foreign country if the Cabinet, on the recommendation of the Minister, finds that the national interest requires so.

Article 23:

Trading in antiquities shall be prohibited. All Licenses for trading in antiquities shall be considered as cancelled upon the execution of this Law.

Article 24:

Subject to Article 23 hereof, no transport, export or sale of movable antiquities outside the Kingdom shall be permitted without the approval of the Cabinet on the recommendation of the Minister based on the commendation of the Director.

Article 25:

- a. The Department, subject to the approval of the Minister, may purchase some or all the antiquities in the possession of their owner provided that their price shall be estimated in agreement with the Minister. If no agreement is reached, the price shall be estimated by two experts, one to be appointed by the Department and the other by the owner of the antiquity. In the case the two experts differ they shall appoint a third expert who will cast a tie-breaking vote.
- b. If the Department does not purchase the antiquities, their possessor may transfer their ownership to a third party provided that this shall be made with the knowledge of, and under the supervision of the Department.

Article 26:

- a. A punishment of not less than one year and not more than three years imprisonment and a fine not less than three thousand dinars, in proportion to the value of the antiquities, shall be imposed on any one who:
 1. Prospects for antiquities without obtaining a license by virtue of this Law.
 2. Trades in antiquities, assists, participates in, becomes involved with or incites others to do so.
 3. Fails to provide the Department with a list of the antiquities that he owns or possesses when this law takes effect.
 4. Intentionally destroys, ruins or disfigures any antiquities including any change of their features, separating a part thereof, or transforming them.
 5. Makes fake any antiquities or tried to forgery.
 6. Refrains from or is in default of handing over the antiquities which he discovered or came across to the Department, whether or not he holds license, within the prescribed period of time.
 7. Moves or disposes of any antiquities in violation of the Law including hiding or smuggling them.
 8. Steals pieces of antiquities.
 9. Trades in imitation antiquities alleging that they are genuine ones.

b. The antiquities, forgeries, copies, and molds seized as a consequence of the commission of the acts mentioned in Paragraph “a” of this Article shall be confiscated and handed over to the Department.

Article 27:

A punishment of imprisonment for a period not less than two months and not more than two years or a fine of not less than five hundred dinars in proportion to the value of the antiquities shall be imposed on any one who:

- a. Attaches notices on any antiquities or puts signs or any other things thereon.
- b. Carries out without a license from the Department any of the following acts:
 - 1. Creating fake antiquities or dealing with fake antiquities.
 - 2. Manufacturing and use of molds or samples of antiquities.
- c. Discovers or finds any antiquities and fails to inform about them pursuant to the provisions of this law.
- d. Presents any false statements or information or any incorrect documents to obtain any license or permit pursuant to the provisions of this law.

Article 28:

- a. In addition to the penalties provided for in Articles “26” and “27” of this Law:
 - 1. The antiquities for which the violation was committed shall be confiscated. Moreover, the apparatuses and tools shall also be confiscated and become the property of the Department.
 - 2. Any construction, buildings or other things which were erected, made or planted in violation of the provisions of this law or any system issued hereunder shall be removed at the expense of the offender including the cost of repair of any damage caused to the antiquities.
- b. The expenses and cost payable under this Article shall be estimated by the Committee provided for in Article 17 hereof. Its estimation shall be legal evidence acceptable to all parties.

c. The Director may request the court to impose attachment on the apparatuses, tools and machines used during encroachment upon the archaeological sites until it passes its related decision.

d. The court may impose a fine of not less than five hundred dinars and not more than one thousand dinars on the owner of the machine used in committing the encroachment if it is proved that he knew of same.

Article 29:

For the purposes of executing this Law and the regulations issued hereunder, the Director, his assistants, Section Heads, inspectors of Antiquities and museum managers of the Department, in addition to archaeological reserves employees, and any authorized Department's employee by the Director shall be vested with powers of judicial police provided for in the Law of Penal Procedures or any regulations in force.

Article 30:

Despite the provisions of any other law, there shall be no application of the discretionary commuting reasons below the minimum limit prescribed for any of the violations provided for herein.

Article 31:

a. There shall be established in the Kingdom a museum named "The Jordan Museum" which shall enjoy the status of a legal entity with financial and administrative independence.

b. The museum shall have a council of trustees and a management committee whose method of formation, duties and functions as well as all the matters related to either one of them shall be determined pursuant to a system to be laid down for this purpose.

c. The museum shall have a director whose way of appointment, duties and powers shall be determined pursuant to the system referred to in Paragraph “b” of this Article.

d. The museum is aimed to be:

1. A comprehensive heritage center for the history, civilization and culture of the Kingdom.
2. A national center of the Kingdom’s historic, archaeological and heritage property.
3. A developing educational and touristic instrument.
4. A center to support authorship in the field of archaeology and heritage.

e. The financial resources of the museum shall consist of the following:

1. The amount appropriated for it in the general budget.
2. Admission fees which shall be fixed pursuant to a system to be created for this purpose.
3. Charges for the services and activities it renders.
4. Gifts, aids, donation and any other resources accepted by the Council of Trustees subject to the approval of the Cabinet if they are of non-Jordanian source.
5. The museum shall be subject to the auditing and control of the Accounting Bureau.

Article 32:

Suitable financial reward shall be granted to any person who:

- a. Assists in confiscating any antiquities which are found and circulated in violation of this Law, the regulations, instructions and decisions issued hereunder.
- b. Provides any information which leads to the disclosure of any violation of this Law, the regulations, instructions and decisions issued hereunder.

Article 33:

- a. The rewards provided for in this Law shall be paid as follows:
 1. By a decision of the Director if the reward does not exceed one hundred dinars and by a decision of the Minister on the recommendation of the Director if it exceeds one hundred up to two hundred dinars.
 2. By a decision of the Prime Minister on the recommendation of the Minister if the reward exceeds two hundred dinars.
- b. The estimation of a reward shall be made, in all cases, by the Committee provided for in Article “17” hereof or by any other committee which the Minister decides to form for this purpose.

Article 34:

The Cabinet may issue the regulations necessary for the execution of this law including the prospecting fees conditions, fees of admission into museums and archaeological sites, museum guide licensing and formation of consultative councils and bodies.

Article 35:

The Law of Antiquities No. 26 for the year 1968 shall be repealed. Further any other law or legislation shall be repealed as far as it is in conflict with this Law provided that the regulations, instructions, decisions, lists and procedures which were issued or taken pursuant to any former law or legislation shall remain in effect until they are amended, cancelled or replaced by virtue of this Law.

Article 36:

The Prime Minister and the Ministers shall be charged with the execution of the provisions of this Law.

Appendix 2. UNESCO Convention of 1970

The General Conference of the United Nations Educational, Scientific and Cultural Organization, meeting in Paris from 12 October to 14 November 1970, at its sixteenth session,

Recalling the importance of the provisions contained in the Declaration of the Principles of International Cultural Co-operation, adopted by the General Conference at its fourteenth session,

Considering that the interchange of cultural property among nations for scientific, cultural and educational purposes increases the knowledge of the civilization of Man, enriches the cultural life of all peoples and inspires mutual respect and appreciation among nations,

Considering that cultural property constitutes one of the basic elements of civilization and national culture, and that its true value can be appreciated only in relation to the fullest possible information regarding its origin, history and traditional setting,

Considering that it is incumbent upon every State to protect the cultural property existing within its territory against the dangers of theft, clandestine excavation, and illicit export,

Considering that, to avert these dangers, it is essential for every State to become increasingly alive to the moral obligations to respect its own cultural heritage and that of all nations,

Considering that, as cultural institutions, museums, libraries and archives should ensure that their collections are built up in accordance with universally recognized moral principles,

Considering that the illicit import, export and transfer of ownership of cultural property is an obstacle to that understanding between nations which it is part of UNESCO's mission to promote by recommending to interested States, international conventions to this end,

Considering that the protection of cultural heritage can be effective only if organized both nationally and internationally among States working in close co-operation,

Considering that the UNESCO General Conference adopted a Recommendation to this effect in 1964,

Having before it further proposals on the means of prohibiting and preventing the illicit import, export and transfer of ownership of cultural property, a question which is on the agenda for the session as item 19,

Having decided, at its fifteenth session, that this question should be made the subject of an international convention,

Adopts this Convention on the fourteenth day of November 1970.

Article 1:

For the purposes of this Convention, the term "cultural property" means property which, on religious or secular grounds, is specifically designated by each State as being of importance for archaeology, prehistory, history, literature, art or science and which belongs to the following categories:

- (a) Rare collections and specimens of fauna, flora, minerals and anatomy, and objects of palaeontological interest;
- (b) Property relating to history, including the history of science and technology and military and social history, to the life of national leaders, thinkers, scientists and artist and to events of national importance;

- (c) Products of archaeological excavations (including regular and clandestine) or of archaeological discoveries;
- (d) Elements of artistic or historical monuments or archaeological sites which have been dismembered;
- (e) Antiquities more than one hundred years old, such as inscriptions, coins and engraved seals;
- (f) Objects of ethnological interest;
- (g) Property of artistic interest, such as:
 - (i) pictures, paintings and drawings produced entirely by hand on any support and in any material (excluding industrial designs and manufactured articles decorated by hand);
 - (ii) original works of statuary art and sculpture in any material;
 - (iii) original engravings, prints and lithographs;
 - (iv) original artistic assemblages and montages in any material;
- (h) Rare manuscripts and incunabula, old books, documents and publications of special interest (historical, artistic, scientific, literary, etc.) singly or in collections;
- (i) Postage, revenue and similar stamps, singly or in collections;
- (j) Archives, including sound, photographic and cinematographic archives;
- (k) Articles of furniture more than one hundred years old and old musical instruments.

Article 2:

1. The States Parties to this Convention recognize that the illicit import, export and transfer of ownership of cultural property is one of the main causes of the impoverishment of the cultural heritage of the countries of origin of such property and that international co-operation constitutes one of the most efficient means of protecting each country's cultural property against all the dangers resulting there from.

2. To this end, the States Parties undertake to oppose such practices with the means at their disposal, and particularly by removing their causes, putting a stop to current practices, and by helping to make the necessary reparations.

Article 3:

The import, export or transfer of ownership of cultural property effected contrary to the provisions adopted under this Convention by the States Parties thereto, shall be illicit.

Article 4:

The States Parties to this Convention recognize that for the purpose of the Convention property which belongs to the following categories forms part of the cultural heritage of each State:

- (a) Cultural property created by the individual or collective genius of nationals of the State concerned, and cultural property of importance to the State concerned created within the territory of that State by foreign nationals or stateless persons resident within such territory;
- (b) Cultural property found within the national territory;
- (c) Cultural property acquired by archaeological, ethnological or natural science missions, with the consent of the competent authorities of the country of origin of such property;
- (d) Cultural property which has been the subject of a freely agreed exchange;
- (e) Cultural property received as a gift or purchased legally with the consent of the competent authorities of the country of origin of such property.

Article 5:

To ensure the protection of their cultural property against illicit import, export and transfer of ownership, the States Parties to this Convention undertake, as appropriate for each country, to set up within their territories one or more national services, where such services do not already exist, for the protection of the cultural heritage,

with a qualified staff sufficient in number for the effective carrying out of the following functions:

- (a) Contributing to the formation of draft laws and regulations designed to secure the protection of the cultural heritage and particularly prevention of the illicit import, export and transfer of ownership of important cultural property;
- (b) Establishing and keeping up to date, on the basis of a national inventory of protected property, a list of important public and private cultural property whose export would constitute an appreciable impoverishment of the national cultural heritage;
- (c) Promoting the development or the establishment of scientific and technical institutions (museums, libraries, archives, laboratories, workshops...) required to ensure the preservation and presentation of cultural property;
- (d) Organizing the supervision of archaeological excavations, ensuring the preservation in situ of certain cultural property, and protecting certain areas reserved for future archaeological research;
- (e) Establishing, for the benefit of those concerned (curators, collectors, antique dealers, etc.) rules in conformity with the ethical principles set forth in this Convention; and taking steps to ensure the observance of those rules;
- (f) Taking educational measures to stimulate and develop respect for the cultural heritage of all States, and spreading knowledge of the provisions of this Convention;
- (g) Seeing that appropriate publicity is given to the disappearance of any items of cultural property.

Article 6:

The States Parties to this Convention undertake:

- (a) To introduce an appropriate certificate in which the exporting State would specify that the export of the cultural property in question is authorized. The certificate should accompany all items of cultural property exported in accordance with the regulations;

- (b) To prohibit the exportation of cultural property from their territory unless accompanied by the above-mentioned export certificate;
- (c) To publicize this prohibition by appropriate means, particularly among persons likely to export or import cultural property.

Article 7:

The States Parties to this Convention undertake:

- (a) To take the necessary measures, consistent with national legislation, to prevent museums and similar institutions within their territories from acquiring cultural property originating in another State Party which has been illegally exported after entry into force of this Convention, in the States concerned. Whenever possible, to inform a State of origin Party to this Convention of an offer of such cultural property illegally removed from that State after the entry into force of this Convention in both States;
- (b) (i) to prohibit the import of cultural property stolen from a museum or a religious or secular public monument or similar institution in another State Party to this Convention after the entry into force of this Convention for the States concerned, provided that such property is documented as appertaining to the inventory of that institution;
- (ii) at the request of the State Party of origin, to take appropriate steps to recover and return any such cultural property imported after the entry into force of this Convention in both States concerned, provided, however, that the requesting State shall pay just compensation to an innocent purchaser or to a person who has valid title to that property. Requests for recovery and return shall be made through diplomatic offices. The requesting Party shall furnish, at its expense, the documentation and other evidence necessary to establish its claim for recovery and return. The Parties shall impose no customs duties or other charges upon cultural property returned pursuant to this Article. All expenses incident to the return and delivery of the cultural property shall be borne by the requesting Party.

Article 8:

The States Parties to this Convention undertake to impose penalties or administrative sanctions on any person responsible for infringing the prohibitions referred to under Articles 6(b) and 7(b) above.

Article 9:

Any State Party to this Convention whose cultural patrimony is in jeopardy from pillage of archaeological or ethnological materials may call upon other States Parties who are affected. The States Parties to this Convention undertake, in these circumstances, to participate in a concerted international effort to determine and to carry out the necessary concrete measures, including the control of exports and imports and international commerce in the specific materials concerned. Pending agreement each State concerned shall take provisional measures to the extent feasible to prevent irremediable injury to the cultural heritage of the requesting State.

Article 10:

The States Parties to this Convention undertake:

(a) To restrict by education, information and vigilance, movement of cultural property illegally removed from any State Party to this Convention and, as appropriate for each country, oblige antique dealers, subject to penal or administrative sanctions, to maintain a register recording the origin of each item of cultural property, names and addresses of the supplier, description and price of each item sold and to inform the purchaser of the cultural property of the export prohibition to which such property may be subject;

(b) To endeavour by educational means to create and develop in the public mind a realization of the value of cultural property and the threat to the cultural heritage created by theft, clandestine excavations and illicit exports.

Article 11:

The export and transfer of ownership of cultural property under compulsion arising directly or indirectly from the occupation of a country by a foreign power shall be regarded as illicit.

Article 12:

The States Parties to this Convention shall respect the cultural heritage within the territories for the international relations of which they are responsible, and shall take all appropriate measures to prohibit and prevent the illicit import, export and transfer of ownership of cultural property in such territories.

Article 13:

The States Parties to this Convention also undertake, consistent with the laws of each State:

- (a) To prevent by all appropriate means transfers of ownership of cultural property likely to promote the illicit import or export of such property;
- (b) To ensure that their competent services co-operate in facilitating the earliest possible restitution of illicitly exported cultural property to its rightful owner;
- (c) To admit actions for recovery of lost or stolen items of cultural property brought by or on behalf of the rightful owners;
- (d) To recognize the indefeasible right of each State Party to this Convention to classify and declare certain cultural property as inalienable which should therefore ipso facto not be exported, and to facilitate recovery of such property by the State concerned in cases where it has been exported.

Article 14:

In order to prevent illicit export and to meet the obligations arising from the implementation of this Convention, each State Party to the Convention should, as far as it is able, provide the national services responsible for the protection of its

cultural heritage with an adequate budget and, if necessary, should set up a fund for this purpose.

Article 15:

Nothing in this Convention shall prevent States Parties thereto from concluding special agreements among themselves or from continuing to implement agreements already concluded regarding the restitution of cultural property removed, whatever the reason, from its territory of origin, before the entry into force of this Convention for the States concerned.

Article 16:

The States Parties to this Convention shall in their periodic reports submitted to the General Conference of the United Nations Educational, Scientific and Cultural Organization on dates and in a manner to be determined by it, give information on the legislative and administrative provisions which they have adopted and other action which they have taken for the application of this Convention, together with details of the experience acquired in this field.

Article 17:

1. The States Parties to this Convention may call on the technical assistance of the United Nations Educational, Scientific and Cultural Organization, particularly as regards:

- (a) Information and education;
- (b) Consultation and expert advice;
- (c) Coordination and good offices.

2. The United Nations Educational, Scientific and Cultural Organization may, on its own initiative conduct research and publish studies on matters relevant to the illicit movement of cultural property.

3. To this end, the United Nations Educational, Scientific and Cultural Organization may also call on the co-operation of any competent non-governmental organization.

4. The United Nations Educational, Scientific and Cultural Organization may, on its own initiative, make proposals to States Parties to this Convention for its implementation.

5. At the request of at least two States Parties to this Convention which are engaged in a dispute over its implementation, UNESCO may extend its good offices to reach a settlement between them.

Article 18:

This Convention is drawn up in English, French, Russian and Spanish, the four texts being equally authoritative.

Article 19:

1. This Convention shall be subject to ratification or acceptance by States members of the United Nations Educational, Scientific and Cultural Organization in accordance with their respective constitutional procedures.

2. The instruments of ratification or acceptance shall be deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

Article 20:

1. This Convention shall be open to accession by all States not members of the United Nations Educational, Scientific and Cultural Organization which are invited to accede to it by the Executive Board of the Organization.

2. Accession shall be effected by the deposit of an instrument of accession with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

Article 21:

This Convention shall enter into force three months after the date of the deposit of the third instrument of ratification, acceptance or accession, but only with respect to those States which have deposited their respective instruments on or before that date.

It shall enter into force with respect to any other State three months after the deposit of its instrument of ratification, acceptance or accession.

Article 22:

The States Parties to this Convention recognize that the Convention is applicable not only to their metropolitan territories but also to all territories for the international relations of which they are responsible; they undertake to consult, if necessary, the governments or other competent authorities of these territories on or before ratification, acceptance or accession with a view to securing the application of the Convention to those territories, and to notify the Director-General of the United Nations Educational, Scientific and cultural Organization of the territories to which it is applied, the notification to take effect three months after the date of its receipt.

Article 23:

1. Each State Party to this Convention may denounce the Convention on its own behalf or on behalf of any territory for whose international relations it is responsible.
2. The denunciation shall be notified by an instrument in writing, deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization.
3. The denunciation shall take effect twelve months after the receipt of the instrument of denunciation.

Article 24:

The Director-General of the United Nations Educational, Scientific and Cultural Organization shall inform the States members of the Organization, the States not members of the Organization which are referred to in Article 20, as well as the United Nations, of the deposit of all the instruments of ratification, acceptance and accession provided for in Articles 19 and 20, and of the notifications and denunciations provided for in Articles 22 and 23 respectively.

Article 25:

1. This Convention may be revised by the General Conference of the United Nations Educational, Scientific and Cultural Organization. Any such revision shall, however, bind only the States which shall become Parties to the revising convention.
2. If the General Conference should adopt a new convention revising this Convention in whole or in part, then, unless the new convention otherwise provides, this Convention shall cease to be open to ratification, acceptance or accession, as from the date on which the new revising convention enters into force.

Article 26:

In conformity with Article 102 of the Charter of the United Nations, this Convention shall be registered with the Secretariat of the United Nations at the request of the Director-General of the United Nations Educational, Scientific and Cultural Organization.

Appendix 3. MOU between Jordan and the United States of America

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE GOVERNMENT OF THE UNITED STATES OF AMERICA

AND

THE GOVERNMENT OF THE HASHEMITE KINGDOM OF JORDAN

CONCERNING THE IMPOSITION OF IMPORT RESTRICTIONS

ON CATEGORIES OF ARCHAEOLOGICAL MATERIAL OF JORDAN

The Government of the United States of America (“the United States”) and the Government of the Hashemite Kingdom of Jordan (“Jordan”) collectively referred to as the “Parties”; Acting pursuant to the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, to which both countries are States party; and Desiring to reduce the incentive for pillage of irreplaceable archaeological material representing Jordan’s cultural heritage;

Have agreed as follows:

ARTICLE I

1. The United States shall, in accordance with its legislation, including the Convention on Cultural Property Implementation Act, restrict the importation into the United States of certain archaeological material, which includes objects in stone, ceramic, metal, bone, ivory, shell and other organic materials, glass, faience and semi-precious stone, painting, plaster, textiles, basketry, rope, wood, and leather ranging in date from about 1.5 million B.C. to A.D. 1750 identified in the list to be promulgated by the United States (hereinafter referred to as the Designated List), unless Jordan issues a license which certifies that such exportation was not in violation of its laws.

2. The United States shall offer for return to Jordan any object or material on the Designated List forfeited to the United States.

3. Such import restrictions shall become effective on the date the Designated List is published in the U.S. Federal Register, the official United States Government publication providing fair public notice.

ARTICLE II

1. The Parties shall publicize this Memorandum of Understanding (MOU) and the reasons for it.

2. Jordan shall continue to use its best efforts to maintain and share with the United States information about unauthorized excavations, thefts of cultural property; trafficking of cultural property, and other threats that jeopardize its cultural patrimony.

3. Jordan shall continue to use its best efforts to take steps consistent with the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Export, Import, and Transfer of Ownership of Cultural Property to protect its cultural patrimony. To assist in these efforts, the United States shall use its best efforts to facilitate technical assistance to Jordan as appropriate under available programs in the public and/or private sectors.

4. Jordan shall continue to use its best efforts to engage other countries having a significant import trade in archaeological material from Jordan to deter a serious situation of pillage of cultural property.

5. The Parties shall use best efforts to encourage further interchange of archaeological and heritage objects, including long term loans of such objects, to introduce the rich cultural heritage of Jordan to the public.

6. The Parties shall continue to endeavor to keep the other informed of the measures taken to implement this MOU.

ARTICLE III

The obligations of the Parties and the activities carried out under this MOU shall be subject to their respective laws and regulations, including those with respect to the availability of appropriated funds.

ARTICLE IV

1. This MOU shall enter into force on February 1, 2020; it shall remain in force for a period of five (5) years, unless extended.
2. This MOU may be extended and/or amended only by mutual written consent of the Parties.
3. The Parties shall review the effectiveness of this MOU before the expiration of the five (5)-year period in order to determine whether this MOU should be extended.
4. Either Party may notify the other, in writing through diplomatic channels, of its intention to terminate this MOU prior to its date of expiry. In such a case the termination shall come into effect six (6) months after the date of notification.
5. Any dispute arising from the interpretation and/ or implementation of this MOU shall be resolved amicably by consultations and negotiations between the Parties through diplomatic channels.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed the present MOU.

DONE at Amman, this December 16, 2019, in duplicate, in the English and Arabic languages, both texts being equally authentic.

References

- ACOR, National Inventory, <https://acorjordan.org/national-inventory-jo/> [accessed 3 August 2023].
- Antiquities Law 1935, <https://jordanianlaw.com/1935-القوانين-قانون-العاديات-لسنة-1935/> [accessed 9 August 2023].
- APAAME, Aerial Photographic Archive for Archaeology in the Middle East, <http://www.apaame.org/> [accessed 29 July 2023].
- Auction Houses List, Auction Daily, <https://auctiondaily.com/auction-house/> [accessed 28 July 2023].
- Auction Houses List, Artnet, <http://www.artnet.com/auction-houses/directory/> [accessed 28 July 2023].
- Blue Shield, Organization, <https://theblueshield.org/> [accessed 28 June 2023].
- Charney, Noah, recorded lecture available on the project webpage, <https://acorjordan.org/prevention-of-illicit-trafficking-resources>.
- Corona, Satellite imagery, <https://corona.cast.uark.edu/> [accessed 5 August 2023].
- European List, [https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1528139851504&uri=CELEX:52018XC0222\(01\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1528139851504&uri=CELEX:52018XC0222(01)) [accessed 14 July 2023].
- Gerstenblith, Patty, recorded lecture available by request from the ACOR Library, <https://acorjordan.org/acor-library/>.

References

- Google Earth Pro, <https://www.google.com/earth/about/versions/> [accessed 5 August 2023].
- Hague Convention 1954, The Convention, <https://www.unesco.org/en/legal-affairs/convention-protection-cultural-property-event-armed-conflict-regulations-execution-convention> [accessed 26 July 2023].
- Hague Convention 1954, First Protocol, <https://www.unesco.org/en/legal-affairs/protocol-convention-protection-cultural-property-event-armed-conflict?hub=66535> [accessed 26 July 2023].
- Hague Convention 1954, Second Protocol, <https://www.unesco.org/en/legal-affairs/second-protocol-hague-convention-1954-protection-cultural-property-event-armed-conflict?hub=66535> [accessed 26 July 2023].
- Hill, Austin Chad, recorded lecture available on the project webpage, <https://acorjordan.org/prevention-of-illicit-trafficking-resources>
- ICC, International Criminal Court, <https://asp.icc-cpi.int/> [accessed 28 June 2023].
- ICC, case of al-Qaeda leader in Mali, <https://www.icc-cpi.int/mali/al-mahdi> [accessed 28 June 2023].
- ICOM, Object ID, <https://icom.museum/en/resources/standards-guidelines/objectid/> [accessed 2 August 2023].
- ICOM, Red Lists, <https://icom.museum/en/red-lists/> [accessed 7 August 2023].
- ICPRCP, Committee, <https://en.unesco.org/fighttrafficking/icprcp> [accessed 6 August 2023].

IHL, “IHL in Action: Respect for the Law on the Battlefield, Jordan/Iraq, Repatriation of Artefacts,” <https://ihl-in-action.icrc.org/case-study/jordaniraq-repatriation-artefacts> [accessed 7 August 2023].

INTERPOL, ID-Art mobile app, <https://www.interpol.int/Crimes/Cultural-heritage-crime> [accessed 29 July 2023].

INTERPOL. Jordanian Office, <https://www.psd.gov.jo/en-us/psd-department-s/arab-and-international-police-department-interpol/> [accessed 29 July 2023].

Jordanian Antiquities Law 1988 (amended in 2004 and 2008), in English, Appendix 1 in: David Myers, Stacie Nicole Smith, and May Shaer (2010), *A Didactic Case Study of Jarash Archaeological Site, Jordan: Stakeholders and Heritage Values in Site Management*, pp. 59–65. Los Angeles: The Getty Conservation Institute; Hashemite Kingdom of Jordan: Department of Antiquities.

Jordanian Law of Architectural and Urban Heritage Protection of 2005, <https://jordanianlaw.com/القوانين/قانون-حماية-التراث-العمراني-والحضري/> [accessed 13 August 2023].

Jordan Times 2022 (1 March 2022), US Embassy returns 9 trafficked cultural antiquities to Jordan, <https://jordantimes.com/news/local/us-embassy-returns-9-trafficked-cultural-antiquities-jordan> [accessed 9 August 2023].

Kersel, Morag, recorded lecture available on the project webpage, <https://acorjordan.org/prevention-of-illicit-trafficking-resources>.

References

Mayers, David; Smith, Stacie Nicole and Shaer, May 2010, *A Didactic Case Study of Jarash Archaeological Site, Jordan: Stakeholders and Heritage Values in Site Management*. Los Angeles: The Getty Conservation Institute; Hashemite Kingdom of Jordan: Department of Antiquities.

MEGAJordan, <http://megajordan.org/> [accessed 7 August 2023].

Ministry of Justice, Legal Definitions, <http://moj.gov.jo/Pages/viewpage.aspx?pageID=193> [accessed 13 August 2023].

MOU 2021, A Memorandum of Understanding for Cooperation between the Ministry of Tourism and Antiquities in the Hashemite Kingdom of Jordan and the Ministry of Tourism and Antiquities in the Arab Republic of Egypt for Cooperation in the Field of Antiquities and Museums. From the Department of Antiquities Archive.

MOU 2019, Memorandum of Understanding between the Government of the United States of America and the Government of the Hashemite Kingdom of Jordan. Concerning the Imposition of Import Restrictions on Categories of Archaeological Material of Jordan, <https://eca.state.gov/cultural-heritage-center/cultural-property/current-agreements-and-import-restrictions> [accessed 28 July 2023].

Nairobi Convention 1977, Convention and annexes, <https://www.wcoomd.org/~media/wco/public/global/pdf/about-us/legal-instruments/conventions-and-agreements/nairobi/naiengl.pdf?la=en> [accessed 16 July 2023].

Nairobi Convention 1977, Contracting Parties, <https://www.wcoomd.org/-/media/wco/public/global/pdf/about-us/legal-instruments/conventions-and-agreements/conventions/eg0019e1.pdf> [accessed 16 July 2023].

Observatory Illicit Traffic website, <https://icom.museum/en/heritage-protection/international-observatory-on-illicit-traffic-in-cultural-goods/> [accessed 5 August 2023].

Resolution 1483/2003,
[https://undocs.org/Home/Mobile?FinalSymbol=S%2FRES%2F1483\(2003\)&Language=E&DeviceType=Desktop&LangRequested=False](https://undocs.org/Home/Mobile?FinalSymbol=S%2FRES%2F1483(2003)&Language=E&DeviceType=Desktop&LangRequested=False) [accessed 4 August 2023].

Resolution 2199/2015,
[https://undocs.org/Home/Mobile?FinalSymbol=S%2FRES%2F2199%2520\(2015\)&Language=E&DeviceType=Desktop&LangRequested=False](https://undocs.org/Home/Mobile?FinalSymbol=S%2FRES%2F2199%2520(2015)&Language=E&DeviceType=Desktop&LangRequested=False) [accessed 4 August 2023].

Resolution 2253/2015,
[https://undocs.org/Home/Mobile?FinalSymbol=S%2FRES%2F2253\(2015\)&Language=E&DeviceType=Desktop&LangRequested=False](https://undocs.org/Home/Mobile?FinalSymbol=S%2FRES%2F2253(2015)&Language=E&DeviceType=Desktop&LangRequested=False) [accessed 4 August 2023].

Resolution 2347/2017,
[https://undocs.org/Home/Mobile?FinalSymbol=S%2FRES%2F2347\(2017\)&Language=E&DeviceType=Desktop&LangRequested=False](https://undocs.org/Home/Mobile?FinalSymbol=S%2FRES%2F2347(2017)&Language=E&DeviceType=Desktop&LangRequested=False) [accessed 4 August 2023].

References

- Saudi Antiquities Law of 2014. *Law of Antiquities, Museums and Urban Heritage*, Royal Decree No. M/3, November 2, 2014, <https://laws.boe.gov.sa/BoeLaws/Laws/LawDetails/a7d4493b-7c03-4c2d-b3c6-a9a700f275cd/2> [accessed 28 February 2023].
- Syrian Antiquities Law of 1963, https://sherloc.unodc.org/cld/uploads/res/document/syr/antiquities-law_html/sy_antiquitieslaw1963_engtof.pdf [accessed 28 February 2023].
- UNESCO 1970, Convention, <https://en.unesco.org/fighttrafficking/1970> [accessed 9 August 2023].
- UNESCO 1970, Operational Guidelines, <https://en.unesco.org/fighttrafficking/operational-guidelines> [accessed 17 July 2023].
- UNESCO 2001, Underwater heritage, <https://www.unesco.org/en/legal-affairs/convention-protection-underwater-cultural-heritage#item-2> [accessed 29 July 2023].
- UNESCO List of National Cultural Heritage Laws, <https://en.unesco.org/cultnatlaws/list> [accessed 1 August 2023].
- UNESCO Models, <https://unesdoc.unesco.org/ark:/48223/pf0000139620> [accessed 24 July 2023].
- UNESCO Toolkit 2018, *Fighting the Illicit Trafficking of Cultural Property. A Toolkit for European Judiciary and Law Enforcement*. Paris: United Nations Educational, Scientific and Cultural Organization, <https://unesdoc.unesco.org/ark:/48223/pf0000266098> [accessed 9 August 2023].

UN 2000, Convention against Transnational Organized Crime, <https://www.unodc.org/unodc/en/treaties/CTOC/signatures.html> [accessed 18 July 2023].

UN Glossary, Glossary of terms relating to Treaty actions, https://treaties.un.org/pages/overview.aspx?path=overview/glossary/page1_en.xml [accessed 1 August 2023].

UNIDROIT 1995, Convention on Stolen or Illegally Exported Cultural Objects, <https://www.unidroit.org/instruments/cultural-property/1995-convention/> [accessed 3 August 2023].

World Customs Organization, Cultural Heritage Programme, <https://www.wcoomd.org/en/topics/enforcement-and-compliance/activities-and-programmes/cultural-heritage-programme.aspx> [accessed 9 August 2023].

World Customs Organization, Nomenclature, https://www.wcoomd.org/en/topics/nomenclature/instrument-and-tools/hs_nomenclature_previous_editions/hs_nomenclature_table_2012.aspx [accessed 14 August 2023].

World Customs Organization, ARCHEO Tool, https://www.wcoomd.org/-/media/wco/public/global/pdf/topics/enforcement-and-compliance/activities-and-programmes/cultural-heritage/archeo_brochure_en.pdf [accessed 9 August 2023].

