

2011-2012

**Jordanian National report on the implementation of the 1954 Convention for the protection of Cultural Property in the event of Armed Conflict and its two (1954 and 1999) Protocols -requests for the dispatch of national reports.**

**Prepared by: The Department of Antiquities of Jordan**

**A- In Terms of Inventories of cultural property**

1- The Jordanians Law of Antiquities No.21 for the year 1988 stipulates that all inventories of archaeological sites should be kept under the supervision of the Department. a corpus of archaeological sites were published by the Department of Antiquities in the National Gazette since the year of 1935.Regarding the movable archaeological objects, the Department prohibited the trading in Antiquate objects which was made before the year 1750 AD, despite the fact that we have private collections, the ownership does not mean that the owner have the right to export or sell any of his private collection ,even those private collections must be registered in special forms at the Department , otherwise the Department will consider those object as illegal statues. The article 5 in the Antiquities Law 21 clarify the situation of the protection of the cultural property import "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.

In (2010) , the Jordan Archaeological Database and Information System (JADIS) was upgraded to a more developed system and adopted as MEGA-Jordan System. This is a computerized inventory of archaeological and historic sites listing up till now some 10,000 known sites in Jordan. Additional sites are also being added to the inventory as the result of ongoing explorations and investigations

### **B- Accession to the Convention and its two protocols**

1-Jordan was among the first countries which admitted and signed the convention since its initiation in 1954. The Jordanian signature on 22 December 1954. Ratification was on 02.10.1957 (R) and it became into force on 02.01.1958.

2-Jordan signed the first Protocol was on 22 December 1954 .and ratified it on 02/10/1957.

3-Jordan accessed to the ratification of the second Protocol on 05/05/2009.

### **C- Military Measures**

#### **Article 7 Requirements:**

1-The requirements of this article are considered by the Jordanian Forces. In 1996 a central unit was established at the Department of Anti- narcotics, the responsibility of which is to follow up any impacts on movable and immovable antiquities. In the meantime there is a strict and direct cooperation between other security and Customs Departments and the Department of Antiquities of Jordan.

2- Moreover the Cultural and Natural Heritage issues are taken into consideration as part of the study programs of military and security Departments Universities and academic sections of military forces.

3- During the waging war in 2003 on Iraq a specialized Jordanian unit was established on the Iraqi border to control the illicit transportation of the components of the Iraqi Heritage. It was so efficient and used the most developed machines of detections to stop any illicit transportation.

In return, the Jordanian government returned three **thousands five hundreds** of objects to the Iraqi authorities (in 1999, 2008) including sculptures, stamps and inscribed clay tablets.

#### **D- Chapter V -The distinctive Emblem:**

Jordan does not really mark the cultural properties due to the abundance of Cultural sites in Jordan.

#### **E- Dissemination of the Convention:**

The requirements and the safety of Heritage is a main issue that is included in the programs of training of different forces in Jordan. In the meantime educating lectures are presented by the Department of Antiquities to those forces and security departments.

## **F -Sanctions:**

Steps to prosecute and penal or disciplinary sanctions upon those who commit or order to be committed against cultural heritage are mentioned in the Jordanian Antiquities Law (**Law no. 21 for the year 1988** and its amendments) .

### **Antiquities Law**

#### **Sanctions**

##### **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 anyone who:
- 1- Prospects for antiquities without obtaining a license by virtue of this Law.
  - 2- Trades in antiquities, assists, participates in, interferes 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.
  - 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 makes an attempt to do so.
  - 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 this 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 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 anyone 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 by chance or if he knows of their discovery or finding 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 Article 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 antique 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, shall be vested with the powers of judicial police provided for in the Law of Penal Procedures in force.

#### **G- Regional commitment towards the real implementation of the 1954**

##### **Convention**

And as a commitment towards the real implementation of the 1954 convention ,and as a member of the League of Arab States, Jordan

supports the attached Cairo Declaration that was adopted by consensus at a regional conference convened from 14 to 16 February 2004 in order to mark the 50th anniversary of the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict.

**New More Actions implemented concerning Hague 1954 Convention**

- 1-The DoA was committed to the task of sustainable Educating the Military forces and the security and Police Department on all the articles of the Hague convention and its two protocols.
  
- 2- DoA, in cooperation with different concerned Departments returned to Iraq in 2008 another hoard of antiquities that was confiscated at Jordanian different ports and on its mainland from (1999, 2008). Unesco office in Jordan and mass media attended the ceremonial handing to the Iraqi authorities.
  
- 3- Jordan has been always involved in confiscating different bargains of illicit transporting of antiquities across its mainland and at its different ports since 1976. That proper year that witnessed the amendment of the Antiquities Law of Jordan concerning the stop of permitting the dealing in antiquities. Dealing became taken as illicit and criminal. Strict Penalties have been imposed on any case of dealing ever since.
  
- 4- The Jordanian Government has been strictly involved in controlling, since the emergence of troubles in Syria ,the Syrian border in a proactive step to stop any illicit transporting any Syrian antiquities .