

On January 31, 2019, the U.S. Department of State published notification in the Federal Register of the receipt of a request from the Government of the Hashemite Kingdom of Jordan to the Government of the United States of America for import restrictions on archaeological material from Jordan representing cultures from the Paleolithic era through 1750 CE. This request was submitted pursuant to Article 9 of the [1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property](#) as implemented by the [Convention on Cultural Property Implementation Act](#) (“CPIA,” 19 U.S.C. 2601 et seq.).

Accompanying its request, the Government of Jordan provided a written statement of the facts known to it that addresses the matters on which the Department makes the determinations specified in the CPIA. The following public summary, authorized by the Government of Jordan, is derived from that request. Being a summary, it does not contain all the information supplied by the Government of Jordan in its request. In particular, it does not contain sensitive or privileged information. Finally, this summary does not necessarily represent the position of the Government of the United States on this matter.

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PUBLIC SUMMARY

Request by the Government of the Hashemite Kingdom of Jordan to the Government of the
The United States of America for Imposing Import Restrictions to
Protect its Cultural Patrimony under Article 9 of the UNESCO Convention (1970)

Jordan is home to a significant cultural history, representing civilizations from the Paleolithic to the rise of the Ottomans in 1750. To protect its heritage, Jordan ratified the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property on March 15, 1974. Since that time, Jordan has taken a wide range of measures to protect its cultural sites and objects against the dangers of theft, clandestine excavation, and illegal export. However, despite these measures, Jordan’s heritage is still in jeopardy due to the pillage of archaeological materials. The Government of Jordan therefore invokes Article 9 of the 1970 UNESCO Convention and requests the imposition of U.S. import restrictions on its archaeological material dating from the Paleolithic through the Ottoman eras (1,500,000 BCE to 1750 CE).

Protection is sought for archaeological material in stone, metal, ceramic and clay, glass, faience, and semi-precious stone, mosaic, painting, plaster, textile, basketry, leather, bone, ivory, shell and other organics, as well as human remains.

Historical Overview

Jordan's archaeological heritage has been recognized for its significance by both the international community and Jordan itself. Situated at the crossroads of Africa, Europe, and Asia, Jordan has seen many civilizations flourish, from the Bronze Age to the Persian, Hellenistic, Nabatean, Roman, Byzantine, Umayyad, and Ottoman Empires. Each of these has left a legacy.

The earliest civilizations are reflected in the abundant remains of the Paleolithic period in the western highlands, the southern mountain desert, and the Azraq Basin. The transition into the Neolithic period saw the emergence of organized, sedentary agricultural societies. The Chalcolithic brought about the distinct Ghassulian culture, which in turned into the Bronze Age, and the emergence of extensive urbanization in the region.

Developments in the Iron Age saw the region split into three major kingdoms: Moab, Ammon, and Edom. The Iron Age ended in 539 BCE with the conquest of the region by the Persian ruler Cyrus. During the Hellenistic Period (323–30 BCE), the process of "Hellenization," characterized by dissemination of Greek language and culture, occurred throughout the Near East under the rule of Alexander the Great's generals and their descendants.

The Nabateans were a nomadic people from Arabia who settled in the southern part of Jordan between the sixth and fourth centuries BCE. The Nabatean capital of Petra controlled a kingdom that stretched from the Sinai to the Hijaz and north to southern Syria, covering much of modern-day Jordan, excluding the northwest region. During the second and third centuries, the territory of Jordan was part of the Roman province of Arabia. During the Byzantine period, the Hellenistic and Roman cities acquired Christian architecture including churches, shrines, and funeral buildings.

The Islamic conquest of the territory of modern Jordan occurred between 633 and 648 CE, as the eastern provinces of the Byzantine Empire fell to the Umayyad Caliphate, based in Damascus. Eventually the Ottoman Empire came to rule the territory, from 1516 to 1918, until the British Mandate was established in 1922. Finally, the independent Hashemite Kingdom of Jordan was declared under King Abdullah I in 1946.

Evidence of Pillage and Jeopardy to the Cultural Patrimony of Jordan

Despite efforts taken by the Government of Jordan, its archaeological sites are the target of looting and illegal trade. Site looting was reported as early as 1934 at a Late Roman-Byzantine cemetery in the Wadi Faynan, and by 1996 it was estimated that 700 graves, constituting 40% of the total number, had been severely damaged. Sites of the Early Bronze Age and Iron Age are

among the most heavily looted in Jordan. The pillage of Nabatean/Roman period sites is second only to that of the Early Bronze Age.

The economic recession of the 1990s led to large-scale looting, including at the Early Bronze Age cemetery in the Ghawr as-Safi area, located in the region south of the Dead Sea; the cemetery of Qazune, at the southern tip of the Dead Sea; and the Late Roman tombs at Quwailibah. It has been noted that many of the artifacts stolen from these sites were put up for sale on the international market.

The Middle Eastern Geodatabase for Antiquities (MEGA) in Jordan reports looting disturbances at sites from the Islamic and Crusader periods. The MEGA Jordan database lists more than 100 sites with Islamic period occupation that have been affected by looting.

Due to various issues currently envisaged on the ground, it is challenging to determine exact statistics concerning looting activities. Incidents of looting number up to the thousands in Jordan, ranging from minor metal detecting to aggressive excavation. Around 100 cases are registered each year concerning looting offenses under the law; many more go unchallenged.

Legal Framework for Protecting Jordan's Cultural Patrimony

Jordan recognizes its responsibility to care for and preserve its archaeological heritage. The former Prime Minister of Jordan, Abdullah Ensour, stated that "These archaeological treasures are keepsakes that we must all safeguard against tampering, loss or destruction."

The first legislation to protect antiquities in Jordan was Law No. 24 (1934). It was amended by Law No. 21 in 1988 and later by Law No. 22 in 2004. Under current law, ownership of immovable antiquities is vested exclusively in the Kingdom, regardless of whether the land is privately owned. The Kingdom is the owner of any antiquities found during work and excavations carried out with a license; the licensee may be granted some of excavated movable antiquities. Trade in antiquities is prohibited and any permits to trade are canceled under the current law. No transport, export, or sale of movable antiquities outside of the Kingdom is permitted without the approval of the Cabinet. Under Article 9, it is prohibited to "destroy, ruin, disfigure, or cause damage to antiquities."

In May 2017, the then head of the Director General of Department of Antiquities, Munther Jamhawi, announced that the Department was in the process of drafting a new law to fill the gaps in the existing law and to improve measures to combat the illegal excavation and trafficking of antiquities and increase penalties for trafficking crimes. The Department is consulting with UNESCO on drafting the new law.

Department of Antiquities

The Department of Antiquities (DoA) of Jordan was established under the authority of the Jordanian Antiquities Law No. 21, (1988), and the Amending Law No. 55, (2008). The mission of the DoA states that “[t]he DoA is responsible for the implementation of archeological policy in Jordan. The DoA provides comprehensive information on antiquities and presents archaeological assets in a manner that supports national identity and serves education of culture while considering these as a major factor to attract tourism to the Kingdom.” The DoA is responsible for registering all archaeological sites, whether on public or private land. The DoA cooperates with other agencies in the fight against trafficking, in particular by providing the necessary expertise to authenticate and identify artifacts. The DoA also collaborates with individual experts as part of its strategy to protect heritage. For example, Dr. Morag Kersel shares her valuable research and drone surveillance on looting with the DoA to help improve their response and preservation policies and to develop outreach programs.

Museums

Jordan is home to 16 museums, of which 13 are archaeological museums, and 3 are folklore/ethnological museums. Many of the museums are housed in rehabilitated historic buildings. Museums are under the supervision of the Museums Directorate within the DoA. The specific tasks of the Museums Directorate are to enhance exhibit design and narrative techniques; provide appropriate environmental conditions for preservation of collections; build capacity of museum staff; enhance the museum’s educational role and contribute to strengthening national identity; apply up-to-date documentation and archiving systems for museum collections; and apply international ethics, standards, and guidelines for museums. The Museums Directorate is working to establish a national ICOM committee and thereby enforce international museum standards.

Organization of Excavations and Research Projects

The Directorate of Excavations and Surveys is responsible for drawing policies and regulations related to archaeological excavation and survey projects. The Directorate of Excavations and Surveys implements authorized plans and coordinates with governmental and security departments to enforce the Antiquities Law. The directorate also reports the results of projects carried out, follows up on cases of smuggling and counterfeiting, and assigns DoA representatives at licensed projects. It furthermore regulates agreements for loans with different institutions and submits strategic plans to relevant authorities for the development of policies.

Educational and Professional Development

The Department of Archaeology at the University of Jordan was established in 1962 and was the first department to specialize in archaeology in Jordan. It grants both Bachelor's and Master's degrees. About 80% of the employees at the DoA, Ministry of Tourism, museums, and public and private universities who hold masters and doctorate degrees are graduates of this Department.

The Archaeology Department carries out excavations at several sites, including Tall Siran, Jarash, Petra, Tall al-Mazar, and Eyn al-Bayda (Amman). The University of Jordan also has a Department of Cultural Resources Management and Conservation, which includes an Institute of Archaeology, established in 2009-10 within the Faculty of Archaeology and Tourism. This Department trains specialists in the field of conservation, restoration, and management. At the Al-Hussein Bin Talal University in Ma'an, the Petra College of Tourism and Archaeology was founded in 2004 to train highly qualified graduates in archaeology, hotel management, and tourism.

Public Awareness Programs

The DoA, in cooperation with the Higher Council for Youth, has launched the campaign "Our heritage is our identity... Let's protect it," which seeks to train more than 30,000 school and university students "to help authorities raise awareness on the importance of the country's heritage and archaeology." According to Jamhawi, young Jordanians can play an essential role in protecting the Kingdom's heritage.

The DoA publishes an annual magazine, *Athar*, to increase public awareness about the value of antiquities and to keep the public informed about the Kingdom's cultural heritage. The DoA's Museums Directorate also organizes workshops and meetings with local communities and schools. The Museum of Jordanian Heritage at Yarmouk University in Irbid arranges visits by schoolchildren from the region. The Museum also organizes tours for schoolchildren to archaeological sites and workshops on the role of the museum in social and cultural life.

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

Archaeological materials from Jordan have been accessible in the United States in the past and continue to be popular. Part of the attraction of such artifacts is their association with biblical history, and they are often identified as themselves biblical or from the Holy Land. American archaeologists have excavated in the southern Levant region for over a century, and some older museum collections were formed legitimately through a system of partage whereby the

government distributed finds to excavators. Significant collections of archaeological material from Jordan are found at the Metropolitan Museum of Art in New York, the Smithsonian in Washington, D.C., and the Oriental Institute at the University of Chicago. A smaller collection also exists at Yale. Almost ubiquitous in both large and small numbers are examples of Early Bronze Age ceramics from the site of Bab adh-Dhra, which were distributed in the 1960s to numerous institutions in the United States. While these collections were acquired legally, they demonstrate the interest of both scholars and the American public in artifacts of Jordanian origin.

Among brick-and-mortar galleries, the most common objects hail from the Nabatean period, and are highly likely to come from Jordan. Galleries offer a large number of oil lamps, some dated as early as the Late Bronze Age (often described as Canaanite) but most dated to the Hellenistic/Roman/Nabatean period and stated to be from the “Holy Land.” One gallery, located in Colorado, sold a Nabatean bronze statue for between \$15,000 and \$25,000 in June 2017, and at the time also offered artifacts dating as far back as the Chalcolithic period. Other objects sold both in this gallery and via online platforms include a relatively large number of similar Roman period pieces, as well as objects identified as Bronze Age and Islamic. Ceramics of variable antiquity, some dating to as early as 3000 BCE, are also listed for sale. Most of these objects are priced in the \$300 to \$700 range, but one ceramic piece was listed at \$2500.

Benefits for the International Community

Jordan is committed to making its archaeological material available for scientific, cultural, and educational purposes through exhibits, loans, and exchanges, and to offering research opportunities for foreign scholars. Jordan has hosted numerous international conferences to participate in research opportunities. In ratifying the 1970 UNESCO Convention and other international agreements, Jordan takes its commitments seriously, as demonstrated by the close work with UNESCO to implement the 1970 Convention and, through a series of joint efforts and training programs, to combat looting and trafficking. For many decades, Jordan has been hospitable to foreign scholars and excavation projects, most notably to those from the United States.

Jordan has been generous and welcoming to foreign scholars and institutions that engage in research and excavation projects. Some seventy international institutions are involved in the study and protection of Jordan’s cultural heritage each year. A bilateral agreement with the United States would foster additional avenues for collaboration, exploration, and scholarship.

The leading U.S. institution in Jordan is the American Center of Oriental Research (ACOR) in Amman, one of the constituent organizations of the American Schools of Oriental Research and a member of the Council of American Overseas Research Centers. American universities involved in Jordanian excavation and conservation work include the University of Michigan, the

Oriental Institute at the University of Chicago, DePaul University, Brown University, the University of Utah, Whitman College, Missouri State University, Gannon University, La Sierra University, and Andrews University.

Jordan has collaborated with American institutions and funders on significant projects aimed at the reconstruction, conservation, and documentation of Jordan's cultural heritage. USAID has been heavily involved in the funding of projects by these American entities. The United States has provided funding to numerous Jordanian projects through the Department of State's U.S. Ambassadors Fund for Cultural Preservation.

In addition to Jordan's collaboration with UNESCO and the International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM), many foreign institutions are involved in research and conservation in Jordan. These include the German Protestant Institute of Archaeology (GPIA), the Council for British Research in the Levant (CBRL), the Institut Français du Proche-Orient (IFPO), the World Association for the Protection of Tangible and Intangible Cultural Heritage in Time of Armed Conflict (WATCH), Endangered Archaeology in the Middle East and North Africa (EAMENA), the Gerda Henkel Foundation (GHF), the University of Helsinki, the Institute of Technologies Applied to Cultural Heritage (ITABC) at the Italian National Center of Research (CNR), Perugia University, Rome Sapienza University, the Center for Ancient Mediterranean and Near Eastern Studies (CAMNES), Leiden University, and the University of Basel.

The Department of Antiquities holds a meeting every three years for all those involved in projects in Jordan, and all permit holders are required to submit an article on their research each year to the *Annual of the Department of Antiquities of Jordan* journal, which has been published since 1951 in both Arabic and English.

The Department of Antiquities has partnered with numerous foreign institutions to hold conferences, most of them in foreign countries. For example, the 14th International Conference on the History and Archaeology of Jordan was held in Florence, Italy, in January 2019, on the subject of "Culture in Crisis: Flows of People, Artifacts and Ideas," under the patronage of HRH Prince El-Hassan Bin Talal. The DoA has previously held conferences in partnership with the University of Florence, the Florence Commune, the University of Paris, George Washington University, and ACOR.

Jordan has a rich cultural heritage that is significant for both the people of the Hashemite Kingdom of Jordan and for the broader international community. Excavations in Jordan have uncovered early traces of human existence, some of the earliest examples of architecture and sculpture, the renowned site of Petra, and an extensive architectural, artistic, and religious heritage. Jordan has a track record of welcoming foreign scientists and researchers to participate

in these discoveries alongside their Jordanian colleagues and is also willing to share its cultural heritage abroad. A memorandum of understanding between the United States and the Hashemite Kingdom of Jordan has great potential to protect this heritage and to expand further on these opportunities from which the citizens of Jordan, the United States, and other countries will all benefit.