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Legal Protection of Historical Sites and Cultural Artifacts in Poland and Jordan

Abstract: Cultural heritage is created the axiological foundation of society. The pillars of each nation and ethnicity are built on traditional values and the legacy of ancestors passed from generation to generation. The aim of this article is to discuss the legal protection of historical sites and cultural artifacts in the light of Polish and Jordanian law. For this purpose, the arguments are supplemented with a comparative methodology. The Jordanian legislator adopted two concepts of antiquities—one broad and including any immovable or movable property that the state considers an antiquity, and the other narrow, limiting antiquities to what was created by humans. Since Jordan considers antiquities to be the public property of the state, they may not be seized or disposed of by sale or mortgage; individual ownership of antiquities is an exception, and the state places many restrictions on them. In Polish law, among the forms of protection of monuments, considerations are focused on entry into the register of monuments, recognition as historical monuments, and protection that affects the status of monuments. The article will provide examples of implementing provisions on bilateral cooperation between Poland and Jordan, in particular, in the cooperation developing in the sphere of culture.

Keywords: cultural heritage, monuments, Jordanian law, Polish law, archaeology of memory, custodians of heritage

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Introduction

The cultural sphere consists of tangible and intangible monuments. Currently, the concept of “heritage” is increasingly invoked. It includes not only cultural figments, material monuments, digital cultural goods, but also natural heritage and landscapes.³ In order to preserve identity, the spatial perspective in the formation of a human being should be taken into account. This article will discuss the protection of historical sites and cultural artifacts in the light of Polish and Jordanian law. Each culture has unique and singular features rooted in history, customs, religion, and customs. When taking protective measures, one should not standardise or apply schematic solutions. Diversity is an attribute of humanity and a guarantor of social development in keeping with regional cultural tradition. The UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage⁴ emphasises that the damage or destruction of any property belonging to the cultural or natural heritage constitutes an impoverishment of the heritage of all nations of the world. Jordan ratified the Convention on 5 May 1975, while Poland did so on 29 June 1976. The aim of this article is to demonstrate that the axiology of heritage is the basis for establishing and conducting cooperation between societies from different cultural and geographical circles in the spirit of dialogue, mutual respect and understanding. The axiology of heritage is the foundation of the functioning of nations and ethnic groups based on timeless, universal values. The article will show that in Poland the basis for the formation of cultural identity is a sense of social and linguistic community, and solidarity between people. Nevertheless, values such as respect for cultural traditions, spiritual heritage and hospitality are also close to the inhabitants of Jordan. The Hashemite Kingdom of Jordan

3 Gábor Sonkoly and Tanja Vahtikari, *Innovation in Cultural Heritage: For an Integrated European Research Policy* (European Commission, 2018), 10. See: Inga-Lill Aronson and Susanna Price, “Culture, Heritage, Memory: Toward a Resonant Cultural Solution for Resettlement,” *Human Organization* 83, no. 3 (2024): 220.

4 Convention Concerning the Protection of the World Cultural and Natural Heritage, was adopted by the General Conference of UNESCO on 16 November 1972 by the General Conference of the United Nations Educational, Scientific and Cultural Organization.

is characterized by anthropogenic diversity, which is rooted in an intergenerational history.

Hypotheses and Research Methods

The analytical and the dogmatic-legal method was used in the analysis of legal acts and documents. Bearing in mind that the aforementioned regulations come from different cultural and geographical circles, the comparative method was also used. Jordan and Poland are parties to treaties on the protection of cultural heritage. For this reason, when discussing the provisions of national law, the authors also took into account the norms of European law and international law in the scope necessary to ground the formulated research theses. The aim of the analysis is to discuss the norms of Jordanian and Polish law in the area of protection of historical sites and cultural artifacts as a factor in the formation of social heritage and memory. Therefore, in order for the mark on the map and a point in space to start to have impact, the axiological layer, which was the impulse to create them, should be taken into account. In this way, spatial arrangements and cultural artifacts “come to life” and can “speak” to us today with the voices of their former inhabitants.

Monuments, Cultural Artifacts and Testimonies of the Memory

The Concept of a Monument in Poland—a Link Between the Past and the Present

In Polish law, regulations on the protection of cultural heritage are contained in the Act of 23 July 2003 on the Protection of Monuments and the Care of Historical Monuments (Journal of Laws of 2003, No. 162, item 1568 as amended, hereinafter: APMH). The Act entered into force on 17 November 2003. The above legal act does not define the concept of “cultural heritage”, but the con-

cept of “monument”, around which the regulations are centred. According to Polish law, “monument” means immovable or movable property, or parts or groups thereof, which are the work of human beings or are related to their activity and which constitute a testimony to a past era or event, their preservation is in the social interest due to their historical, artistic or scientific value (Article 3, pt. 1).⁵ A monument is a product of human activity, whereby the object originally did not have to be covered by a protective clause but could perform a practical function, e.g. factories, railway stations, bridges and viaducts. The passage of time could have imbued it with historical value that arouses reflection and strikes a sensitive chord in emotions, mind, or memories, e.g. ancestral epistolography, diaries, and book collections.

In general, an object considered a monument should have a historical, artistic, or scientific value. The “or” conjunction used in the statutory definition indicates that the aforementioned values do not have to occur cumulatively, because this is conditioned by the specificity and scale of the object, as well as its location and original function, e.g. necropolises, which are a place of remembrance, but due to the craftsmanship that went into their creation, they can bear the features of artistry. The Powązkowski Cemetery in Warsaw, located on 43 hectares, which remains under the strict protection of the monument conservation authorities remains an example. Dating back to the 18th century, the cemetery is a place of national remembrance, the Polish Pantheon. Monuments, tombstones, sculptures, and objects of small architecture made by outstanding Polish and foreign artists are works of art, integrated into the greenery and tree alleys. The

5 Due to cultural diversity and long traditions’ impact on cultural heritage in Jordan, the legislator devotes special attention to archaeological monuments. In light of Article 2, point 7 of the Antiquities Law No. 21 for the year 1988 (promulgated in the Official Gazette, No. 3540 dated 17 March 1988 as amended) the definiens of the term “antiquities” include: movable and immovable objects constructed, written, discovered or modified by man before 1750 AD, e.g. caves, pottery objects, manuscripts, sculptures, numismatics and other products that be a reflection of the development of science, technology, crafts, art, and testimonies of spiritual values (Article 2, item 7a); any movable or immovable object referred to above dated after 1750 AD, which the Minister requests to be considered an antiquity by a decision published in the Official Gazette (Article 2, item 7b); and human, plant and animal remains dating from before 600 AD (Article 2, item 7c).

buried include distinguished secular and clerical figures, artists, poets, writers, lawyers, doctors, scientists, industrialists, politicians, prisoners of concentration camps, and insurgents. The necropolis also has merits not listed in the legal Act: emotional, sentimental, and educational. Cognising funeral rites is a source from which to “reconstruct the life of past societies”⁶ and stop time in the axiology of memory that connects the past with the present. Religious beliefs, local culture, climatic conditions, and topographic location influence funeral customs.

While the spatial arrangements of cemeteries were usually carefully designed, the passage of time, air pollution, soil instability, gradual degradation of materials, and the lack of landscape protection can accelerate the deterioration of monuments, resulting in the transformation of “space into gravel-granite deserts.”⁷ This issue goes beyond the legal sphere, requiring a combination of specialist qualifications in the field of conservation and renovation of monuments with knowledge of an interdisciplinary nature, including the impact of atmospheric factors on the monuments, knowledge of historic building materials, spatial development, botany and landscape architecture.

In Polish law, monuments are formally divided into immovable, movable and archaeological. Immovable monuments as qualified by the legislator include urban and rural layouts, works of secular and sacral architecture, defensive buildings, technical objects, parks and gardens. On the other hand, the group of movable monuments includes library materials, musical compositions and instruments, works of fine art, folk art, ethnographic handicrafts, numismatic pieces, seals, and flags. In turn, archaeological monuments include the remains of historical settlements, relics of economic, artistic, and religious activities, and burial mounds.⁸ Each of the groups of monuments in the light of

6 Abdulla Al-Shorman and Ali Khwaileh, “Burial Practices in Jordan from the Natufians to the Persians,” *Estonian Journal of Archaeology* 15, no. 2 (2011): 88.

7 The Ministry of Culture and National Heritage, Guidelines of the General Conservator of Monuments regarding historic cemeteries, reference number DOZ-KiNK.070.22.2023, Warsaw, 7 December 2023, 2.

8 Immovable, movable monuments and archaeological artefacts have been listed pursuant to Article 6 item 1, pt. 1b–e, g; Art. 6 item 1, pt. 2a, c, e, f–g and Art. 6 item 1, pt. 3a, c–d APMH.

Polish law does not constitute a closed catalogue, which means that researchers, along with the development of knowledge and modern research technologies, may reveal further previously unknown pages of history. It should be pointed out that, in practice, these groups may overlap. The above is illustrated by the Lusatian settlement (Bronze Age) from 3,000 years ago, which was discovered in Warsaw's Białołęka district in 2020. The archaeological site contains immovable artefacts (e.g. the residential and manufacturing part of the settlement) and movable ones (e.g. ceramic vessels, everyday objects made of wood). It was found that the settlement was erected near a stream flowing nearby. Hence, the site contains features of a cultural landscape—a space that combines forms of anthropogenic activity with natural elements.

It should be noted that although a given object may be considered a monument in the public consciousness (e.g. a former filter station, customs chamber), according to the Polish law recognition as a monument does not occur automatically. An administrative decision must be issued by the voivodeship monument conservator in this respect. Every voivodship keeps a register of monuments in the form of separate books for immovable (marked with the symbol “A”), movable (“B”) and archaeological monuments (“C”). The Decree of the Minister of Culture and National Heritage details the procedure for keeping the register of monuments in Poland.⁹

At this point, it should be clarified that immovable monuments are entered in the register *ex officio* or at the request of the owner of the historic property or the perpetual usufructuary of the land on which the object is located. The voivodship conservator of monuments may also enter in the register the surroundings of the monument (e.g. park-arboretum), as well as a historical, geo-

⁹ The Decree by the Minister of Culture and National Heritage of May 26, 2011 on keeping a register of monuments, national, provincial and municipal records of monuments and the national list of monuments stolen or exported abroad illegally (Journal of Laws of 2011, No. 113, item 661 as amended). See in Jordanian law: Article 5, item f, the Antiquities Law No. 21 for the year 1988 (promulgated in the Official Gazette, No. 3540 dated 17 March 1988 as amended).

graphical or traditionally functioning name.¹⁰ The name of the monument indicates an intangible link between the object and regional or national heritage. The name reflects the values of the local community, for which a given object may have significance beyond the material sphere, e.g. roadside shrines, meeting places that can be located in open spaces (a forest clearing, a city square, etc.). The message of the Venice Charter remains valid to this day: the concept of a monument refers not only to monumental architecture, but also to modest objects that may only gain cultural significance over time.¹¹ Returning to the Polish regulation on the register of monuments, movable objects are entered on the basis of a decision of the provincial monument conservator issued at the request of the owner of the monument. On the other hand, an *ex officio* decision may be issued in the event of a justified fear of damage, destruction or an unlawful removal of a monument abroad or removal of a monument of exceptional historical, artistic or scientific value abroad (Article 10, item 1–2). The above situation may occur in the case of attempts to move abroad the legacy of an outstanding writer, artist or scientist who has permanently impacted science and national culture.

The law provides for a category of objects not subject to entry in the register of monuments. However, this does not mean that they are devoid of historic features. This is due to the fact that they already benefit from legal protection. For clarification, in accordance with the provisions of Polish law, the register does not include monuments: (a) included in the Heritage Treasures List; (b) entered in the museum inventory; (c) included in the national library resource (Article 11). The issues covered by items “b” and “c” are regulated by separate legal acts.¹² Hence, this article will focus on the List of Heritage Treasures,

10 Article 9 item 1–2 APMH.

11 Article 1, International Charter for the Conservation and Restoration of Monuments and Sites (The Venice Charter). II International Congress of Architects and Technicians of Historic Monuments, Venice, 1964.

12 More in Act of 21 November 1996 on museums (Journal of Laws of 1997, No. 5, item 24 as amended) and the Act of 27 June 1997 on libraries (Journal of Laws of 1997, No. 85, item 539 as amended). Book collections and museums, although regulated under separate

which, despite its similarity to the UNESCO programme, is a separate undertaking introduced in Poland in 2016. This list falls under the authority of the Minister of Culture and National Heritage. The catalogue of objects that are eligible to receive the above status is not enumerative (Article 14a, item 2). However, these are movable monuments of particular value for cultural heritage. Among the exemplary categories that may be included in the Heritage Treasures List, the legislator listed archaeological monuments that are more than 100 years old which are part of archaeological collections or were acquired during archaeological research or as a result of accidental discovery; elements that are an integral part of architectural monuments, interior design, statues and works of artistic craftsmanship that are more than 100 years old; photographs, films with negatives that are more than 50 years old, worth more than 15,000 euros, and are not the property of their creators; single incunabula or collections thereof, manuscripts and musical scores that are more than 50 years old; single books or collections thereof that are more than 100 years old and worth more than 50,000 euros; printed maps that are more than 200 years old.¹³ The Heritage Treasure List was established in order to increase the effectiveness of the protection of monuments. Nevertheless, in practice, it has prompted numerous discussions about the legislative technique, as well as the construction of the regulations themselves.¹⁴ The phrase “heritage treasure” has not been defined in law. Interpretative ambiguities are also caused by the phrase of “special value for cultural heritage”. In the context of the axiology

regulations, constitute an integral component of cultural heritage. The Act of 27 June 1997 defines libraries and their collections as a “national good”, which constitutes a carrier of values and information, providing access to the achievements of science and culture of humanity (See: Article 3, item 1), whereas the Act of 21 November 1996 indicated that museums are envisaged as collecting and permanently protecting tangible and intangible goods that are part of the cultural and natural heritage (Article 1). Each of the listed cultural institutions plays a significant role in the protecting heritage, multiplying knowledge and nurturing the memory of the past and people from different nations who contributed to creating Polish science and culture.

13 Legal basis: Article 14a, item 2, pt. 1–2, 8–11.

14 Cf. Aleksandra Guss, “Lista Skarbow Dziedzictwa – niepotrzebna forma ochrony zabytków?”, *Studia Iuridica Toruniensia* 29, 2021: 53–72.

of heritage, monuments have immeasurable value, which is why it is often found controversial to apply material monetary value. The art market has been a well-established phenomenon for some time now. Awareness of the importance of monuments in shaping human identity should, however, prevent the monuments from being considered solely through the mercantile prism.

A Historical Monument as a Mirror of Culture and Social Remembrance

Historical monuments have a special status among Polish artefacts. The unique character is evidenced by the procedure of recognising the object as a monument of history. The act of recognition is performed by the President of the Republic of Poland at the request of the Minister of Culture and National Heritage by way of an ordinance. An immovable monument or a cultural park of special value to culture can be entered into the register and considered a historical monument (Article 15, item 1).¹⁵ Bogusław Szmygin points out that “the situation and condition of the Monuments of History has an impact on shaping the image of the entire Polish heritage, i.e. the achievements of Polish culture ... The value and importance of these monuments should be reflected in the most careful protection and care.”¹⁶ Recognition as a historical monument is a challenge, but also a responsibility for common cultural heritage. Secular and sacral structures associated with various rites and religions, whose followers have contributed to the development of Polish public life, science and art are considered to be monuments of history. The adoption of the above procedure is aimed at promoting tolerance, dialogue and understanding for people from other cultures. Historical monuments include also technical structures and objects integrated into natural areas, which indicates the need to maintain a har-

15 See, more broadly: Janusz Tomczak, „Park kulturowy w systemie ochrony zabytków w Polsce,” *Kwartalnik Krajowej Szkoły Sądownictwa i Prokuratury* 4, no. 36 (2019): 39–56.

16 Bogusław Szmygin, „Pomniki historii – forma ochrony, forma promocji, forma zarządzania?,” *Ochrona Dziedzictwa Kulturowego* 7, 2019: 208.

monious relationship between man and nature. For example, on 6 March 2024, the President of the Republic of Poland recognized Kamieniec Ząbkowicki, an architectural and landscape complex located in the Lower Silesian Voivodeship, as a historical monument. The justification indicates that the facility is unique due to its historical, artistic and scientific values, as well as scenic and spatial values (§ 2). It is based on the architectural and landscaping concept, which consists of a 19th-century palace and park complex (including a palace garden on the terraces, a park, a stable with a carriage house) with the buildings of the former Cistercian abbey. The whole complex was erected in accordance with the ideological and compositional models that characterised the Romantic era.¹⁷ A topographical description with a map is attached to each ordinance recognising a given structure as a historical monument. Other recognised monuments of history include, e.g. Puławy—a palace and park complex,¹⁸ Bóbrka—the oldest oil mine,¹⁹ Janów Podlaski—a horse stud,²⁰ Ciechocinek—a graduation tower and saltworks complex with Tężniowy and Zdrojowy parks,²¹ Warsaw—a complex of historic religious cemeteries in Powązki,²² Bohoniki and Kruszyniany—mosques and mizarshes,²³ Duszniki Zdrój—a paper mill,²⁴ the Augustów Canal,²⁵ Tarnowskie Góry—the historic silver-bearing ore mine

17 § 2, The Ordinance of the President of the Republic of Poland of 6 March 2024 (Journal of Laws of 2024, item 410).

18 The Ordinance of the President of the Republic of Poland of 31 May 2021 (Journal of Laws of 2021, item 1019).

19 The Ordinance of the President of the Republic of Poland of 10 December 2018 (Journal of Laws of 2019, item 75).

20 The Ordinance of the President of the Republic of Poland of 22 November 2017 (Journal of Laws of 2017, item 2250).

21 The Ordinance of the President of the Republic of Poland of 22 November 2017 (Journal of Laws of 2017, item 2276).

22 The Ordinance of the President of the Republic of Poland of 3 July 3 2014 (Journal of Laws of 2014, item 956).

23 The Ordinance of the President of the Republic of Poland of 22 October 2012 (Journal of Laws of 2012, item 1275).

24 The Ordinance of the President of the Republic of Poland of 20 September 2011 (Journal of Laws of 2011, No. 217, item 1282).

25 The Ordinance of the President of the Republic of Poland of 25 April 2007 (Journal of Laws of 2007, No. 86, item 572).

and the Czarny Pstrąg Adit,²⁶ and St. Anna Mountain—a cultural and natural landscape.²⁷ Cultural goods considered to be a historical monument should be under comprehensive protection, which should not be limited to the declaration that a specific object has special value. Monuments of history are qualified monuments and should be accompanied by adequate protection and monitoring measures. For this purpose, it is necessary to analyse the processes taking place inside the monuments and in its surroundings (e.g. erosion of building materials due to the passage of time or, if it is still in use, as a result of wear and tear). In this context, it is worth quoting the Venice Charter, which emphasises that the monument is inextricably linked to the history of which it is a witness and to the environment in which it is incorporated (Article 7). Monuments of history are common goods in need of prudent custodians and such protective methods that they do not lose the values which they are to transmit in society.

Among the objects with the status of historical monuments in Poland are objects showing relations to other nations and cultures, e.g. the oldest Muslim mosque in Poland, located in Kruszwica and originating in the 18th century. The second historical building connected with the culture and religion of Islam is the mosque in Bohoniki, combining the traditions of sacral wooden architecture with intangible values. The mentioned historical objects are an example of the unique cultural heritage of Muslims, and testify to both social diversity and religious tolerance on Polish soil.

Cultural goods recognized in Poland as historical monuments may be presented to the World Heritage Committee for entry on the UNESCO World Heritage List. Entry to the List involves international protection under the Convention Concerning the Protection of the World Cultural and Natural Heritage.²⁸ This list includes historical objects and natural creations of outstanding univer-

26 The Ordinance of the President of the Republic of Poland of 14 April 2004 (Journal of Laws of 2004, No. 102, item 1062).

27 The Ordinance of the President of the Republic of Poland of 14 April 2004 (Journal of Laws of 2004, No. 102, item 1061).

28 Article 15 item 4, UOZO.

sal value from the point of view of science, art, history or for the preservation of natural processes occurring in ecosystems. This is gaining in importance due to human life being embedded in a designated cultural landscape and the natural environment.

Legal Protection of Antiquities and Heritage in Jordan

The legal framework related to the preservation of antiquities and heritage in Jordan is determined by two separate legal acts: the Antiquities Law No. 21 of 1988²⁹ and the Urban Heritage Law No. 5 of 2005. Cultural Heritage consists of tangible and intangible elements. As previously indicated in the discussion, the Jordanian legislator defined “antiquities” according to three criteria. Firstly, a chronological criterion (before 1750), and, secondly, an administration criterion. It should be noted that the Antiquities Law protects architectural heritage dating back to before 1750 AD. Subsequent monuments are not subject to legal protection, leaving unprotected large layers of built heritage, such as heritage belonging to the Ottoman era, although the Ministry of Tourism and Antiquities has the right to add what is after 1750 using the powers granted in the Jordan law. The third criterion relates to animal, human, and plant remains dating back to before 600 AD. Human remains should be given due respect: mounds and burial sites are subject to special care and emphasis because they are the key to understanding the route of human. However, distinct rules are applicable to the protection of material heritage and the urban fabric in which run of social activities.

For this, reference should be made to the Protection of Urban and Architectural Heritage. Based on Article 2 of the Jordanian Law No. 5 of 2005 of Protection of Urban and Architectural Heritage, a “heritage site” means “a building or site that has heritage value in terms of building style or its relationship to historical figures or important national, or religious events, and

²⁹ Jordanian Official Gazette no. 3540, 17 March 1988, p. 605.

was erected after the year 1750 AD in a manner that does not conflict with the effective Antiquities Law No. 12 of 1988 by the provisions of this law. This includes the following: the heritage building itself: architectural installations and vocabulary that have architectural, historical, or cultural characteristics that tell specific events; the urban site: the urban fabric, public squares, residential neighbourhoods, and landscaping of sites that represent fixed values that the culture of the population was built on.” The definition of urban heritage points to the inherited cultural fabric, including buildings, cultural spaces, corridors, and arches, and because of their importance because they represent what the ancestors of previous civilizations built from inside or outside the cities.

The Jordanian Law for the Protection of Urban and Architectural Heritage is expected to reform this sector, provide standards for the protection of architectural and urban heritage, prepare a list of all heritage sites, provide the necessary funds for restoration, and fairly compensate the owners of heritage sites. The purpose is to encourage the owners of heritage sites to protect the buildings they own. This includes caves, sculptures, coins, pottery, manuscripts, and other types of artifacts that indicate the emergence and development of sciences, arts, crafts, religions, and traditions of previous civilizations, or any part that was added to that thing or reconstructed after that date.

In light of the above, the term “heritage” is broader in scope than “antiquities”: the former is a loose term, includes archaeological cultural elements and expresses the customs and traditions of each country, and it includes things of an artistic, scientific or intellectual nature that are tangible and intangible elements. Antiquities and heritage participate together in formulating the identity of the group because they give the product of mankind and have an artistic, scientific, historical, and administrative nature. Antiquities and heritage are only applied to old objects that is passed down between generations, and they also share facets in terms of their nature, as they both include real estate and movables and if the state has an interest in protecting and preserving them. Although similarities exist between the two terms, there are points of difference:

antiquities can only be tangible, while heritage can be tangible or intangible; antiquities are arranged within the specific time frame outlined in Antiquities Law No. 12 of 1988, amended by Law No. 19 of the year (2004), and the tangible heritage is subject to a specific period, while the intangible heritage is not subject to a specific period because it represents artistic, literary, or scientific value, thus the tangible heritage can be transformed into antiquities by the passing of the period specified by the law or if the state guarantees without being bound by the period.³⁰

Protection of Immovable Heritage in Jordanian Law

Through the Antiquities Law of 1988 and the Jordanian Law No. 5 of 2005 of Protection of Urban and Architectural Heritage of 2005, the Jordanian legislator established legal mechanisms and guarantees aimed at embodying the legal protection of all types of heritage, including immovable heritage. It is subjected to a protection system as follows:

- 1) Registration in the inventory list is the first legal mechanism that the Jordanian legislator devoted to the protection of archaeological objects and immovable antiquities. Article 4 of the Antiquities Law limits the authority to specify archaeological sites that must be registered in the Non-Portable Antiquities Register to the Minister of Tourism, in cooperation with the Department of Lands and Survey, which documents the sites in its records and maps. This means that the legislator did not allocate specifications for registering archaeological sites and portable antiquities, and was content only with registering immovable property as a safe/antiquities. At the same time, immovable antiquities purchased by amateurs from outside Jordan must be registered and documented following legal procedures within seven days from the

³⁰ Safaa' Mahmoud Al-Sweilmieen and Abdul Ra'ouf Ahmad Al-Kasasbeh, "The Extent of Administrative Protection for Antiquities in the Jordanian Legal System," *Journal of Legal, Ethical and Regulatory Issues* 24, no. 1 (2021): 5.

date of their possession. The legislator is also limited to publishing a list containing the names of archaeological sites and their boundaries in the Official Gazette, provided that these lists are public (Articles 5–6). UNESCO developed forms for registering antiquities and these include the following types of data: (1) type of object; (2) Materials and techniques used; (3) Measurements (height, length, width, depth, weight); (4) Additional measures and observations; (5) Inscriptions and signs; (6) Distinctive features; (7) All other data that provides a detailed report on the impact. Thus, the UNESCO Guidelines not only provide comprehensive data for the registration of antiques but also include information on their discovery, conservation, or loan. Registration is important to preserve, restore, and document antiquities to prevent their smuggling or theft. There is no history without documents, as it is evidence of identity for antiquities. Documentation prevents random demolition and attacks on the heritage building.

- 2) Classification of historical monuments: archaeological sites and historical monuments are subject to classification as one of the final procedures for protection, as the latter are classified according to a decision issued by the minister in charge of culture after consulting the National Committee for Cultural Properties based on his initiative or from any person who sees an interest in that.
- 3) Expropriation for the public benefit: resorting to the expropriation procedure is a means to preserve real cultural property, classified or unclassified. The Urban Heritage Law related to development and urbanization, included several provisions governing construction and reconstruction operations and several restrictions imposed on the construction of buildings that pose a threat to the real estate heritage. The above legal document identifies practical mechanisms to protect real estate antiquities, considering them cultural real estate property that can also be included among antiquities or archaeological sites, which

requires imposing special protection on the building rules applied to these areas.

The law in Jordan provides facilities to owners of heritage buildings for their restoration and reconstruction, including licenses, legal refunds, loans, aid, tax exemptions, and reduced fees, in addition to paying compensation to the owner whose antique property is expropriated. However, it was decided that it is not permissible to change the features of the sites or add to them except with the approval of the competent committee and following the approved standards. The regulations deal with the new buildings within heritage cities and the necessity of preserving their distinctive urban fabric and character.

The Urban Heritage Law has guaranteed significant legal protection for immovable heritage in particular cultural antiquities, as it has subjected them to a set of controls and procedures that are in themselves legal guarantees for the preservation of archaeological and historical sites and the real estate heritage aspect.

This law was not limited to providing legal protection for heritage only in some of its aspects, but also extended to granting it penal protection, as Article 41 of this law allowed legally established associations to take the initiative in protecting the environment, construction, and cultural, historical and tourist attractions and to establish themselves as a civil party concerning violations affecting this law. Therefore, it can be said that the law relating to expansion areas and tourist sites is instrumental in preserving antiquities. Its provisions contributes greatly to protecting and preserving real estate heritage both directly and indirectly.

To make protection more effective, international cooperation is being developed. For example, the British Research Council in the Levant announced a project, funded by the World Heritage Fund, to produce a comprehensive record of Oman's heritage houses. Houses in Jabal Al-Lweibdeh and Jabal Amman with a distinctive architectural character and historical and cultural

value are registered using the IMENA methodology. The project aims primarily to record and evaluate the condition of archaeological and heritage sites in the Middle East and North Africa region, to identify the dangers and threats to which they are exposed, and to include related resources such as photos, maps, and architectural documentation in a comprehensive database that is easy to use and generally accessible. The first phase of the project, which lasted six months, registered approximately 75 heritage houses in the Jabal Amman and Al-Lweibdeh regions, distinguished by their high architectural, historical, political, and social value, and dating back to an important era in the history of Amman.

Legal Protection of Archaeological Monuments in Jordan

Jordan has given attention to the issue of preserving historical monuments and archaeological sites. This is evidenced by its ratification of the Convention for the Protection of Cultural and Natural Heritage of 1972 and by issuing the Antiquities Law of 1988 and the Jordanian Law for the Protection of Architectural and Urban Built Heritage of 2005. The tasks of preserving archaeological monuments and historical sites in Jordan are divided among several official departments, such as the Ministry of Culture, the Ministry of Tourism and Antiquities,³¹ and especially the Department of Public Antiquities, which is considered the main responsible body for related heritage issues including historical monuments and sites.³²

Jordanian law clarifies the tasks of the Department of Antiquities, including the management and maintenance of heritage, the management of reserves and sites, and their maintenance and restoration. However, it does not clarify

31 Abdelkader Ababneh et al., “The Management of Natural and Cultural Heritage: A Comparative Study from Jordan,” *The Historic Environment Policy & Practice* 7, no. 1 (2016): 3–24.

32 Hani Hayajneh and Giorgia Cesaro, “The UNESCO Contribution to Safeguarding and Preserving Jordan’s Cultural Heritage,” *Jordan Journal For History and Archaeology* 16, no. 3 (2022): 389.

the foundations or standards according to which maintenance or restoration is carried out, which led to errors in the restoration and the destruction of archaeological monuments, or their alteration, damage or distortion through the use of harmful chemicals or stones different from the original. This may result in some sites being removed from the World Heritage List in the future. For example, mismanagement was embodied in the attacks on the ancient city of Jerash, the lack of harmony between the historical buildings and modern buildings, the construction of streets, and urban sprawl.³³

In Jordan's Antiquities Law No. 21 of 1988, an "archaeological site" is defined as "any area in the Kingdom that has been considered a historical site, based on previous regulations, or any other area that the Minister decides contains antiquity or is related to important historical events, and the Minister's decision must be announced in the Official Gazette". Antiquities might be fixed monuments or non-fixed. The fixed monument was defined by Antiquities Law as "those attached to the ground and are also built above the ground or located underground. It includes objects found under internal and territorial waters."

In the 1970s, Jordan made efforts to create a computer database with archaeological sites in the country. Several decades later, in the 1990s, the first nationwide database was launched. Currently, digital technologies that complement the traditional archaeological conservation of monuments in Jordan³⁴ provide an example for implementing innovative solutions in other regions of the world. Data contained in digital databases are helpful in designing and

33 Catreena Hamarneh et al., "Documentation of Mosaic Tangible Heritage in Jordan/Jarash Governorate," *Annual of the Department of Antiquities of Jordan* 52, 2008: 139.

34 See, e.g. Husam Osama Ababneh and Monther Mahmoud Jamhawi, "Virtual Reconstruction of Archaeological Sites, Interpretation and Presentation using Modern ICT Applications: A Case Study of the Umayyad Mosque at the Citadel of Amman—Jordan," *Dirasat: Human and Social Sciences* 52, no. 3 (2025): 1–14; A'kif Al-Fugara et al., "A Multi-Resolution Photogrammetric Framework for Digital Geometric Recording of Large Archeological Sites: Ajloun Castle-Jordan," *International Journal of Geosciences* 7, no. 3 (2016): 425–39. Cf. Mariusz Drzewiecki, "Komputerowa baza stanowisk archeologicznych Jordani," *Ochrona Zabytków* 2, 2015: 229, 230.

planning urban development with respect for cultural heritage and the natural environment.

Article 14 of the Antiquities Law regulates the protection from a natural or legal person carrying out exploration and excavation operations in archaeological sites in search of gold and burials. It should be noted that this law prohibits searching for burials in archaeological sites, and anyone who discovers an antiquity or learns of its discovery must report it as soon as possible. Article 15 grants a financial reward upon notification of such a discovery.

By contrast, Article 16/B of this law prohibited the excavation of antiquities by any person, even in non-archaeological sites, even if they were the owner. Article 26 defines the crimes against antiquities including excavation, trafficking, export, dealing, forgery, vandalism, mutilation, bulldozing, theft, and failure to declare the antiquities one owns. This law regulates crimes of imitation and destruction of antiquities, such as pasting advertisements and billboards on archaeological sites, landmarks, and places.

The Jordanian legislator stipulates the termination of excavations or the cancellation of licenses if the licensed party violates the conditions related to excavation, or if the Minister deems it necessary to end excavations based on the recommendation of the director in the Antiquities Department where these excavations threaten the safety of the excavation mission or require. In Article 20, the legislator permits the cancellation of licenses if drilling work did not begin within one year from the date of the license being granted, or for two seasons in two consecutive years without cause. We find that the current situation stipulates the signing of an administrative contract with the driller licensed to begin drilling work. Such a contract entails the imposition of administrative sanctions in case the driller violates the terms.

Challenges facing the preservation of heritage and archaeological sites include population growth and large urban sprawl,³⁵ which has had a clear im-

35 Leen A. Fakhouri and Naif A. Haddad, "Aspects of the Architectural and Urban Heritage: From Registers to Conservation for Adaptive and Modern Use at the Historic Cores of Salt and Irbid, Jordan," *International Journal of Architectural Research* 11, no. 2 (2017): 204.

pact on these sites. Moreover, this problem is exacerbated by the increase in cases of asylum and displacement due to political crises in some neighbouring countries.

Added to these challenges are the lack of archaeological awareness,³⁶ and the interest of a large number of community members, including the owners of archaeological sites themselves, in preserving archaeological sites, which is represented by wrong practices towards archaeological sites and neglect towards them in light of government negligence in the supervision and control of these sites. Some practices have harmed archaeological buildings, such as using them to hold festivals and parties, unregulated tourism,³⁷ humidity and heat, and the use of cameras and sound machines. Part of stones have been used to build modern buildings.³⁸ This requires greater awareness through the media and the Internet,³⁹ integrating issues of heritage preservation and promotion as an important value into the curricula in schools and universities.⁴⁰

Jordan has launched its new archaeological heritage management strategy for 2023–2027, which will work to enhance the preservation of the holy sites, as detailed by the Jordanian News Agency, and safeguard archaeological assets while promoting sustainable utilization in line with global best practices by creating a robust legal and institutional framework for heritage management.

36 Claudia Trillo et al., “Towards a Systematic Approach to Digital Technologies for Heritage Conservation: Insights from Jordan,” *Preservation, Digital Technology & Culture*, 5 July 2021: 125.

37 Abdelkader Ababneh, “Qusair Amra (Jordan) World Heritage Site: A Review of Current Status of Presentation and Protection Approaches,” *Mediterranean Archaeology and Archaeometry* 15, no. 2 (2015): 34.

38 Fekri Hassan et al. (eds.), *Cultural Heritage and Development in the Arab World*, foreword Ismail Serageldin (Bibliotheca Alexandrina, 2008), 15.

39 Mason Seymore, *From Monuments to Ruins: An Analysis of Historical Preservation in Jordan*, Independent Study Project (ISP) Collection 1930, 2014: 15.

40 Ruba Seiseh, “Management of Heritage Sites in Jordan—Tell Hisban as a Case Study” (PhD diss., Ruhr-Universität Bochum, 2017), 11.

Archaeological Sites on the World Heritage

List and UNESCO Strategic Programs

Jordan has registered seven archaeological sites on the UNESCO World Heritage List: Petra, Wadi Rum, Qusair Amra, Umm al-Rasas, Bethany (Al-Maghtas), the city of Salt and recently Umm el-Jimal are now classified as World Heritage Sites.⁴¹ The UNESCO Office in Amman works with the Department of Antiquities and several government agencies (NGOs) to ensure the sustainable protection and effective management of World Heritage sites, and to support the preparation of nomination files.⁴² The Department of Antiquities has begun collecting and archiving scientific documents and reports that play key roles in recovering, preserving, and understanding this heritage. A general policy was adopted to give cultural and natural heritage a function in the life of society and to integrate the protection of this heritage into comprehensive planning programmes (Article 5, 1972). The UNESCO Amman Office supports Jordan in developing systems that promote and protect cultural and natural heritage, and to promote intercultural dialogue and cultural diversity for development.⁴³

Examples of Jordan's historic sites inscribed on the World Heritage List include the following conservation measures and legal aspects:

PETRA

Petra, formerly the capital of the Nabataeans, an ancient people of semitic origin, is one of the most important archaeological sites in Jordan. It represents a historical and archaeological landmark of exceptional value. Petra is distinguished by its unique character in that it is a city built of pink rocks in the middle of mountains, and finally, because of the presence of a sophisticated water management system.

41 Fakhouri and Haddad, "Aspects of The Architectural and Urban Heritage," 196; Nadine Al-Bqour, "The Impact of World Heritage Site Designation on Local Communities— The Al-Salt City as a Predicted Case Study", *Journal of Civil and Environmental Engineering* 10, no. 4 (2020), <https://doi.org/10.37421/jcde.2020.10.348>.

42 Seymore, *From Monuments to Ruins*.

43 Trillo et al., "Towards a Systematic Approach to Digital Technologies for Heritage Conservation," 121.

Petra was included in the World Heritage List in 1985. The city contains several important sites such as the Treasury and the Siq, which is the only passage through which tourists can reach the city. Scientific expeditions have been operating in Petra since the first half of the twentieth century.⁴⁴ Scientists are making efforts to protect Nabataean architecture for the current and future generations. However, this poses a challenge in terms of conservation, as Petra, embedded in the geological system and rocks, includes monumental spatial structures.

The Jordanian authorities have noted the importance of preserving this site due to its historical and archaeological importance and because it is threatened by environmental and natural factors such as earthquakes, floods, landslides and rock-slides. The Jordanian authorities' concerns have been reinforced by the increasing number of tourists and large groups on the site. In this context, UNESCO cooperates with the Petra Tourism Development Zone Authority and the Department of Antiquities and has funded a range of emergency assistance measures for this site, including the following: December 11, 1987, contributing to research on weathering and subsequent protection of Petra properties; 14 October 2001 Workshop on Developing World Heritage Skills for Youth in the Arab Region; 14 June 2010 Urgent Investigation into the Stability of Rocks in the Siq at Petra.

WADI RUM

Located in southern Jordan, Wadi Rum is a site that combines natural and cultural heritage. This site includes geological formations, picturesque views, unique rock drawings spanning the ages, including Nabataean and Thamudic inscriptions, in addition to archaeological sites dating back to the Neolithic era. It is located in a desert area with diverse terrain of narrow valleys, natural arches, towering cliffs and steep roads, in addition to large piles of collapsed rocks and a number of caves. The site has been inhabited by several human

⁴⁴ Piotr Kołodziejczyk, "Naturalne i antropogeniczne zagrożenia dla zabytków architektury nabatejskiej na terenie Petry i w południowej Jordanii / Natural and Anthropogenic Threats to the Monuments of Nabataean Architecture: the Case of Petra and Selected Sites in Southern Jordan," *Wiadomości Konserwatorskie / Journal of Heritage Conservation* 36, 2013: 64.

groups that interacted with the surrounding environment, a fact clearly evident from the inscriptions and drawings on the rocks and the archaeological remains found at the site. Wadi Rum also encapsulates the development of agriculture, farming and urban life in the region.⁴⁵ The Aqaba Special Economic Zone Land Use Plan covers the entire Aqaba Governorate. The property has an up-to-date management plan and an effective management unit, including guards and other staff dedicated to managing the property.⁴⁶ This management plan should focus on managing the natural and cultural values of the property.

QUSEIR AMRA

Quseir Amra is a palace built in the early 8th century and was listed as a UNESCO World Heritage Site in 1985. The site's distinctive artistic character consists of a castle formerly used as a shelter for guards and the residence of the Umayyad caliphs. It is equipped with a meeting hall and a bathhouse filled with pictorial paintings on the walls, the secular art that was prevalent at that time.⁴⁷ The UNESCO office in Jordan has participated in conserving, repairing, and maintaining this site in cooperation with the Department of Antiquities and the Ministry of Tourism.⁴⁸ On 26 February 2013: Preservation of mosaic floors at the Quseir Amra World Heritage Site, 13 November 1998⁴⁹: Quseir Amra Visitor Center, and in January 1995, Urgent work at the Quseir Amra site.⁵⁰

45 See: <https://whc.unesco.org/en/list/1377>.

46 Diala Atiyat, *The Diversity of Architectural and Urban Heritage in Southern Jordan and Northwestern Saudi Arabia: The Local Experience of the Two Countries in Conserving Heritage and Its Development*, 13, https://www.academia.edu/33795225/The_diversity_of_architectural_and_urban_heritage_in_southern_Jordan_and_northwestern_Saudi_Arabia_The_local_experience_of_the_two_countries_in_conserving_heritage_and_its_development.

47 See: <https://whc.unesco.org/en/list/327>.

48 Ababneh, "Qusair Amra (Jordan) World Heritage Site," 27–44.

49 Angela Atzori et al., "Managing World Heritage Sites in Jordan: From Practical Experience to Operational Guidelines," *Studies in the History and Archaeology of Jordan* 13, 2019: 109.

50 Eman Ahmad Safouri, "Jordan's World Heritage and UNESCO Strategies to Enhance It in Cooperation with the National Authorities," *Journal of Cultural Linguistic and Artistic Studies. International Scientific Periodical Journal* 22, 2022: 323.

UMM AR-RASAS

Umm ar-Rasas is an important landmark and world heritage site recognized by the United Nations Educational, Scientific and Cultural Organization (UNESCO) in 2004. Its history dates back to the end of the third century AD, when it was a Roman military site represented by a defensive fortress with towers at its corners, in order to consolidate influence and protect trade routes heading from the Arabian Peninsula to the Levant and vice versa. During the Byzantine and Islamic periods, many religious buildings were built, such as churches, chapels, and private buildings, for example, houses and presses inside and outside the fortress. Umm ar-Rasas embodies the meaning of brotherhood between the Islamic and Christian religions, and the importance of its monuments, including the Church of Saint Stephen and its mosaic floor, which was built during the Abbasid rule in the eighth century AD, in addition to the vertical hermit tower, approximately 15 metres high, used in ancient times by monks seeking isolation. The Ministry of Tourism and Antiquities has taken an interest in this site in cooperation with the European Union to attract more tourists, building a visitor centre, tourist trails, signboards and interpretive signs, and acquiring large parts of the archaeological site. It also provides services to the local community, impacting positively on it and creating job opportunities for local people. The conservation of this site was funded by the European Commission as part of the program “Protecting and Promoting Cultural Heritage in the Hashemite Kingdom of Jordan.”⁵¹ On 16 February 2009 UNESCO conducted investigations and emergency measures for the restoration of Al Amoudi Tower in Umm Ar-Rasas.⁵² The involvement of local community is key in maintaining this site in order to ensure its effective protection⁵³ while enhancing the

51 Safouri, “Jordan’s World Heritage and UNESCO Strategies,” 323.

52 Atzori et al., “Managing World Heritage Sites in Jordan,” 109.

53 Moayad Mohammad et al., “The Satisfaction of Local Communities in World Heritage Site Destinations: The Case of the Petra Region, Jordan,” *Tourism Management Perspectives* 39, 2021: article 100841.

local community financial resources and employment opportunities, especially in the tourism sector.⁵⁴

AL-MAGHTAS

Located in the Jordan Valley and north of the Dead Sea, it represents a religious and historical value. It is the site where Jesus Christ and his followers were baptized, and includes two main archaeological areas: Tell al-Kharrar, known as “Tel Mar Elias” or “Prophet Elijah”, and the area of the churches of “John the Baptist”, which contains remains dating back to the Roman and Byzantine eras. These include churches, small temples, monasteries and caves that were used as shelters for hermits, in addition to water pools designated for baptism.⁵⁵ The baptism site (Al-Maghtas) is classified as an archaeological site according to Antiquities Law No. 21/1988). In cooperation with UNESCO, represented by the World Heritage Committee, Jordan has adopted several measures to preserve this site. The Baptism Site Committee was established to manage this site and organise its financial resources. A special board of trustees was appointed by the King for this purpose. The Jordanian authorities issued a decision to prohibit and stop construction at this site, exempting from this decision all works aimed at protecting the archaeological remains. For its part, the World Heritage Committee urged the concerned States Parties to focus on protecting the western banks of the River Jordan.⁵⁶

The best conservation practices combined with modern technologies are currently used in the protection of archaeological sites and monuments. Professor Karol Myśliwiec pointed out that archaeology is an international science that brings together researchers and archaeologists from different cultural circles.⁵⁷

54 Ababneh et al., “The Management of Natural and Cultural Heritage,” 3–24.

55 See: <https://whc.unesco.org/ar/list/1446>

56 Safouri, “Jordan’s World Heritage and UNESCO Strategies,” 324.

57 Karol Myśliwiec, *W cieniu Dżesera: Badania polskich archeologów w Sakkarze* (Fundacja na Rzecz Nauki Polskiej, 2016), 7.

Polish archaeologists have been conducting research in Jordan for many years,⁵⁸ thereby contributing to the protection of its cultural heritage.

On 26 October 2021, a cooperation programme in the field of culture, science and education was signed between the Government of the Republic of Poland and the Government of the Hashemite Kingdom of Jordan.⁵⁹ Articles 16–22 contain provisions on cooperation in the field of restoration and conservation of archaeological sites, the exchange of experts, and presentation of scientific research results. On the basis of Article 23, Jordan and Poland support the cooperation of the UNESCO National Committees in the fields of science, culture, education, and promotion of mutual respect and intercultural dialogue.

Prospective Protection of Historic Sites, Urban and Cultural Artifacts

Historical Spatiality and the Surroundings of Monuments in the Light of Law

The concept of “historical urban landscape” is defined as the result of the historical overlap of cultural values that go beyond the historical centre and a buildings complex, creating a broader context consisting of a tangible and intangible layer, geographical location and natural surroundings.⁶⁰ For this purpose, the spatial organization, topography, hydrology, geomorphology and

58 See, for example, Jarosław Bodzek et al., “Zagrożenia dziedzictwa kulturowego i jego ochrona w Jordanii—analiza trzech przypadków / Threats to Cultural Heritage and Its Protection in Jordan—Three Case Studies,” *Wiadomości Konserwatorskie /Journal of Heritage Conservation* 57, 2019: 38–49; Kołodziejczyk, “Naturalne i antropogeniczne zagrożenia dla zabytków architektury nabatejskiej na terenie Petry i w południowej Jordanii,” 61–72.

59 Program współpracy między Rządem Rzeczypospolitej Polskiej a Rządem Jordańskiego Królestwa Haszymidzkiego w dziedzinie kultury, nauki i oświaty na lata 2021–2024, podpisany w Warszawie dnia 26 października 2021 r. (Journal of Laws of 2022, item 181 as amended).

60 See: Article I, pt. 1a, Recommendation concerning the Safeguarding and Contemporary Role of Historic Areas (RCRHA), was adopted on 26 November 1976 in Nairobi by the General Conference of the United Nations Educational, Scientific and Cultural Organization at the nineteenth session. The influence of the above definition is reflected in Article I, pt. 8, UNESCO Recommendation on the Historic Urban Landscape (RHUL), was adopted on 10 November 2011 in Paris.

natural features of the terrain should be taken into account. Law, as an aspect of culture, is not created in a vacuum, but reflects the traditional legal culture adopted in a given region or country. Hence, the provisions of laws on the protection of historical urban landscapes and historical spaces should take into account cultural significance resulting from tradition, aesthetic and architectural values. The present builds on the past, which is why a stable and secure future cannot be constructed by cutting off from the historical cultural heritage.

UNESCO highlights that historical urban areas are an expression of human desires and aspirations in time and space. For centuries, urban centres have attracted people from different cultures and religions, a process contributing to a multicultural social mosaic. For this reason, beneath the material layer is a treasure trove of life experiences, and the traditional knowledge and skills of many generations. In the context of historical urban landscapes and urban complexes, we can also talk about the accumulation of values that constitute a communication channel and an intergenerational binder. Hence, one could conclude that historical urban areas ensure the “living presence of the past” (Preamble RCRHA). Currently, we observe the dynamic development of urban planning, economic and industrial centres that can weaken or destroy the former artefacts of urban life or traces of human settlements in rural areas.

Separating the axiological layer from the buildings means that, as a consequence, the historical social fabric which lies at the source historical structures is at risk. In the light of the law, “historical and architectural areas” refers to buildings and complexes of buildings, as well as open spaces, including archaeological and paleontological sites that create the cohesion of human settlements in the urban and rural environment (Article I, pt. 1a RCRHA). Therefore, architectural objects and their constituent parts, together with spatial layouts and connections with the surrounding environment,⁶¹ should be considered as

⁶¹ In this respect, it is necessary to take into account natural areas created as a result of acts of nature, as well as greenery shaped by humans (e.g. orchards, gardens, tree alleys, dendraria). See: Article I, pt. 1 and 5, Recommendation concerning the Safeguarding of Beauty and Character of Landscapes and Sites, was adopted on 11 December 1962 in Paris by the

a whole. Restoration and conservation work should be undertaken based on verified knowledge and scientific principles in the pursuit of authenticity (Article II, pt. 4 in relation to Art. IV, pt. 19). Contemporary architects and engineers should take care when considering the development of cities in order that historical urban/rural buildings, which are still a determinant of social identity, are not destroyed (e.g. as a result of the location of industrial plants and communication arteries near historic buildings), but become a harmonious part of the modern life of residents.

It should be noted that current construction techniques, instead of protecting diversity, often create a uniform and monotonous mass that blurs individual cultural features. In order to maintain authenticity, historical areas should be protected against the introduction of artificial installations that could distort their image or intergenerational message. In this regard, the UNESCO Recommendation of 1976 mentions such features as electricity poles, telephone cables, television aerials, neon advertisements and commercial signs.⁶² Yet since the document was drawn up, social life has changed, and science and technology have undergone dynamic transformations. Contemporary threats to historical areas include negative climate change, natural disasters, water shortages, fragmentation of the law, as well as the development of the phenomenon of globalisation, which unifies models and ideas on a global scale, putting economic factors at the forefront.⁶³ There needs to be a restoration of the awareness that historical urban structures, although contributing to the economic development of given hubs and regions, are still primarily a cultural good, thanks to which human personality and creativity could develop. The UNESCO Recommendation of 2011 emphasises that modern and future-oriented policies for the protection of historic urban areas require the implementation of measures that identify and take into account historical layers, while ensuring a balance of cultural and natural val-

General Conference of the United Nations Educational, Scientific and Cultural Organization at the twelfth session.

62 Article IV, pt. 30, RCRHA.

63 Atzori et al., “Managing World Heritage Sites in Jordan,” 110.

ues.⁶⁴ Therefore, best practices for the protection of natural and urban landscapes should be taken into account in construction solutions.

Cooperation in the EU Structures

Poland's accession to the EU was a landmark event confirming a democratic identity, shared common European values, respect for human rights, and legal standards. Poland submitted its application for accession to the European Union in 1994,⁶⁵ becoming an EU member state on 1 May 2004. However, systemic transformation is not a one-time process: it requires continuous work and efforts to implement the values that underlie the European heritage.

The Preamble to the Charter of Fundamental Rights of the European Union emphasizes that the Member States are determined to work for a future of peace, freedom and security based on common values rooted in the indivisible and universal values of the human person.⁶⁶ Article 22 states that the EU respects cultural, religious and linguistic diversity. Jordan shares such values as advocating for peace, acting in the name of solidarity between people, and caring for moral and cultural heritage. In 1977, Jordan signed a cooperation agreement with the European Economic Community.⁶⁷ The Jordan Association Agreement with the European Union came into force on 1 May 2002. Under the Association Agreement, the parties committed to developing lasting relations based on reciprocity and partnership, strengthening political stability in

64 Article III, pt. 21, RHUL.

65 Stanisław Kluza (ed.), *Polska w Unii Europejskiej: Bilans korzyści* (Instytut Debaty Eksperckiej i Analiz Quant Tank, 2023), 9.

66 The Charter of Fundamental Rights of the European Union (2000/C 364/01) (Official Journal of the European Communities, C No. 364 of 18 December 2000).

67 Marzena Mruk, "Stany Zjednoczone i Unia Europejska w polityce zagranicznej Haszymidzkiego Królestwa Jordanii w XXI wieku—zarys problematyki / The United States and the European Union in the Foreign Policy of the Hashemite Kingdom of Jordan in the 21st Century—Outline of the Problem," *Wrocławskie Studia Erazmiańskie / Studia Erasmiana Wratislaviensis*, no. 13 (2019): 371.

the region, dialogue on scientific, technological, artistic and cultural issues.⁶⁸ Among the countries of the Middle East, the Hashemite Kingdom of Jordan is one of the key strategic partners. Cooperation with the EU mainly includes the economic area, although this cooperation is also being developed in the field of renewable energy sources, services, the aviation sector, conducting humanitarian actions, and counteracting terrorism.⁶⁹

Diplomatic relations between Poland and Jordan have been conducted on the basis of international norms since the 1960s. The Ambassador Extraordinary and Plenipotentiary of Poland to the Hashemite Kingdom of Jordan was appointed in 1964. Over subsequent decades, trade, social, cultural, educational and scientific relations were successfully developed, including in the field of archaeological research. Polish-Jordanian relations were strengthened after the first-ever visit of the President of Poland to Jordan in 2016. The agreements signed by Poland and Jordan are included, e.g. bilateral treaties on cooperation between the Government of the Republic of Poland and the Government of the Hashemite Kingdom of Jordan in the fields of culture, science and education, tourism and defence.⁷⁰ The developing cooperation between Jordan and Poland

68 Preamble, Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part, was signed in November 1997 and ratified by the Government of Jordan in September 1999.

69 See, e.g. 2008/216/EC: Council Decision of 25 June 2007 on the Signing and Provisional Application of the Agreement between the European Community and the Hashemite Kingdom of Jordan on Certain Aspects of Air Services (Official Journal of the European Union L No. 68 of 12 March 2008, p. 14); Decision No 1/2016 of the EU-Jordan Association Council of 19 December 2016 agreeing on EU-Jordan Partnership Priorities [2016/2388] (Official Journal of the European Union L No. 355 of 24 December 2016, pp. 31–46), 3–5.

70 Umowa między Rządem Rzeczypospolitej Polskiej a Rządem Jordanańskiego Królestwa Haszymidzkiego o współpracy w dziedzinie turystyki sporządzona w Warszawie dnia 1 września 2004 r. (Polish Monitor of 2007, No. 38, item 432); Umowa między Rządem Rzeczypospolitej Polskiej a Rządem Jordanańskiego Królestwa Haszymidzkiego o współpracy w dziedzinie obronności podpisana w Ammanie dnia 11 maja 2014 r. (Polish Monitor of 2018, item 946); Program współpracy między Rządem Rzeczypospolitej Polskiej a Rządem Jordanańskiego Królestwa Haszymidzkiego w dziedzinie kultury, nauki i oświaty na lata 2021–2024 podpisany w Warszawie dnia 26 października 2021 r. (Journal of Laws of 2022, item 181).

confirms the essence of the words of the Preamble to the Vienna Convention on the Law of Treaties that international agreements can be “a means of developing peaceful cooperation among nations, whatever their constitutional and social systems.”⁷¹

Conclusions

Archaeological monuments and cultural artifacts are a testimony of history and the development of human society. They contain a material layer and elusive phenomena from the spiritual sphere. Material monuments are an expression of creative invention and testify to scientific and technological development. Nevertheless, it is the intangible heritage that, through its axiological layer, creates the materialised product of human thought able to impact future generations. Therefore, it is important to be aware that identity is shaped on the coexistence of cultural phenomena with the natural environment where human life proceeds.

For this reason, the process of registering and documenting cultural heritage represents a key priority to help heritage specialists and decision-makers protect these sites. Heritage lists also play an important role in influencing the decisions of policymakers who plan infrastructure development plans. In a country like Jordan, cultural heritage resources require careful remediation and maintenance, as research sites are constantly exposed to natural and human hazards that accelerate their deterioration.

It should be pointed out that while Polish law allows the removal of a monument from the register, this is only done in strictly defined circumstances following a decision by the Minister of Culture and National Heritage. However, issuing a decision in this respect requires analysis based on objective criteria and recognition of the actual condition of the monument.

⁷¹ The Vienna Convention on the Law of Treaties, adopted on 22 May 1969, entered into force on 27 January 1980.

Archaeological sites are an important source of income, especially in the tourism⁷² and cultural sector in light of the absence of petroleum products in Jordan. It is also an important factor for sustainable development. However, in recent years, due to challenges such as Covid-19 pandemic and some regional conflicts that impact the tourism activity, the national economy has faced major challenges that require government agency intervention. It is also necessary to highlight how climate change, various environmental factors, and industrial pollution pose challenges to preserving urban heritage, and not only in this geographical region.

Heritage consists of “living” cultural phenomena. Human life takes place in a specific natural and spatial environment, hence the holistic combination of elements that form the social and biological tissue of heritage is indicated in the course of this article.

To safeguard monuments, necessary protective measures must be taken in advance to prevent their deterioration. Admittedly, each loss of a monument is detrimental to the functioning and impact of cultural heritage understood as a whole and consisting of diverse but mutually complementary cultural phenomena and historical objects. Bilateral cooperation between Poland and the Hashemite Kingdom of Jordan shows the perspective of shared cultural values. Membership of international organizations strengthens diplomatic relations based on the axiology of international law. Cultural diplomacy in effect supports the process of protecting archaeological monuments and historical artifacts in both countries, which at the same time constitute the heritage of humanity.

⁷² Martine Bakker, “A Review of ‘World Heritage Sites and Tourism: Global and Local Relations’,” *Tourism Geographies* 20, no. 3 (2018): 577–79.

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