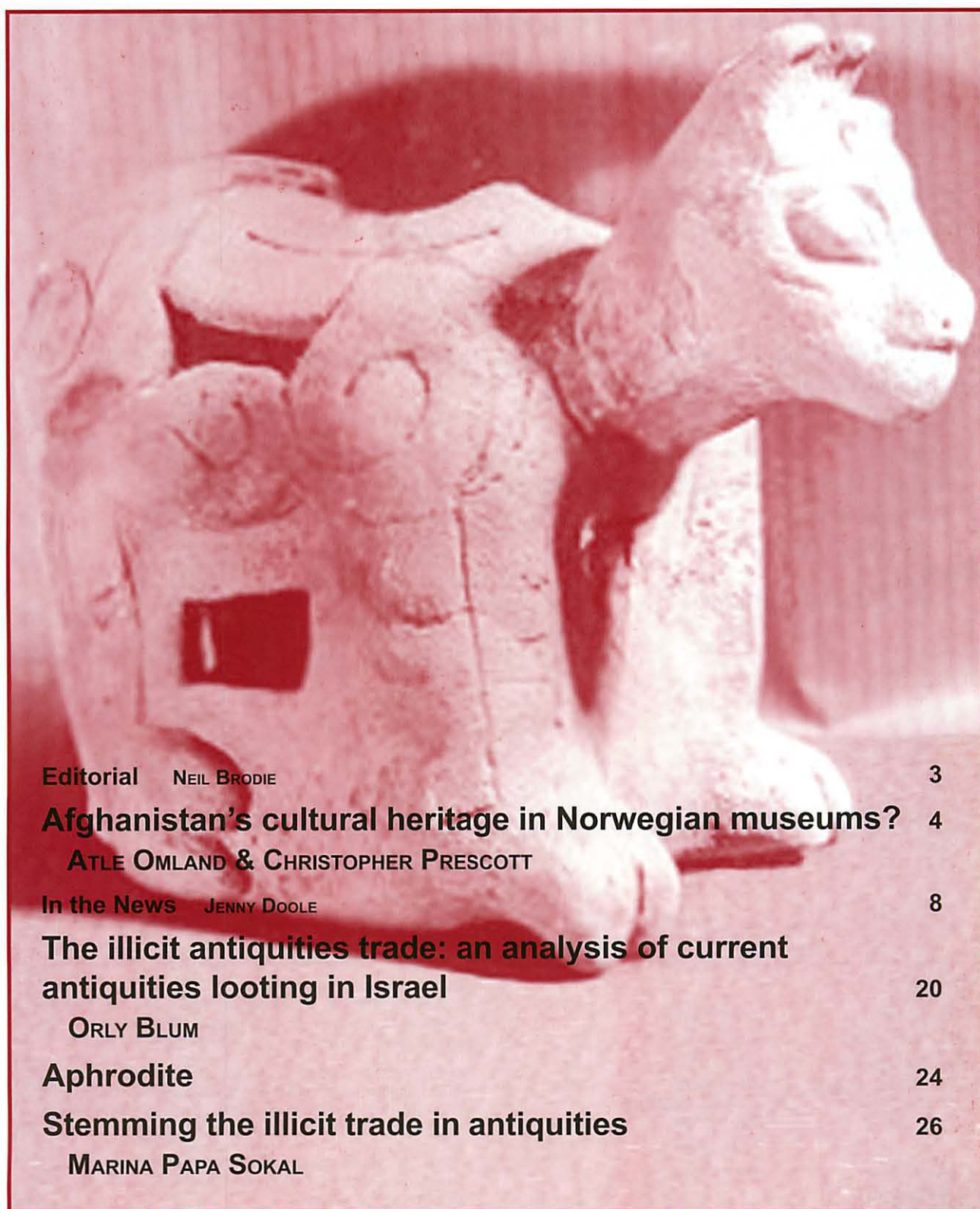


Culture Without Context



The Newsletter of the Illicit Antiquities Research Centre

Issue 11, December 2002

	
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The Illicit Antiquities Research Centre is a project of the McDonald Institute for Archaeological Research.

Illicit Antiquities Research Centre

The Illicit Antiquities Research Centre (IARC) was established in May 1996, under the auspices of the McDonald Institute for Archaeological Research in Cambridge, England, and it commenced operations in October 1997. Its purpose is to monitor and report upon the damage caused to cultural heritage by the international trade in illicit antiquities (i.e. antiquities which have been stolen or clandestinely excavated and illegally exported). The enormous increase in the volume of this trade over the past twenty years has caused the large-scale plundering of archaeological sites and museums around the world. The IARC will raise public awareness of the problems caused by this trade and seek appropriate national and international legislation, codes of conduct and other conventions to place restraint upon it.

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Jenny Doole
IARC
McDonald Institute for Archaeological Research
Downing Street
Cambridge CB2 3ER
UK
e-mail: jd244@cam.ac.uk

Front cover. Ceramic deer effigy stolen from Kolomoki Mounds State Historic Park Museum, Georgia (see p. 12).

Staff:

IARC Director:	Colin Renfrew
IARC Co-ordinator:	Neil Brodie
IARC Researcher:	Jenny Doole
CWC Editorial Board:	Neil Brodie Augusta McMahon Chris Scarre Peter Watson
CWC Designer:	Dora Kemp
ISSN 1464-1925	

Address for correspondence:

CWC Editorial Board, McDonald Institute for Archaeological Research, Downing St, Cambridge, UK, CB2 3ER.
<http://www-mcdonald.arch.cam.ac.uk/IARC/home.htm>

Correspondence relating to all aspects of the legal and illegal trade in antiquities is welcome; we will make an effort to print reasonable, non-libellous letters. No unsigned letters will be printed, but names will be withheld upon request.

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Editorial

On page 20 of this issue Orly Blum presents an analysis of antiquities looting in Israel and considers solutions from the perspective of supply and demand. It is clear, however, that the problem there is badly exacerbated by the deteriorating political situation, as it is in Iraq and Afghanistan, to name only two other countries. The UNESCO decision to back the non-commercial Swiss-based Afghan Museum in Exile provides a positive response to the cultural destruction that takes place in such war zones, and starting on page 4 Atle Omland and Christopher Prescott argue that the Schøyen collection of Buddhist manuscripts, currently in Norway, would find a welcome home there. There is clearly a need for similar institutions, and UNESCO might think to establish or support a non-commercial repository for the large numbers of inscribed clay tablets that are currently flooding the market and derived in all probability from Iraq since the end of the Gulf War.



Transparency is a concept that many antiquities dealers and collectors and some museums too seem to have a problem with, and now they have been joined by the British Government. On 7 October the Ministry of Defence (MoD) announced that it had reached agreement with the US company Odyssey Marine Exploration to 'conduct further archaeological exploration' of the wreck of the seventeenth-century warship HMS *Sussex* which is believed to have foundered off the coast of Gibraltar during a severe storm in 1694. The MoD was keen to emphasize that the project 'will be conducted under recognized and accepted methodologies', though no details were provided, and that the partnership will extend to the 'eventual conservation, publication, exhibition, marketing' of artefacts. One day earlier Odyssey had also announced the partnership, again highlighting 'the archaeological excavation and conservation of artifacts and cargo'. Both press releases also made low-key mention of the fact that the wreck might contain tons of gold coins.

The relevance of this latter point becomes clear when the text of the agreement (available

at www.shipwreck.net) is consulted. If what are euphemistically called 'artefacts' (surely gold coins) with a total monetary value of anything up to \$45 million are recovered then sale proceeds will be split 20:80 in Odyssey's favour; between \$45 million and \$500 million and the split will be 50:50; anything above \$500 million and it will be 60:40 to the Government. The expedition is in fact a treasure hunt, and the MoD is under no illusions about this, despite the meretricious terminology of their press release. 'The sea robbed us of our national wealth. For the best interests of the British taxpayers, I want to get it back' said departmental official Geoff Reakes when interviewed by the *Daily Telegraph* (Adam Luscher, *The Treasury's ship comes in*, *Daily Telegraph*, 13 October 2002). The MoD press release also states that the agreement is an important step 'in the development of a "partnering" approach to deep sea archaeology', which seems to imply that further treasure hunts are planned.

This agreement does not seem to be in contravention of any British law, although it is certainly against the spirit of legislation such as the 1996 Treasure Act and the Valletta Convention on Protection of the Archaeological Heritage which was ratified by the UK in 1999. Much will depend upon standards of excavation and recovery, although at the present time details are sketchy. In 1998, when the search for HMS *Sussex* first got underway, with the codename Cambridge, it was widely reported that the expedition was a collaborative enterprise between Odyssey and the Royal Naval Museum in Portsmouth. The Museum was involved at that stage to advise on best practice, but has now ceased to be an active partner, while continuing to advise the MoD. The Odyssey press release does mention an archaeological report that has been prepared, although no details have been released.

To clear up the confusion which surrounds the HMS *Sussex* project, it would help if the MoD would make public:

- What, if any, British public institutions were or are involved in the project;
- How much of the wreck is to be recovered and what methods will be used for its recovery;

- How it will be decided what 'artefacts' are to be sold, and who will handle the sale;
- What plans have been made for the future conservation, storage and display of material recovered from the Sussex (and not sold);
- Whether further treasure hunts are planned or in progress.

However, perhaps they are not in a position to do so. Article 12 of the agreement, entitled 'Confidentiality', states that 'The agreement contains a confidentiality clause governing the release of information concerning the Agreement and all documents relating to its execution'. So much for transparency.



It is a shame that the HMS Sussex agreement clouds what would otherwise be a good year for the British Government which in August finally signed up to the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of

Ownership of Cultural Property, which came into effect on 1 November. Britain has been joined by Japan where the Convention will come into effect in December 2002, and also by Sweden where the decision to ratify was announced in October. Albania and Barbados acceded earlier this year, Switzerland looks set to join in 2003, with Denmark to follow. The Convention is obviously enjoying a new lease of life, not least perhaps because of its proactive implementation in the United States as the Convention on Cultural Property Implementation Act, which has demonstrated just how effective an instrument it may be when used judiciously but with force. Anyone who doubts its effectiveness should turn to page 16 of *In the News* where there are details of the newly created American Council for Cultural Policy which represents the interests of rich collectors and museums, and one of whose aims is to weaken the US implementation. It clearly has them worried.

Afghanistan's cultural heritage in Norwegian museums?

ATLE OMLAND & CHRISTOPHER PRESCOTT

The demolition of the Bamiyan Buddhas in March 2001 caused outcries of disgust around the world, including Scandinavia. Yet, at the same time, collectors and museums continued to drain Afghanistan of its cultural heritage. This article examines a Norwegian case, the first-to seventh-century AD fragments of Buddhist manuscripts from Afghanistan presently owned by the Norwegian businessman Mr Martin Schøyen.

Cultural heritage originating in Afghanistan has for several years been removed from the country and sold into private and public collections — a dramatic example was the plundering of the National Museum in Kabul. Another more recent case is the collection of about 1400 fragments of Buddhist manuscripts purchased six to seven years ago by the private Schøyen Collection in Norway through the dealer Sam Fogg in London.

The initial coverage in the Norwegian press of the purchase by Martin Schøyen, as well as reports of his involvement in the 'rescue' of these manuscripts, was positive. This coverage, however, led to a more critical debate about the ownership by private or public institutions of Afghanistan's cultural heritage. The debate also unexpectedly exposed differing attitudes to the antiquities trade in general (e.g. *Aftenposten* January 17, 2002; *Dagens Naeringsliv* March 18, 2002; *Museumsnytt* 1 & 2, 2002; *The Times* June 22, 2002). This debate has become all the more urgent now that plans have been announced to sell the entire Schøyen Collection for an estimated £60 million. The announced sale has triggered a media campaign, featuring prominent members of the government and cultural bureaucracy, to persuade the Norwegian government to bid for the collection. The motivation for a government purchase is to keep the collection in Norway; for example, at an open seminar in March 2002 at the University of Oslo, the director of the University Museum of Cultural Heritage (University of Oslo) suggested that the Schøyen Collection, including the Afghanistan manuscripts, should be purchased by the Norwegian government and given to his museum.

The Afghanistan manuscripts are remnants of a Buddhist monastery library, most likely destroyed during the eighth-century Muslim invasion. The texts are written on palm-leaf, vellum and bark, and are described as 'The Dead Sea Scrolls of Buddhism'. They date from the first–seventh centuries AD. The events that preceded the arrival of the manuscripts in Norway are not clear. The initial press coverage in Norway suggested that Martin Schøyen himself orchestrated a rescue operation on behalf, or through, refugees or Buddhist monks. According to this version the manuscripts were brought out of Afghanistan to Pakistan in dramatic circumstances: on the back of a donkey through the Hindu Kush and under constant threat from the Taliban. Though this might be true, the story could simply be the portrayal of a smuggling operation in more flattering terms. Be that as it may, Schøyen acquired the manuscripts through several purchases and most questions concerning the legality of Schøyen's possession are now met by referring to a legitimate purchase in London from the manuscript dealer Sam Fogg. There is no reason to question the legality of these transactions, but important questions remain unanswered: How were the manuscripts procured in Afghanistan — who was the legitimate owner, what was the storage context there, and what damage was inflicted on the archaeological context in the course of and after the removal of the manuscripts? How were they smuggled out of the country and how did the manuscripts come to be sold in London?

If the Taliban threatened the manuscripts, and if Martin Schøyen and his partners actively saved the manuscripts from destruction without damaging cultural contexts of perhaps great long-term worth, then Schøyen deserves our gratitude. Schøyen certainly deserves credit for the way he has made his collection public. He has generously made his collection accessible for researchers, for example, through a group lead by Professor Jens Braarvig at the University of Oslo, who in 2000 edited a publication of several of the manuscripts (*Manuscripts in the Schøyen Collection. Buddhist Manuscripts*, vol. 1). Parts of the collection have also been made available to the general public through the web site of Norway's National Library (<http://www.nb.no/baser/schoyen/>). But

despite these praiseworthy actions, and setting initial concerns about the procurement aside (as well as the present conditions of storage), there are still grave issues concerning the ownership and custodianship of these and similar manuscripts. A pressing question concerns the management of items of cultural heritage exported from countries at war — and also countries submerged in civil war — where the combatants destroy monuments and collections as part of their policy of cultural domination.

We are certain that, in time, there will be internationally supported demands for the return of artefacts and texts smuggled out of Afghanistan during the Soviet occupation, the civil wars that followed and the Taliban regime. Similar situations have arisen previously in other countries, for example after the fall of the Khmer Rouge regime that had destroyed and plundered Cambodia's cultural heritage. Closer to home, in the wake of the press coverage of the Afghan manuscripts, the Egyptian ambassador to Norway has expressed concerns about the legality of the acquisition of Egyptian objects in the Schøyen Collection. She has therefore called on the Ministry of Culture to make inquiries into how Schøyen came by his Egyptian objects. In October 2002, however, the Norwegian government stated it could not make such an inquiry because the UNIDROIT Convention — that Norway became signatory to in 2002 — does not give retrospective force.

We find it all the more bizarre therefore that in the Norwegian media, people previously or presently responsible for prominent public national collections in Norway, as well as members of cabinet, only emphasize the positive aspects of a Norwegian purchase of the Schøyen Collection. They have generally avoided important issues that entail the return of the Buddhist manuscripts to Afghanistan when conditions permit and the government's responsibility not to unduly stimulate the illicit or semi-illicit trade in antiquities.

The Norwegian responses (until recently) are in contrast to internationally expressed concerns. For example, UNESCO and the Ministry of Information and Culture of Afghanistan organized in May 2002 an international seminar about the rehabilitation of Afghanistan's cultural heritage. At this seminar the participants urged

UNESCO to appeal to the international community, and particularly to those countries where Afghan cultural material is traded, to co-operate in the prevention of illicit traffic in these objects.

Several NGOs outside of Afghanistan also take care of objects that originate there and monitor the present condition of the Afghan cultural heritage. In 1994 The Society for the Preservation of Afghanistan's Cultural Heritage (SPACH) was founded in Pakistan. In the *Newsletter of the International Institute of Asian Studies* no. 23, 2000, a founding member of SPACH, Juliette van Krieken, describes the shock she experienced when she first heard of the Buddhist manuscripts in the Schøyen Collection. Her remarks serve as an introduction to an account of the destruction of Afghanistan's monuments and how objects from Afghanistan are ending up in western collections. SPACH is striving to prevent this by purchasing objects when possible, with the goal of repatriating them to Afghanistan. In several other articles, members of SPACH have provided information concerning the tragic circumstances of Afghanistan's cultural heritage, for example 'excavations' that entail the demolition of Buddhist monasteries with bulldozers to secure artefacts for the international market (see Nancy Dupree's articles in *Archaeology* 1996 & 1998).

Other organizations that work for the protection of the Afghan heritage include the Swiss-based Afghan Museum in Exile (that takes care of objects from Afghanistan with the aim of later returning them to Afghanistan), the Virtual Kabul Museum in Japan designed to present 'displaced' cultural property from Afghanistan and call for their return (<http://www.seenk.com/kabul-museum/>), and The International Committee for the Salvation of the Cultural Heritage of Afghanistan (ICSCHA) in California. In light of these international efforts to protect and restore the cultural heritage of Afghanistan, it is legitimate to raise questions concerning the last six to seven years' history of the Buddhist manuscripts now in the Schøyen Collection.

As widespread plundering is already a fact and valuable artefacts are in circulation, any line of action must represent a compromise between conflicting considerations. Organizations such as SPACH and the Afghan Museum in Exile have arrived at the conclusion that they must acquire

important cultural artefacts themselves to secure their return to Afghanistan. This is, of course, a difficult policy to pursue, as it could stimulate black-market trading and plundering in Afghanistan (and other places). Still, the International Council of Museums (ICOM) and UNESCO support this policy. In *The Times* (June 22, 2002) Colin Renfrew also suggested that the Schøyen manuscripts should be donated to the UNESCO-approved Afghan Museum in Exile.

In addition to the international efforts to save Afghan heritage and later restore smuggled objects, several international conventions are relevant in regard to the Schøyen Collection. The Hague Convention of 1954 protects cultural heritage during war, the UNESCO Convention of 1970 deals with illegal export, import and transfer of ownership of cultural objects, and the UNIDROIT Convention of 1995 regulates the international return of stolen or illegally exported cultural artefacts. Though Norway has ratified the Hague Convention and acceded to the UNIDROIT Convention this year (2002), the country has not been a staunch supporter of UNESCO's work to limit the international trade in cultural artefacts, despite its own restrictive national policies. Though the government acknowledges a need to demonstrate solidarity with countries exploited for their cultural heritage, national interests rank higher than arguments of solidarity. As yet, Norway has not ratified the UNESCO 1970 Convention, and the Afghanistan manuscripts presently in the Schøyen Collection are an example of how national interests will conflict with ratifying the UNESCO convention.

It is thus highly problematic when some researchers, directors and politicians call on the Norwegian government to buy the entire Schøyen Collection. A common argument voiced in the media is that the acquisition of the Schøyen Collection, including the Buddhist manuscripts, would enhance Norway's cultural prestige internationally. Some other arguments mustered to support a purchase are short-sighted, indeed ridiculous, for example:

- The Afghans are not interested and can't take care of their heritage.
- Several examples of repatriation demonstrate that corrupt third world governments place antiquities back on the black-market.

- There are more Buddhists in Norway than in Afghanistan and thus Norway has a more legitimate claim to the manuscripts than Afghanistan.
- States come and go and therefore their rights and responsibilities may be legitimately circumvented in the long run.
- All major nations have a history in the trade of cultural property, so why not Norway?

On a more serious level, Professor Jens Braarvig's observations in the *Newsletter for the Centre for Advanced Study* (no. 2, Oct. 2001, p. 4) are interesting: 'At the risk of not being absolutely politically correct, I dare to assert that in our day and age it is the European intellectual tradition that is most concerned about safeguarding ancient cultural treasures'. Braarvig has a point, but when he uses it to validate keeping Afghan manuscripts in Norway he subverts international efforts to deal with the inherent problems. He also underestimates the effect this tradition, and the political and ideological context from which it stems, has had on other regions, in this case Afghanistan. Braarvig's historical reflections are, in part, 'historically blind'.

Looking beyond the ethical and political dimensions of a Norwegian purchase of the collection, there are numerous international guidelines that come into play, even though Norway has not ratified the UNESCO 1970 Convention. Museums and collections that are members of ICOM are bound to strict ethical guidelines concerning the acquisition of cultural objects. Such objects must have a valid, documented provenance. In a war situation — as in Afghanistan — such provenance is usually at best unclear. However, the circumstances surrounding all objects acquired from Afghanistan during the last six to seven years and now circulating in the private market should be subject to close scrutiny. Any government purchase or permits to allow re-export and private sale must thus be subsequent to rigorous legal, ethical and cultural considerations.

It is unquestionably fortunate that the Buddhist manuscripts from Afghanistan still exist and are made accessible for researchers and the general public. If the Buddhist manuscripts were actually salvaged from Taliban destruction, and if other valuable monuments and archaeological contexts were not destroyed in the process, the people responsible for their rescue deserve our

gratitude. Given the circumstances in Afghanistan, it might also be fortunate that the manuscripts are in Norway for the time being. Still, the fundamental position taken by UNESCO, NGOs that work to protect the Afghan cultural heritage, and by various international conventions, is that such objects should be returned to Afghanistan, and this should guide future actions. When Afghan authorities are in a position to manage the country's cultural heritage, any institutions or private collectors (be it Martin Schøyen or the Norwegian government) who then own the Buddhist manuscripts will be morally obliged to return them to Afghanistan. Whether the establishment of acceptable conditions in Afghanistan takes a year or a hundred years is immaterial.

Norwegian history up to independence in 1905, and the relatively young Norwegian state's efforts and strict legislation to secure the nation's cultural heritage as part of a strategy to build a national identity, should render Norwegians particularly sympathetic to Afghanistan's plight. As the director of the National Archives in Norway, John Herstad (*Museumsnytt* 2, 2002), has suggested, one would hope that the same generosity and decency that was shown the young Norwegian state in similar matters 100 years ago will be awarded to an Afghanistan hopefully emerging from the series of tragedies which started with the Soviet occupation.

Returning the manuscripts should thus be the fundamental guideline for the Norwegian government if they choose to buy the collection. In light of the risk of further stimulating trade in antiquities, and the plundering that supports such trade, it would be preferable if Martin Schøyen followed Lord Renfrew's appeal in *The Times* (June 22, 2002): the only decent thing to do is to give his collection to the UNESCO-approved museum in Switzerland so that it can be returned when order is fully restored.

Links to various sources of information concerning this case can be found on <http://folk.uio.no/atleom/manuscripts.htm>.

ATLE OMLAND & CHRISTOPHER PRESCOTT
Department of Archaeology, History of Art and
Conservation
University of Oslo
Norway

In the News

JENNY DOOLE

Egyptian action

- In May, Egyptian authorities recovered a **statue of Amenhotep III** from a collector in **The Hague, Netherlands**. The piece was one of **55 stolen from a Luxor temple store-room** in 1987 and was identified to Dutch police with the help of the Art Loss Register. It is now in the Egyptian Museum, Cairo and will be displayed in December. Egyptian authorities are chasing **another piece** from the raid, which is **now in Switzerland**.

- **June: Egyptian customs** officers intercepted **34 boxes** containing 424 Pharaonic, Islamic, Roman and Greek antiquities mixed with modern replicas in an airport storage area. The shipment was **destined for Madrid, Spain**.

- In June, following notification from US Customs officials, **Christie's New York** withdrew from sale a **piece of granite relief**, 15 inches high and depicting Pharaoh Nectanebo II (sale estimate \$7000–9000). French Egyptologist, Christine Favard Meeks recognized it from a wall at Behbeit el-Hagar temple in the Nile Delta and informed the Egyptian Ministry of Culture. The fragment had been **stolen about 12 years** ago. Meeks, who has documented the temple since 1977 says that in 1993 it was intact, but there has been systematic looting since then. She claims to have recognized three other pieces from the temple which have passed through major auctions.

A **fragment of relief** depicting the Nile god Hapi, also from Behbeit el-Hagar and legally **recorded as stolen** in Egypt since 1990, was recognized recently in the collection of the **Virginia Museum of Fine Arts**. The sculpture has been in the USA at least since 1944 and was acquired by VMFA in 1963. Egypt has demanded its return, threatening a law suit.

- **Dr Zahi Hawass**, new head of the Supreme Council of Antiquities (SCA), Egypt, has been publicizing plans to take the fight against tomb robbing and smuggling to new levels (*Business Today*, September 2002):
 - On taking up his appointment he wrote to **every museum and university** in the world stating the **SCA will never co-operate** with anyone who buys stolen artefacts.
 - **Two archaeologists** (one American, one British) involved in the legal defence of Frederick Schultz on charges of conspiring to receive stolen Egyptian antiquities (see In The News, *CWC*, issues 9 & 10), have been **permanently banned** from working in Egypt.
 - A special **investigative team** has been formed to **identify illicit Egyptian antiquities** in museum collections, auction catalogues and sales on the Internet.
 - A sweep of **private dealers' Egyptian storerooms** resulted in the seizure of objects discovered since 1983 (when laws were passed making new finds government property).
 - Hawass emphasizes that, whereas in years past Egypt's attitude toward the expensive process of recovering stolen cultural heritage could be dismissed as 'just media talk', **now they are taking action**.
 - The **SCA is working to improve site and museum security** systems and preparing complete documentation of items in storage, museums and tombs.
 - A travelling exhibition ***Quest for Immortality: Treasure of Ancient Egypt*** is **touring the USA** to raise an estimated \$13 million for the campaign and other preservation work.
 - A system which would allow **foreign museums to 'lease'** ancient artefacts for display, possibly under better conditions than are presently available in Egypt, is being investigated. It has been suggested that schemes like this, which allow museums in market countries legitimately to display fresh, high-quality Egyptian an-

tiquities, **may also reduce black market demand.**

- *July:* Egyptian officials went to Washington DC to collect 2 **Roman mummy masks** which had been confiscated by US police from the home of an **arms dealer in Florida.**
- *July:* An Egyptian delegation will be sent to Heathrow Airport to examine more than **2000 Egyptian antiquities** found in the possession of an Egyptian resident in London who claimed he had inherited them from his father in 1955.



Explosion in Philippines

Filipino police said that a man injured when a stick of **dynamite exploded** in his Manila hotel room in May **claimed to be a treasure hunter.** Michael Meiring of California showed police several documents, including maps of shipwrecks. His secretary, however, claimed Meiring was a cancer specialist planning to create a clinic for poverty-stricken cancer patients.



Cambodian up-date

- Officials from the newly-rebuilt National Museum in Phnom Penh, Cambodia, argue that one of Cambodia's most effective weapons against theft of cultural property is the **Cambodian people's sincere respect** for their cultural heritage. It is estimated that **50–100 people a year now take chance finds to the museum**, which curators suggest is extraordinary given how poor most of the finders are and the potentially large amounts of money to be made were the items sold to illicit traders.
- A statue of a **ninth-century male divinity**,

voluntarily returned to Cambodia by a private collector from Washington DC, has been revealed on expert examination to be an **elaborate forgery.**

- In April **The Honolulu Academy of Arts** returned to Cambodia **two ancient sculptures** (a ninth-century, 15-inch-high stone head of Shiva, and a twelfth-century, 19-inch-high head of a demon) stolen from the temple of Angkor Wat in the 1970s and subsequently donated to the institution. The pieces were identified following the 1996 publication *Looting in Angkor* by ICOM (International Council of Museums).



Greek illicit antiquities

- Interpol reports that of 141 art-theft cases reported in Greece in 1999, **27 were from archaeological sites** although real figures are difficult to gauge since thefts often remain undiscovered until material appears on the official art market.
- The Greek anti-Antiquities Smuggling squad announced that from **1999–2001 they recorded 101 law violations**, involving 142 Greek nationals and 8 foreigners. 2014 archaeological artefacts, 157 Byzantine icons and 3367 coins were logged.
- Cases of **antiquities smuggling**, having risen only slightly in the 1990s, have **increased considerably in the last 3 years** because of a building boom and intensified police action.
- *Kathimerini* (10 October 2002) reports that there are no more than **65 legally-designated collectors** in the whole of Greece, compared to another **800 antiquities owners.** According to Greek law owners are people who have inherited certain objects, but are not permitted to acquire more. Licensed collectors on the other hand own

collections whose intrinsic interest has been recorded. They are entitled to add to their collections and are under **no obligation to reveal the source of their purchases**.

- In June the Greek Paliament passed a **new antiquities law** according to which anyone possessing objects dating prior to 1453 must **declare them to authorities** within 12 months of the law's publication and may then be permitted to keep them.
- In April, Athanassios Frangos, a municipal employee from Evia, Greece was **arrested** trying to sell **two Hellenistic statues** and a fifth-century BC golden figure of a goat. 45 coins were also seized.
- *August:* **Three jewellers** in the Plaka area of Athens and one from the south of the city, were arrested and **charged with illegal possession and sale** of antiquities when 74 pieces of jewellery incorporating ancient coins were discovered in their shops. 417 small-denomination ancient copper coins from Macedonia were later found by police in a jewellery workshop.



Crisis in Ukraine

- Professor Vikto Myts, of the Crimean Institute for Archaeology in Simferopol says that **criminal gangs** can actually be seen watching and waiting for excavation teams to pack up for the night before they **move in to strip sites** of valuable Greek, Roman, Byzantine and Bronze Age artefacts.
- In a parallel development Ukraine's powerful **mafia now employ archaeologists** to work directly for them, illegally excavating sites with the aid of mechanical diggers, floodlights and armed guards to ward off police, other gangs and concerned academics.
- **Half a square-mile** of the Hellenic city of

Olvia was recently **looted out** by thieves.

- In most cases, the few **tomb robbers** who reach the courts receive **only a suspended sentence**.
- Prized artefacts — gold, statuettes, decorated pottery and Hellenic period vases — are snapped up at the **Sevastopol flea market** for immediate **transfer to Moscow** where they will fetch bigger sums and then be smuggled abroad.
- Philippe Coumarianos (*Kathimerini*, 16 August 2002) describes an outing with Volodya, **leader of a gang of tomb robbers** in the Ukraine, who work on commission from wealthy dealers. During the night:
 - **A stone slab**, 3 metres underground, is **shattered** with a steel bar to allow access to an ancient tomb.
 - The **remains of the woman** buried within are **raked over** to recover a few pieces of bronze artefacts, some paste-glass beads, and some red terracotta jars.
 - Volodya reveals that during **previous nights** the team have looted 12 burial sites only to recover a quantity of **clay pottery not worth much** on the black market.



Irish metal detecting

In August **Anthony Molloy and his son Kevin** pleaded guilty to charges of **illegal possession of archaeological objects** found in Ireland. Judge Michael Reilly, of Birr District Court heard that Molloy used his retirement present, a metal detector, to help him **raid sites in north Tipperary** and pointed out that as he had been employed by the national heritage service as wildlife ranger he knew where archaeological sites were located. **Nearly 800 artefacts**, including two Bronze Age daggers, an Iron Age pin, bronze sword handle and hundreds of perfectly preserved coins, were found at the defendant's home by officers from

the Art and Antiques Unit of the National Bureau of Criminal Investigations and handed over to the National Museum. Irish law, updated in the 1990s to counter wide-spread illegal treasure hunting, requires that finders must notify authorities of finds within 96 hours or risk fines and prison time.

Princeton return

A fragment of the **pediment from a Roman funerary monument**, with a Latin inscription and high-relief bust of a deceased man named Aptonetus, bought by the **Princeton University Art Museum (PUAM)** in 1985, but subsequently discovered to have been **illegally exported**, was voluntarily **returned to Italy**. During the course of his research, museum curator Michael Padgett came across references to the same piece, indicating that it had been found during agricultural land clearing in Colle Tasso, near Tibur in 1981–82 and fully documented. Italian archaeologists and police then carried out their own investigations and also reached the conclusion in March 2002 that the object had indeed moved out of Italy without an export permit. PUAM has applied to Italy for a **long-term loan** in order to continue display and study of the artefact. No action is expected to be taken against the New York dealer who, the museum believes, acted in good faith.

The Queen's head

A **Benin bronze** head in the collection of **Queen Elizabeth II**, previously believed to be a modern replica, was identified as an **original which had been illegally brought out of Nigeria** when it went on public display for the first time this summer. The bronze had been illegally **removed from the National Museum** in Lagos in 1973 by president **General Yakubu Gowon** and presented to the

Queen as a present during a State visit. The General had apparently been disappointed with a replica head he had commissioned and so decided to choose a genuine antiquity from the National collection. According to *The Art Newspaper* (September 2002) then Director of Antiquities, Dr Ekpo Eyo, was **horrified by the legal and ethical implications** of a head of state raiding the National Museum.

Laws and Conventions

- **Japan has ratified the 1970 UNESCO Convention** and it will enter into force there on 9 December 2002.
- Belgian senator François Roelants du Vivier has introduced a **bill to the Belgian Parliament** to amend Belgian judiciary Code with regard to receipt of stolen goods, which he considers weak compared to that of neighbouring countries. He also emphasized that the country's **failure to ratify the 1970 UNESCO Convention** harms Belgium's international image, while Parliament has not yet even addressed the question of the 1995 UNIDROIT Convention.
- In April, a draft law was circulated at the **National People's Congress (NPC) of China** proposing that **private trading in antiquities be legalized** (at present only State-owned shops and auction house are permitted to sell art and antiques and foreigners are prohibited from buying antiquities more than 200 years old). The NPC's legal committee commented that there are 160 auction houses in China adding that many **sell fakes and 'encourage tomb robbing'** (the *Art Newspaper* September 2002). The draft law would also tighten government control by defining types of art that cannot be traded, requiring 'certification' by central authorities of any art traders, and offering the State first refusal on any object.

- **October: Sweden's Culture Minister** Maria Ulvskog announced that the country had **decided to sign the 1970 UNESCO Convention**.
- **UNESCO's Director General**, Koïchiro Matsuura, congratulating Japan on its recent ratification of the 1970 UNESCO Convention and emphasizing the **importance of market countries becoming party** to the convention, called for universal ratification.



US concerns

- Summer fires in the **Sespe Wilderness area** of the Los Padres National Forest, California have caused archaeologists, park rangers and law enforcement officials to step up patrols and education programs **warning campers and hikers against looting**. Looters see such fires as a great opportunity, since archaeological artefacts like ancient stone tools, arrowheads and pottery, usually hidden by vegetation, surface in the ash. A **task force** of federal, state and local law enforcement officials looked into **new strategies for catching looters**, including possible installation of sensors at certain sites.



Ceramic deer effigy (University of Georgia).



Caddo pot (University of Georgia).

- Archaeologists in Texas say that **plundering of Native American graves** for Caddo pottery (which can realize thousands of dollars per piece on the market) has reached frenzied proportions in the past two decades. Following a recent visit to **two Caddo cemeteries** it was noted that there were **acres of open grave pits** as far as the eye could see, with at least 250 burials looted. Every known Caddo cemetery around Lake O'The Pines has now been looted and Cam Joy Mound, completely intact in 1989, has a 3-metre-wide looter's trench through its centre. A Texas historic preservation officer reports that one looter of Caddo graves boasts that he sent his kids to college with the money raised selling finds, but only one documented case of prosecution is known.

21 Caddo pots stolen from the Texas Archeological Research Laboratory **remain missing** despite the offer of a \$10,000 reward (see In The News, *CWC*, issue 9).

- Officials of the **Kolomoki Mounds State Historic Park**, Georgia, have launched a WWW site to further publicize details of **archaeological artefacts stolen from their museum** during a night time raid in march 1974. 129 items — everything that was on display — were stolen, including impressive clay vessels and figurines, but only a

handful have since been recovered: 12 in 1978 from the home of an unwitting private collector in Miami, Florida (bought from a Tallahassee dealer); 1 in 1979 from artefact sale in Pennsylvania; and 2 in 1996, which were identified from photographs and recovered from a St Petersburg collector whose mother had bought them, still with museum numbers intact, from a flea market at Gulfport. Art collectors and museums, in particular, are being asked to check the WWW site to see if they can shed any light on the whereabouts of the bulk of the material. For further information see <http://www.georgiaplanning.com/history/kolomoki/>.

- *The Christian Science Monitor* (20 June 2002), reporting on widespread **archaeological looting in New Mexico, USA**, argues that the US government is taking an **increasingly diligent and tough line** against pot hunters, and that members of the public are better informed and more **willing to report** suspicious activity. They recount a court case settled in August 2001, now on appeal, in which two brothers were charged and convicted of stealing Mimbres painted pottery from Gila National Forest. They were caught, when they returned to a site in a remote area of the forest, by US Forest officials who staked-out the site after a walker reported freshly dug holes.

Iranian antiquities

- An **Achaemenid gold tablet** stolen from Iran's National Museum is **still missing**. The tablet, discovered during an American archaeological expedition to Persepolis in 1933, disappeared along with a silver tablet (since recovered) in confused circumstances — it was transferred to the Museum following the 1979 revolution, yet never registered. A man was arrested, tried and jailed in connection with the theft.

- A report in *The International Herald Tribune/The Asahi Shimbun* (May), in which a museum official was quoted as saying that parts of 19 Buddhist statues were discovered in ruins in Fars Province, Iran (raising the possibility that Buddhism existed west of Afghanistan much earlier than had been believed), has caused controversy. A representative of the Cultural Heritage Department of Tehran, having reviewed records from the Iranian National Archaeological Museum, said the **statues were in fact smuggled from Afghanistan** before the 1979 Islamic revolution and had been in storage since because of a religious ban on idolatry. The **smugglers had been arrested** and the statues taken to a museum in Shiraz and then to the Iranian National Archaeological Museum in Tehran.

British Museum theft

A small ancient Greek **marble head**, with a distinctively damaged nose and face and an estimated value of £25,000, was **stolen from the Greek Archaic Gallery of the British Museum** on 30 July 2002. The gallery was unguarded due to staff shortages. New director, Neil MacGregor, announced that his first priority will be an energetic review of every aspect of security.

Nepalese Buddha in Austria

An ancient **Dipankar Buddha**, stolen from Nag Bahal, Patan, Nepal early in 2002, **turned up for sale** at established, Cologne-based, **Gallery Peter Hardt** in May. It was recognized by museum curator Christian Schicklgruber when offered for sale to the Ethnographic Museum in Vienna for \$180,000. Schicklgruber worked quickly with contacts at the University of Vienna and the Nagarjuna Institute in Kathmandu to



identify the piece and convince the Austrian public prosecutor to seize it as suspected stolen property. Austrian and German police are working with Nepalese authorities to begin legal proceedings to force the dealer to reveal how he obtained the piece and attempt to secure its return to Nepal, although under Austrian law this may prove difficult as it may have been bought in good faith. According to *Nepal News*, Gallery Peter Hardt, which had printed a picture of the Dipankar in its catalogue, removed all images of Nepalese artefacts from its WWW site and reportedly said: 'I'd rather not take this matter to Kathmandu, it will stir a hornet's nest.' *The Kathmandu Post* (8 June 2002) quotes an anonymous writer, in a letter addressed to a Buddhist scholar, as saying that the figure was '**exported "legally" with all the seals from the National Archives**' though Nepalese law forbids export of any cultural objects over 100 years old. **Two other Buddha figures** have been stolen from guthis in Patan in recent years, but not yet surfaced.

Indian arrests

June: Acting on a tip-off, **police in Jhabua, India arrested three people**, Gurudayal Singh, Pritam Singh and Nanak Singh in possession of four statues stolen from the Jain temple of Bangh in nearby Dhar district on 9 March 2002. One of the idols, made of 'ashtadhatu' and weighing 1.15 kg is believed to be 700 years old, and **archaeologists have been called** in to ascertain its historical importance.



Iraqi salvage

- **Robert K. Englund**, principal investigator on the Cuneiform Digital Library Initiative at the University of Los Angeles, says that **many of the cuneiform-inscribed objects** currently flooding the market, especially Internet auctions where they often sell for less than \$10, **are probably authentic**. He believes much of the material is the result of **illicit excavations since 1990**. The project aims to capture digital images of these potentially important objects, sometimes directly from Internet pages, before they disappear into private collections.
- *August:* **1000 archaeological artefacts**, including gold jewellery, pottery, coins and statues, looted during the Gulf War, were **returned to Iraq** via Interpol from Jordan, Saudi Arabia and Britain.
- **Two pieces of stone relief** stolen from Iraq, which surfaced in antiquities shops in London, were **returned in May, via the Iraqi Interests Section**. One, stolen from the Northern city of Hatra, showed the face of a young woman with four snakes around her neck, the other had been taken from the palace of Assyrian King Sennacherib at Nineveh.



Afghanistan issues

- In May **two Afghan men** were intercepted by Pakistani police at border barricades with **38 illicit antiquities**. The pieces, mostly belonging to the Mehrgarh culture of Baluchistan, were wrapped in newspaper and hidden in cavities in the men's car. They were to be delivered to a **middleman in Rawalpindi** for onward smuggling abroad.
- Afghanistan's Director of Archaeology Abdul Wasay Ferozi said the **recent arrests of several smugglers** have done **little to curb widespread looting** since the fall of the harsh Taliban regime. He adds that prominent **regional warlords are part of the problem**: in the western district of Paghman alone some five areas have been illegally dug by commanders with trucks, equipment and guns.
- Afghanistan's Interior Department told CNN (7 August 2002) that **twelve Pakistanis and Arabs killed** during a gun battle near a military base near Kabul, were not al-Qaeda operatives as the Defence Department claimed but were in fact **would-be looters** planning to steal ancient sculptures from a nearby hill. An Interior Department official claimed two guards were also killed in the incident.
- Rory Stewart, reporting on his journey across Afghanistan for the *New York Times* magazine (25 August 2002) describes his meetings with **local warlords** plundering ancient ruins for objects to sell.
 - One, now director of a society funded by foreigners and set up to protect the early Islamic tower of Jam, explained how he had **dug up quite a lot of antiquities** from all over the area and sold them to dealers from Herat.
 - Stewart witnessed the **rapid and widespread pillage of the site**, with villagers tunnelling trenches up to 10 feet deep everywhere, and destroying all trace of the previously unknown ancient city in the

process.

- Artefacts are apparently in demand from **dealers and collectors in Japan, Britain and the USA** (where they are described as Seljuk or Persian to obscure their Afghan origin) with reports of American servicemen buying directly from villagers.
- Looters say that there are **charred roof beams** in most of the ancient buildings, leading Stewart to surmise they may have discovered and now largely destroyed the **city of the Turquoise Mountain**, burned by Genghis Khan.
- Prices paid by dealers range from \$1–2 for a twelfth-century ewer, or rather more for carved wooden doors or ivory chess pieces.
- Gul Agha Karimi, Chairman for the Society for the Protection of the Minaret of Jam (now a World Heritage Site), said the looting is a disaster and has come about since the breakdown of law and order following the fall of the Taliban. He believes that the **area is too dangerous for archaeologists**, even with security guards, and the United Nations do not have contacts with the local knowledge necessary to deal with such a situation.
- En-route from **Jam to Kabul**, in almost every village **locals were ransacking ancient graves** for identical, highly stylized female heads.



Pakistan issues

- Archaeologist Zainul Wahab has expressed concern at the number of **looters damaging sites in NWFP** (North West Frontier Province), Pakistan. He fears that illegal excavation of thousands of Gandharan, Greek-Bactrian, Hindu Shahi and early Muslim period sites, particularly by criminals searching for **coins up to six feet below surface levels** with the aid of **sophisticated metal-detecting equipment**, is irreparably

damaging archaeology and knowledge of history of the area. He added that **millions of such coins** from diverse periods are appearing on both local and international markets.

- Looting of the **Kashmir Smast cave**, in the Babozai mountains, Mardan district, Pakistan has been **going on for a year**, with looters reportedly removing rare Gandharan antiquities including a bronze Bodhisatwa statue (possibly sold to a foreign dealer for Rs 2.8, according to *Dawn* 29 May 2002) and White Huns coins, **even in the presence of officials**.



Sudanese mummy

Two antiquities smugglers in Sudan were arrested, in an undercover police operation, trying to sell the country's first **fully-preserved mummy** for \$586,000. Police had been staking out the men since their arrival in Khartoum to find buyers for the mummy, which they had discovered in its grave at the royal cemetery of Napata. Siddeek Mohammed Gism al-Seed of the Sudanese Museum said the mummified body, fantastically well-preserved owing to extremely skilled mummification and burial in desiccating desert sands, was a member of the family of Pharaoh Taharka of the Cush Dynasty.



US collectors' support group

Ashton Hawkins, formerly executive vice-president and Counsel to the Trustees of the Metropolitan Museum of Art, New York, has created a **support group of American collectors and at least five institutions** who believe their collecting **practices to be threatened** and see themselves under siege from over-zealous law enforcement and public debate they perceive to be dominated by

archaeologists' concerns.

- The 'American Council for Cultural Policy' is operating from the midtown offices of law firm **Gersten, Savage & Kaplowitz** where Ashton is now employed.
- *The Art Newspaper* (November 2002) reports that the **first meeting of the 45-person Board of Advisors on 9 October 2002** (held in the Fifth Avenue home of Uzbek textile collector Guido Goldman) was attended by Shelby White, former Getty curator Arthur Houghton (a vice-president), former Kimbell Art Museum director Edmund Pillsbury and legal scholar Professor John Merryman.
- The group's stated aims are to **lobby for revision of the Cultural Property Implementation Act** and how it is applied (see In The News, *CWC*, 7 & 8), and discourage use of the 1977 *US v McClain* decision which upheld the use of the National Stolen Property act in relation to foreign stolen material and was cited as a precedent in the recent trial of dealer Frederick Schultz (see In The News, *CWC* issues 9 & 10). The Council is **supporting Schultz's appeal** against his recent conviction.
- The Council sees the **US Customs Service as a problem**, arguing that they form part of an over-reaching and political law enforcement. Many collectors believe Customs has become tougher on antiquities collectors in return for closer Italian co-operation on illegal drugs control.
- In the long term the Council hopes to publish a **guide for collectors** called *Collecting Cultural Property: Principles, Positions and Guidelines* describing legal case studies, legislation and government directives.
- The Council argues that **legitimate dispersal** of material through the market is one of the **best ways to protect cultural heritage**.
- The group says the **State Department is beginning to listen to them**.
- The Council wants to **encourage the**

Association of Art Museums to take a more focused position in response to curbs on importation of Italian cultural material, which they see as a direct threat. Hawkins further argues for a scheme (first suggested by the Metropolitan Museum in 1975) which would have the **Egyptian Museum, Cairo offer museums around the world** up to 50 objects from Egyptian collections in return for **'very substantial' contributions** (perhaps \$1 million) towards the construction of a new museum under the Giza plateau.

Local action in Sri Lanka

Villagers in the **Sri Lankan town of Balangoda** grabbed **20 suspected treasure hunters** digging for artefacts at a local archaeological site and tied them to trees while they called the authorities. It is not known whether the group, which included a **senior policeman**, will be charged.

Looting in the United Kingdom

- **Yeavering Bell**, one of the UK's most important Iron Age hill forts has been **seriously damaged by illegal metal detectorists**, who have dug at least 34 holes into a secluded part of the site, since a public access agreement was negotiated by Northumberland National Park. Archaeologist Dr Rob Young, and landowner Lord Anthony Hill expressed concerns that looting had never occurred in the National Park on such a scale before and potentially brings the large numbers of responsible **metal detectorists into disrepute**, while **damaging relations with landowners**. Under British Law illegal digging on a scheduled ancient monument carries a penalty of two years' jail or an unlimited fine.
- Archaeologists in the north of England fear

more than 150 Roman objects, including coins, glassware, jewellery, shoulder plates and a Viking bone comb, may have been **stolen from six boxes in a Carlisle council storage building** and sold via the Internet. Archaeologists said some of the items were extremely rare. The matter is currently **under police investigation**, and some of the artefacts have been recovered from various research offices. The items were found on the site of the Millennium Gallery by the Roman fort of Luguvalium near Hadrian's wall.

- **UK police seized a collection of Roman gold coins and jewellery** when they raided the home of fork-lift truck driver Robert Duquemin of Highworth, near Swindon, Wiltshire. The objects may have been looted from the important Roman town of Cuneteo, Mildenhall near Marlborough, which has been subject to **illegal metal detecting**, and scientific tests are now being carried out on soil from the site and Duquemin's home. Duquemin's partner claimed 'he is a keen amateur archaeologist and all his stuff is legal' (*Mail on Sunday*, 10 November 2002).

British court decision

A British court ruled on 16 October 2002 that a 200 BC **bronze statue of Dionysos** should be **returned via diplomatic courier to Turkey**. Originally **confiscated from a bonded warehouse in Switzerland**, the statue was sent to Britain where it was stored free of charge by the British Museum while it was the subject of complicated legal proceedings. It was listed as an asset of **Turk Nevzat Tellioglu**, who was subject of an Order of the High Court of Justice made under the **Drug Trafficking Act**. Sara Dayman of BDO Stoy Hayward was appointed Receiver and claimed the statue while the company looked into its true ownership history. The Receivers advertised in several publications for claimants and

took advice from experts (who could not say conclusively that the statue came from Turkey as opposed to elsewhere in the Roman Empire). When the Turkish authorities were unable to substantiate their claim a Request for legal Assistance was issued, but still contested by the Receivers. Eventually the High Court of Justice accepted evidence put forward that the statue had been purchased in Turkey, illegally exported and therefore remained Turkish property.

Chinese return

A **stone Buddha**, one of four from a four-gate tower in **Shentong Temple**, Licheng, Shandong Province, China, will be **returned to the temple from Taiwan**. The sculpture was stolen from the site (which was designated as a protected monument by the Chinese government in 1963) in 1997, smuggled off the mainland and purchased by a collector in Taiwan who donated it to the Dharma Drum Mountain Cultural and Educational Foundation in 2002. They investigated and established its authenticity and decided it belonged in its true setting. The Straits Exchange Foundation will handle the return.

Mexican recovery

October: A **pre-Columbian figurine** reported as missing from an archaeological site in Mexico since July, has been **found in an Internet auction**. The ceramic statuette, described in the Yahoo sale as of 'orange clay', was from **El Tajin, Veracruz** state and has been returned to the National Anthropology and History Institute. Mariano Orturo Campos of Mexico City was **arrested on charges of illegally selling the object**.

Tales from Italy

- A **smuggling ring** operating from the **southern Italian port of Bari** has been discovered by Italian police who have **charged 16 people**, including shopkeepers who allegedly sold illicit antiquities. With **branches in five regions** of both north and south Italy, the ring dealt in religious art treasures and illegally excavated archaeological material, some of which came from sites near **Taranto in Puglia**.
- Rory Carroll, writing in *The Guardian* (4 May 2002) interviewed 66-year old Italian **tombarolo Antonio**, who began illegal digging in his 20s and uses the money to supplement his income as a house decorator. It emerged that:
 - Antonio estimates he has **destroyed more than 2200 tombs** over the years.
 - That he **prefers Etruscan tombs** which are shallower than Roman, so apparently easier to ransack.
 - That he believes **modern tomb robbers have 'no patience, no finesse'** and destroy much material when they open a tomb.

Israeli arrest

May: The **Israel Antiquities Authority's Theft Prevention Unit** caught a man, from the nearby area of Silwan, with a **metal detector digging for ancient coins** on Mount Zion in Jerusalem. Use of metal detectors is prohibited under Israeli law.

Ossuary controversy

A **2000-year-old stone ossuary**, bearing on its lid the inscription 'James, son of Joseph,

brother of Jesus' in Aramaic, became a cause for controversy when its existence in the collection of Tel Aviv engineer and prolific antiquities collector Oded Golan was revealed. The box, which has been shipped to Toronto, Canada for temporary display at the Royal Ontario Museum, is believed by the Israel Antiquities Authority's Theft Prevention Unit to be the **result of a tomb robbery**, possibly in Jerusalem. Amin Gamor, head of the anti-theft division, recounts rumours that the ossuary was on sale as recently as a year ago, but the reclusive Golan has **publicly asserted that he bought it at least 25 years ago** for a few hundred dollars from a Jerusalem dealer, whose name and location he cannot now remember. (The year of purchase is crucial as since the Antiquities Law of 1978 such objects would rightfully be State property.) Meanwhile, **scholars are divided as to the authenticity** and possible Biblical significance of the inscription, which will be difficult, if not impossible, to establish with no information about the object's context or provenance.

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The illicit antiquities trade: an analysis of current antiquities looting in Israel

ORLY BLUM

The rich archaeological heritage of Israel is being constantly eroded by illegal excavations carried out to meet an escalating demand for antiquities. The Israel Antiquities Authority (IAA, the principal organization in Israel with responsibility for antiquities¹) has a computerized list of over 14,000 sites (Reich 1998), but since 1967 more than 11,000 of these sites within the pre-1967 borders (mostly tombs) have been robbed. More than 6000 are in the foothills of Judea. The exact number of sites robbed since 1967 in the occupied territories is unknown, but it is in the thousands (Ilan *et al.* 1989).

This destruction has given rise to a debate within Israel between the IAA and the dealers' community. The IAA wants to change the law which currently permits antiquities trading — it believes that if the antiquities trade is outlawed then dealers will no longer be able to operate in Israel and theft from archaeological sites will stop. The dealers' lobby, however, maintains that if such a law is passed, then the antiquities trade will simply continue underground, as happens in other Mediterranean countries where it is forbidden, such as Egypt, Turkey, Greece, Italy, Cyprus and Jordan.

In 1985 the IAA established the Theft Prevention Unit whose duty is to prevent thefts from archaeological sites and to supervise commerce in antiquities. The Theft Prevention Unit has the power to conduct searches and make arrests, and also to investigate any suspicious business operations in the antiquities field. In 1995 the Unit caught 144 people illegally digging on ancient sites (Ya'akovi 1999). The IAA also has the authority to decide who will, or will not, be licensed to trade in antiquities (a licence is required under Article 15 of the 1978 Antiquities Law). In the state of Israel there are 75 licensed dealers with a combined annual turnover of about \$5 million.

The Antiquities Law implemented in 1978 effectively 'nationalized' antiquities in order to

protect them. Article 2(c) states that 'Where an antiquity is discovered or found in Israel after the coming into force of this law, it shall within borders fixed by the Director [of Antiquities] become the property of the State'. But this creates a paradox: on the one hand the sale and collecting of antiquities is allowed almost without restriction, while on the other all antiquities that have been discovered in Israel since 1978 are the property of the State. Therefore, licensed excavations cannot be a source of goods for antiquities dealers, who claim that in consequence they are obliged to purchase antiquities from illicit excavations. This has led, in turn, to the IAA declaring that dealers are encouraging antiquities theft and that therefore the trade should be forbidden.

Another paradox that should be mentioned is that Israel's Ministry of Tourism allows its seal of approval to be placed in the windows of the authorized antiquities shops despite the claim of the IAA that a large part of the material sold there comes from illegal excavations (Ilan *et al.* 1989).

While antiquities dealing in Israel is legal, it is not completely unregulated, and there are certain prohibitions on the export of antiquities. According to the 1978 Antiquities Law:

- Any antiquity exported from Israel requires the written approval of the Director of Antiquities. If the antiquity is of national importance, written approval of the Minister of Education and Culture is required.
- All antiquities shipped abroad must be registered and shipped through a licensed dealer. The IAA reserves the right to confiscate any item not registered.
- Export of architectural fragments or other objects of stone such as columns, ossuaries or sarcophagi is not allowed; nor is the export of ancient inscribed objects or written materials.
- The sale or transfer of antiquities from a private collection or museum needs to be approved by the Director of Antiquities.

Nevertheless, compared to the strict export laws of other Mediterranean countries the Israeli regime is tolerant and antiquities can easily be exported. Anyone who contravenes this export regulation, however, will be liable to imprisonment for a term of six months or pay a fine of 30,000 pounds.

The market players

a) Thieves

Article 9(a) of the 1978 Antiquities Law states that: 'No person shall dig on any land, or otherwise search, for antiquities, including the use of a metal detector, or gather antiquities, unless he has obtained a license to do so from the Director...'.

Antiquities criminals can be divided to two groups. The first and largest group are from the economically depressed villages in the West Bank and occupied territories. The IAA discloses that 99 per cent of thieves are shepherds and other local inhabitants from villages close to ancient sites. There are two reasons for this: the economic deprivation of the villagers and poor law enforcement. The second group of criminals are Israeli and foreign citizens who act as intermediaries or middlemen.

Since the Israeli occupation in 1967 the economies of the Gaza Strip and the West Bank have become extremely reliant upon jobs in Israel. When the Intifada began in 1987 these jobs became less secure because of strikes called by the Palestinian leaders and curfews imposed by Israel. There was an inevitable rise in the level of unemployment among Palestinians, exacerbated by Israeli employment of foreigners to replace Palestinians. Thus the illicit trade in antiquities thrives, due mainly to the economic distress of Palestinian citizens. On the 14 December 2000 the IAA reported that before the Intifada only 2 sites were illegally excavated a month but that since then the number has risen to over 16 sites (Golan 2000). This statistic demonstrates that antiquities thieves become more active since economic conditions have deteriorated.

Illegally excavated objects are transferred to middlemen. They have good contacts in Palestinian villages and purchase items often for very little money, and always in cash (Golan 2000). These antiquities are then sold to legitimate dealers. Middlemen are often Israeli or foreign citizens. The IAA acts against both thieves and middlemen — approximately 70–100 antiquities offenders are caught each year (Golan 2000).

Article 37(a) of the 1978 Antiquities Law states that a person who injures or defaces any antiquity or archaeological site is liable to imprisonment for the term of three years or a fine

of 150,000 pounds. The prison sentence is intended to deter and prevent pillaging though jail terms are rare. If it is impossible to prove beyond any reasonable doubt that robbers have actually plundered artefacts they will be released. The police do not help the IAA, and dealing with complaints about the destruction of sites or antiquities theft are not priorities. The lack of support from Israeli law-enforcement agencies is probably due to their poor awareness of the importance of the archaeological heritage.

b) Dealers

Article 15 of the 1978 Antiquities Law states that a dealer can sell artefacts only if he is in possession of a license from the Director of Antiquities. Every licensed dealer has to keep a list of stock and register it annually when renewing his license (Ya'akovi 1999), although the IAA suspects that dealers replace every object sold with a similar one, which receives the same stock number (Pinto 1999). This is probably to circumvent the IAA regulations concerning artefacts but might also be to evade income tax requirements.

Legitimate dealers claim that most of their antiquities come from private collections and are purchased legally — in other words, from collections which were built up before 1978 when it was still legal to excavate on private property and collect artefacts from the surface (Maza 1990). It is difficult to prove otherwise as investigating the source of antiquities makes large demands on available resources. But it is hard to believe that the 100,000 artefacts that leave Israel each year all come from pre-1978 inventories.

c) Collectors

There are different types of collectors, and some exert a strong influence on the political decision-making process insofar as it concerns the domestic antiquities trade. The first group of collectors is comprised of tourists who constitute 99 per cent of antiquities buyers. Many purchase a glass ornament, jar, coin or some other antiquity in one of the more than a hundred antiquities shops in Israel, the West Bank and Gaza Strip. In particular demand are pottery and coins from the period of the Bar-Kochva revolt (the Second Jewish revolt against Rome) AD 132–135. Christian pilgrims seek objects from the Byzantine era, and

the demand is greatest for items that are marked with a cross (O'Sullivan 2001). By and large tourists do not care about the provenance of an antiquity, their main interest is that the object is 'old'. An IAA survey revealed that 80 per cent of people entering antiquities shops are tourists and that 67 per cent of those buy an antiquity (Ilan *et al.* 1989). However, the Intifada has severely reduced the merchandising of antiquities, as fewer tourists are now visiting Israel (Maza 1990).

The second group of collectors are Israelis. Some are influential public figures who have exerted pressure on parliament not to change the current law, which permits trading in antiquities. In 1987 Teddy Kollek (an important antiquities collector, then mayor of Jerusalem and previously Chairman of the Israel Museum Jerusalem board of directors) stated in a letter addressed to the Minister of Education and Culture that prohibition of the antiquities trade would be absurd as the existence of legitimate sales galleries enables the IAA to supervise dealers and allows museums to purchase objects legally. Moreover, Mr Kollek argued that prohibition of the trade would drive it underground and that as a result most antiquities would then be smuggled abroad (Ya'akovi 1999).

Teddy Kollek is not the only Israeli politician to have collected antiquities. Another was Moshe Dayan, the almost legendary general and former minister, who had an obsessive hunger for valuable archaeological finds.² Dayan accumulated his extensive private collection through unauthorized and unscientific digs, using Israeli soldiers and army helicopters. While acting as Minister of Defence he blocked important anti-looting legislation. When the IAA discovered this, rather than arresting him, they seized most of his private collection and displayed it in the Israel Museum Jerusalem. Kollek and Dayan did a lot to prevent the establishment of laws aimed at safeguarding the national heritage, while at the same time protecting and increasing their own collections. These episodes raise important questions about the pressure that powerful individuals may bring to bear on the executive body and highlight conflicts that may occur between public and private interests in the archaeological heritage.

Many other private collectors have voluntarily opened their collections to the public. In so

doing, they have invited the public to share the cultural heritage of the country. This phenomenon encouraged individuals such as Nahman Avigad (1905–92) and Yigael Yadin (1917–84), both Israeli archaeologists and collectors of Israeli antiquities, to arrange for the publication (sometimes by themselves) of items in private collections.

d) Museums

Some influential curators at the Israel Museum Jerusalem and the Eretz Israel Museum in Tel-Aviv support the antiquities trade as it is presently constituted for the simple reason that it allows them to continue buying antiquities on the open market. Preventing such a trade would severely constrict the museums' sources and would create a dependency on the IAA. Antiquities displayed in Israeli museums come from authorized and unauthorized excavations. The Israel Museum Jerusalem has an impressive department of Israeli antiquities, many of which have been lent or donated by the IAA, while others have been confiscated from robbers or from dealers. But the problem at hand is not whether a museum is entitled to acquire an artefact which has been looted from within the state of Israel and then confiscated, rather it is the attitude of the museum towards the continuation of a legal antiquities trade. If the IAA presumption that banning the antiquities trade would reduce the incidence of looting is correct, then by supporting the continuing existence of a legitimate antiquities trade influential voices within the museums world are encouraging the continuation of the looting.

Solutions

The museums and the IAA are both seeking to reduce the plunder of archaeological sites, but have different views as to the best course of action. Would Israel control it more effectively by banning the trade or by maintaining or even increasing a legitimate and supervised trade?

The IAA survey revealed that the majority of small antiquities such as coins, oil lamps and so on are bought by tourists. These artefacts represent, according to the survey, the majority of archaeological objects plundered from ancient sites. Therefore, outlawing the trade would make it impossible for dealers to sell their merchan-

dise to tourists who are the most important market for antiquities and, as it will be less profitable, reduce the amount of plundering. Against this, the illegality of the antiquities trade might only escalate prices and lead to even higher profits for dealers and middlemen. Another objection to outlawing the trade is that it would go underground and the objects will be smuggled abroad. In other Mediterranean countries that have banned their antiquities trade the authorities are still struggling to contain looting.

A counter proposal made by the pro-trade lobby is that the IAA should sell artefacts that have already been studied and documented and which at present are not exhibited to the public but are kept in storage. There is, however, a strong objection to this suggestion. According to the IAA over 100,000 artefacts are sold yearly. The Department of Antiquities has approximately 120,000 registered items, other than coins (Ilan *et al.* 1989). If the present volume of sales were maintained, the Department of Antiquities' store-rooms would be emptied within a year.

There is a serious imbalance between the small supply of legitimate antiquities and a growing demand. The problem can only be solved by increasing the supply or by reducing the demand. The fact that it is legal to sell antiquities from illegal excavations raises many uncertainties about the preliminary source of those antiquities. Consideration should be given to relaxing the law

which 'nationalizes' each antiquity found.

Notes

1. Excavation, conservation of antiquities and ancient sites, educational activities and the prevention of antiquities theft.
2. Dayan was elected in 1959 to the Knesset (Parliament) as a member of Mapai, a party within the Israel Labour party coalition. In 1965 he was elected as a member of Ben-Gurion's new party — Rafi (Alliance of Israel's workers). On June 1, 1967, when war with Israel's Arab neighbours was imminent, Dayan was appointed Minister of Defence.

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ORLY BLUM
Herzeliya Pituach
Israel



Aphrodite

Sicily, a land famous for its history and traditions, continues to suffer from the looting of its archaeological heritage. The plunder is promoted by unscrupulous dealers interested only in their own economic advancement and the artefacts removed — as so often happens — are shipped abroad to the wealthy ‘demand countries’. One such case came to light in 1988 when the Superintendency for Cultural Property (Fine Arts) informed the Section of Carabinieri for the Protection of Cultural Heritage that a fourth-century BC Greek statue of Aphrodite, 230 cm high and executed in limestone, had been removed illegally from the archaeological area of Morgantina, close to the modern town of Enna. Enquiries carried out with the assistance of Interpol uncovered the route followed by the statue, which had eventually come to rest in the J. Paul Getty Museum after passing through the hands of a British citizen who claimed to have bought it from a family based in Lugano, Switzerland.

The case seemed set for a positive resolution in October 1988 when the Getty forwarded to the Italian Ministry of Cultural Property a letter written by Thomas Hoving (editor of *Connoisseur* magazine) in which he declared that the statue had been obtained through illicit excavation at Morgantina, and marketed by an Italian citizen who had offered the piece to several dealers before finally selling it.

During a visit to the Getty, the Superintendent Archaeologist of Rome, Professor Adriano La Regina, examined the statue, and on the basis of its style and material proposed a Morgantina provenance. Dr Marion True, Curator of the Department of Antiquities at the Getty, then agreed that a joint examination of the object should proceed in cooperation with Italian archaeologists so as to verify its provenance. The committee, convened by the Ministry of Cultural Property, and chaired by Professor Giovanni Guzzo, Superintendent Archaeologist of Pompei, confirmed after intensive study in March 2000 that the statue was made of Sicilian limestone.

Unfortunately, the committee’s findings did not result — as expected — in the return of the statue to Sicily. It is still exhibited at the Getty.

The return of the statue would permit the Museum to demonstrate its sensitivity to Italian concerns about lost cultural heritage and also to confirm its adherence to the principles laid down in the ICOM Code of Ethics.

COMANDO CARABINIERI TUTELA PATRIMONIO CULTURALE
Rome, Italy

The Getty replies

Culture Without Context contacted the J. Paul Getty Museum about the statue of Aphrodite, and its Director Deborah Gribbon replied as follows:

In the fall of 1987, when the Getty Museum was considering the acquisition of the large cult statue thought to represent Aphrodite, we informed the Italian Ministero per I Beni Culturali, as well as the Ministries of Culture of Greece and Turkey, of our intention and requested any information about the history of the object or possible claims against it. The response that the Museum received in November from the Ministero per I Beni Culturali, signed by Professor Francesco Sisinni, Director General of the Ministero, stated that [obviously in translation]: ‘. . . from the search conducted at the competent offices of this Administration, no information as to the origin and authenticity of the object has been found’.

The allegation that the statue came from Morgantina was made some months later. Early in 1988, Thomas Hoving telephoned the Museum to say that he understood we were considering purchasing a statue of Nike that was found in illicit excavations at Morgantina. Mr Hoving offered no evidence to support this statement of provenance, but we acted immediately to investigate the matter. The Museum’s Curator of Antiquities, Marion True, contacted Professor Malcolm Bell, on the faculty of the University of Virginia and Field Director of Morgantina Excavations. Dr True explained the situation and dispatched by courier high-quality photographs and a complete description of the statue, asking for Dr Bell’s opinion. After receiving the photos, Dr Bell wrote Dr True saying that

in recent years important works of art have been found at the site, produced both by legitimate and illegitimate excavation. I would therefore not rule

out a possible provenance for the piece at Morgantina. At the same time I can say that, at the time of writing, I know of no reason to argue that it was found at Morgantina.

Later, in conversation with Dr True, Dr Bell suggested two reasons why he felt the Aphrodite did not come from Morgantina. No sculpture carved in the acrolithic technique (the unusual combination of limestone and marble used for the piece in question) had ever been found at the site — in fact, no limestone sculpture had ever been found at Morgantina at all. And as the style of the statue suggested a date around 400 BC when the city of Morgantina was suffering a serious economic decline, it was highly unlikely that such a large and expensive sculpture would have been commissioned for a local sanctuary.

Provided with that information, the Museum proceeded with the acquisition in July, 1988. The acquisition was announced immediately. The Aphrodite went on public display within seven months (it took some time to design and build a mount that would be seismically safe) and the Museum published the sculpture in 1989, less than a year after it had been acquired.

After the announcement of the purchase, Mr Hoving published an article in *Connoisseur* that purported to detail the recent history of the statue. Once again, he presented no evidence to substantiate his story, but the Museum took the precaution of sending the text to the Italian Ministry to ensure that the officials in charge would be aware of Mr Hoving's story.

In the fall of 1988, Professor Adriano La Regina was sent by the Italian government to examine the statue. He could not, and did not, comment on the alleged provenance of Morgantina, as he claims no expertise in the artefacts from that site or, indeed, from that region (he is and has been for many years the Soprintendente of the Fori Imperiali in Rome). He came to the Museum to verify the authenticity of the sculpture, as several statements in the Italian press had suggested that the piece was an elaborate forgery. The Museum extended every courtesy to Professor La Regina, giving him free access to the statue. He concluded that it was genuine.

Over the next years, Dr True and Jerry Podany, the Getty's Conservator of Antiquities,



Fourth-century BC Greek statue of Aphrodite.

spoke with representatives of the Ministry about the possibility of studying the limestone from which the body was carved. Ultimately, the Museum voluntarily provided stone samples that could be analyzed by geologists in both Los Angeles and Palermo. This analysis was not done for the purpose of determining the find spot of the sculpture; such an analysis was not, and is not today, technically possible. It is acknowledged by American and Italian scientists that the study and identification of limestone quarries is still in its infancy — most ancient quarries have not been located or sampled and no large data bases for the accurate determination of provenance yet exist for various types of limestone. In addition, but equally important, even if the quarry could be identified, it would not be a certain indicator of the provenance of the sculpture. Marble analysis had already determined that the head and preserved arm, hands, and foot of the statue are all made of Greek marble from the is-

land of Paros, but the statue's provenance was manifestly not Paros.

Early in 2000, the Italian scientific committee prepared a report that concluded the limestone was Sicilian. The Getty's analysis reached the same conclusion. While we promptly sent a copy of our conclusions to the Italian officials, the Italian scientific committee's report was

never shared with the Getty. Instead, it was released directly to the press.

The Getty Museum has never represented anything other than the fact that the statue probably came from the area of Magna Graecia (South Italy and Sicily). The determination of the limestone as Sicilian by itself does not establish a Morgantina provenance for the piece.

Stemming the illicit trade in antiquities

MARINA PAPA SOKAL

In February 2002, the prominent New York antiquities dealer Frederick Schultz was convicted in federal court for conspiring to sell illegally excavated ancient Egyptian artefacts. But the Schultz case, which has sent tremors through the art world, is only the tip of the iceberg.

Just walk into any of those elegant Madison Avenue galleries of ancient art and ask how that beautiful Greek vase or Roman mosaic got there. You will most likely be told that it was acquired from an 'old established European collection'. But request more specific information — the name of the previous owner, the place and date of purchase — and the answer will be that this is 'confidential'. What this most likely means is that the object's provenance is either unknown or illicit. As British journalist Peter Watson has documented, illegally excavated antiquities from Italy, India, Cambodia and many other countries travel through a shadowy network of intermediaries to end up in the showrooms and auction houses of London and New York.

The worldwide looting of archaeological sites and ancient monuments has grown in the past two decades to alarming proportions. Every time an object is ruthlessly extracted from the ground and separated from its context — rather than being scientifically excavated — invaluable historical knowledge is irreparably lost. This loss is not only to the people whose cultural heritage is being devastated, but to the common history

of humanity.

Because unregulated trade in antiquities creates a strong incentive for the pillage of archaeological sites, UNESCO adopted in 1970 the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, which was ratified by the US Senate in 1972 and implemented into law in 1983. One of the most important features of the UNESCO Convention is Article 10(a), according to which each ratifying country commits itself, 'as appropriate for each country, [to] oblige antique dealers . . . to maintain a register recording the origin of each item of cultural property, names and addresses of the supplier, [and] description and price of each item sold'.

The idea is to deter the illicit trade in antiquities by creating a paper trail. Here's an analogy: businesses are required by federal law to maintain certain financial records, which are subject to audit by the tax authorities; and though this record-keeping doesn't make it impossible to cheat on one's taxes, it does make it more difficult. Likewise, the documentation required by Article 10(a) would make it harder to buy in Geneva a vase freshly looted from an Etruscan tomb and pass it off as coming from an 'old European collection'.

Nor should this minimal record-keeping be burdensome to legitimate antiquities dealers, who presumably keep this information anyway for their own business purposes.

Sadly, the US declined to implement Article 10(a) on the grounds that regulation of antiquities dealers should be left to state and municipal governments. But insisting that this regulation be done at the state and local level is tantamount to guaranteeing that it won't be done

at all. In the unlikely event that New York City or New York State were to enact such a registration law, the Madison Avenue dealers could simply move to New Jersey. Moreover, the threat to do so would almost certainly deter the city or state government from enacting such a law in the first place. The illicit trade in antiquities is obviously a national — indeed, international — problem, and needs to be addressed at the federal level.

This is, in reality, a very modest proposal, which falls far short of what would be a truly adequate regulation: namely, demanding that each archaeological object have a documented provenance back to a specified cutoff date, and making the rebuttable presumption that objects without such documentation are illicit.

Some museum directors worry that more stringent regulation of the antiquities trade may impede their ability to build collections. But the needs of museums and educational institutions can also be satisfied through means other than purchase on the private market. Among these are long-term loans, widely travelling exhibitions, museum-to-museum sales or exchanges of duplicate objects, and joint excavation projects with art-rich countries in which the finds could be fairly shared between the country of origin and

the foreign contributing institutions.

The goal should not be principally to keep every archaeological artefact in its country of origin, but rather to make sure that the object is scientifically excavated, that its history is recorded, and that the public and scholars have access to it. Ultimately, it doesn't matter whether a vase from Pompeii ends up in a museum in Naples, Italy or in Naples, Florida, as long as the knowledge of its context is preserved. Indeed, the point is to make the culture and arts of other countries available to as many people as possible around the world, in a democratic way.

The National Association of Dealers in Ancient, Oriental and Primitive Art — of which Mr. Schultz is a former president — reacted to his conviction by calling the case 'an isolated incident that does not reflect the high standards and prudent practices of the Association's members'. If that is true, then the dealers should have no objection to a registration law implementing Article 10(a).

MARINA PAPA SOKAL
City College
City University of New York



