

Culture *Without* Context



The Newsletter of the Illicit Antiquities Research Centre

Issue 14, Spring 2004

Editorial NEIL BRODIE

3

Making money from buried treasure

4

JEROME C. ROSE & DOLORES L. BURKE

In the News JENNY DOOLE

9

Looting, heritage management and archaeological strategies at Jam, Afghanistan

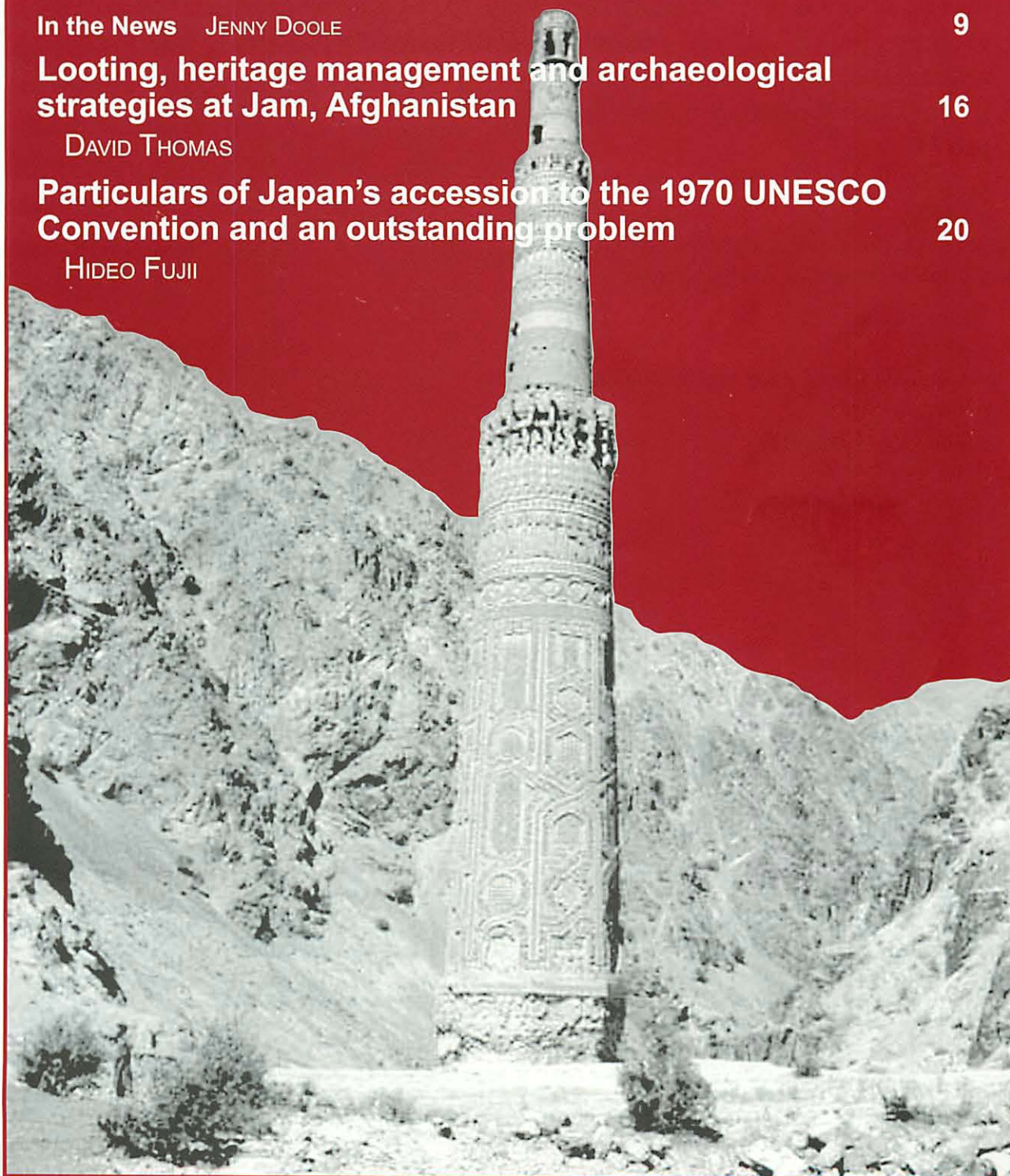
16

DAVID THOMAS

Particulars of Japan's accession to the 1970 UNESCO Convention and an outstanding problem

20

HIDEO FUJII



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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Front cover. *Minaret of Jam* (see p. 16).

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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

In October 2002 a man was arrested for illegally digging on the Roman site of Cunetio, in Wiltshire. At the time of his arrest he had in his possession 25 coins and 3 other artefacts. Unfortunately, in April 2004 the Crown Prosecution Service (CPS) decided not to proceed with the case on the grounds that it was not in the public interest, possibly because of the low monetary value of the recovered artefacts — about £50 in total. The CPS's decision is regrettable as it sends a clear signal to nighthawks that their illegal activities will be tolerated, and the decision will also discourage the police from taking action in similar circumstances. From an archaeological perspective the decision is nonsensical as the damage caused to an archaeological site in terms of lost information cannot be judged from the monetary value of removed artefacts alone, and while it continues to be judged in those terms it will be difficult to convince the CPS or the police that illegal digging is a serious offence.

In the United States, the solution to this problem was recognized as long ago as 1979 and is enshrined in the Archaeological Resources Protection Act (ARPA). ARPA introduced the concept of 'archaeological value', which is defined in regulation 14(a) of the Act's Uniform Regulations as

... the costs of the retrieval of the scientific information which would have been obtainable prior to the violation. These costs may include, but need not be limited to, the cost of preparing a research design, conducting field work, carrying out laboratory analysis, and preparing reports as would be necessary to realize the information potential.

In other words, when an archaeological site is illegally dug, a monetary value is placed on the actual damage caused by assessing how much it would have cost to excavate the damaged area to a good professional standard. In the case of Cunetio, this would clearly have been more than £50, and the CPS might have taken more notice. The concept of archaeological value seems to have been overlooked in Britain, although it was reaffirmed in US law in 2002 when it was incorporated into a Sentencing Guideline for cultural heritage offences, under the 1984 Sentencing Reform Act.



This issue's 'In the News' highlights the activities of the New York- and Geneva-based Aboutaam brothers. Three Egyptian limestone stelae and an Iranian silver rhyton have recently passed through their hands, all of questionable origin, and it is depressing that in both cases academic or other professional 'experts' were available to identify, authenticate and publish the material. Some experts seem to have been duped into offering an opinion, others were willing collaborators, but they have all helped to provide previously unknown material with the makings of a good provenance, and in so doing have helped launder it. Most professional codes of ethics or practice specifically forbid commercial involvement of this type, and so it is regrettable that a small number of academics, museum curators and conservators continue to ignore the good advice of their peers and involve themselves in the laundering of unprovenanced artefacts. Not only do they damage the reputations of their respective professions, they ensure the continuing profitability of the illicit trade.



It is a pleasure to report the launch in the USA of the SAFE — Saving Antiquities for Everyone — website, which describes itself as the 'online resource that highlights issues related to cultural heritage and its vulnerability to looting and the illicit antiquities trade'. SAFE is a non-profit volunteer organization and is the brainchild of a group of communications and media professionals under the leadership of Executive Director Cindy Ho. The website is bright and well-designed and features articles on archaeological looting, a series of discussion fora, and details of educational initiatives. Check it out now. SAFE is at <http://www.savingantiquities.org/>.



In November 2003 ICOM released its *Red List of Latin American Cultural Objects at Risk*. It was drawn up in April 2002 in Bogotá as reported in issue 12 of *CWC* and contains descriptions and illustrations of 25 categories of archaeological and historical material that are under threat from looting and theft. The Red List can be viewed on ICOM's website at <http://icom.museum/redlist/>.

Making money from buried treasure

JEROME C. ROSE & DOLORES L. BURKE

Trying to make money from buried and other treasure is not a natural way of making a living. (Ibn Khaldûn 1377)

In spite of Ibn Khaldûn's fourteenth-century admonition, things have changed little from his time to ours, and the antiquity of tomb robbing is made clear when he states that in Coptic times 'graves afforded opportunities for treasure [hunting and have continued to do so] down to this time' (Ibn Khaldûn 1377, 326). Neil Brodie (1998) wrote about the middlemen in the illicit antiquities trade, comparing their profits with those of the dealers at the upper end of the finding-selling chain. Our interest here is the bottom of that chain, the tomb robber.

We became interested in the activity during eight years of excavation in north Jordan, where our sites were replete with robbed tombs, and we wondered about the attraction of old graves in at best middle-class communities, where the gains could not be expected to amount to much and the risk of arrest by the police was always present. 'On-the-street' prices for the kinds of objects found in the tombs did not seem sufficient to provide much of a livelihood, even

as a part-time supplement to other work. Our curiosity led us to an attempt to quantify the effect of tomb robbing in north Jordan, on both the individual and societal levels.

First, we set out to talk to tomb robbers. Having located seven local tomb robbers, we engaged in informal discussions that yielded some information about the economic contribution that grave robbing makes to their incomes. It is clear that chance influences their success as we were told that sometimes they would make \$1600 in one year and other times almost nothing. Financial success appeared to result from finding a few very rare pieces, of which the most valuable were glass plates and vessels. One informant claimed to have been paid \$1120 for a plate and \$4800 for four glass vessels. Another claimed to have been paid \$640 for nine glass vials. These prices seem somewhat fanciful, but could very well represent the highlights of their tomb-robbing careers. There was considerable agreement among the seven robbers about the payments for small items, averaging \$7 for large Roman and Byzantine bronze coins, \$15 for bracelets, \$10 for finger rings, \$15 for copper alloy bell pendants, crosses and keys, and \$7 for ceramic slipper lamps. We were told that gold artefacts were bought at \$56 for each gram; the amount of gold in each gold foil earring common in the tombs is between one and two grams, thus yielding a rough average value of \$84 for each earring. These figures are constructed from conversations, and therefore are limited by what

our informants chose to tell us, but they are reasonable and useful as rough estimates.

The second step was to arrive at a figure for the quantity of robbed tombs. Although robbed tombs are ubiquitous in the rural landscape of north Jordan (see Fig. 1), it is difficult to estimate the extent of the damage because few of the archaeological publications report counts of robbed tombs, noting only (and always) their presence at a site. To develop an estimate of the extent of the problem, we undertook an informal walking survey of six Late



Figure 1. Robber hole leading down into a robbed tomb.

Roman–Byzantine sites in the Irbid–Ramtha area to the west of the Amman–Ramtha highway. The survey identified 570 robbed tombs, or an average of 95 robbed tombs per site, with a range from 15 to 200 tombs (see Fig. 2). Beyond the parameters of this survey, we can report that to date every Late Roman–Byzantine site in north Jordan that we have visited has contained numerous robbed tombs.

Roman–Byzantine tombs can be roughly divided into two basic categories, of multi-person and single-person tombs, and here we encountered a problem. Because the robbed tombs are mostly filled with dirt and debris, as well as being obscured by vegetation growing within their entrances, it was frequently not possible to determine if these counted tombs were for single or multiple individuals. It was necessary to determine the proportion of these two tomb types if we were going to estimate the potential artefact contents and ultimately the total economic contribution of tomb robbing to the local economy. Consequently, we turned to the published literature and, more importantly, to the excavation data from the joint University of Arkansas–Yarmouk University bioarchaeology field school, as described below.

The single- and multi-person tombs may be further divided into categories of horizontal and vertical shaft tombs. Horizontal chamber tombs with various combinations of arcosolia, loculi, and stone-cut graves, as well as vertical shaft tombs with stone-cut graves and loculi are well known from the archaeological literature of Jordan. Krug (1998) has taken the Roman–Byzantine tomb data from the site of Hesban and supplemented it with the published archaeological literature from throughout Jordan. Thus we have easily accessible data for counting the tombs, but unfortunately, Krug's type II (or horizontal shaft tombs ending in a loculus or chamber) are poorly represented in the literature. These tombs have an entranceway cut into the hillside and then a doorway leading to a single loculus or small chamber. Krug (1998) characterizes them as usually containing only a single



Figure 2. Cemetery on wadi edge with numerous robber holes, as seen from above.

person with a paucity of grave goods. And further, there are only ten tombs from the published literature in this category — seven from Abila and three from Hesban. At Hesban, there are two tombs that date to the Early Roman period; at Abila there are five dating to the Early Roman period, four to the Late Roman, and one to the Byzantine. The loculus tombs (and in particular Tomb G3) from Jericho also fall into this type and are dated to the Roman period (Bennett 1965, 521). In contrast to the scarcity of this tomb type in Krug's data base, the horizontal shaft tomb ending in a single loculus may very well be the most common tomb type in north Jordan, and in particular the Irbid–North Jordan Valley archaeological area (after Palumbo 1994). Thus, we have had to turn to our own excavation data to discuss this tomb type further within the context of tomb robbing.

The joint University of Arkansas–Yarmouk University field school project has found the single-person horizontal shaft tomb to be the most common type at the three sites excavated to date: 87 per cent of the excavated tombs at Sa'ad to the south of Irbid; 88 per cent at Yasileh to the east of Irbid; and 67 per cent at Ya'amun to the southeast of Irbid, where all of the single-person tombs have not yet been found and counted. These tombs are commonly found in rows along hillsides facing a church and acropolis or along the wadi edges above the acropolis. For example, at Yasileh there are 257 horizontal shaft tombs within an intensively investigated area of 200 × 50 metres along the wadi edge (all of the soil

was removed to bedrock). These three excavated sites seem to be representative of the range of Roman–Byzantine sites, and indicate that on average 82 per cent of the tombs at a site should be single-person horizontal shaft tombs with an average of 142 per site. Saʿad is a small site and was probably in the bottom strata of both economic assets and the Roman–Byzantine settlement hierarchy. Yasileh is among the larger and more important sites in the region (al-Muheisen 1991), although not nearly the size of the Decapolis cities such as Jerash, Pella and Abila. Yaʿamun is intermediate between the two in settlement size and economic prosperity.

All three of these sites had been extensively robbed in recent times. All but three of the 269 horizontal shaft tombs at Yasileh have been robbed, while at Yaʿamun all of the 87 horizontal shaft tombs located to date have been robbed. The excavations at Saʿad were intensive, with all the soil removed from the necropolis hillside and every tomb discovered, and completed analysis of all data reveals that 77 per cent of the 69 horizontal shaft tombs have been robbed in modern times.

In addition to the single-person tombs, large multi-person tombs are also found at all three sites. They range from horizontal shaft tombs with stone-cut graves for multiple persons to horizontal chamber tombs with loculi and other burial receptacles. There are 10 multi-person tombs at Saʿad, making up 13 per cent of the total, while Yasileh has 38 multi-person tombs making up 12 per cent of the total, and Yaʿamun has 42 (33 per cent). The overall percentage of group tombs is 18 per cent, with an average of 30 group tombs per site. Because the numbers of robbed tombs are not reported in the literature, it is not possible for us to estimate how many such tombs are present at each site in Jordan, nor is it possible to develop any statistics concerning the proportion of single- and multi-person tombs at Roman–Byzantine sites in north Jordan. We are thus forced to use only our own data where we know that we have counted all robbed tombs.

The evidence provided above indicates that we could expect that large numbers of horizontal shaft tombs at all the sites in north Jordan are robbed. For example, using figures from the excavated sites suggests that 82 per cent of the 570 robbed tombs from the six-site survey should be

467 robbed single-person horizontal shaft tombs. Adding these to our excavated tombs gives us a grand total of 888 robbed tombs. Certainly, robbers are not going to expend this much effort on these tombs if they were as bereft of grave goods as we believed (Krug 1998).

The third step in our inquiry was an analysis of tomb contents (see Fig. 3). At Saʿad, which is the poorest of the three sites, we have 15 unrobbed tombs that contain both adult males and females along with younger persons, which enable us to reconstruct what might be found in horizontal shaft tombs. The proportion of different ages and sexes in these unrobbed tombs is normal and similar to the proportions for the total number of horizontal shaft tombs derived from skeletal analysis. Men seem to have little in the way of personal jewellery with perhaps a finger ring or a bracelet, with 57 per cent of the unrobbed male tombs having nothing. On the other hand, females (young and old) seem to have a range of materials, with poor women having a bracelet and one other item of jewellery such as a ring or necklace, while the richer women have a pair of earrings, a necklace often with a pendant, two bracelets and a finger ring. Taking all of the unrobbed tombs together we can produce the following average contents: 0.77 gold foil earrings; 0.85 pendant; 2.0 bracelets; and 0.85 finger rings. Because the age and sex ratios appear to be normal we should be able to apply these average figures to horizontal shaft tombs in general. As Saʿad is at the lowest end of the social scale its tomb contents should also represent the minimum grave contents. Our one unrobbed horizontal shaft tomb at Yasileh produced, in addition to personal jewellery, two small long-necked glass vessels (*Unguentaria*), but we have no idea how common these might have been at a smaller site such as Saʿad.

Multi-person tombs at Decapolis cities such as Pella have produced numerous grave goods (McNicoll *et al.* 1982), but we know less about the contents of tombs from the smaller sites in north Jordan. Our efforts to reconstruct tomb contents were further stymied when we found that in the tomb contents lists in Krug's (1998) Roman–Byzantine data base, the numbers of items were frequently not reported by the excavators, so that only general references to, for example,

'bracelets', were given. Again, we had to rely on our own excavation data.

At Sa'ad the one unrobbed multi-person tomb (with two graves) produced 9 bracelets, 3 pendants and 16 ceramic slipper lamps. Two larger, but robbed, multi-person tombs produced fragments of 27 bracelets, 3 finger rings, and 8 lamps. One unrobbed grave from a multi-person tomb at Yasileh with 14 individuals (including infants) produced 2 earrings, 6 bracelets, 1 coin, 4 hairpins/spatulas, and 6 finger rings. (It seems that there are fewer personal items of jewellery per person found in these multi-person tombs.) These are poor data indeed, but they are all that we have for unrobbed tombs at the smaller sites. Considering the available data produces the following average contents: bracelets, 10.5; pendants 0.75; finger rings, 2.25; earrings 0.50; coins, 0.25; hair pins/spatulas, 1.0; and lamps, 6.0.

Fourth, we extrapolated value of tomb from contents and the robbers' original information. If we take our average value for each jewellery item (e.g. \$15 per bracelet) and our average expected frequency per tomb (e.g. 2.0 per tomb), and multiply this by our 888 known robbed horizontal shaft tombs from our nine sampled sites, we get a total value paid the robbers for bracelets of \$26,640. Following the same procedure for earrings, pendants and finger rings we get a grand total for all four categories of \$102,971. This is no small contribution to the local economy where a labourer is paid \$5 per day for his work. And, robbing one tomb each night should yield an average of \$116 per night, which when divided by the average robber crew of two yields \$58 per day — somewhat more than \$5. This does not take into account the high value of the glass vessels which are found in some of

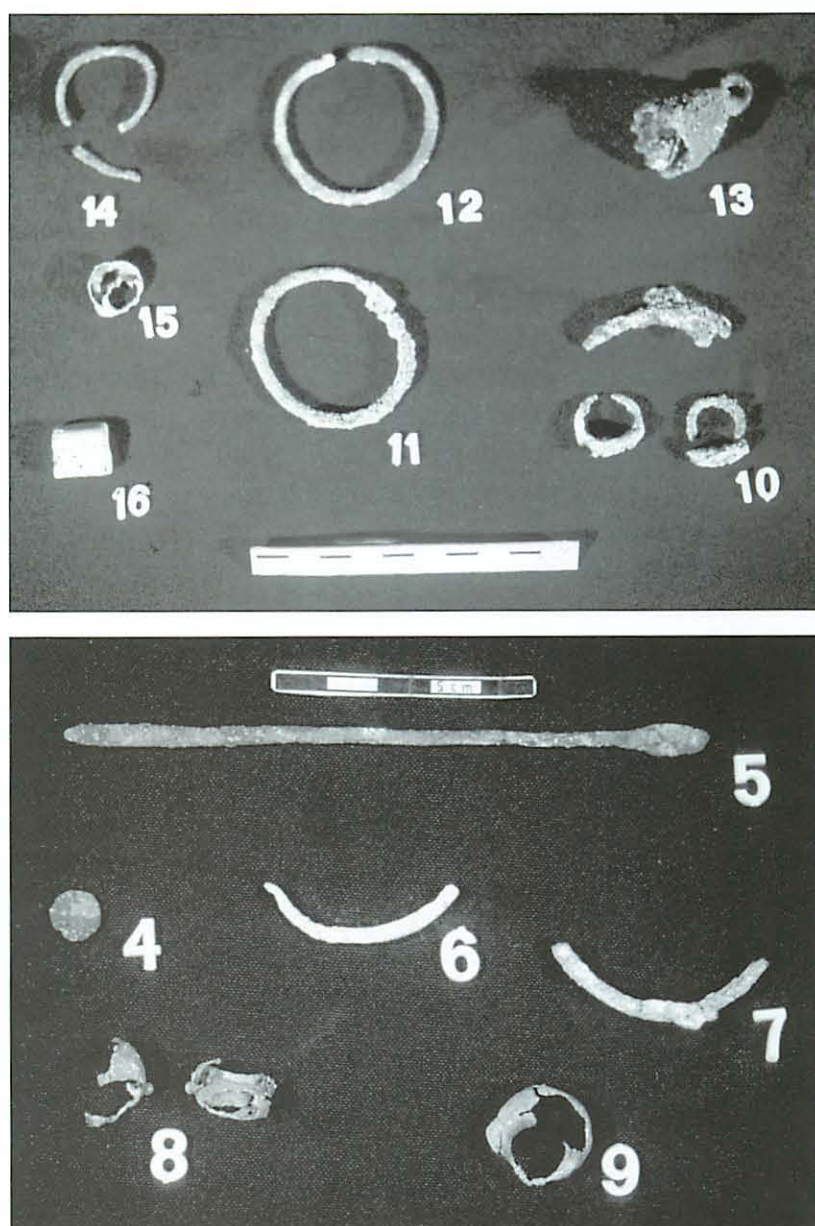


Figure 3. Typical contents of a Late Roman-Byzantine single-person tomb: bell pendant 13; bracelets 11, 12, 14; bracelet fragments 6, 7; finger rings 10; gold foil earrings 8, 9, 15; make-up applicator/spatula 5; pendant beads 4, 16.

these tombs and are the primary items sought by the robbers. Thus, these figures are quite minimal and do not include the occasional windfall of finding a fine, large plate.

We can extend our imaginary reconstruction further if we take our estimate of an average number of horizontal shaft tombs per site of 142 and multiply this by the average yield per tomb of \$116, deriving an average value of robbed horizontal shaft tombs of \$16,472. Our survey of six sites yields a lower average figure of 95 tombs per site of which 78 (82 per cent) should be horizontal shaft tombs. This yields a much lower average value of \$9048. We must remember this

is the yield only from horizontal shaft tombs and not the large multi-person tombs that make up 18 per cent of the total tombs. The archaeological site data base lists 745 Roman and Byzantine sites in the Irbid–North Jordan Valley region (Palumbo 1994). Our experience has shown that every site known to archaeologists is also known to the local public and all of these sites have tombs being robbed on a regular basis. Using the high average number of tombs with a site value of \$16,472 suggests that the total potential production of robbed horizontal shaft tombs is \$12,271,640. Using our lower value or yield per site estimates the economic contribution of horizontal tomb robbing as only \$6,740,760 to the local economy of the Irbid and north Jordan Valley region.

If we now follow the same procedure for the group tombs we can add additional minimal value. Using our very low frequencies of jewelry and lamps from our excavations yields an average value of \$278 per tomb. Using only the excavated tombs and survey tombs gives us a total of 193 robbed multi-person tombs with an average value of \$278 and a total yield of \$53,654. Our excavations suggest an average of 30 group tombs per site, while the survey data suggest an average of 17 group tombs per site. Thus, with 745 Roman–Byzantine sites we have a maximum yield of \$6,213,300 and a minimum of \$3,520,870.

Using our minimal estimates of all tomb contents as derived from our excavation data as a guide, the minimum yield to the tomb robbers and the local economy from robbed tombs in the Irbid–North Jordan Valley region ranges between 18 and 10 million U.S. dollars. We must keep in mind that this is our estimated haul from only the small to moderate sized Roman–Byzantine sites, and the figure does not take into account the high-quality, high-priced items mentioned by our tomb robbers that are indeed found in north Jordan and that we have seen for sale on the antiquities market. This estimate also does not include the many robbed Bronze Age tombs with their numerous scarabs, lamps, pots, and gold rings.

Thus, as staggering as our estimates might seem, they have a validity based on the fact that they are only a small percentage of the total potential tombs. This exercise does demonstrate that

there is a profit to be made by the tomb robbers, digging with their candles in the middle of the night, and that this profit is significant on a regional scale and contributes to the local economy. However small the profit, these tomb robbers are clearly doing better robbing tombs than working at \$5-a-day jobs, even if they could find such jobs in an area with a double digit unemployment rate.

Ibn Khaldûn spoke harshly of the weak-minded and foolish treasure hunters and grave robbers and goes on to admonish them to work and earn an honest living. But if there is no option for honest labour, we can expect robbers to labour hard to despoil even the humblest of graves, perhaps being sustained by dreams of the valuable find that would eventually be sold by a great auction house.

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In the News

JENNY DOOLE

US round-up

- Nickolas Greer of Kayenta, Arizona was sentenced in February to three months' probation, including 180 days of home confinement, and ordered to pay the Navajo Nation \$8592 restitution following his conviction for **looting an 800-year-old archaeological site** in a remote canyon. He removed a whole pot, a broken pot and a mano from the secret location which also contained human remains (see <http://www.usdoj.gov/usao/az/azpress/2004/2004-047.pdf>).
- **Human remains and funerary objects were looted** in 2003 from the **Pueblo site of Bailey Ruin**, one of Mogollon Rim, Arizona's most important prehistoric sites. Michael C. White and Randall Morris were both charged with ten counts of intentionally disturbing human remains. Valuable pottery and bones from at least ten skeletons were found in White's home. The looters allegedly dug with the landowner's permission. While it is not illegal to excavate, with permission, archaeological sites on private land in Arizona, it is against state law to disturb unknown human remains or remove funerary artefacts.
- In December 2003 **Bobbie Wilkie of Oklahoma pleaded guilty in a Nevada court to unlawfully excavating archaeological sites** and removing artefacts. He was sentenced to 37 months in federal prison and ordered to pay \$102,000 restitution. Wilkie was a **member of a five-person group** that was caught after a two-year investigation called Operation Indian Rocks. Between 1997 and 2001 they looted, from 13 sites on federal and air force base lands in Nevada and California, around 11,000 artefacts (such as arrowheads, ancient corncobs, hammer-stones and clay figurine fragments), estimated to be worth \$21,600, which were then displayed in their homes or sold. The four other members of the group — Wilkie's wife, Deanne, David Peeler, Kevin Paterson and Frank Embrey — have also pleaded guilty and been sentenced. The US Department of Justice states that 'The sentence of imprisonment against Bobbie Wilkie was the greatest period of imprisonment ever ordered by a Court for a first-time offender in a prosecution involving the theft and destruction of archaeological resources and artifacts' (see <http://www.usdoj.gov/usao/nv/home/pressrelease/january2004/peterson011604.htm>).
- John Ligon of Reno and Carroll Mizell, of Van Nuys California, are scheduled to go on trial for the **alleged theft of two petroglyphs** carved out from a high-desert site on the Humboldt-Toiyabe National Forest. The petroglyphs were found, following a tip off to a police hotline, in September 2003, on display in Ligon's front garden. The defendants claim they were unaware it was illegal to remove the carvings from federal land and that they removed them to protect them from encroaching urban development.
- According to John Fryar, a national criminal investigator with the Bureau of Indian Affairs (*Minneapolis-St Paul Star Tribune*, 7 March 2004):
 - He encounters **fewer amateur pot hunters nowadays**, but sees a huge black market of professional looters, who research sites and rent heavy equipment.
 - He investigates **40–50 looting cases** across the country annually but believes there are hundreds more.
 - Only about **half of his cases are prosecuted** due to lack of evidence or political will.
 - Ten Indian skulls recovered by Fryar in the last six years cannot be returned to their descendents because of traditional lore, which forbids re-handling the dead.

- Mimbres Indian bowls can fetch up to \$150,000 on the market.
- Looters have been plundering the **San Carlos Apache Tribe burial site in Arizona** for almost two years.



Iraq up-date

- *March:* Customs officials in Jordan announced the **confiscation of items looted from Iraq**, including the head of an ancient Sumerian statue, a figurine, pots, bronze and glass items, and gold and bronze coins. The objects were found hidden under seats in a Jordanian car passing through a border checkpoint.

By the end of the month, **Jordanian authorities announced they were ready to return more than 700 confiscated Iraqi antiquities**. It was not clear from where the objects were stolen.

- Italian carabinieri are reported to be the only occupying troops making **sustained efforts to halt looting in Iraq** (see *International Herald Tribune*, 5 April 2004). Teams of four to six soldiers are rotating round sites in Dhi Qar Province, sites have been mapped, and damage has been recorded using aerial photographs. Nevertheless, Carabinieri Colonel Carmelo Burgio admitted that protecting archaeological sites is not their first priority. Iraqi sites guards lack everything from uniforms to transport.
- John Russell, acting senior adviser for culture to the Iraqi Ministry of Culture, says that:
 - **Groups of 40–50 looters**, armed with automatic weapons are **plundering sites south of Baghdad**.
 - **Relief friezes of the Assyrian palace at Nineveh are now protected** from robbers and the weather by guards and corrugated-metal covers. Russell raised \$17,000 for the Nineveh project before

leaving the US for Iraq and saw the work through in the face of personal danger.

- He would like to see companies which secure contracts in Iraq set up **schemes to monitor and avoid damaging archaeological sites**, wherever feasible (see *The Art Newspaper*, May 2004).
- He recommends the **continuation of professional training** and exchange schemes for heritage workers along the lines of recent programmes run in the US by the ECA and for conservators in London.
- In March, French architect **Stephane Rousseau, was freed on bail of 5000 Egyptian pounds** (around \$800) by a criminal court in Alexandria. Rousseau, a member of a French archaeological team, is charged with allegedly **smuggling several figurines** and 158 coins found in his luggage at Cairo airport in August 2003 (see: 'In The News', *CWC*, Issue 13). His lawyers argue they were purchased as copies.



Cypriot lawsuit

Cyprus has filed a civil lawsuit in Germany, on behalf of the Republic and the Greek Orthodox, Maronite and Armenian churches, in order to retrieve antiquities allegedly stolen from Northern Cyprus and discovered in Bavaria in 1997 in the possession of Turkish dealer, **Aydin Dikmen**. Much of the material found in Dikmen's Munich apartment had been stripped from churches. (See: 'Cypriot Mosaics', *CWC*, Issue 3).



Egyptian up-date

- Around **200 ancient objects were handed over by Swiss officials to Egyptian representatives in Geneva** in November 2003. The items were seized at Geneva Freeport at the end of August 2003 following a re-

quest from Egyptian authorities and included statues and fragments of ancient Egyptian gods Ptah and Sekhmet, and of the ancient Greek goddess Aphrodite. In October the Egyptians announced that they had **broken a smuggling ring and arrested 15 Egyptians** (including high-ranking police and government officials) and one Lebanese citizen (12 others, including two Swiss, two Germans, a Canadian and a Kenyan were still sought). Among the names read to the Cairo court were: Tariq al-Suwaysi, politician and businessman, and the alleged mastermind of the ring, dealer Ali Aboutaam of Phoenix Ancient Art, and the Farags (see also below, 'the Aboutaams').

- In March 2004, **Egypt retrieved two inscribed limestone reliefs from Phoenix Ancient Art**, which had been discovered in 1994 at Akhmim (see: 'The Aboutaams' below and 'In The News', *CWC*, Issue 10).
- Also in March, a **clay vase and faience necklace**, which had been looted and smuggled from Egypt and sold at auction in London 15 years ago, were repatriated by their American owner.
- A relief from **Behbit Al-Heggara**, stolen from a wall of the temple in Gharbiya region in 1990 and put up for sale at Christie's in 2002, was due to be returned in April.



The Aboutaams

- *April 2004: Ali and Hicham Aboutaam* (see: 'In The News', *CWC*, Issue 9), owners of Geneva- and New York-based Phoenix Ancient Art, agreed to **return two limestone stelae to Egypt**.

The smuggling history of one, a four-foot-high limestone slab, inscribed to Pasenenkhons, 'Scribe of the Horse', and with a depiction of the god Osiris, was traced by Barry Meier and Martin Gottlieb of the *New York Times* ('Loot: an illicit jour-

ney out of Egypt, only a few questions asked'; 23 February 2004. See also: 'The investigation of Frederick Schultz' and 'United States v. Schultz', *CWC*, Issue 10)

- It was found during construction work in the city of Akhmim, 350 miles south of Cairo, along with a painted wooden sarcophagus, some statuettes and three smaller stelae.
- The stela, and associated objects, were bought in 1994 by Ali Farag. The asking price was \$70,000, although it is not clear what Farag paid, and the finders showed him a journal indicating where the pieces were found, but kept the exact location of the building site secret.
- Farag passed the piece on to his smuggling associate, Jonathan Tokeley-Parry, who initially worried that the piece was in such good condition that it might have been fake.
- At the request of Kim Pegler (supposedly a lawyer acting for a client, but in fact a friend of Tokeley-Parry), Dr Jaromir Malek, director of the Griffith Institute at the Ashmolean Museum, Oxford, translated the hieroglyphs and researched the stela. He found it to be previously unpublished.
- Tokeley-Parry offered the stela, and associated objects to New York dealer Frederick Schultz for \$70,000. Schultz wired \$52,000 to Tokeley-Parry's Swiss bank account as a deposit.
- Tokeley-Parry waited for the Farag brothers to deliver the material to Geneva Freeport, but the stela seems to have dropped from view and was not heard of again until 1997 when, according to shipping documents, three of the Akhmim pieces passed through a Zurich warehouse where they were stored in a locker leased by a company called H.H. Antiques. The objects were moved by truck to Geneva and H.H. Antiques subsequently disappeared.
- In 1997 the Akhmim stela, with two others, surfaced in Phoenix Ancient Art's Geneva gallery. It had been bought by the

late Sleiman Aboutaam. His sons, who now run the business, say their father paid around \$70,000 for the pieces, but they could find no records to say from where. It was checked with the Art Loss Register, who did not record it as stolen property.

- At the request of the Aboutaams, Professor Massimo Patanè of the University of Geneva translated the hieroglyphics on the all three stelae and published a paper about them in a German journal in 1998. The professor praised the antiquities trade for providing fresh pieces for scholars to study.
- In autumn 1998, the stela was bought by Belgian dealer Bernard Blondeel who in 1999 negotiated a sale for \$210,000 with H. Henry Elghanayan, chief executive of the Rockrose Development Corporation.
- In 2002, Edna R. Russmann, an Egyptologist at the Brooklyn Museum of Art, recognized the stelae published in Patanè's article in photographs Scotland Yard had seized from Tokeley-Parry's home at the time of his arrest for antiquities smuggling. The information was used in the trial of his associate, Frederick Schultz, although Schultz had not handled the piece.
- The stela was seized from Elghanayan's Fifth Avenue apartment in 2003 by New York authorities. It has been returned to Egypt and is now in Cairo Museum. Elghanayan was reimbursed by Blondeel, who also got his money back from the Aboutaams.
- Meanwhile, on 13 December 2003, following an investigation by the US Bureau of Immigration and Customs Enforcement, **Hicham Aboutaam was arrested and charged with providing a false customs declaration**, claiming a Syrian origin for a silver rhyton imported into the USA in 2000. The drinking vessel, shaped like a griffin and dating from 700 BC, is from Iran, and believed to have been part of the so-called **Western Cave treasure** which was looted

in the early 1990s and since dispersed around the world. The import of Iranian goods into the USA is currently prohibited. Phoenix Ancient Art sold the piece to Paula Cussi, a trustee of the Metropolitan Museum, for \$950,000 in 2002, after her initial doubts over the authenticity of the piece had been dispelled by three experts' reports, including one from a Los Angeles metallurgist, one from an expert based in Germany and one from Chevy Chase, Maryland. Two of the reports suggested that the piece was probably part of the Western Cave treasure. In June 2004 Aboutaam pleaded guilty to the charge of illegally-importing an Iranian antiquity into the United States. (See: *The Art Newspaper*, March 2004; and the *New York Times*, 23 February 2004. Also: <http://www.usdoj.gov/usao/nys/Press%20Releases/JUNE04/Aboutaam%20Plea%20PR.pdf>.)



Scottish axe controversy

Michael Kelly of Leslie, Scotland, **may be prosecuted for refusing to hand over to authorities a rare 6500-year-old axe-head** which he discovered in a field. Under Scots law the find is Crown property, and Kelly's deadline for surrendering the object had passed in March 2004. It is not believed that anyone has ever faced court action in such circumstances before.



Colombian programme

The **Ministry of Culture in Colombia is overseeing a programme to register all Pre-colombian artefacts**. Unregistered pieces will then be liable to confiscation. The programme is part of an effort to record early Colombian history, much of which is falling prey to grave robbing, which in some parts of the country, according to Victor Gonzalez, director of the National Anthropological Institute, is so in-

tense and sustained that large parts of that history have been erased. (See also: 'Colombia, illicit antiquities and the ICOM Red List Latin America', *CWC*, Issue 12.)

Return of Filipino mummies

A collection of **eight mummies**, made by the Ibaloi tribe between AD 1200–1500 were returned to their original resting place in the Philippines in February. They were stolen from caves around Kabayan, north of Manila, in the 1960s and 1970s. Iron grills will now be placed at the mouth of the caves.

Efforts to locate other mummies stolen from the caves continue. In 2002 a German tourist gave a local resident a copy of a newspaper advertisement offering ten Kabayan mummies for sale at a novelty shop in San Francisco. The National Museum tried to locate their whereabouts through the Filipino Department of Foreign Affairs offices in Washington and California.

Protective measures at Pompeii

A list of artefacts vulnerable to theft at Pompeii has been drawn up, with objects categorized according to how much time it would take experienced looters to remove them. Looted artefacts recovered, like frescoes stolen from the walls of the Insula of the Chaste Lovers in April 2003 which have been extensively restored since recovery, and a sculpted well parapet from Villa Ceii, broken during theft into 19 pieces, **will not be returned to their original locations**.

Italian trial concludes

The **Italian trial** of some of the individuals involved in the illegal export of the gold phiale

ultimately bought by American collector **Michael Steinhardt** in Switzerland in 1991 (see: 'In The News', *CWC*, issues 2, 3, 5 & 6) concluded early 2004. A single judge of the court at Termini Imerese (Palermo) sentenced Richard Haber, the New York dealer who arranged the sale, to one year and ten months (suspended) for receiving. Dealer William Veres, then based in Switzerland, received the same sentence. In the case of Vincenzo Cammarata, accused of illegal exportation, it was declared there were no grounds to proceed, while Steinhardt himself was acquitted due to lack of intent.

Indian thefts and action

- In December 2003, at least **five idols and sculptures** dating to the eighth and eleventh centuries AD were reported stolen from an archaeological museum in **Lakhamanadal**, Uttaranchal, India. It is the third such incident reported by the museum in five years, the last being in January 2002 when three idols were taken.
- **ICOM** (International Council of Museums) **India has written to all museum directors** in India, encouraging them to report thefts as soon as they are detected. At a seminar in 2003, Interpol warned that smuggling of India's cultural artefacts is on the rise.

Finds in Turkey

- *December 2003*: Undercover police in the village of Cigdemli, Diyarbakir province, Turkey **caught four people allegedly selling 69 artefacts**, including coins, jewellery and statuettes dating back to 1200 BC.
- *December 2003*: In Purulia district, **2556 copper coins** dating from the Kushan period, third to fourth century AD, were

discovered in the possession of Hareshwar Soren, from the village of Kurkutia.

The situation in Afghanistan

- An ancient city, 25 miles long, is reported to have been **discovered at Kharwar** in the Logar district of Afghanistan (*Washington Times*, 5 January 2004). Judging from the looted material emanating from the area, experts believe it dates from the seventh century AD, shortly before the arrival of Islam, or possibly earlier. Warlords have prevented government, UN officials and archaeologists from entering the region which is allegedly being looted by gangs controlled by local warlords and Pakistani criminal networks. Local villagers say that Pakistani dealers are now arriving with order for specific items.
- Late in 2003, a six-ton, 1500-year-old **Buddha was seized at Peshawar railway station**.
- Despairing archaeologist Mohammed Zakir told the *Guardian* (13 December 2003) that **Bazy-Kheil**, 20 miles east of Kabul, **may even be being looted by the soldiers employed to guard it**. A looter discovered the seventh-century Buddhist stupa two years ago, then a local warlord banned officials from the site and organized looting, before handing over 13 Buddhas and promising no more damage. But Zakir noted a freshly cut pit, which guards insisted was a hunter's hiding hole.

Christie's seizure

Federal authorities **seized a sculpted head of the Roman Emperor Trajan from Christie's** in New York in January while the auction was in progress. The piece was believed to have been **stolen from storage area of the Capitoline Museum** in Rome in 1998 but now

appears to have been a seventeenth-century reproduction. Christie's said that the Art Loss Register did not have a problem with the item, and they had relied on information from the vendor, said to be a collector from Linz, Austria.

Looting in Israel and Palestine

- Palestinian archaeologists say looting of archaeological sites is top of their long list of problems in **preserving the archaeological heritage of Palestine**. They say artefacts are then often legally exported through Israel.
- *January*: Two men were stopped at a checkpoint near **Kedumim, Israel with antiquities**, including Roman glass and ceramics in their vehicle.

Greek up-date

- Georgia Karamitrou-Medessidi, an archaeologist in northern Greece, is trying to trace the location from which **more than a hundred ancient artefacts** — including bronze weapons, metal dishes, jewellery, pottery and coins — were looted. The objects came to light when a remorseful parishioner handed them over to his priest, saying he had excavated them in 2000 with the aid of a metal detector.
- In December, following a tip-off, Italian Mario Vonnia, was arrested in a house in Komotini, Thrace in **possession of 619 gold, silver and copper coins** dating from the sixth century BC to Ottoman times. A further 49 ancient artefacts, including pottery and jewellery, were found hidden in the house **along with a gun and ammunition**. Police believe Vonnia intended the smuggle the antiquities abroad and may have been part of an international ring.

Iranian return

The Metropolitan police, London, returned to the Iranian Embassy a **tombstone dating from the Islamic year 533** (AD 1138). It had been stolen from a mosque in Yard, south of Tehran, and was found in the possession of the London-based antiquities dealer, on sale for £100,000. Two men and a woman were arrested for allegedly handling stolen goods, but no action taken.



Cambodian initiatives

- **A new NGO, based in Cambodia and called Heritage Watch**, has been formed as a response to the alarming amount of looting and destruction of archaeological sites in the area. The Board comprises many eminent persons involved in the archaeology of Southeast Asia. Heritage Watch intends to combat the problem of heritage destruction through an education drive, focusing on villagers, market stall owners, buyers and tourists. A nation-wide television and radio campaign, which has already begun, will disseminate the message of heritage preservation. For more information, visit www.heritagewatch.org.
- *November 2003*: The US State Department announced the signing, in September, of a deal imposing **import restrictions on ancient metal and ceramic objects from Cambodia** entering the US. The previous version of this bilateral agreement, signed in 1999, concerned only stone artefacts (see: 'In The News', *CWC*, Issue 4).
- *The Art Newspaper* (February 2004) reports on UNESCO initiatives in Cambodia, aimed at **reducing looting in minefields** now being cleared of bombs. As soon as it becomes safe to do so, locals move in to strip such areas of antiquities including ceramics, metalwork and sculpture. 500 out of 2500 known archaeological sites are still mined.

UNESCO strategies include activities to improve quality of life (since poverty is the main reason for theft of antiquities) such as literacy programmes and course on duck and chicken rearing, which have apparently already reduced looting. UNESCO personnel will hire local guards for sites as soon as they are cleared, with a reward scheme designed to reduce the incentive to take bribes.

Meanwhile at temple sites the **numbers of guards is being increased**, and the Heritage Police being given extra powers. Guards will be sent (at a cost to UNESCO of \$10,000 per site per year) to protect newly discovered sites.



Hague protocol

The 1999 **Second Protocol to the 1954 Hague Convention came into force on 9 March 2004**, three months after the accession of Costa Rica as the twentieth State Party. The Second Protocol allows for greater protection of cultural heritage in wartime by extending the Convention's cover to internal conflicts and by establishing that violations of the Protocol are criminal offences. It also makes provision for a Committee for the Protection of Cultural Property in the Event of Armed Conflict and international Fund for the Protection of Cultural Property in the Event of Armed Conflict.



Spanish 'museum' controversy

March: A 'museum', containing more than 5000 artefacts illegally removed from Phoenician, Iberian, Roman and Islamic sites, was **discovered by Spanish civil guard displayed in the basement of a home in Aguilar de la Frontera**, Andalusia. Antonio Sánchez Romero was arrested on charges of theft and damage to historic patrimony. However, the town mayor and a citizen's committee organized a 1000-person protest against the arrest

arguing that Sánchez Romero was a fine citizen and that everyone knew about the museum, which housed finds made by farmers and land-workers augmented by donations from collectors, arranged in chronological order in glass cases. Sánchez Romero, who claims he has never bought or sold anything, had employed an archaeologist to catalogue the objects and even applied for EU grants and legal museum status. Prosecutors will study the evidence before deciding whether or not the case will proceed.



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Looting, heritage management and archaeological strategies at Jam, Afghanistan

DAVID THOMAS

The scourges of cultural vandalism and illicit excavation, and the flood of artefacts reaching Western antiquities markets from Afghanistan have been well reported in previous issues of *Culture Without Context* (see Issues 8 and 11, for example). Estimates of the annual value of the illicit trade in Afghan antiquities vary wildly and are impossible to verify, but one source in UNESCO suggested that it is double what the drugs trade is thought to be worth (roughly \$2 billion in 2003, according to UN figures). These figures are staggering, but not totally implausible — in May 1999, Pakistani authorities in Peshawar seized six boxes containing \$47 million worth of carvings, coins, metal weaponry and gold jewellery, which probably originated in museums and illicit excavations in Afghanistan;



Figure 1. Minaret of Jam

none of the 30,000 ancient coins formerly in the National Museum in Kabul can be located, while reports of a hoard found near the northeastern city of Gardez in 1992 suggest that it amounted to over 550,000 items (3–4 tonnes of gold, silver

and bronze coins)!

Although the overthrow of the Taliban in 2001 has improved the situation, to a degree, and the Afghan Institute of Archaeology continues to try hard to operate at a national level, the current government's influence is variable outside Kabul and the resources available to the Institute are very limited.

Since the Taliban's destruction of the monumental Buddhas of Bamiyan in March 2001, and the systematic looting of the Hellenistic city of Ai Khanoum, the Minaret of Jam has become the cultural heritage icon of Afghanistan (Fig. 1). The magnificent, 63-metre-high, mud-brick minaret was probably built around AD 1194 by Ghiyath ad-Din Muhammed (AD 1163–1203), possibly to commemorate a victorious campaign. It remains one of the few standing monuments from this period in Central Asia to have survived the devastating campaigns of Ghengis Khan and the Mongols c. AD 1221.

The monument's multifaceted significance, and the threats that it faces, were recognized internationally in 2002, when the Minaret of Jam and the surrounding archaeological remains were designated as Afghanistan's first World Heritage Site (Fig. 2).

Jam is located in the remote Ghur Province, roughly two-thirds of the way from Kabul to Herat, as the crow flies (a road is currently under construction). It is probably the site of Firuzkoh, the Ghurid Dynasty's summer capital. The Ghurids came to prominence in Central Asia in the eleventh century, and eventually controlled a swathe of territory stretching from Nishapur in Iran to the Bay of Bengal, before being defeated by the Khwarzemshah in AD 1210. Rather like the Nabatean city of Petra in Jordan, knowledge of the site of Jam was 'lost' to the outside

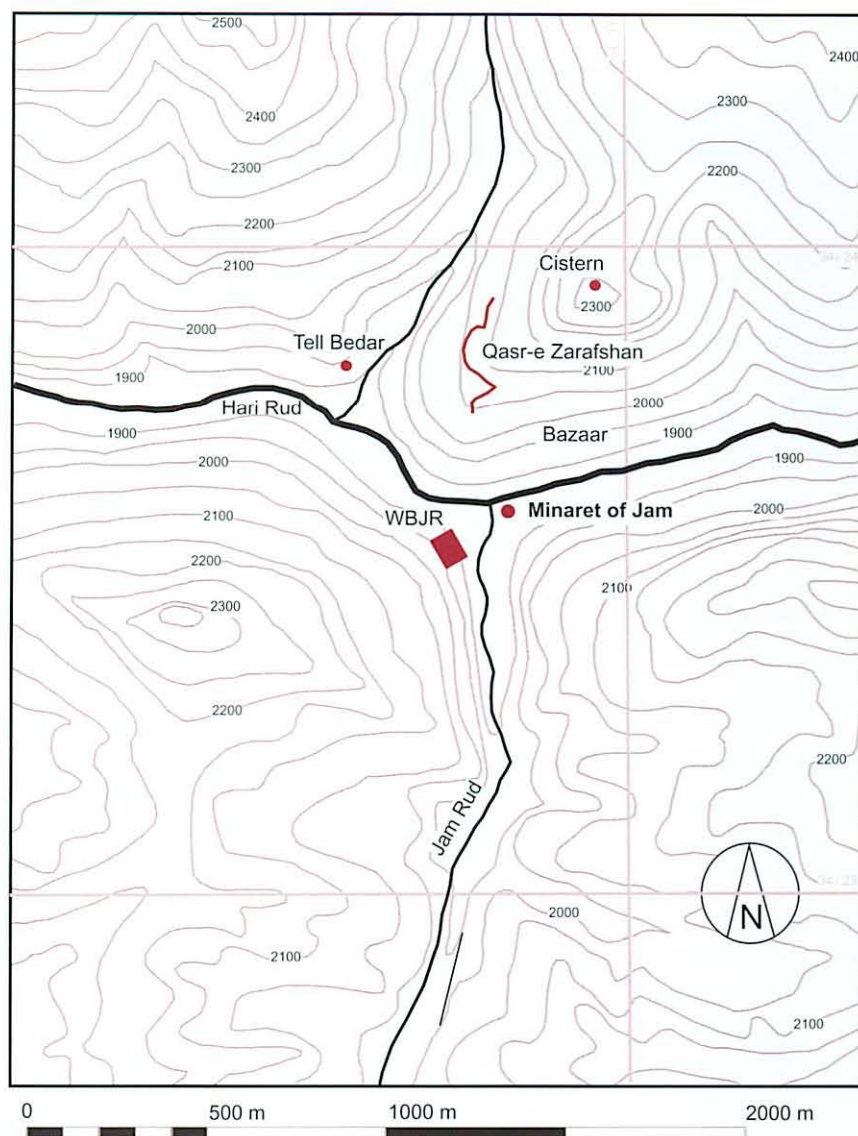


Figure 2. The Minaret of Jam and its environs.

world until 1943, but it was not until a French expedition was launched in 1957 to record the Minaret that its existence became more widely known in the West.

The conflicts of the last 25 years have obviously greatly limited the opportunities for archaeological work in the region, and had other deleterious effects. Although the area has largely escaped war damage, unlike the sixteenth-century Tomb and Gardens of Babur in Kabul, for example (Fig. 3), centuries of fluvial erosion have caused the Minaret of Jam to start leaning to an alarming degree. Fortunately, Jam is starting to receive the multi-disciplinary attention it deserves — an architectural conservation project has started to arrest the tilt of the minaret and in July 2003, the Istituto Italiano per L'Africa e L'Oriente initiated the Minaret of Jam Archaeological



Figure 3. *Tomb of Babur in Kabul.*

Project (MJAP), on behalf of UNESCO, of which I am field director.

The aims of our short, preliminary season in 2003 were to assess the extent of illicit excavations at Jam, the current state of preservation of what remains and to provide an archaeological impact assessment report, in the light of plans to construct a much-needed road and bridge close to the Minaret. The accounts of visitors, and comparison of recent aerial photographs with those published by the French in 1959 suggested that looting had been extensive, particularly during the Taliban years, and this proved to be the case (Fig. 4). Indeed, during our stay we observed ‘suspicious’ activities in the distance and mounds of fresh spoil in a neighbouring valley. As a result, we succeeded in persuading UNESCO to increase significantly the number of guards employed to protect the site, and it is hoped that this and continued work in the area will convince the locals that the archaeological remains are a long-term source of employment, rather than something to be plundered in the short-term. It would be naïve, however, to think that the looting will stop totally as a result, but we hope that it will at least be curtailed and that building good relations with the local militia commanders, the effective authority in the area, will cement this process. To this end, we benefited greatly from being accompanied by Mr Abdul Wasey Feroozi, Director of the Afghan Institute of Archaeology, whose pres-

ence and assistance in the field proved invaluable.

Most of the valley slopes are pockmarked with robber holes, up to several metres wide and deep. In an attempt to glean as much information from the existing robber holes, and to limit our own impact on the archaeological remains, our work in 2003 concentrated on a precipitous slope opposite the Minaret, where the route for the road and bridge has been proposed. We investigated ten robber holes, exposing fragmentary architectural remains consisting of stone and mud-brick walls and plastered surfaces. All too predictably, given thorough looting, we found little

else, other than numerous fragments of fine, painted wall plaster, and a wide range of ceramics, including glazed *sgraffiato* wares. We also recovered shards of glass and a couple of small coins, the better preserved of which is Seljuk in origin and has been dated to the early twelfth century. Although limited, these finds indicate the import of luxury items, a relatively high standard of living and concern for aesthetics amongst the twelfth-century inhabitants of Jam — a more detailed archaeological report will appear in the 2004 issue of the journal *East and West*.

One robber hole near the Minaret also provided us with a tantalizing glimpse of what is likely to have been a massive Islamic building (either a mosque, or madrasa — an Islamic school), associated with the Minaret. Beneath a metre of alluvial deposits, we exposed a well-laid pavement of fired mud-bricks (Fig. 5). Its intricate ‘herring-bone’ pattern is different from other paving patterns (checkerboard and ‘figure-of-eight’ swirls) reported in robber holes nearby. The extensive paving points to the presence of a series of courtyards, probably bounded by a large wall — we found a stretch of fired mud-brick wall preserved nine courses high in the side of the riverbank a few metres away. Juzjani, the one major source for the Ghurids, records that the main mosque at Firuzkoh was washed away in a flash flood — we hope to investigate the veracity of this report during our next season, when

Dr Kevin White, a geomorphologist and specialist in remote sensing will accompany us, although we have had to postpone the 2004 season due to security concerns in the run-up to the national elections in the autumn.

The looting at sites such as Jam presents UNESCO and other NGOs, whose primary emphasis is on conservation rather than excavation, with a dilemma — does the most realistic form of preservation involve archaeological excavations, which are inherently destructive? This is particularly pertinent for little-studied regions and periods, such as Afghanistan and the Ghurids. We could conduct a systematic programme of surveying and soundings over the site, attempting to record each robber hole; this would certainly aid attempts to assess how much looting is being conducted between seasons, but it is doubtful that such work would yield more than a demoralizing catalogue of destruction, particularly in the light of our findings in 2003. Field-walking using Global Positioning System devices seems to provide a much quicker way of recording the extent of looting, whilst simultaneously defining the currently unknown limits of the site.

The apparent single-period nature of the occupation at Jam, and overburden of alluvial deposits in the area around the minaret suggests that non-intrusive remote sensing technique, such as ground penetrating radar, may be applicable. We hope that remote sensing would delineate the mud-brick walls and courtyard areas of the major structure associated with the Minaret, with minimal impact on the remains, but such high tech equipment is obviously very expensive, and delicate, and it remains to be seen whether funding bodies are prepared to finance such research.

The surface collection of artefacts is another obvious, non-destructive avenue of research, and valuable in establishing the extent of the site and the variety of material and activities present. One major problem, however, is that



Figure 4. Looters' holes at Qasr-e Zarafshan.



Figure 5. Fired brick paving at Jam.

we are effectively working in a ceramic typology vacuum, with few well-excavated *comparanda* available, against which to relate our assemblage.

These factors suggest that the best way of gleaning and preserving knowledge about the archaeology of Jam and the Ghurids is to conduct carefully targeted excavations at the site, before looting further damages the site irreparably. This is particularly the case for Qasr-e Zarafshan, the hill-top fortress overlooking the Minaret, whose inaccessibility seems to have protected it from

looting for the moment. Regardless of the physical and logistical challenges of excavating test-trenches in Qasr-e Zarafshan, however, we also have to be mindful of the risk of drawing unwanted attention to it, by merely working there — there are no easy answers to the dilemmas facing the project.

The best strategy seems to be a combination of these approaches. We need to utilize surface survey and non-intrusive techniques where possible, and to gather as much data as possible from the debris associated with the robber holes. Simultaneously, we need to establish a well-stratified and representative assemblage of ceramics and artefacts, which can only be gained from the careful excavation of undisturbed deposits. Without such excavations, whatever we collect from the surface and robber holes will lit-

erally remain culture without context.

All our work, however, must coincide with efforts to educate the local people as to the heritage and long-term (albeit small-scale) economic value of the archaeological remains, as a source of historical, religious, cultural and social information, pride and employment. Ultimately, the responsibility for this falls on the West, both as the funder of archaeological projects, development aid, and as the primary market for the rapacious trade in illegal antiquities. As the tattered banner outside the Kabul Museum reads: 'A nation stays alive when its culture stays alive'.

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Particulars of Japan's accession to the 1970 UNESCO Convention and an outstanding problem

HIDEO FUJII

The 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property was ratified by the Diet of Japan in June 2002 and implemented on 9 December 2002 by the Law Concerning Controls on the Illicit Export and Import of Cultural Property. The news of Japan's ratification of the 1970 UNESCO Convention was published in *Culture Without Context*, Issue 11, December 2002 (pp. 4, 11, 12). The 2002 implementation was a happy occasion for me personally as I had been urging the Japanese Government to ratify the Convention since the end of the Gulf War in 1991. It was fortunate for Japan too, as directly after the surrender of Baghdad on 9 April 2003, when news spread around the world that the Iraqi National Museum had been assaulted by the mob and suffered the pillage of its cultural heritage, the

implementation opened the way for Japan to participate in rescue work as part of a concerted international effort as recommended in Article 9 of the Convention.

The 1991 Gulf War and its aftermath

The impetus for Japan's ratification was provided by the rioting that took place directly after the end of the Gulf War in 1991, which led to the theft of 3564 cultural objects from 11 Iraqi regional museums. More shocking incidents followed as major archaeological sites were subjected to clandestine excavation. One response was that Professor M. Gibson and Dr A. McMahon of Chicago University's Oriental Institute suggested that it would be necessary to prepare lists of the missing objects in order to facilitate their recovery. They used US excavation records to help draw up a first list of 229 missing items which was published as *Lost Heritage - Antiquities Stolen from Iraq's Regional Museums - Fascicle 1* (1992). Next, Professor J.N. Postgate of Cambridge University, along with Dr H.D. Baker and Dr R.J. Mathews reported a further 1697 lost objects in *Lost Heritage - Antiquities Stolen from Iraq's Regional Museums - Fascicle 2* (1993).¹ It soon became clear, however, that most records of lost items that were

submitted to UNESCO by the antiquities service of Iraq had no information about the place of original excavation — provenance, which is essential — attached to the photos or drawings. It was, in consequence, very hard for UNESCO to report the significance of lost artefacts to the World Customs Organization, Interpol, ICOM and the various antiquities trade associations.

At the time, I was concerned about the lack of progress and thought that the recovery of Iraqi cultural objects would be facilitated if concerned people could discuss the matter together. To this end, and after consulting with Iraq's Minister of Culture and Information, together with Dr Muayad Said Damerji, the Director General of Antiquities and Heritage, I was able to convene an international symposium in Baghdad in December 1994. It was attended by 23 international researchers from the fields of archaeology, history, linguistics, architectural history and art history, all of whom had been engaged in excavation and research in Iraq.

One of the important topics I proposed at the Baghdad meeting concerned what type of information should be included on the lists of lost objects. There was a strong opinion amongst those present that provenance is of paramount importance, in that the significance of a cultural object depends upon when and where it was excavated. Thus provenance must be clearly known. In addition, there was also a majority opinion that for more accuracy even the excavation level should be included with provenance. It was agreed that unprovenanced objects should not be displayed in museums (cf. ICOM Code of Professional Ethics, 2.9 Display, Exhibitions and Special Activities, 2001, p. 7).

It was decided that apparently unprovenanced objects that had been lost should be documented as accurately as possible by means of available excavation records. We also learned that all object entries in museum records had two numbers: an Iraq Museum (IM) No. and a Local Museum (LM) No., the LM No. indicating the regional museum in which the object was displayed. The objects themselves are also marked with both IM and LM Nos., and the name of the regional museum to which they belong, written in red, so that they can be clearly distinguished from pieces that are not registered. Thus, it is clear that Iraq has faithfully adhered to the

requirement of Article 7(b)(i) of the 1970 UNESCO Convention that cultural property should be 'documented as appertaining to the inventory of that institution'. It was agreed that these object registers may safely be regarded as constituting a national inventory of protected property as described in Article 5 of the UNESCO Convention.

On 17 February 1995, representatives of the Baghdad meeting visited Dr F. Mayor Zaragoza, the then Director-General of UNESCO, at the Paris headquarters, to deliver the meeting's resolutions. His reply cited his appeal of 31 December 1994 which had been made public worldwide, and stated that:

The strength of the art market in the industrialized, developed countries acts as a magnet to the flow of trade, licit and illicit.

and that

It is thus clear that the 'victim' countries, try as they may, cannot solve the problem of their disappearing heritage on their own. That is why the General Conference of UNESCO in 1970 adopted the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property

In short, Dr Mayor Zaragoza said to us that for the purpose of saving the 'victim' countries from illicit traffic of their cultural property, the wealthy countries that host the art market have no choice but to become parties to the 1970 UNESCO Convention. And he added that it was fundamental that illicit cultural objects should not be the object of sale, purchase or gift.

Moreover, in compliance with the resolutions agreed by us at the Baghdad meeting, UNESCO prepared a leaflet with clear photographs of nine objects selected as exemplars from the lists of Iraqi lost cultural objects, and on 1 August 1995 circulated it to the States Parties of the First Protocol of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, and of the 1970 UNESCO Convention. It stated that most of the approximately 4000 cultural objects lost from Iraqi regional museums should be rated as integral elements of the civilization and culture of Iraq, so that their loss constitutes grave damage to the cultural heritage of that country. Counter-measures designed to obstruct their trade are contained in Articles 2 and 3 of the First Protocol of the Hague Convention, and in Article 7 of the 1970 UNESCO Convention.

The distribution of this leaflet has proved important because: 1) it provides a simple example of how to make an inventory of cultural objects that are deposited in museums and similar institutions; and 2) it states that the 1970 UNESCO Convention is designed to control the illegal export of objects which have been registered in museums, and advises that under the Convention it is possible to obtain the cooperation of other States Parties in returning an object to its country of origin.

With a view to raising awareness both in Japan and abroad, and with the consent of Dr Muayad Said Damerji, I made a list of 364 manuscripts that had been looted from Kirkuk Museum and 73 objects that had been stolen from regional museums, and it was published through Kokushikan University's Institute for Cultural Studies of Ancient Iraq, under the title of *Lost Heritage: Antiquities Stolen from Iraq's Regional Museums - Fascicle 3* in September 1996. The UNESCO leaflet was reproduced in this book with permission, and the book was sent to the States Parties of the 1970 UNESCO Convention, and concerned international organizations and academic institutions.² This was because I had grave doubts about just how much such wealthy countries as Japan — where the world's leading art markets are located — realized that the two conventions constitute an international system for controlling the trade of cultural objects lost from the country of origin in situations such as that of Iraq.

Japanese legislation

In Japan, the Law for the Protection of Cultural Properties was enacted in 1950 to prevent the growing loss abroad of national cultural heritage during the confusion that followed directly after World War II. In this law Japan established that cultural property is defined as property specifically designated as important in the spheres of archaeology, prehistory, history, literature, art and science, just as was later prescribed in Article 1 of the UNESCO Convention. Moreover, MEXT (Ministry of Education, Culture, Sports, Science and Technology) has promoted the designation of tangible cultural properties as either National Treasures, Important Cultural Properties, Historic Sites, Places of Scenic Beauty, Natural Monuments, or Preservation Districts for Groups of Historic Buildings, according to the Law for the

Protection of Cultural Properties.³ This law shows that Japan has been keen to preserve and recover its own national cultural heritage, in stark contrast to the rather improper manner in which Japan has responded to the protection of foreign cultural objects, which, recognizing the great variety of cultures worldwide, should be viewed equally with those of Japan.

It seemed to me that it was unfair for Japanese people to obtain foreign cultural objects as cherished possessions merely to satisfy their curiosity, as this attitude causes the illegal import of foreign cultural objects that have been obtained by looting and/or clandestine excavation. Article 2 (1) of the 1970 UNESCO Convention states that the illicit import, export and transfer of ownership of cultural property are some of the main causes of impoverishment of cultural heritage in source countries. In view of this, it was clear that Japan should give careful consideration to countermeasures that would avoid this problem. What is correct for Japan's culture should be equally correct for foreign cultures. The Convention also emphasizes that international cooperation is one of the most effective means of protecting any country's cultural heritage from the dangers posed by these illicit activities.⁴

By the time cultural objects were disappearing from Iraqi museums, the chauvinism surrounding Japan's policy of cultural property protection was clear. Without losing time, I began to lobby important personnel of the relevant authorities, carrying *Lost Heritage Fascicle 3* with me. I spoke to them repeatedly of the need for the Government to become a party to the 1970 UNESCO Convention so as to enable international cooperation aimed at diminishing the illicit trade and facilitating the recovery of missing objects. In addition, I kept explaining to them that ratification of the Convention could also help to protect Japan's own cultural heritage. Thus, Japan finally enacted the Law Concerning Controls on the Illicit Export and Import of Cultural Property in 2002, as implementation of the 1970 UNESCO Convention. The major aim of this law is to prohibit the import of cultural objects stolen from another State Party's cultural institution, just as specified in Article 7(b)(i) of the Convention, (that is, the ones certified as belonging solely to the inventory of the institution concerned).

The Law Concerning Controls on the Il-

licit Export and Import of Cultural Property defines the term 'cultural property' as follows: 'cultural property' means an object belonging to one of the categories enumerated in Article 1 (a) through (k) of the Convention which is specifically designated by a State and, and, in connection with the above, 'domestic cultural property' is defined as important cultural properties, tangible folk-cultural property, historic sites, places of scenic beauty or natural monuments, that have been designated by Japan.

Upon receiving notice that cultural property has been stolen from a museum or similar institution abroad, Japan's Minister of Education, Culture, Sports, Science and Technology shall designate the property as specified foreign cultural property. The import into Japan of an object designated as specified foreign cultural property must be officially approved, although, in practice, it is impossible to gain import approval for specified foreign cultural property.

Article 193 of the Japanese Civil Code stipulates that the period of time within which a claim for recovery of stolen property can be made shall be limited to two years. As a special measure to facilitate the return of stolen specified foreign cultural property to its country of origin, the Japanese Government has extended the limitation period to ten years, with due consideration of the time lapsed from the stolen foreign object's discovery in our country. If an object is returned within the ten year period, it is stipulated that the owner should reimburse the cost of the object to an innocent purchaser.

An outstanding problem

Article 7 (a) of the 1970 UNESCO Convention states that necessary measures shall be taken in accordance with domestic law to prevent the acquisition of illegally exported objects of cultural property by museums and similar institutions. It seems that 'illegally exported cultural property' of Article 7 (a) refers to cultural property exported without certification, as pointed out in Article 6 (a) and (b). Article 6 (a) states that the exporting State shall attach an appropriate certificate to all legally exported cultural objects to prove that export permission is granted. The attachment of an export certificate to an object and its validation is essential to avoid trade in unprovenanced artefacts. However, existing domestic law in Ja-

pan makes no clear provision to prevent museums and similar institutions acquiring illegally exported cultural objects.

Administrative guidance given to museums appealing for them not to acquire unprovenanced objects will have a limited effect, even if it is done within the framework of the ICOM Code of Professional Ethics. This is because the ICOM Code has no status in law, nor can it provide legal mechanisms to ensure that an object is accompanied by a valid export certificate, or to confirm that it is not an illegally exported item.

Therefore, in order to prevent museums from acquiring illegally exported cultural objects, as prescribed in Article 7 (a) of the Convention, what is urgently needed is a law to confirm that an imported cultural object is definitely accompanied by an export certificate issued by its exporting state, in accordance with Article 6 (a), (b) of the Convention. This problem is not limited only to Japan, but is a common one worldwide, and should be tackled by, in particular, the wealthy states that host the dealers' markets.

Notes

1. Available on-line at <http://oi.chicago.edu/OI/IRAQ/lh.html>.
2. *Lost Heritage: Antiquities Stolen from Iraq's Regional Museums - Fascicle 3*, Hideo Fujii, Kazumi Oguchi, Institute for Cultural Studies of Ancient Iraq, Kokushikan University, Tokyo 1996, xiii-xxi. What distinguishes this leaflet from others is the description of objects newly provided by the Iraqi authorities. Each object is accompanied with an IM No. registered by Baghdad Museum and the name of its regional museum, but there is no detailed description of the object's provenance. Nevertheless, the provenance is provided indirectly by the combination of the local prefecture name of the object's place of origin and the excavation number of the expedition. For objects without photographs a drawing or sketch is included.
3. *Preservation and Utilization of Cultural Properties*, MEXT (Ministry of Education, Culture, Sports, Science and Technology) 2001, 49.
4. Yasushi Kono, *International Cooperation for the Preservation of Cultural Heritage*, 297-8, 1995, Fukyosha Publishing Inc.

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