

Culture Without Context



The Newsletter of the Near Eastern Project of the Illicit Antiquities Research Centre

Issue 3, Autumn 1998

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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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The Illicit Antiquities Research Centre

Statement of Intent	News and Events
International Conventions (Multilingual)	Culture Without Context Newsletter of the IARC
Contacts	Resources

The Illicit Antiquities Research Centre (IARC) was established in May 1996, and commenced operations in October 1997 under the auspices of the McDonald Institute for Archaeological Research in Cambridge, England. Its purpose is to monitor and report upon the detrimental effects of the international trade in illicit antiquities (i.e. antiquities which have been stolen or clandestinely excavated and illegally exported). The volume of this trade has increased enormously over the past twenty years and is thought to have caused the large-scale plundering of archaeological sites and museums around the world.

The IARC will bring to the attention of the general public the scale and nature of this destruction (see [Statement of Intent](#)). It will also endeavour to create a climate of opinion which will discourage the collection of illicit antiquities by emphasising that the true scholarly value of an artefact is irreparably damaged by the loss of cultural information which is caused by its unrecorded divorce from context. Thus the primary concern of the IARC will be to reduce the loss of knowledge caused by the chronic despoliation of sites and museums. Issues of object ownership are of secondary interest but are nevertheless frequently an inseparable part of the problem.



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First mounted October, 1998; last updated January, 1999. © University of Cambridge.

Home page of the new IARC web site (see "IARC goes electronic", p.4).



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

Illicit Antiquities Research Centre

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Editorial

The main article in this issue is *Recording and preserving Gandhara's cultural heritage* by Professor Ihsan Ali of Peshawar University and Dr Robin Coningham of Bradford University. Its arrival on the editorial desk coincided with the opening of 'Asian Art in London', a series of events and exhibitions which ran from 10–21 November and in which the commercial and academic worlds joined together to present a celebration of Asian art.

Financial support was provided by 50 dealers and there were 40 exhibitions mounted in commercial galleries. Over 4000 lots were sold for over £8 million at fifteen separate auctions held by Sotheby's, Christie's, Bonhams and Phillips. Over 90 per cent of participating dealers made sales and 40 per cent of sales were to new clients, many from the United States. In commercial terms, then, 'Asian Art in London' was a great success and there was a substantial increase in the size of the market.

In the November issue of the *Art Newspaper* Robert Knox, Keeper of Oriental Art at the British Museum, suggested that one of the reasons for London's success as a marketplace was its depth of knowledge and scholarship, and during 'Asian Art in London' this academic support of the market was provided by exhibitions at six museums including the British Museum, the Vic-

toria and Albert Museum and the Brunei Gallery of the School of Oriental and African Studies (University of London).

The spectacle provided by the displays of fine antiques, carpets and textiles was spoilt, however, by the presence of a sizeable quantity of Gandharan (and other) antiquities. In their article, Professor Ali and Dr Coningham describe how for most of this century the archaeology of this area has been open to plunder and the legacy of this was all too evident in London. John Eskenazi mounted an exhibition of Gandharan art with an accompanying catalogue in which fragments of friezes and sculpture, all without provenance, were described, and the sombre tones of the sepia illustrations seemed only to emphasize the poignancy of loss. Other dealers were mentioned in the *International Herald Tribune*, on 10th November and another Gandharan antiquity was illustrated: a gold funerary mask c. 4th–5th century from Shirley Day Ltd.

The organizers are planning to hold another 'Asian Art in London' event next year. Responsible dealers and concerned academics should join together now and take action to ensure that it will be possible to enjoy a visit without again stumbling over sad and fragmentary reminders of the Gandharan past.



Neil Brodie

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IARC goes electronic

<http://www-mcdonald.arch.cam.ac.uk/IARC/home.htm>

The Illicit Antiquities Research Centre is pleased to announce the launch of a dedicated Web site, through which information can be rapidly disseminated. For the last year, the IARC has been working to raise awareness in Britain and internationally about issues concerning illegal excavation, and has become a centre of information and education. Our presence on the WWW will facilitate these efforts and enable us to reach a wider audience, with material aimed, initially, towards concerned professionals and members of the public.

As well as explaining the origins and intentions of the IARC, the Web site will keep users up-to-date with news and events and make it easy to contact us. This will be particularly important in 1999 when a number of new global initiatives are planned. Thanks to a grant from *Archeonet*, the site also carries translations of the UNESCO and Unidroit conventions, with brief explanations

of their significance and history. All issues of *Culture Without Context* are also posted on-line, in searchable format.

The growing international focus on cultural property issues and increasing public awareness has lead to a rash of publications, both paper and electronic, on related topics. The *Resources* section of the IARC Web site highlights some which we have found useful during the course of our work and research, including periodicals, bibliographies, other Web sites and books.

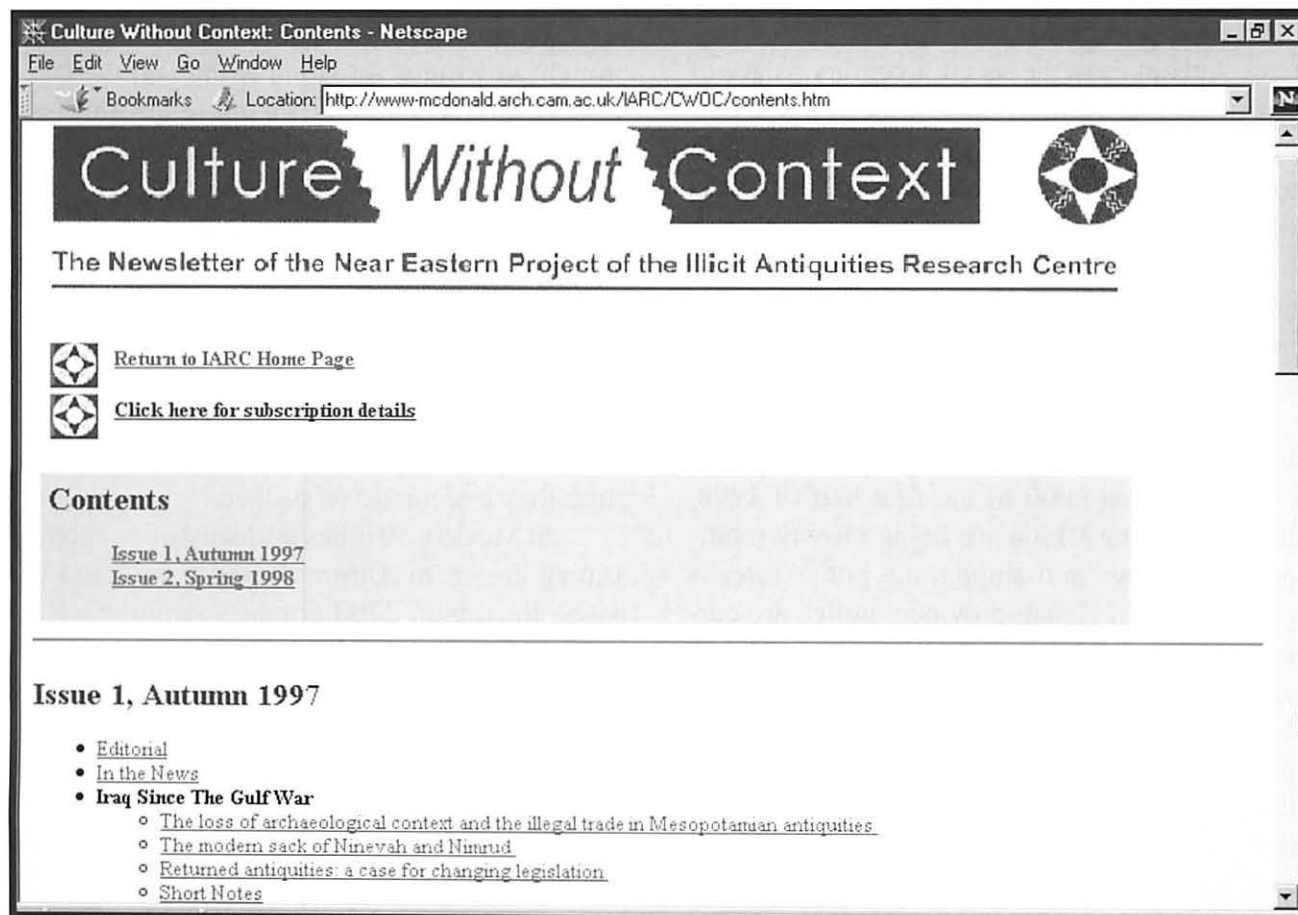
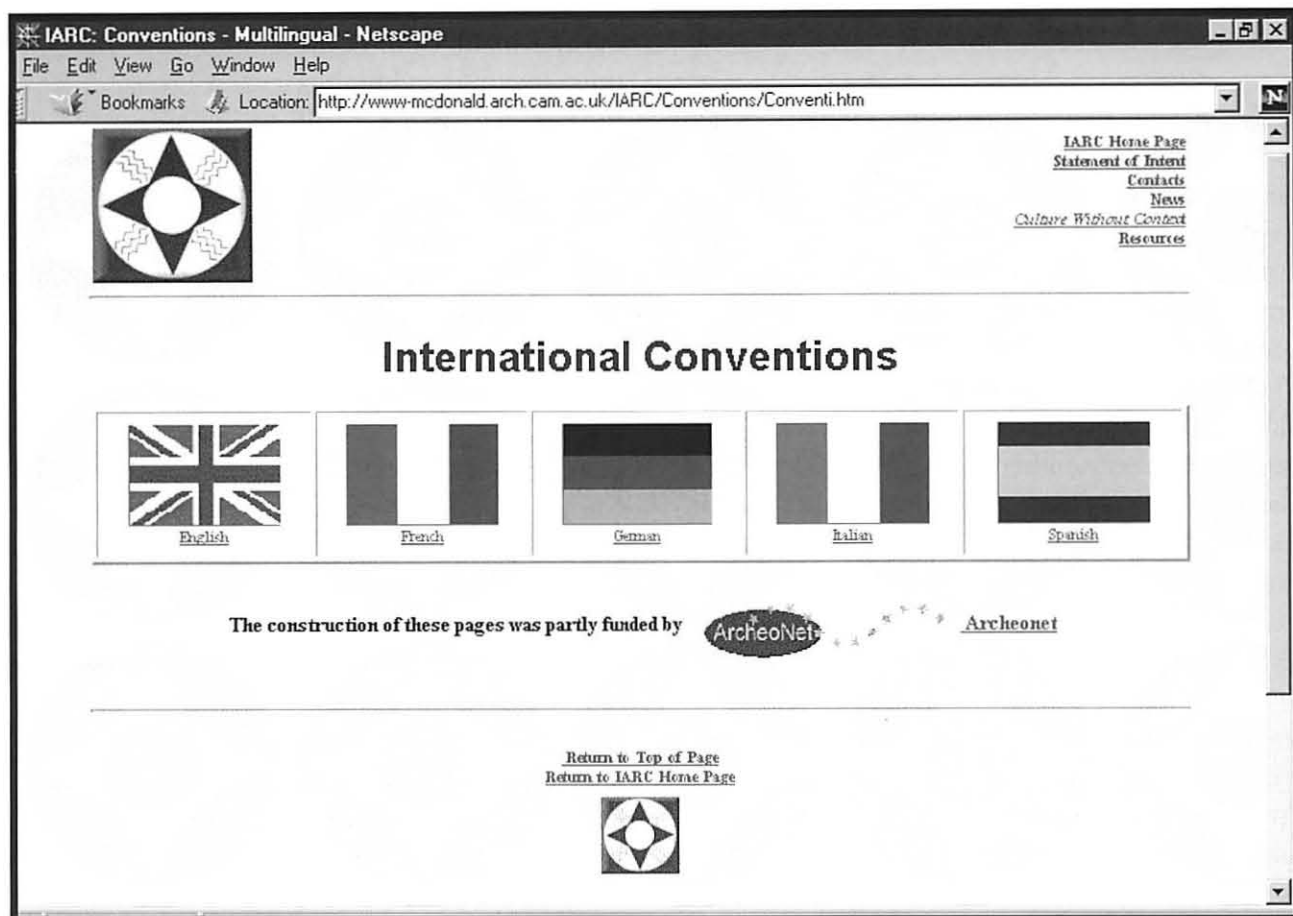
It is clear from the international queries, news and information we already receive that there is a large global constituency interested in arresting the destruction of the archaeological heritage. It will now be easier than ever to contact us, confidentially or otherwise.

JENNY DOOLE
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The screenshot shows a Netscape browser window titled "IARC Home Page - Netscape". The address bar shows the URL <http://www-mcdonald.arch.cam.ac.uk/IARC/home.htm>. The page content includes the University of Cambridge logo and name, and text stating it is a project of The McDonald Institute for Archaeological Research. A central logo features a stylized four-pointed star. Below this is the title "The Illicit Antiquities Research Centre". A table of links is displayed:

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At the bottom, a text box states: "The Illicit Antiquities Research Centre (IARC) was established in May 1996, and commenced operations in October 1997 under the auspices of the McDonald Institute for Archaeological Research in Cambridge, England. Its purpose is to monitor and report upon the detrimental effects of the international trade in illicit antiquities (i.e. antiquities which". To the right of this text is a small image of a building.



In the News

It is a sign of the times that lawyers in the United States are now able to make quite a good living from the antiquities trade as the court cases continue. In Boston, William Koch and his associates (Jonathan Kagan and Jeffrey Spier) prepare to defend themselves against a Turkish accusation that the hoard of coins they purchased in 1984 for about \$3.2 million is in fact the so-called Elmalı hoard of Classical Greek coins, smuggled out of southern Turkey earlier the same year. In the New York Federal Appeals Court in October Michael Steinhardt contested the Italian government's claim to his gold phiale, allegedly discovered in Sicily but bought for Mr Steinhardt in Switzerland.

During the 1980s the phiale was in the possession of Vincenzo Cammarata who was arrested by Italian police in December and together with five of his associates was charged with conspiracy and handling stolen goods. The police recovered some 10,000 antiquities worth about \$40 million from the homes of the accused, who include two professors at Catania University — Giacomo Manganaro and Salvo Di Bella — and Gianfranco Casolari, a coin dealer from Rimini.

A relief from the seventh-century palace of Sennacherib at Nineveh has surfaced in the collection of Sholom Moussaieff, who bought it in good faith in Geneva in late 1994. The relief was identified after Mr Moussaieff sent a photograph to the Bible Lands museum in Israel. The Iraqi government is now taking legal action to recover the piece; it has also ordered a survey of damaged sites.

UNESCO reports that Chinese Customs seized more than 11,200 smuggled antiquities in 1997 and about 6000 in the first half of 1998. Cargoes leaving China are being closely monitored and a new 'anti-smuggling' police force is to be set up. In Henan province, police are currently recovering looted artefacts at an average rate of one per day and markets and auctions in several major cities have been raided. The haemorrhage seems set to continue as reports filter through from Sichuan that thousands of Han and Ming period tombs have been blasted away in construction projects and their contents looted in

the aftermath. Chinese antiquities generally continue to command high prices. A bronze flagon, for instance, dating to 206 BC, and allegedly still with its original contents, surfaced recently in Hong Kong and was offered for sale by Michael Goedhuis for £65,000. The New York Asian Art Fair in March, where many of the objects on display were reported to be new finds or items which had recently surfaced from unknown private collections, was financially a great success. The dealer Giuseppe Eskenazi was quoted in the November issue of the *Art Newspaper* as saying 'The Chinese simply do not care what is leaving the country. They have so much.' And indeed in August Gordon Reece was able to put on display for sale 90 pieces of Chinese pottery, many of which had been excavated since 1965, some as recently as 1986.

But times are changing as the Chinese authorities have now adopted a much tougher stance and such displays will be a thing of the past. UNESCO hosted its first training seminar in Beijing and Chinese officials are looking towards international cooperation to staunch the flow. One result of the new policy was the return to China in 1998 of 3000 antiquities discovered by British Customs in 1994. The material had been brought to Britain via Hong Kong and the Chinese government fought for its return through both civil and criminal courts. They ultimately reached an agreement out of court whereby the consignors returned the artefacts but did not admit to any misdemeanour. The shipment had originally contained 3494 objects, but Chinese officials believed 494 of them to be fakes or modern handicrafts. It would be useful for these objects to be publicized and their true status investigated; it will also be interesting to see in what guise they eventually re-surface.

In Mexico, 50 miles northeast of Acapulco, a lorry driven by Bustos Reyes was found by police to contain 2700 artefacts dating back to 1000 BC. Mexican authorities have also sized 400 artefacts from the collector Ignacio Ortiz which they believe to have been removed illegally from burial sites.

In October 1998, 208 Peruvian antiquities were returned home. They were seized three years ago by United States Customs in Miami, found

in a crate marked 'Peruvian handicrafts' and destined for Switzerland. Peruvian authorities have issued a warrant for the arrest of the man who despatched the crate, Rolando Rivas Rivadeneyra, but the identity of the putative Swiss recipient is not known. The episode shows again how pre-Columbian antiquities are now finding their way onto the European market since the United States imposed import restrictions following bilateral agreements reached under the terms of the UNESCO Convention. This confirms the effectiveness of the Convention in obstructing the flow of smuggled antiquities but also sadly highlights how American initiatives are undermined by the continuing failure of European governments to ratify. At the European Fine Art Foundation (TEFAF) autumn fair in Basel, five of the twenty new exhibitors were specialists in ethnographic and pre-Columbian art and further

growth in pre-Columbian art was predicted. 'We are talking high profits, low risk' said Carol DiBattiste, Deputy US Attorney for south Florida, in the November issue of the *Art Newspaper*.

Also in October a newly discovered neolithic tomb near the village of Mourèze in southern France was looted. The local mayor was moved to express his disgust with the human race but hopefully his mood lightened when the contents of the tomb were returned within 24 hours. There is some honour amongst (some) thieves after all, although the damage had already been done by removing the objects.

NJB

Information obtained from: *The Times*, *Archaeology*, *The Art Newspaper*, *The Boston Globe*, *The New York Times*, *The International Herald Tribune*, *The Guardian* and *The Observer*.

Pity the poor middlemen

NEIL BRODIE

The illicit trade in antiquities is clandestine. Transactions are hidden from view and provenance is lost as a result, but the economics of the trade are also obscured and it is not clear what profits are realized over what period of time and who, in financial terms, really benefits. Furthermore, when collectors don their humanitarian mantles to argue that their purchase of antiquities injects money into hard-pressed local economies, it is not possible to assess how much of their revenue does actually trickle down.

Over the years a number of cases of illicit trading have been investigated, usually when a valuable 'treasure' has been reclaimed or its status questioned, and several exchange chains have now been revealed. Although these high-profile cases are not representative of the illicit trade as a whole, they do provide some information about what sums of money change hands and what profit margins exist, and for that reason they are collected together here.

First there is the now notorious Euphronius Krater, the 'hot pot' of Hoving (1993, 307–40),

bought by the Metropolitan Museum in 1972 from Robert E. Hecht for \$1 million, but now thought to have been removed from an Etruscan tomb in 1971 (Meyer 1973, 88). The *tombarolo* who first excavated the vase claims to have received only \$8800 for it (Slayman 1998, 44).

The golden phiale of Achyris, from Caltavuturo in Sicily, and presently impounded by US Customs, was bought for \$1.2 million in 1991 by Michael Steinhardt from the Zürich-based dealer William Veres with Robert Haber acting as an intermediary. Veres had acquired the phiale sometime after 1988 in exchange for artworks valued at about \$90,000 from Vincenzo Cammarata, a Sicilian coin dealer, who had in turn obtained it in 1980 from a fellow Sicilian Vincenzo Pappalardo in exchange for goods worth about \$20,000 (Slayman 1998; Mason 1998).

Also from Sicily are the Morgantina acroliths, excavated in 1979 by *clandestini* who sold them for about \$1100. The pieces were subsequently purchased in Switzerland by Robin Symes who sold them on to Maurice Tempelman in 1980 for more than \$1 million (Robinson 1998; D'Arcy 1998).

In 1988 a Turkish farmer sold a broken marble sculpture of Marsyas to the dealer Ali

Kolasin for \$7400. The piece was then smuggled out of Turkey and displayed for \$540,000 in New York by Jonathan Rosen. After he was shown that the object was stolen Rosen donated the statue to the American-Turkish society and it was subsequently returned to Turkey in 1994 (Rose & Acar 1995, 55).

Finally there is the case of a Song Dynasty head, stolen from the Yongtai tomb in Henan province, China. According to US Customs, it was sold first in 1996 in Guangzhou for about \$840 before being moved to Hong Kong. There it was bought by an American dealer who in 1997 offered it for sale in San Francisco for \$125,000, whereupon it was seized by the US authorities (Maggio 1998).

These figures are summarized in Table 1, which shows the initial and final prices realized, together with the period of time that elapsed between sales.

Figure 1 shows what percentage of the final market price was received by the original finder/ excavator/thief. It is clear that in all cases over 98 per cent of the final price was destined to end up in the pockets of the middlemen. The original finder received very little and the final buyer can hardly claim to have obtained a bargain. These percentages are not unusual: it has been observed for instance that in the Petén looters received about \$200–\$500 each for vessels which might ultimately be sold for \$100,000 (Hansen 1997, 48). It is also alleged that William Koch and his associates paid roughly \$3 million for the major part of the Elmalı hoard while one of the original three finders, Ahmet Ali Senturk, received only \$80 and a year in jail (Kornblut 1998).

Of course, the entire profit is not always taken by a single middleman — often there is a chain of transactions. But still, the profits involved are significant. The details of the Achyris

	Initial price (US\$)	Final price (US\$)	Time lapse (years)
Achyris phiale	20,000	1.2 million	11
Morgantina acroliths	1100	1 million	1
Statue of Marsyas	7400	540,000	less than 6
Euphronius krater	8800	1 million	1
Yongtai head	840	125,000	1

Table 1. The rising price of illicit antiquities.

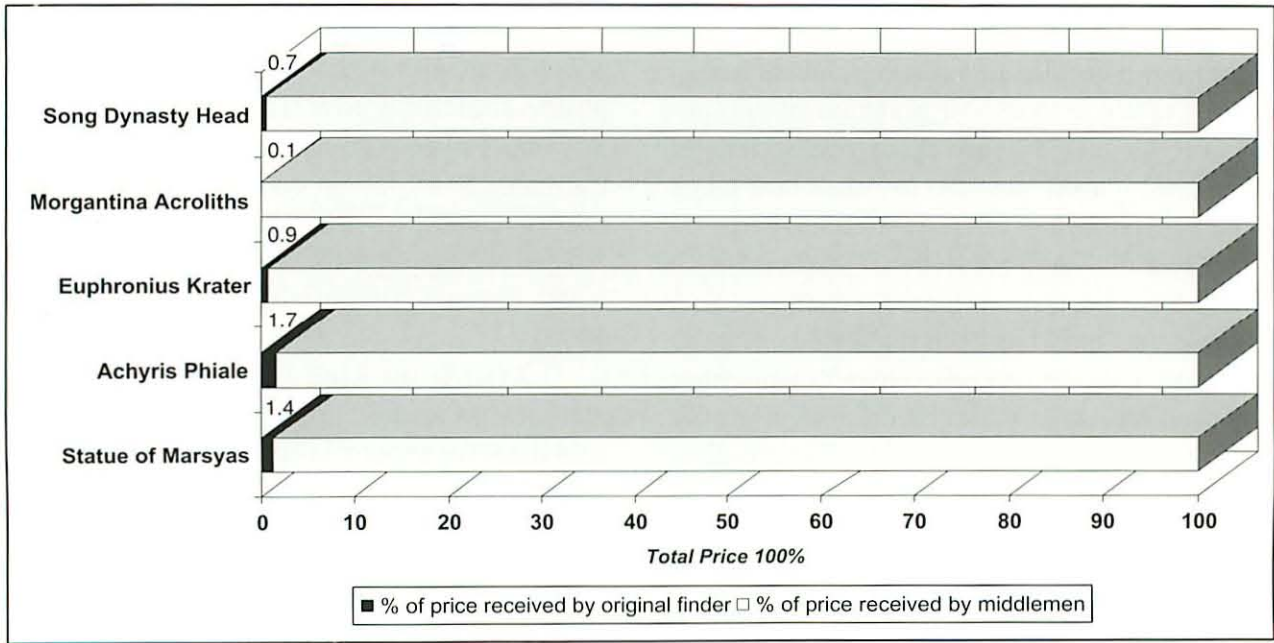


Figure 1. The percentage of the final market price of an antiquity received by the original finder.

phiale are reasonably clear and are set out in Figure 2. The largest profit was made by William Veres, who bought the piece in Italy and sold it in Switzerland, so that his high profit margin probably reflects his equally high burden of risk or cost incurred when transporting the piece across the Italian border. It is worth noting for purposes of comparison that the normal percentage of the selling price taken as commission by Sotheby's auction house from a legitimate sale varies between 18–26 per cent depending upon price. Half is taken from the buyer and half from the seller.

These figures reveal the simple truth of the illicit trade in antiquities — there are large sums of money to be made, more than by legitimate trading, and very little of the proceeds ever reach the original finders. It is also likely that these large sums, derived ultimately from rich collectors, sustain the smuggling networks which support the illicit trade. Collectors are, as Elia (1993) says, the real looters; but the middlemen are the main beneficiaries.

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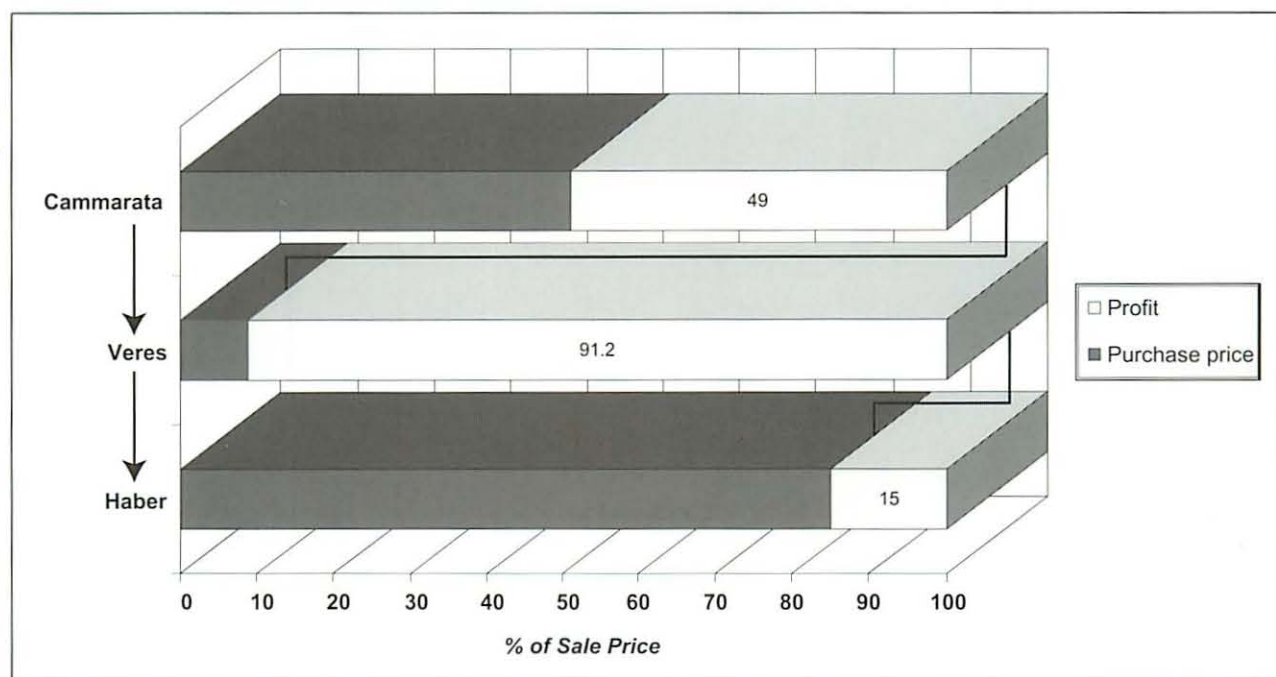


Figure 2. Profits realized by middlemen handling the Achyris Phiale. (To allow for appreciation the price paid by Cammarata has been adjusted upwards by 7.2 per cent per year for the eleven years it was in his possession. It has been estimated that 7.2 per cent was the average annual appreciation of the British Rail Pension Fund's collection of ancient glass over the same period of time [Antiques Trade Gazette, 13 December 1997, 7]).

Recording and preserving Gandhara's cultural heritage

IHSAN ALI & ROBIN CONINGHAM

The term Gandhara refers to the ancient name of the region which stretches from the Kabul valley in the west to the Indus valley in the east (Fig. 1). The pivot of routes to southern, central, eastern and western Asia, its strategic position is testified by its presence as the Achaemenid empire's most easterly province in the sixth century BC and the southern edge of the expansionist USSR in the 1980s (Allchin 1992; Dupree 1980). Occupied historically by successive dynasties of Seleucids, Mauryans and Indo-Greeks, by the second century AD the region was absorbed into the Kushan empire. The Kushans, or Yuezhi as they were first known, were apparently a nomadic central Asian tribe which settled and established

a small kingdom in Bactria in the second century BC (Allchin & Cribb 1992). By the rule of the emperor Kanishka in second century AD, they had transformed this provincial holding into a massive empire which stretched from Central Asia to the Indian Ocean. During its ascendancy, from the first century BC to the third century AD, the Kushan empire had an important impact on the region's urban planning and religious patronage. In particular, the Kushans established a series of vast dynastic urban foundations, such as the cities of Sirsukh in Pakistan, Dalverzin-tepe in Uzbekistan and Begram in Afghanistan (Litvinsky 1994); whilst still developing other established urban sites, even minor ones such as Tilaurakot and Bhita. Although remnants of the Kushan dynasty still ruled parts of Kashmir and the Punjab as late as the fifth century AD, the provinces of Bactria and the upper Indus were annexed by the expansion of the Sasanian empire under its founder Ardashir I (r. 224–240 AD) (Allchin & Cribb 1992). The region continued to flourish under successive rulers until its established socio-economic frameworks were destroyed by the

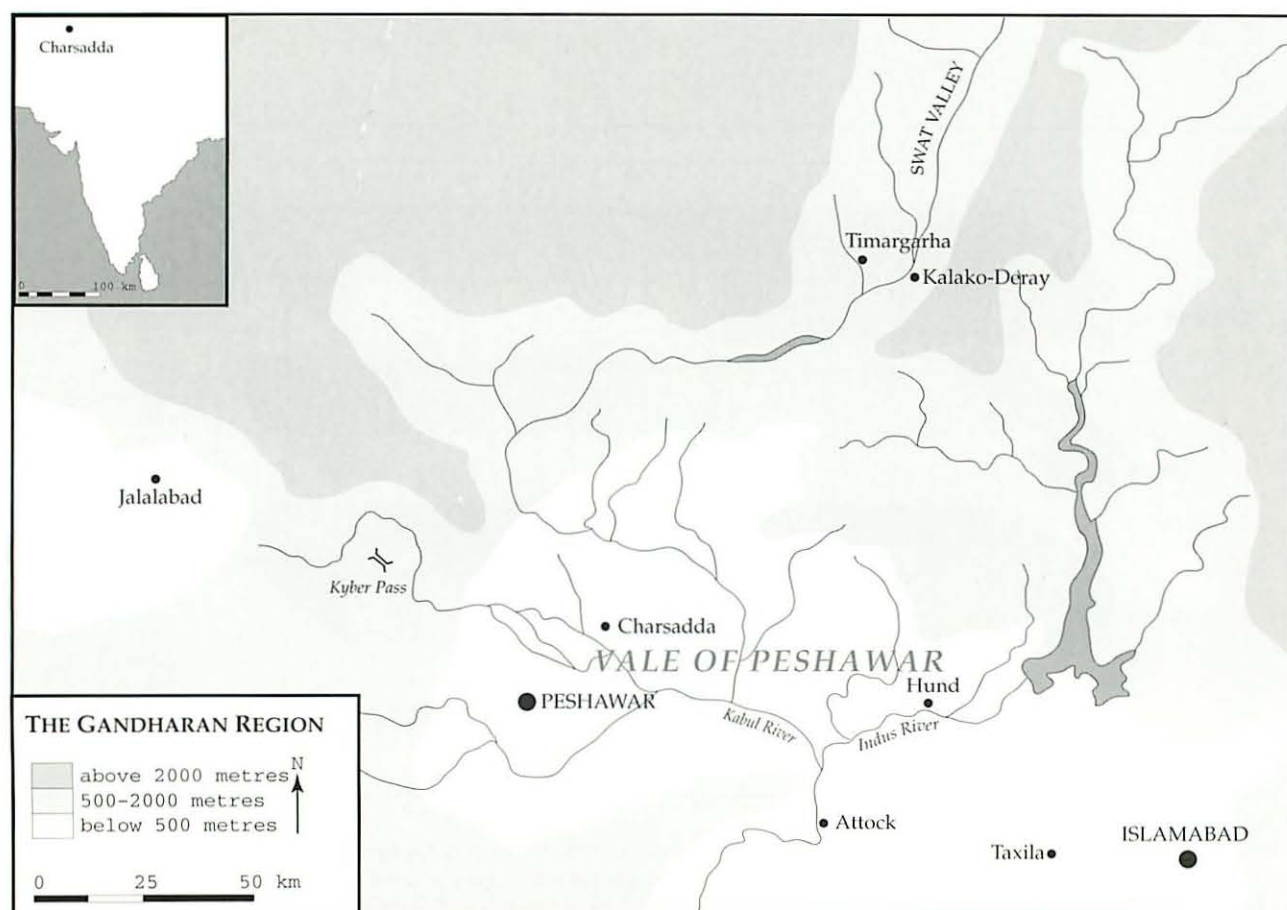


Figure 1. Map showing the region of Gandhara.

incursions of the Hephthalites or White Huns in the fifth century AD (Allchin & Cribb 1992).

Gandhara is also the term given to this region's sculptural and architectural koine between the first and sixth centuries AD, first initiated by the Kushans (Harle 1992; Pugachenkova *et al.* 1994; Zwalf 1996). In addition to the creation of major dynastic cult centres, such as the monumental fire temple at Surkh Kotal in Afghanistan, this period represents the renaissance of Buddhism within South Asia, with the creation of new religious complexes, at sites such as Takht-i Bahi, Hadda, Begram, Taxila, Peshawar, Swat and Mathura, or in the restoration and expansion of the shrines of Lumbini, Ramgrama and Sanchi (Harmatta *et al.* 1994a). This development resulted in the spread of the Kushan's brand of Mahayana Buddhism into central and eastern Asia along the silk route (Harmatta *et al.* 1994a). Largely associated in Pakistan with Buddhist veneration, the Gandharan style contains an eclectic variety of elements as summarized by Pugachenkova: 'It absorbed the earlier Graeco-Bactrian traditions current in the area and was also receptive to ideas and trends of the contemporary West through international trade and commerce' (Harmatta *et al.* 1994a, 371). Mass-produced, it was, in Wheeler's view, an art of mass-communication which was both devotional and instructive. Antiquarian interest in South Asia began with European officials attempting to identify topography with reference to classical sources, and it is therefore no surprise that the discovery of Gandharan art in the nineteenth century sparked off great interest: 'nostalgic Western expatriates . . . attuned it uncritically to their predominantly Classical educations' (Wheeler 1968, 150). Such a category of art was clearly collectable, and large public and private collections were assembled. The Queen's Own Corps of Guides, for example, amassed a collection to decorate their mess at Mardan which was later presented to the British Museum. Collecting Gandharan art was reduced by the subsequent establishment of the Archaeological Survey of India, the Treasure Trove and various antiquities acts, but has recently reached a new crescendo. This has resulted in the looting of hundreds of sites in northern Pakistan and Afghanistan. Indeed, one scholar has suggested that there was a positive correlation

between the acceleration of robbing in this area and the absorption of a number of smaller northern states into federal Pakistan in 1969, stating that it had 'led to a significant acceleration in the erosion of the cultural heritage of the valley (Swat), which was no longer protected by the strict discipline imposed by the Wali of Swat and the Nawabs of Dir' (Khan 1995a, 2).

Clearly such claims are unsupported if one examines the reports of Sir Aurel Stein who visited the Swat valley 70 years previously:

Much regrettable damage and loss have been caused . . . in tribal territory and elsewhere along the Peshawar border, by 'irresponsible' digging for remains of that Hellenistic sculptural art which once adorned all Buddhist sanctuaries of this region. How destructive such digging usually was and how often much of the spoil, when sold to amateur collectors, was ultimately scattered or destroyed, is a story too sad (Stein 1929, 17).

Recording that a large number of sites in the valley showed 'grievous signs of such exploitation', Stein commented on the clear antiquity of some of the damage, as well as noting that more recently recovered objects of value were either melted down or transported to dealers in Rawalpindi or Peshawar (Stein 1929, 39). Wheeler, too, refers to the many 'Western expatriates who collected it abundantly from the soils and bazaars of the busy frontier region' (Wheeler 1968, 150). These comments were echoed by Professor Dani of Peshawar University who conducted a survey of the Chakdara region of the valleys of Swat and Dir between 1962 and 1965 (Dani 1971a). Surveying fourteen Buddhist sites, he noted that six had 'been robbed of sculptural treasures' (Dani 1971a, 9) and that some of these sites had 'been given to spoliation for more than a century' (Dani 1971a, 7). Such was the concern that 'antiquities were already pouring out of these regions with astonishingly rapid speed' (Rehman 1971, 119) that the Political Agent to Dir State appointed an inspector 'to go about in the State, detect the treasure hunters and find out the places where they stealthily rob the art materials in the darkness of night' (Dani 1971c, 65) as well as inviting the University of Peshawar to survey, record and excavate threatened sites. Indeed, when Professor Dani arrived at one site to

start excavating in 1965 he commented that: 'I examined Andandheri, which for a century had been robbed of its art treasures. Even on the day, when I went to see the site, a local contractor was busy in removing the sculptures for sale in the open market' (Dani 1971b, 33). More recently, the Government of Pakistan has again attempted to stem the looting through the creation of a collaborative program of study, documentation and protection of monuments within the region under the auspices of the Gandhara Archaeological Project. This resulted in the Department of Archaeology of the University of Peshawar and the Federal Department of Archaeology and Museums agreeing to conduct an archaeological survey of the Vale of Peshawar and its adjacent areas. As a result Peshawar, Nowshera, Charsadda, Mardan and Swabi districts were surveyed, although to date the results of only two surveys, Charsadda and Swabi, have been published (Ali 1994; Khan 1995b).

The survey in Charsadda District identified a total of 144 sites, of which 75 can be tentatively identified as sacred sites, that is Buddhist stupas, shrines and monasteries (Ali 1994). Many of these sacred sites, 35 in number, have been badly damaged or completely destroyed by illegal excavations for antiquities (Fig. 2). In addition to furnishing us with actual statistical data for the destruction of sites, the reports of inhabitants and informants allow a better understanding of



Figure 2. Damaged site at Rajar Dheri, Charsadda.



Figure 3. Members of the Provincial Department of Archaeology, Government of NWFP, halting illegal digging at Shaikhani Dheri, Charsadda.

the dynamics of looting (Fig. 3). The land was variously owned either by individuals, such as Maluk owner of Kanizaka (Ali 1994, 19); by tribes, such as the Alim Zai ownership of Khar Bandai (Ali 1994, 8); by the government, such as the school at Ibrahim Zai (Ali 1994, 17) or the Police station at Khan Mahi I (Ali 1994, 20) and the Irrigation Department resthouse at Utmanzai (Ali 1994, 21); or might even be in collective village ownership, as at Hindu Kamar (Ali 1994, 44). Some sites had been excavated by farmers or villagers living in the vicinity, as in the case of



Figure 4. Damaged monastic complex at Aziz Dheri, Swabi.



Figure 5. Damaged stupa dome at Shnaisha, Swat.

Bajuro Kili (Ali 1994, 26) and Khar Bandai (Ali 1994, 39), but others appear to have attracted individuals and groups from further afield. Sculptures from the site of Spinawrai, for example, were first excavated in the mid-1980s by an individual from Mardan but more were found as recently as 1992 by a group from Peshawar and Charsadda (Ali 1994, 40). Groups from Peshawar were reported to have worked at Jhara Sikandar Abad (Ali 1994, 45). Whilst some excavators only worked at night as at Utmanzai (Ali 1994, 43), informants reported that very large groups of individuals were daily engaged in illegal excavation

at other sites. As many as 60 people were present at Mra Dherai (Ali 1994, 42). Whilst some sites were worked by hand, others were robbed with the use of bulldozers (e.g. Rai Dherai 1; Ali 1994, 16). It is increasingly reported that some individuals are now using metal detectors. The Swabi District survey has provided a similar picture and the surveyor stated that 'As elsewhere in the province, the rich cultural heritage represented by Buddhist stupas and monasteries has been severely disturbed by antiquity robbers' (Khan 1995b, 90). Of the 102 sites identified by the survey, 32 were classified as sacred or Buddhist sites. Fifteen had been badly damaged by illegal excavators seeking sculpture although one, Aziz Dheri (Ali 1994, 106) has since been the focus of salvage excavations by the Provincial Department of Archaeology (Fig. 4) and another, Dalurai, is now

protected by the Federal Department of Archaeology and Museums (Ali 1994, 109). The site of Hund on the banks of the Indus has also been the subject of rescue excavations conducted by the University of Peshawar in 1996.

The picture within the northern valleys of Buner, Chitral, Dir and Swat is less clear and the results of the 1980 surveys of these areas by Dr Abdur Rehman and Mr Farid Khan are keenly awaited. Under the auspices of the Gandhara Archaeological Project, a number of the threatened survey sites, Butkara III, Shnaisha and Marjanai, were excavated by the University of Peshawar

(Rehman 1993; Khan 1995a). The excavator of Shnaisha, Professor Abdur Rehman, stated that it 'has been well known to art robbers in Swat as a rich source of sculptures. Consequently it was plundered several times in the past . . . Some people in the neighbourhood who had actively participated in these plunderings as hired labour are still alive' (Fig. 5) (1993, 12). Such was the reputation of the site that during the excavation, five looters were arrested by the police after 'a gang of armed robbers raided the site,



Figure 6. Damaged stupa at Malam Jaba, Swat.

tied up the watchman and started digging for themselves' (Rehman 1993, 14). Even in the absence of the survey reports of Rehman and Khan, it is possible to refer to the survey of Dr M. Ashraf Khan of the Federal Department of Archaeology (1993). He studied 17 of the best preserved Buddhist monuments in the Swat valley and recorded that a total of 11 (Shnaisha, Malam Jaba (Fig. 6), Gumbatuna, Sisaka Kandaro Patay Dadahara, Shingardar stupa, Barikot, Tokardara, Abba Sahib China and Topedara) had been disturbed and damaged by sculpture robbers and clandestine diggers (Khan 1993). Whilst a number of the sites had been excavated in antiquity, Khan relates that the recent scale of illegal digging has forced the Federal Department, the University of Peshawar and the Italian Mission to mount emergency salvage excavations and summarizes the situation:

Unfortunately, the treasure hunters, who are actively busy in the clandestine dealing of antiquities, have robbed these sites for many years and have taken out unique antiquities to foreign countries in their lust for money. These antiquities hunters have destroyed the sites to such an extent that now it becomes impossible to reconstruct their sequence and chronology (Khan 1993, 17).

Whilst some illicit excavators have used the sculpture for utilitarian purposes, such as a pillar support at Mani Khela (Ali 1992, 41), or have

destroyed it, as at Sandasar II Chena (Ali 1992, 48), much has been sold. Some has been disposed of locally as recorded from Ghazgi Spinawari Dherai (Ali 1992, 44), but much material is recorded to have been sold in Peshawar as in the case of sculpture from Ghazgi Spinawari Dherai (Ali 1992, 44) and Pappu Dherai (Ali 1992, 47). Indeed, an informant from the latter site reported that his main profession for decades has been the illegal excavation of materials and that most of this material was then sold in Peshawar (Ali 1992, 47). Less information is available on the dispersal of antiquities from the Swabi survey region, but Shah Nazar Khan states that sculpture from one site, the Tarbela Dam Pump House, now in Japan, had been published by the collector, Kurita (Khan 1995b, 108) and that informants at Bruj stated that 'stucco images of the Buddha were recovered and smuggled out of the country' (Khan 1995b, 106). The availability of a fake sculpture from Kalu Khan and a fake Kharosthi inscription from Charbagh illustrate the quantities of imitation sculpture and artefacts which have been manufactured in an attempt to meet the market demand (Khan 1995b, 168). Khan comments that quantities of sculpture from one particularly rich site, Naranji, has 'led to a sharp increase in the price of the land on and around the site' (Khan 1995b, 107). It is also interesting to note that at one site, Khrakhpā, the survey team recovered two headless Buddha torsoes (Khan 1995b, 105),

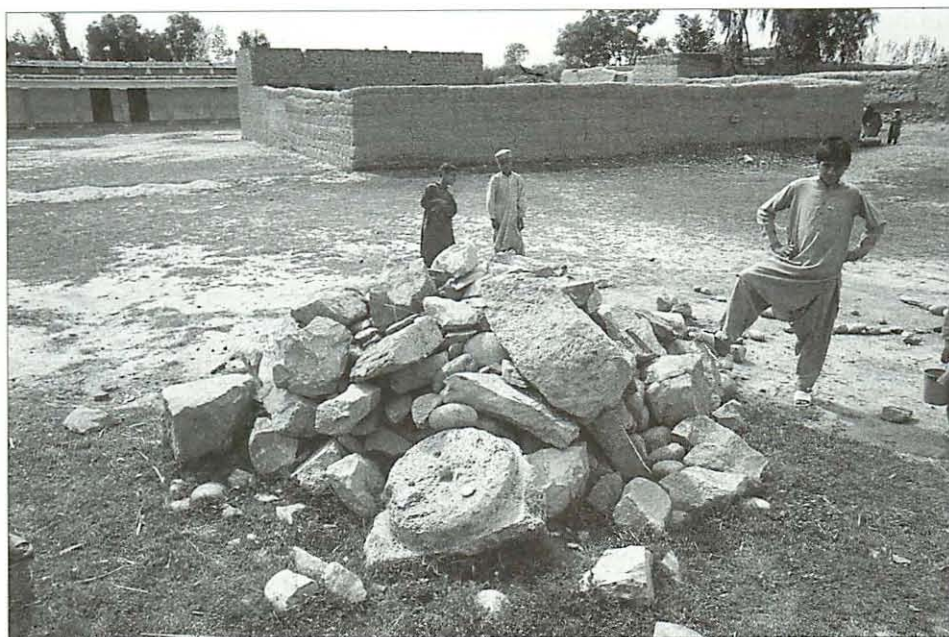


Figure 7. Robbed-out masonry at Shaikhan Dheri, Charsadda.

perhaps indicative of the practice noted in Buner by Professor F.A. Durrani, Vice-Chancellor Emeritus of Peshawar University, where dealers ‘unable to take the whole sculpture, detach the head with the help of a sharp steel saw’ (Durrani undated,4).

The presence of large quantities of Gandharan sculpture on the art market in East Asia, Europe and the United States is unsurprising. Recent material advertised in London within the *British Museum Magazine*, the journal of the British Museum Society, has included a 29 cm high stucco Buddha head with a provenance of Afghanistan (British Museum Society 1997a; 1998), a 1.25m high standing Bodhisattva from Pakistan (British Museum Society 1996; 1997b,c) and a female deity holding a lotus from Sahri Bahlol in Pakistan (British Museum Society 1994). A further 29 lots of Gandharan sculpture were advertised for Sotheby’s New York September 1998 auction, demonstrating again the wide-scale availability of material. Examples ranged from detached Buddha heads (lot 49) to monumental Bodhisattva figures (lot 11) (<http://www.sothebys.com/search/index.html>). Also advertised on the web are a schist panel from northeastern Pakistan (<http://www.asianart.com/eskenazi/image18.html>) and a silver reliquary from Pakistan (<http://www.asianart.com/jsinger/stupa.html>).

Whilst looting represents a major threat to

the cultural heritage of Pakistan, it is also clear from the surveys that a number of other factors should also be taken into account. These factors are fuelled by population expansion and include the demand for building materials, more land for cultivation, more land for housing and more land for graveyards! The data from the Charsadda survey demonstrated that although 89 of its 144 surveyed sites had been badly damaged or destroyed, illegal looting

only accounted for 26 of these (Ali 1994). The balance included sites, such as Ghrumbak (Ali 1994), which are now used as graveyards; one site which had been levelled for cultivation; and a further 27 sites, such as Kula Dhand (Ali 1994, 8), which had been covered by modern housing — a phenomenon made worse by the presence of large numbers of Afghan refugees (Ali 1994). This pattern is repeated in the data from Swabi, where just under half of the 31 sacred sites and a further 5 non-sacred sites had been destroyed by illegal excavations. The total number of sites destroyed by illicit excavation (20) is, however, put into perspective by the count of sites destroyed by other activities. Of the 102 surveyed sites one, Burjo Kanai, had been used as a source for brick-making (Khan 1995b, 92), 17 had been levelled in order to provide cultivable land (e.g. Rasuli: Khan 1995b), three had been destroyed in order to sell the stone for building materials (e.g. Panjpir Dherai: Khan 1995b, 107) (Fig. 7), seven had been converted into graveyards (e.g. Ittam Dherai: Khan 1995b, 93), two had been badly damaged by the construction of new canals (e.g. Putraki Dherai: Khan 1995b, 94) and six had been built over (e.g. Qadami Dherai: Khan 1995b, 95). Some had even been used as the sites for new villages for people displaced by the Tarbela Dam project in 1971 (e.g. Nakra Dherai: Khan 1995b, 96; and Kaya: Khan 1995b, 99). Again this is not necessarily a new type of threat.

Stein recorded that a large number of sites in Swat had been destroyed for building stone (1929, 31) as did Dani some forty years later (1971). Wheeler noted a similar phenomenon at the city site of Shaikhani Dheri in 1958 (1962, 16) as well as the damage caused to the Bala Hisar of Charsadda by local villagers cutting into the mound for top-dressing for their fields in 1944 (Wheeler 1962, 10). The Government of Pakistan, through the Federal and Provincial Departments of Archaeology and the Universities, and a number of NGOs, such as the National Heritage Foundation, is rapidly and positively responding to these threats to its cultural heritage — a response which should be more widely recognized and applauded. However, as noted by Professor Durrani, these efforts are limited by scarcities of material resources. Assistance is needed in both the national and international arenas and it has been suggested that whilst the UNIDROIT Convention may address some of the international aspects, the underlying local factors may be best addressed at grass-roots level by the establishment of local museums in order to raise the awareness of local cultural heritage (Ali 1994, 6). The attrition caused by well over a century of collecting must be slowed down or stopped. If it is not, we should heed Professor Taj Ali's words:

If we do not act promptly, even the few remaining vestiges of the Gandharan civilisation which have survived the depredations of illegal excavation, will disappear from the face of the earth (Ali 1995, i).

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Cyprus mosaics

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It now looks as though Michel van Rijn will not give evidence in the case of Aydin Dikmen. Van Rijn, was the Dutch art dealer who masterminded the 'sting' in October 1997 which led to the arrest of Dikmen, a Turkish dealer living in Munich, and the recovery of several frescoes, mosaics and icons looted from churches in Cyprus after the invasion of the Turks in 1974. Van Rijn is currently living under police protection at an undisclosed address in London, and has reportedly received death threats from unspecified sources but he has settled his differences with the Republic of Cyprus and the Autocephalous Church of Cyprus over the fee he had charged for his part in the recovery.

For obvious reasons van Rijn is not anxious to give evidence against the Turk who, if convicted, faces up to fifteen years in prison. However, van Rijn has made available to the Cypriot authorities (who are seeking the extradition of Dikmen to Cyprus, where he will face additional charges) a fake mosaic of St Andreas which van Rijn says Dikmen sold to him. Van Rijn had been holding this back as a bargaining ploy with the Cypriot authorities, because under German law the sale of fake goods is a very serious but

quite separate offence from handling stolen material. This means that, in theory at least, Dikmen faces an even longer sentence if found guilty.

The existence of the fake St Andreas also implies that the real mosaic is still missing. The Cypriots are being kept guessing as to whether the real version is still owned by Dikmen or is in van Rijn's possession. Either way, it appears that although three addresses belonging to Dikmen have already yielded 50–60 crates of material, containing 139 icons, 61 frescoes and four mosaics, valued at around \$40 million, still more material could come to light, given the right circumstances. (An estimated 15,000–20,000 icons and several dozen frescoes and mosaics disappeared after the invasion.)

As this issue of *Culture Without Context* went to press, it was reported that lawyers for Dikmen were trying to negotiate a deal with the various authorities. This, presumably, would involve a shorter, or non-custodial sentence for Dikmen, in return for the handing over of more material. The case of the Kanakaria mosaics is still far from complete.

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Conference Report

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Art, Antiquity and the Law: a conference held at Rutgers University 30th October–2nd November 1998

A distinguished audience gathered for this two and a half day meeting to consider and debate the legal and practical aspects of the looting of archaeological sites and the licit and illicit movement of antiquities across national frontiers. The conference was structured around a series of sessions devoted either to regional reviews or thematic panels. Seven regions were selected for particular focus: the Middle East, Africa, China, Italy, Latin America, the Ukraine and Bosnia-Herzegovina. Not all were afflicted by the same problems. In the Middle East, the chief cause of current problems was recognized as being international sanctions against Iraq, especially those which prevented the Iraqi antiquities department from protecting or recording threatened archaeological sites. Calls were made for the modification of international sanctions to supply the Iraqi antiquities officials with the materials and equipment they need to combat the current crisis.

The scale of antiquities looting in many African and Latin American countries was once again underlined. African speakers were concerned, however, to demonstrate the falsity of the notion that Africa ‘deserves’ the looting because it cannot protect its own antiquities. Both here and in Latin America, campaigns of local education had been shown to be effective in recruiting local support to protect archaeological sites against the depredations of looters. In Mali, for example, missions of Education and Interdiction had been effective locally in suppressing looting, though shortage of resources (including personnel) were hampering efforts to develop this approach to its fullest potential.

Very different again were the problems faced in Bosnia-Herzegovina, where ethnic conflict had led to the systematic and intentional destruction of the cultural and religious monuments of certain ethnic groups. It was suggested that this should be combated by classifying in-

tentional destruction of the cultural heritage as a crime against humanity.

The thematic panels considered more general questions, including how museums should respond to the growth of antiquities looting, and the effectiveness of UNIDROIT and other measures in suppressing the illicit traffic. Museums were concerned that procedures should be changed to allow longer-term loans of material from antiquities-rich countries to western museums. For suppressing the illicit traffic, the importance was stressed of bilateral agreements, such as those between the US and Guatemala. A recurrent theme was the need for stronger sanctions to oblige would-be purchasers (whether dealers, collectors, or museums) to take responsibility for checking thoroughly the legitimacy of any objects they wished to acquire. The phrase ‘due diligence’ was one which commanded general approval among participants — that a would-be purchaser must exercise due diligence to ensure that the object in question had not been stolen or illegally exported or imported from its country of origin.

The conference ended with the adoption of a series of five resolutions, arising from the debates of the previous days:

1. Believing that the ethical and legal acquisition of ancient art and artefacts is in the best interests of institutional and private collectors in their role as stewards of the cultural heritage, and benefits both public education and international cooperation, we urge that:

- Museums, dealers, and collectors should adopt and adhere to the principles of the International Council of Museums (ICOM) Code of Ethics, implementing acquisition procedures to the highest feasible standards of due diligence, in order to sustain a licit exchange and trade in such objects.

2. Convinced that the looting of antiquities deprives them of their historical context and causes the destruction of archaeological sites, we encourage nations rich in antiquities:

- Not to lend works of art and antiquities to museums that continue to acquire looted materials illegally removed from those nations.

3. Convinced that the international exchange of cultural property is of great importance for stimulating understanding and respect for foreign

cultures and for the education of future generations, we encourage the governments of all nations:

- To promote long-term loans of cultural objects to foreign museums and other institutions, in compliance with international standards.
- To amend national laws, which limit the duration of such loans too restrictively, in order to provide for a minimum two-year loan period for exhibition purposes.

4. Recognizing the present crisis atmosphere, we express grave concern for the safety of the world's cultural heritage in Iraq. The continuing international sanctions, imposed by the United Nations following the Persian Gulf conflict of 1991, have brought archaeological research, conservation, and museum activities in Iraq to a standstill. The Department of Antiquities is unable to retain professional staff and guards to protect even the most famous Sumerian, Babylonian, Assyrian, and Islamic sites from systematic, large-scale looting. The training of new Iraqi archaeologists is hindered by the embargo on current publications and by their isolation from on-going international research. In consequence, there is a loss of irreplaceable information on human history and a flood of smuggled Mesopotamian artefacts into the international antiquities market. The result will be a long-term adverse effect on the management of cultural heritage in Iraq. We therefore urge the United Nations Security Council:

- To exclude the cultural and educational spheres from the embargo.
- To allow the supply to Iraq of materials and publications related to cultural activities.
- To allow the resumption of foreign scholarly participation in cultural heritage-related activities in Iraq.

5. Aware that international cooperation is essential for the safe-guarding of the world's cultural patrimony, we urge all nations to become party to the relevant international agreements for the protection of the cultural heritage, including the

- Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, 1954
- UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, 1970
- UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects, 1995

We further urge that:

- General treaties, such as the Optional Protocol 1 (1977) to the Geneva Conventions and the Statute of the International Criminal Tribunal, which criminalizes serious offences against the cultural heritage, should be observed and enforced.
- All nations should take part in the Diplomatic Conference to be held in Amsterdam in March, 1999, to adopt new provisions to reinforce the effectiveness of the Hague Convention 1954.

6. Concerned that large numbers of cultural monuments have been destroyed during armed conflicts in Bosnia-Herzegovina and elsewhere, we express dismay that much of this destruction has been deliberate and systematic. The aim has been to weaken the identity and resolve of a supposed enemy, to undermine its historic claim to territory, and to rewrite history, reinforcing political claims while perverting the aims of objective scholarship. Such trends conscript culture and history as political and military tools, and represent a descent towards barbarism that all scholars have a duty to resist. Regretting the failure to implement the provisions of the Hague and Geneva Conventions protecting religious and cultural monuments in time of war, we consequently call for:

- Support for the review of the conventions with the aim of strengthening them, effective enforcement of the provisions of the conventions, and the punishment of the guilty.
- The establishment of a standing group of universities, cultural organizations, and professional associations to campaign for such actions.
- The creation of a steering committee to organize, monitor, and publicize immediately necessary actions.

The conference participants present at the November 1 session approved the above resolutions unanimously, with one abstention registered for each resolution (by the UNESCO representative per the requirements of her office) and two abstentions on resolution 4. The resolutions were proposed by Claire Lyons, Wolf-Dieter Heilmeyer, Kurt Siehr, Malcolm Bell III, McGuire Gibson, John Malcolm Russell, Zainab Bahrani, Samuel Paley, John Yarwood, Muhamed Filipovic, and Jerrilyn Dodds.

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Illicit Antiquities Research Centre

Statement of Intent

The Illicit Antiquities Research Centre has been established in response to concerns expressed about the loss to our knowledge of the past caused by the illicit excavation of archaeological sites. It intends to:

1. Raise public awareness in Britain and internationally about this issue and seek appropriate national and international legislation, codes of conduct and other conventions to place restraint upon it;
2. Monitor the sale and transfer of illicit antiquities within the UK and raise public awareness of the scale of such sale and transfer overseas;
3. Develop an overview of the national and international legislation bearing on these issues;
4. Argue, as a provisional measure, for the widespread adoption of the central tenet of the 1970 UNESCO convention on the illicit transfer of cultural property, that unprovenanced artefacts which cannot be shown to have been known and published prior to 1970 should be regarded as illicit and should not be acquired by public collections whether by purchase, gift or bequest nor exhibited by them on long- or short-term loan and should not be purchased by responsible private collectors. It should be recognized, however, that local or national museums may on occasion be the appropriate repository for such unprovenanced objects as can be shown with reasonable confidence to have originated within the territory of their responsibility.
5. Seek agreement among national organizations and museums in the UK on the appropriate policy for such bodies to adopt on the acquisition, display and publication of unprovenanced artefacts;
6. Seek to cooperate with dealers and auction houses in furthering the evolution towards the understanding of such issues and the adherence to appropriate practices;
7. Work with the Council for British Archaeology and other British bodies to encourage the application of appropriate principles to portable antiquities originating within the United Kingdom;
8. Investigate and make known illicit activities relating to antiquities in the Near East, Egypt and Asia Minor and to publish such information in the periodical *Culture without Context*;
9. Select such other geographical areas for comparable investigation and publication as may be practicable;
10. Establish working relationships with data-search organizations relating to stolen antiquities (i.e. antiquities which formed part of a recognized collection from which they were stolen) as well as illicitly excavated antiquities which have not, so far as is known, been recognized as forming part of a public collection or a major and well documented private collection;
11. Promote educational measures which will stimulate and develop respect for the archaeological heritage of all nations.