

Culture Without Context



The Newsletter of the Illicit Antiquities Research Centre

Issue 5, Autumn 1999

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

Illicit Antiquities Research Centre

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


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Editorial

It was a privilege for the Illicit Antiquities Research Centre to host over the weekend 22–25 October a symposium entitled: *Illicit Antiquities: the Destruction of the World's Archaeological Heritage*. Over fifty archaeologists, police officers, government ministers and lawyers gathered to discuss papers on the looting of archaeological sites, the size of the market, the culpability of museums and the legal problems that face claims for restitution. The symposium adopted a resolution calling for an end to the collection and trade of illicit antiquities and announced the formation of a Committee to work towards the establishment of an International Standing Conference on the Traffic in Illicit Antiquities (ISCOTIA) whose members will be drawn from governmental, non-governmental and professional organizations worldwide. A full report begins on page 16.

 'Innocent until proven guilty' is a principle the trade is quite happy with when the provenance of a piece is in question, but far less so when it is its authenticity. There are good financial reasons for this. A piece without provenance may be worth less than one with, but an inauthentic piece — let us call it a fake — is indeed worthless. But despite the best efforts of the trade fakes still continue to turn up. Our attention is captured by high profile cases such as the 'Getty Kouros', an Archaic Greek statue which may (or may not) be authentic, but more worrying perhaps is the entry onto the market of large numbers of smaller pieces. Last year in the *New Yorker* for instance Alexander Stille told of a small factory near the city of Xi'an, burial place of China's first emperor Qin Shihuang (with his famous terracotta army), where workers quite legitimately turn out replicas of the ceramic soldiers, complete with signs of wear and added mud to make them look freshly excavated. When Chinese archaeologists visited the United Kingdom recently to reclaim 3700 pieces of stolen archaeological material they rejected nearly 500 as fake.

When a dealer guarantees the authenticity of a piece the customer should ask for the evidence upon which the guarantee is based to be produced. Is it a thermoluminescence date? Is it a properly

recorded provenance? Is it the considered opinion of an expert? If such evidence is not forthcoming then the piece should be avoided. Indeed, in a recent issue of *Biblical Archaeology Review* Hershel Shanks, not an extreme anti-trade figure by anybody's reckoning, warned potential collectors to stay out of the antiquities market altogether unless they were willing to risk acquiring a forgery.



An Italian request for import restrictions to be placed on archaeological material dating from the fifth millennium BC to the fifth century BC was discussed in October at a meeting of the US State Department's Cultural Property Advisory Committee (CPAC). The hearing was a lively one by all accounts as dealers and archaeologists presented their respective cases. But the hysteria which surrounded the event is hard to understand if the arguments of the trade are to be believed. If, as they maintain, nothing is now being smuggled out of Italy, and newly surfacing objects come from legitimate collections around the world, why were they worried? Why did they even bother to turn up and argue? Import restrictions after all would only apply to material moved out of Italy after the date of any agreement. Perhaps, after all, there is some smuggling going on. And perhaps the dealers know it.

Meanwhile New York Senators Daniel Patrick Moynihan and Charles Schumer have proposed an amendment to the 1983 UNESCO implementing legislation with the aim, they say, of making the CPAC more public. It is a shame that their desire to see an open society does not reach as far as the trade. It is, after all, the continuing refusal of the trade to carry on its business in public which is the cause of all the problems in the first place.



Still, within a couple of years it will, hopefully, be possible to read about British hearings in the editorial columns of *Culture Without Context*. In October Parliament announced its intention to hold an inquiry into, amongst other things, the advantages, disadvantages, requirements and consequences of United Kingdom ratification of the 1995 Unidroit Convention on Stolen or Illegally Exported Cultural Objects and the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import,

Export, and Transfer of Ownership of Cultural Property. Those who wish to draw attention to matters relevant to the inquiry should write to Colin Lee, Clerk of the Culture, Media and Sport

Committee, Committee Office, House of Commons, 7 Millbank, London SW1P 3JA.

NEIL BRODIE

Euphronios kylix update

PETER WATSON

Fragments of an Attic Greek red-figured terracotta drinking cup, or kylix, produced by the fifth-century BC potter Euphronios, were returned in January 1999 by the J. Paul Getty Museum in Los Angeles to the government of Italy. This followed revelations in Rome that three other fragments from the same kylix had been discovered by the carabinieri's art squad in the possession of Giacomo Medici.

Mr Medici is currently awaiting trial in Italy on charges of smuggling antiquities out of the country. He was the subject of a Channel 4 documentary in 1997, which showed that many of the unprovenanced antiquities which passed through his hands were subsequently sold at Sotheby's auction house in London.

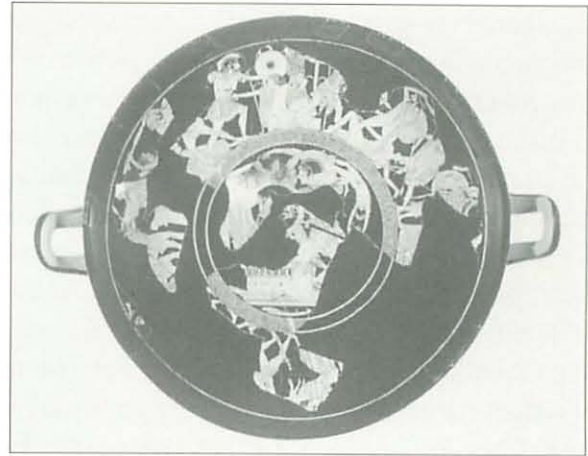
The Euphronios kylix, which dates from c. 490 BC, was painted by Onesimos and shows scenes of the Trojan war, featuring Helen and Menelaus, figures of duellers, and Apollo and Ajax.

In exchange for the carabinieri agreeing to drop charges (in this one case) against Mr Medici, he has agreed to cooperate fully in their inquiries.

These have shown that the first fragment of this vase came to light in the 1960s, in the possession of Dietrich von Bothmer of the Metropolitan Museum in New York. He passed it to the J. Paul Getty Museum. Other fragments were acquired by the Getty beginning in 1982, after which the kylix was published in an article by Geoffrey Williams.

The carabinieri believe that the bulk of the vase was illegally excavated 'about twenty years ago' from Cerveteri, an Etruscan site near Rome. Apart from the fragments housed in the Getty Museum, other fragments were illegally exported to Switzerland in May 1991 and photographs of these fragments were offered on the Paris market.

The value of the three fragments returned by the Getty has been put at \$500,000 by the carabinieri, with the value of the complete kylix



The Euphronios kylix.

set at 10 billion lire, or close to \$5 million. Marion True, curator of antiquities at the J. Paul Getty Museum, would not divulge the name of the European dealer from whom the museum acquired the fragments, or the price paid. The kylix was returned voluntarily, following the museum's new (1995) acquisitions policy for collecting antiquities, which calls for 'prompt return of objects to their country of origin should information come to light that convinces us that this is the appropriate action to take'.

The carabinieri's aim in publicizing this case is two-fold. First, they wish to 'burn' the name of Giacomo Medici in the antiquities trade, to publicize as widely as possible his involvement in illicit antiquities so that no one can be in any doubt that objects once in his possession are suspect.

Second, the Italian police are sending out signals to other owners of fragments of the kylix. They have made it plain that, in return for not being prosecuted in this one case, Mr Medici has revealed to them who else owns the remaining missing fragments. We may take it therefore that the carabinieri are using official diplomatic and law enforcement channels to recover these other fragments. This story is not yet over.

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In the News

JENNY DOOLE

Greek Discoveries

- A wreath of **138 golden olive leaves**, dating from the Hellenistic period and stolen in June from **Halkida Archaeological Museum**, on the island of Evia, Greece, has reportedly been found hidden in a garden shed. Police questioned an unemployed man who had allegedly made arrangements to sell the wreath. There had been no sign of a break-in at the museum and other objects in the same display case were untouched.
- **271 artefacts**, stolen nine years ago from the **Archaeological Museum of Ancient Corinth**, were recovered by the FBI from 12 fish crates in a **Miami** storage depot in September. Athens Police Chief Pavlos Roubis said investigators had acted on a tip-off. No arrests have been made although a spokesman for the Greek Embassy in Washington indicated that Greek police know who was responsible and are preparing a case.

During the raid, early in the morning of 12 April 1990, four robbers overcame an unarmed guard. The objects — including pieces such as a fifth-century BC marble head of a Kouros, a small marble statue of Pan, 13 Hellenistic and Roman marble heads, as well as 164 varied ceramic vessels — were recovered in good condition and were taken to FBI offices in New York as evidence. A skyphos from the haul had appeared for sale in an international catalogue in 1997. Three items are still missing: a marble bust of Julius Caesar, and carved marble heads of Eros and Serapis.



Museum Matters

Ethical problems for museums once again feature in the news:

- The major museum exhibition, *The Maya*, has transferred from Venice's Palazzo Grassi to Mexico without some of its exhibits. The artefacts, originally **removed illegally from Mexico**, were reportedly withdrawn by European museum curators who believed that the Mexican government might impound them in Mexico. According to Dolores Beistegui, director of the San Ildefonso museum, 'Bringing them here would seem to be asking for trouble'. *The Maya* also includes some stolen pieces which have been recovered by the Mexican government.
- **316 Native American artefacts** recently donated to the **Nevada State Museum** in Carson City, by the mother of collector Stephan Mueller (now deceased), were apparently removed illegally from public lands in remote areas of **Utah and Nevada**. The collection contains tools, seed bags and moccasins with an estimated value of more than \$10,000. Officials say Mueller's mother has now vanished. The material will remain at the museum for the time being.



Italy: Stolen Columns, Souvenirs & Etruscan Tombs

- A 3-ft high, 265 lb **pink marble column** was stolen in September from the **Nymphaeum, of Hadrian's Villa, Tivoli** near Rome. Thieves are believed to have scaled a 5-ft-high fence and loaded the column onto a truck. Superintendent of Archaeology, Anna Maria Reggiani regretted the timing and symbolism of the theft, which followed the £10 million restoration of the ruins.
- **General Roberto Conforti**, head of the Carabinieri Anti-Art Theft Squad said that columns have also disappeared from the **Appian Way**.

- Three **German tourists** were arrested in **Siena**, given six-month suspended sentences and fined £150 each for taking bricks stamped with heraldic emblems from a **Renaissance palazzo** undergoing restoration. General Conforti commented that tourists unable to resist taking a 'souvenir' often cause as much damage to sites and monuments as professional thieves, saying that Italy's penalties for such thefts constitute an insufficient deterrent.
- The Guardia di Finanza (Italian tax police) have announced the discovery of a large ninth- to fourth-century BC **Etruscan necropolis at Cerveteri**, west of Rome. Archaeologist Maria Antonietta Rizzo described the discovery as 'a great victory in the fight against the illicit trade of Etruscan works' which are in ever-increasing demand by collectors. For the first time archaeologists will be able to apply modern archaeological techniques to study some **280 unlooted tombs**, containing thousands of artefacts including funerary vases, jewellery, local and imported bronzework. The cemetery was found during an archaeological survey of the area carried out because of concern about rampant looting.



Statistics

- **Abdellah Salih**, of Morocco's Ministry of Cultural Affairs, estimates that **40 per cent of ancient rock engravings and 10 per cent of rock paintings** in the region have been stolen or damaged by looters.
- Italian police statistics report a **sharp drop** of almost **40 per cent** in theft from archaeological sites in the last year.
- June: **Teresa Franco y Gonzalez**, director of Mexico's National Institute of Anthropology and History, announced that more than **10,000 artefacts** looted from archaeological sites in the country have been recovered by the government during the past year, seized by the federal attorney general's office or returned via Mexican consulates and embassies abroad. She commented that nearly all such looting occurs in non-tourist areas.
- It is reported that **90 per cent of objects** confiscated in the international airport at Lima, Peru are souvenir replicas while many genuine artefacts are thought to slip through.



Underwater Treasure Hunting

- Spain has won her first victory in the war against treasure hunters. In July a US court ruled that **two frigates**, the *Juno* and *La Galga*, shipwrecked off Virginia in 1802 **belong to Spain** and not to the professional treasure hunter who found them.

The Spanish government has **outlawed commercial salvage** in its own waters and claims all wrecked Spanish ships as state property. A Spanish foreign ministry spokesman said 'Any Spanish galleon found in future will be reclaimed by the Spanish authorities'.

In recent years Spanish museums have paid out vast sums of money to buy, or rent for display, antiquities found by private treasure hunters. Experts say it would be cheaper for the Spanish to mount their own salvage operations, especially since treasure hunters' main information resource for locating potentially valuable wrecks is Spain's own Archive of the Indies, in Seville.

- Some countries, like **Cuba and the Dominican Republic**, have signed deals with commercial companies which allow them to search their waters in return for a percentage of any treasure found. The Association for the Salvage of Spanish Galleons which supplied some of the legal research used in the US court case believes that legal actions are unlikely to be effective in these cases.

Cambodian Update & Thai Crackdown

The looting crisis in Cambodia continues to feature frequently in news reports, along with increasing evidence of a Thai crackdown on smuggling. Many reports highlight the link between stolen and faked antiquities:

- Sor Vathana, researcher with the Cambodian Government's Department of Antiquities highlighted the case of a **small Buddha head** recently hammered and chiseled out of a wall in the temple of **Kroal Kor**. She commented that usually looting techniques are 'much more sophisticated'. There is speculation that looting has reached epidemic proportions in recent months partly because of the regional economic crisis.
- Police investigators believe that about **ten freelance gangs** are now looting the 15-square-mile **Angkor area**.
- Two truck drivers whose lorries were impounded at the Cambodian/Thai border in January carrying **117 pieces of sandstone** reliefs looted from the Khmer temple of **Banteay Chmar** (see 'In The News', Issue 4) are now in jail. The loot has been returned to Cambodia by Thai authorities.
- **Ten people**, including two police officers, are reported to have been **arrested since late May** in connection with looting at four ancient temples in the **Angkor complex**. A newspaper reported that the thieves had removed **ten statue heads, a full statue and a bas-relief carving of an elephant**.
- In July, Thai officials announced their biggest ever recovery of illicit antiquities — probably smuggled from **Cambodia**. They discovered **40 tons of stone carvings** dating back to the eighth century after dredging ponds in the old royal capital of **Ayutthaya, north of Bangkok**. Subsequent reports indicate that the hoard probably consisted of

fakes, which were being kept underwater to 'age' them.

- Shortly afterwards Thai customs agents seized **29 wooden crates containing 43 Cambodian antiquities** including Buddhist and Hindu sculptures, weighing several tons and estimated to be worth millions of dollars. Although usually such consignments are smuggled over land, these are believed to have arrived in Bangkok by sea freighter via Singapore from the Cambodian port of **Sihnoukville**. Three Thai men listed as receiving agents on the invoices, which described the shipments as polished sandstone, were arrested.
- A **crackdown on antiquities smugglers** ordered by Thai acting Education Minister Somsak Prisana-anantakul resulted in the impounding by police of **110 artefacts** believed to have been smuggled from **Cambodia** after forced searches of antique shops in the **Riverside Shopping Mall, Bangkok**. If the items prove to be genuine then legal action will be taken, said a police spokesman.
- Acting minister Somsak said that **Thailand** is in the process of drafting **tougher laws** against illicit antiquities dealers.



'Steinhardt Phiale' Decision

On 12 July, the Second Circuit Court of Appeals in New York made its ruling in the case of *U.S. v. An Antique Platter of Gold*, otherwise known as 'the Steinhardt Phiale', **affirming that it should be forfeited** as the Federal District Court had ordered two years ago. The phiale, a fourth-century BC gold platter, was apparently **illegally exported from Caltavuturo**, northern Sicily, and imported into the US from Switzerland where it was purchased by antiquities collector Michael Steinhardt for \$1.2 million in 1992. It was seized by US Customs agents in 1995 in response to a request for assistance by the Republic of Italy.

The appeals court decreed that **misrepresentation of the country of origin** (entered as 'Switzerland' rather than Italy) on its documentation misled customs officials and violated customs regulations. The judgment avoided the key question as to whether, given that in Italy archaeological material is the property of the State, the phiale counted as stolen property in the USA under the National Stolen Property Act.

In a letter to the *Art Newspaper* in June **Robert Haber**, the dealer who imported the phiale into the US strongly denied that he made any false representation to the Customs Service explaining that a computer default on his broker's system caused the 'country of origin' box to be completed with name of the country from which the item was being shipped: Switzerland. The accompanying invoice, he argues, stated clearly that the platter was 'classical' dating to 'c. 450 BC' and, as such, was clearly not Swiss. He did not address the issue of the **value discrepancy** (reportedly listed on customs documentation as less than one quarter of the sale price), which had also been highlighted.

The court rejected Steinhardt's 'innocent owner' defense.

Seizures in Pakistan

Six gun-metal boxes containing stolen antiquities were seized in **May by Pakistani customs authorities** at an airstrip in Peshawar. Labelled as 'handicrafts of no commercial value', but estimated to be worth at least £20 million, they included **Gandharan carvings, coins, metal weaponry, tiles and gold jewellery** probably plundered from museums and excavations in Afghanistan.

The boxes were bound for **London, Frankfurt and Dubai** via Pakistan International Airlines (PIA). Two were addressed to **Artworld Shipping of London**, a freight forwarding agency who told *The Sunday Times* that they could find no record of a consignment due on that date.

The crates were discovered after police investigated the activities of **Peshawar dealer Haji Khalil** who had boasted that he could get

anything for the right price. Their suspicions had reportedly been aroused earlier this year when £150,000 of antiques were stolen from his shop, but no crime reported. PIA's security manager and a customs clearing agent apparently told police that Khalil had bribed them to ignore the consignments.

More 'Just Returns'

- **Four ancient sculptures** looted from Nepal have been **returned by a Los Angeles-based art collector** to the National Museum in Kathmandu. They are:

- a ninth-century Buddha image;
- a tenth-century Garudasana Vishnu image;
- the mutilated head of a twelfth-century Sarawati image;
- a fourteenth-century Surya image.

Nepalese Department of Archaeology officials did not reveal how the pieces were recovered nor how they were smuggled out of the country.

Jürgen Schick, author of *The Gods are Leaving the Country: Art Theft from Nepal* noted that this restitution was a 'historic event'. He added that Nepal has experienced less art theft in the nineties, commenting 'I guess there is not much left to steal'. Many remaining statues in Nepal are now protected by iron bars cemented into the ground to deter looters.

- In July **Jordan** handed over to Iraqi authorities more than 1000 Mesopotamian antiquities seized during a smuggling crackdown. Some were **cuneiform tablets, statues, incantation bowls and cylinder seals** which an Iraqi archaeologist said 'filled gaps in our knowledge of ancient languages and deeds of Mesopotamian monarchs'. **A three-foot-high statue of a Sumerian monarch** was also among the hoard, although it is impossible to tell which king is depicted since the looters chopped off his head.

Jordanian officials said the police had stopped a plane that was about to take off, but would give no further details.

- In August **Jordanian officials** returned to **Egypt 28 artefacts** seized from thieves at the Red Sea port of Aqaba in April. The smugglers remain in custody, but Egyptian officials have hinted they were Egyptians with a history of art smuggling.

The pieces, estimated to be worth tens of millions of dollars, were looted from Egyptian archaeological sites in the spring. They included the 66 lb **head of a statue of the god Serapis**, six turquoise and brown magic charms and 21 shawabtis.

- New York lawyers **Howard Spiegler and Lawrence Kaye**, acting on behalf of the **Guatemalan government**, have once again secured the return of a stolen antiquity — in this case a section hacked from a 1000-year old, 7½ ft, white stone stela carved in the shape of a standing figure. The carving, which depicts a masked, bejewelled human figure was offered for sale by an anonymous American collector who agreed to return it to Guatemala when its provenance (the site of **El Peru** in Petén) and history were revealed. Spiegler would not discuss how the collector had obtained the piece.



Guatemalan Consul General Fabiola Fuentes Orellana particularly thanked archaeologist **Ian Graham**, who recognized the stolen piece and alerted US Customs, and the collector for their co-operation. She emphasized that Guatemala will continue its tireless efforts to ensure that all antiquities illegally removed are found and 'brought home'.

Arrest in Tibet

Reports of the arrest of prominent **Tibetan art dealer, Tsering Tashi** have appeared in official media in Lhasa. He owns an exclusive art

gallery in Kathmandu with a Tibetan partner, has good connections in the international art world and travelled frequently to **Hong Kong**.

Media coverage indicates that Tsering Tashi's arrest may be linked to an early morning raid on **Yumbu Lagang palace** in Lhoka prefecture, in the Tibet Autonomous Region (TAR) in February, during which three men apparently stole **37 cultural relics** including a copper statue of Tibetan deity Chenresig. Ancient statues and a set of thangkas were stolen from **Nalendra monastery, Phenpo, TAR** at around the same time.

Dino-Mania

It seems worth mentioning that palaeontologists are facing a similar situation to archaeologists with sites and specimens looted to feed the commercial market.

- One of **Mongolia's** top palaeontologists, **Pagmin Narmandakh** has reported increasing incidence of looting of **dinosaur skeletons** in the **Gobi desert**, recognized as a cradle of dinosaur life. She says she doesn't know who is buying the skeletons, or how they make it out of the country, but the money trail allegedly leads to **China and Japan**.
- In August the FBI recovered from Europe a **T-rex jawbone** which had been stolen, in 1994, from a laboratory drawer in the **Museum of Paleontology, University of California, Berkeley**.

Mark Goodwin, principal scientist at the museum said that when the theft was discovered he was careful not to raise the alarm too loudly for fear that the thieves would go to ground and the fossil disappear. From 1997 onwards he began to notice **replicas** obviously made from the distinctive original appearing in fossil catalogues and museums. FBI agents working with local authorities tracked the fossil markets in **Germany and Belgium** and located the fossil, but could provide no further details as the investigation is still active.

US Bi-lateral Agreements

- On September 16, 1999, a **cultural property** request was received from the **Government of the Republic of Italy**. It seeks **U.S. import restrictions** on categories of archaeological material in stone, metal, ceramic, bone, and glass, and wall paintings from the fifth millennium BC to the fifth century AD. The Cultural Property Advisory Committee met to review the request on 12 and 13 October. It was vehemently opposed by dealers and Democrat senators **Moynihan and Shumen** (see Editorial).
- December: In response to a request from the Government of the Kingdom of **Cambodia** under Article 9 of the 1970 UNESCO Convention, the **US Government** imposed an emergency import restriction on certain **Khmer stone archaeological material** ranging in date from sixth–sixteenth century AD. The Cultural Property Advisory Committee, which reviewed Cambodia's request and recommended this action, found that the material is a part of the remains of the Khmer culture 'the record of which is in jeopardy from pillage, dismantling, dispersal, or fragmentation which is, or threatens to be, of crisis proportions'. The U.S. Department of State press release notes that the United States takes this action in the hope it will reduce the incentive for further pillage of the cultural heritage of the people of Cambodia.

Theft in LA

In Los Angeles, a collection of rare **Roman and Byzantine coins**, worth an estimated \$1,000,000 was stolen from a third floor apartment in a off-campus office and classroom used by **Loyola Marymount** university staff sometime between 25 and 27 June.

Looting in Lebanon

The Directorate-General of Antiquities in

Lebanon continues its work documenting the country's archaeological heritage (see 'In The News', Issue 4) noting that at the ruins of a **Roman temple at Al-Husayn** indications of illicit excavation were still clearly evident. Although broken column pieces were found, there was no sign of a single column base or capital.

Illicit Antiquities in Israel

Amir Ganor, chief of the theft prevention division of the **Israel Antiquities Authority** says that arrests for antiquities thefts have more than quadrupled since 1996, when only four illegal antiquities traders were arrested. He says that dealers want to stock up on ancient knik-knaks to sell to the many tourists expected to make a millennium pilgrimage to the country in future months. Authorities have been working to improve surveillance using infrared and night-vision binoculars, installing alarms and increasing foot patrols.

In Israel it is legal for licensed dealers to buy and sell antiquities. There are **70 licensed antiquities dealers** in the country, but Ganor estimates that **95 per cent** of their merchandise is stolen, although he cannot prove it.

Both Israeli and Palestinian authorities acknowledge that antiquities theft has increased in newly-Palestinian controlled areas. The fledgling **Palestinian Antiquities Authority** has promised to create an anti-theft division.

- May: A **local man** was apprehended completing a £13,000 sale of 300 antiquities — including **84 decorated oil lamps** (Hellenistic to Islamic period), Egyptian scarabs, amulets and other items — to a **Jerusalem shopkeeper**.
- An **unlicensed antiquities dealer** was caught in **Jaffa** in July, after a lengthy intelligence operation. He was offering for sale **Hellenistic and Roman coins** probably stolen from sites in the Jerusalem area. One was a rare bronze coin dating to the time of the **Bar-Kokhba revolt**. After pleading guilty

to unauthorized commerce in antiquities the man was freed on 5000 NIS bail.

Powers of Seizure

British Arts Minister Alan Howarth has emphasized that **H.M. Government** will use its **powers of seizure** to prevent the illegal export of archaeological material, following an incident in which an American attempted to **smuggle out his metal detecting finds**. The several hundred coins and metal items, found in Norfolk, are now owned by the **Norfolk Museum Service**.

Australian Mufti

The controversial **Mufti**, leader of Australia's Moslem community who was arrested in February for alleged involvement with a smuggling syndicate (see 'In The News', Issue 4) has told *The Sydney Morning Herald* that he was the target of a **conspiracy** by elements of the Egyptian authorities who want to ruin his reputation. Although he claimed that a judge had cleared him of any charges, the Australian Department of Foreign Affairs said their understanding from the Egyptian authorities was that the case remained unresolved and the Mufti would face **another court hearing** in Egypt.

Latin American Workshop

A regional workshop entitled *Fighting the Traffic of Objects of Cultural Heritage* was held in **Cuzco, Peru** early in October. Representatives of government and private cultural institutes from Latin America, and staff from art and antiquities units of Interpol, the FBI and Scotland Yard, met to explore options for preventing illicit trade. Maria Isabel Gomez, Ministry of Culture, **Colombia** identified lax laws as a major problem, but once again the crucial issue was seen to be education and awareness. The conference agreed on the need to create art registries and train police and customs agents, especially in recognizing **fakes**.

Local Hero

Archaeology enthusiast **Alex Pastrana** set off an unexpected chain of events when he confronted two men extracting antiquities from the ground near **Blue Creek**, a Maya site in northern Belize. The men had come across a **Protoclassic (AD 50–250) tomb** in a earlier storage pit and refused to stop digging when Pastrana challenged them. They allowed him to make notes and photograph *in situ* burial goods such as a **jade necklace, bracelet and 28 pots**, but outnumbered and with no authority to seize the artefacts, Pastrana had no choice but to leave. The next day he awoke to find all the pots piled outside his front door, but the following morning, alerted by rumours, government officials and police arrived to arrest him. The authorities changed their tune when they saw Pastrana's drawings and numbered lists.

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Lebanese Daily Star
Clare Lyons
Il Messaggero
The Miami Herald
Museum Security Net
National Geographic Magazine
The New Yorker
Reuters
The Salt Lake Tribune
The Sunday Times
The Times

We are always pleased to receive relevant press clippings and news items.

The concept of due diligence and the antiquities trade

NEIL BRODIE

In March 1999 the Council for the Prevention of Art Theft (CoPAT) introduced two codes of due diligence for use by art dealers and auctioneers. They were prepared in response to concerns mounting about the theft of art and other cultural material and its subsequent movement through the market. The high incidence of theft and the circulation of stolen material erodes public confidence and discourages potential purchasers, and it also generates financial risks. Dishonest dealers are few and far between but even an honest dealer, or collector or museum, may lose money if caught inadvertently in possession of stolen goods. Thus all sectors of the art market stand to benefit from a reduction in criminal activity, and it is against this background that the new CoPAT Codes should be considered.

The concept of 'due diligence' has come into focus over the past ten years following the judgement in *Indiana* on the return of the Kanakariá mosaic fragments to Cyprus and the drafting of the 1995 Unidroit Convention (where demonstration of due diligence at time of purchase is a necessary prerequisite of compensation should a stolen object be reclaimed).

The Kanakariá mosaic decision

In the 1989 Kanakariá case the Indiana District Court judge dismissed Peg Goldberg's claim of a good faith purchase on the grounds that she had not been adequately diligent at the time of purchase (Gerstenblith 1995, 113). In particular, she:

- knew that the mosaic fragments came from an area under military occupation;
- knew that the fragments were unique objects of a type that do not ordinarily enter commerce;
- knew that there was a great disparity between the apparent value of the fragments and the price paid;
- knew very little about the seller or the dealers involved, although she did know that one had a criminal record;

- knew that the transaction was carried out in great haste;
- made no enquiry about the status of the fragments to any Cypriot, cultural or commercial organization.

Any or all of these circumstances should have put her on her guard, and she could not in all honesty claim that she had not been aware of the illicit nature of her purchase.

The 1995 Unidroit Convention

Article 4(4) of the 1995 Unidroit Convention makes a similar set of recommendations for the exercise of due diligence in transactions involving cultural material:

In determining whether the possessor exercised due diligence, regard shall be had to all the circumstances of the acquisition, including the character of the parties, the price paid, whether the possessor consulted any reasonably accessible register of stolen cultural objects, and any other relevant information and documentation which it could reasonably have obtained, and whether the possessor consulted accessible agencies or took any step that a reasonable person would have taken in the circumstances.

Lyndel Prott (1997, 46) has discussed Article 4(4) in some detail. When considering the circumstances of the acquisition regard should be paid to the place and time of transfer and the type of packaging. Objects from areas known to have recently been heavily looted must be treated as suspect (e.g. Cambodia, Mali) and more rigorous investigation of their original acquisition is called for, while the illicit origin of some classes of antiquities can be presumed (Cycladic figurines, Apulian vases). Simple checks with registers or data bases of stolen art are not recognized by Prott as sufficient for cultural objects as, generally, they are not listed. She recommends instead that full use should be made of other resources such as the duplicate catalogue for the Kabul Museum held at Musée Guimet and that of the Angkor Conservation Centre held at the Ecole française de l'Extrême Orient.

The 1999 CoPAT Codes

The 1999 CoPAT Codes now set a standard of diligence which, if adhered to, is designed to protect honest dealers and auctioneers from the activities of thieves and their accomplices, and also to impede the free flow of stolen material

through the market. The dealers code recommends that they should endeavour to:

- Request a vendor to provide their name and address and to sign a form identifying the item for sale and confirming that it is the unencumbered property of the vendor and they are authorized to sell it, and this form will be dated.
- Verify the identity and address of new vendors and record the details.
- Be suspicious of any item whose asking price does not equate to its market value.
- If there is reason to believe an item may be stolen:
 - a) Attempt to retain the item while enquiries are made.
 - b) Contact the officer with responsibility for art and antiques within the local police force area.
 - c) Check with relevant stolen property registers.
 - d) Pass to the police any information which may help to identify the person(s) in possession of such items.
 - e) If still uncertain, refuse to buy, sell or value it.
- If requested, submit catalogues to the officer with responsibility for art and antiques within the local police force area.
- Look critically at any instance when requested to pay in cash and avoid doing so unless there is a strong and reputable reason to the contrary. In the absence of such a reason, pay by cheque or other method that provides an audit trail.
- Be aware of money-laundering regulations.
- Appoint a senior member of staff to whom employees can report suspicious activities.
- Ensure that all staff are aware of their responsibilities in respect of the above.

Previous codes of professional conduct have warned dealers to act with probity but the CoPAT codes go further in describing a set of specific precautions. Their introduction was accompanied by the appointment of an art and antiques liaison officer in each of the United Kingdom's 47 police forces in a move to maximize their effectiveness.

The archaeological point of view

From the point of view of the archaeologist concerned about the destruction of archaeological sites around the world, the CoPAT Codes may

seem at first sight to be largely irrelevant. Their purpose is to combat straightforward theft and they are designed accordingly. They are not intended to solve problems caused by the illegal export, smuggling or cross-jurisdictional transacting of antiquities. Thus, for instance, as pointed out by Prott, material recovered during unrecorded and illegal excavation will not appear on any stolen property register and its absence is no guarantee of its legality

Money laundering

It is interesting to note, however, that the CoPAT Codes draw attention to money-laundering regulations. This marks a significant departure from previous professional codes, and definitions of due diligence, and extends the concern of the CoPAT Codes to areas of international crime outside of straightforward theft and handling of stolen goods. It is not surprising. According to Scotland Yard the majority of art is stolen for the purpose of laundering money, and art sales are often components of the laundering process (Mayes 1996, 1; Ulph 1998, 343).

Antiquities dealers are at risk from the activities of money launderers just as surely as they are from those of thieves, and dealers in unprovenanced antiquities certainly have more to fear from recent legislation. Since the late 1980s, Parliament has approved a series of Acts aimed at discouraging crime by depriving criminals of its proceeds, and which have been co-ordinated and given better focus by the Money Laundering Regulations of 1993 which passed into British law as the implementation of EU Directive 91/308/EEC of 10 June 1991. It is now recognized that these new laws offer a better means of combatting art crime and, by extension, the illicit trade in antiquities, than those contained in the 1968 Theft Act. Indeed, one senior police officer has gone so far as to describe these new laws as a 'godsend' (Hill 1996, 288).

Suspicion or belief?

Under the Theft Act a dealer can be found guilty of handling stolen goods provided that it can be established that he or she had reasonable cause to believe that they were stolen. Mere suspicion of theft is not strong enough for a successful conviction. But now, under the 1988 Criminal Justice

Act and the 1994 Drug Trafficking Act, it seems that a dealer or auctioneer acting as an intermediary to arrange a transaction can be convicted of assisting another person to retain the proceeds of a crime, if there is good reason to suspect that one of the parties to the transaction has engaged in or benefited from a criminal action (Snaith 1998, 381). Legal commentators have not been slow to point out that suspicion implies a more uncertain state of knowledge than belief (*ibid.*, 381).

Yet it remains the case that the majority of antiquities on the market are without a full and properly documented provenance, and if the method of their original acquisition is unknown then it must be suspect. The appearance on the market of a previously unreported Apulian vase, for instance, must immediately arouse the suspicion that it has been recently looted or smuggled. And how could any reasonable person fail to realize that the flood of unprovenanced material now pouring through the market from the major drug producing areas of central and southeastern Asia and Latin America is anything other than suspect? Direct links between drugs trafficking and antiquities smuggling in Central America for instance have been reported on more than one occasion. In Belize and Guatemala jungle airstrips are used by criminals to smuggle out drugs and antiquities (Yemma 1997; Dorfman 1998; Varadarajan 1998) while at the receiving end a smuggler's plane arriving in Colorado from Mexico was found to contain 350 lb of marijuana and many thousands of dollars-worth of Pre-Columbian antiquities.

There is also evidence to suggest that antiquities are being used to launder money. In September 1999, 271 artefacts which had been stolen from the Corinth Museum in 1990 were recovered in a warehouse in Miami stored in twelve fish crates (Lynch 1999; also see 'In the News'). Yet in Miami where, over the past ten years, there have been several seizures of stolen or looted archaeological material (from Greece, Ireland, Peru and Guatemala), US Customs have discounted the presence of an organized 'antiquities smuggling racket' and blamed instead the large quantities of 'dirty' money present in south Florida (Tasker 1999).

Although the new CoPAT Codes were

ostensibly designed to tackle the problems caused to the art market by theft, the threats posed by launderers were also given some thought. As a result, the Codes are at some points similar to the money-laundering regulations (Snaith 1999), but there are also some significant omissions.

An audit trail is a central defence against laundering as it records the movement of money through the market. The CoPAT Codes require the identification and verification of vendors, and emphasize the need to create an audit trail by payment by cheque, but there is no similar requirement to record and verify the identity of a purchaser, so that any trail is lost at point of purchase. Dealers are also warned to be suspicious of asking prices which seem to depart from the apparent value of an object. But there are other circumstances which might provide grounds for suspicion, including payment by cash for high value objects and the unusual transfer of funds across jurisdictions, or from off-shore financial centres. The circumstances discussed by Prott in relation to Article 4(4) of the Unidroit Convention are also relevant, but not highlighted in either of the codes.

Provenance

But although there are many circumstances that may arouse suspicion, none do more than the absence of a properly documented provenance. Yet members of the antiquities trade continue to emphasize their policy of 'innocent until proven guilty' when considering the source of an acquisition, arguing that it is not their job to carry out exhaustive enquiries into an object's provenance. But in consequence, time and again, auction houses at least have been caught offering stolen material. In future their claim that there was no reason to believe that the material was stolen will be no defence. They have every reason now to suspect that unprovenanced material may well be stolen or otherwise connected with a criminal activity. The CoPAT Codes would have done well to point out that at points of purchase the principle of 'innocent until proven guilty', whatever its ethical basis, begins to look increasingly naïve in the international arena of late twentieth-century crime.

To protect themselves any dealer purchasing unprovenanced material should ensure that it

is accompanied by proper documentation, including export certification, from the country of origin. An export licence from an intermediary country is of no value whatsoever in this context, and indeed, in itself, is a cause for suspicion. If the correct documentation is not forthcoming then the purchase should be avoided.

EU Directive 91/308/EEC was designed to combat money laundering across Europe by imposing statutory regulation on the financial sector, and it is a measure of its success that launderers are now thought to be turning their attention to less well-regulated sectors of the economy, including the art market. It was in view of this that Mark Dalrymple, the Chairman of CoPAT, warned the trade that if a workable code of self-regulation cannot be achieved then statutory regulation will be imposed.¹ Indeed, the time for self-regulation may already be past. The money-laundering regulations of some EU countries already encompass antiquities dealers (Greece, Spain and Portugal) and the European Commission has recommended to the European Parliament that statutory regulation be extended to businesses and professions outside the traditional financial sector. Specific mention was made of art and antique dealers (Financial Action Task Force on Money Laundering 1998, 10; Ulph 1998, 343).

An open trade is an honest trade

The secrecy in which the antiquities trade operates has traditionally shielded it from the scrutiny of archaeologists concerned about the damage it might cause, and protected it from outside interference or regulation. But this secrecy now looks set to attract the attention of a sinister cast of characters, more dangerous altogether than form-waving bureaucrats or even the most rabid of archaeologists, and may yet prove to be the undoing of the very business it is designed to protect. To see off the emerging criminal threat, antiquities dealers and auctioneers must choose to operate by principles which are concordant with those of an open society and carry out their business in a manner which is readily accountable. They must act now to develop a fully transparent market so that illicit material can easily be identified and avoided.

When launching the CoPAT Codes the Home Office Minister Paul Boateng looked forward to 'a straight and uncorrupted market',² and for the art trade generally the Codes are indeed a large step in that direction, and can only be welcomed. But for the antiquities market they are not enough. There are longer steps yet to be made before Boateng's ideal is finally realized.

Notes

1. Quoted in *Antiques Trade Gazette* 7 November 1998, 1.
2. Quoted in *Antiques Trade Gazette* 13 March 1999, 2.

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A symposium - 'Illicit Antiquities: the Destruction of the World's Archaeological Heritage' 22-25 October 1999, Cambridge

NEIL BRODIE & PETER WATSON

The illegal excavation or looting of archaeological sites and the despoliation of historical monuments for commercial gain are now well-described phenomena. The scale and nature of the destruction caused by these activities, however, have not yet been fully documented. In order to redress this situation some fifty archaeologists, police, government ministers and lawyers met in Cambridge over the weekend of 22-25 October 1999 to exchange information and discuss new ways to head off the global disaster of plunder which threatens the world's oldest civilizations and cultures.

A special 'Cambridge Resolution' was passed which aims to encourage effective national legislation for the protection of cultural heritage and seek agreement among governments, museums and collectors that it is wrong to purchase antiquities without documented provenance or

history. Dr George Abungu, Director General of the Museums of Kenya, was elected Chairman of a new International Standing Committee on the Traffic in Illicit Antiquities (ISCOTIA). The committee was formed following three days of presentations from around the world. These provided new and alarming evidence of the devastation caused by vandalism to hundreds of thousands of archaeological sites worldwide.

Among the symposium's most important revelations were:

- The first comprehensive details on looting in more than 20 countries. Statistics of this kind have never been collected before. It is now possible to grasp the dimensions of the disaster.
- The widespread use of explosives in illegal vandalism. Dynamite, hand grenades, rocket launchers and other violent materials are now regularly used to steal antiquities and frighten the local population. To talk about 'illegal excavation' is no longer tenable. Plunder, more often than not, involves violent destruction. Collectors must realize that.
- A sinister link to drugs and money laundering. This was reported by representatives from Belize, Cyprus, Greece, Guatemala, Italy, Mexico, Peru, Thailand and Turkey.
- An aggressive change in collecting habits, from the classical world to artefacts found in Africa, the Far East and Latin America. This is a dis-



Participants at the Symposium, 'Illicit Antiquities, the Destruction of the World's Archaeological Heritage'.

aster for developing countries.

- New initiatives by many countries, as the situation deteriorates: Belize, China, Cyprus, Italy,

Jordan, Mexico, Peru, Syria, Thailand.

- An idea of cultures known to be particularly threatened.

Some statistics

Italy: 120,000 antiquities seized by police in five years;

Italy: 100,000+ Apulian tombs devastated;

Niger: in southwest Niger between 50 and 90 per cent of sites have been destroyed by looters;

Turkey: more than 560 looters arrested in one year with 10,000 objects in their possession;

Cyprus: 60,000 objects looted since 1974;

China: catalogues of Sotheby's sales found in the poor countryside: at least 15,000 sites vandalized, 110,000 illicit cultural objects intercepted in four years;

Cambodia: 300 armed bandits surround Angkor Conservation compound, using hand grenades to blow apart the monuments; 93 Buddha heads intercepted in June this year, 342 other objects a month later;

Syria: the situation is now so bad a new law has been passed which sends looters to jail for 15 years;

Belize: 73 per cent of major sites looted;

Guatemala: thieves now so aggressive they even looted from the laboratory at Tikal;

Peru: 100,000 tombs looted, half the known sites.

The papers read at the symposium were of a uniformly high standard. The brief summaries which follow cannot hope to do them full justice and in each case only a few of the many valuable observations and facts provided are reported. The full texts will be published in due course as a monograph of the McDonald Institute for Archaeological Research.

The Destruction of the Archaeological Heritage of Cyprus

SOPHOCLES HADJISAVVAS (Department of Antiquities of Cyprus)

Tomb looting in Cyprus has a tradition of over 3000 years but since 1964 has intensified, particularly after the Turkish invasion of northern Cyprus in 1974. Since then it is estimated that more than 60,000 ancient artefacts have been illegally transferred to different countries of the world, together with perhaps another 16,000 icons and mosaics stolen from churches. In one case it is known that an auction house in London offered antiquities stolen from a registered

collection, although most of the unprovenanced antiquities offered are probably from illegal excavations. The Cypriot police have recently established a specialized art squad and campaigns of public awareness are carried out by the Department of Antiquities and the Ministry of Education and Culture. In April 1999 a bilateral agreement was signed with the United States to protect Byzantine antiquities.

Some Remarks on the Destruction of Turkey's Archaeological Heritage

ENGİN ÖZGEN (Hacattepe University, Ankara)

Regions in the south, east and southeast of Turkey are open to constant looting by local people suffering from economic hardship. In 1997, 565 people were arrested who had more than 10,000 objects in their possession but the actual number of unrecovered, illegally excavated objects must be three times that number. To stop the illicit trade

it would be necessary improve the present laws and make available the resources necessary for their enforcement, develop an understanding of Turkey's cultural heritage by education at school, and prepare a proper documentation of the country's archaeology in readiness for a possible bilateral agreement with the USA.

Mexico

JAIME LITVAK KING (Instituto de Investigaciones Antropologicas, Universidad Nacional Autonoma de Mexico)

The looting of archaeological and historical sites for supply of illegal private collections has been quite frequent in Latin America for many years. Its causes have, however, not always been the same. It began with antiquities from sites in the estates of collectors. The formation of an urban élite made owning antiquities a mark of aristocracy. Agrarian reform increased

the numbers of antiquities found and one consequence was the growth of professional groups of dealers. Today the problem is further complicated by the tourist trade and industrial development. The international market is further boosted by the looting on a massive scale of antiquities in countries with internal wars, where their sale helps to fund the fighting.

Collecting the Classical World: the Idea of a Quantitative History

CHRISTOPHER CHIPPINDALE (University of Cambridge), DAVID GILL (University of Wales, Swansea), EMILY SALTER & CHRISTIAN HAMILTON (University of Cambridge)

The authors pose the question: Are the objects in present times being extracted from archaeological sites and surfacing without record of their archaeology and history a small, or even an inconsequential proportion of what has survived from ancient times to the present? Or are they an overwhelming proportion — to the point that productive new understanding of these ancient objects and of the societies they record

has become or will shortly become impossible?

After presenting the results of four quantitative studies (Cycladic figurines, contemporary classical collections, movement of classical material through auction houses, long-term history of a classical museum collection) they tend towards the latter view, that the material consequences of collecting have been very damaging.

Destruction of the Archaeological Heritage: Illicit Excavation in Contemporary China

HE SHUZHONG (National Administration on Cultural Heritage)

The archaeological heritage in China has been damaged seriously by illicit excavation during the past ten years. In Inner Mongolia, for instance, the area of the Neolithic Hongshan Culture, about which very little is known, it is estimated that at least 4000 tombs, and perhaps as many as 15,000, have been illegally excavated. Underwater sites

too are being attacked with increasing frequency. Although China has ratified international conventions on the protection of the cultural heritage and the customs service is active it is still difficult to stop the looting of archaeological sites. Educational initiatives have been successful but more are needed.

Apulian Vases

RICK ELIA (Boston University)

In another quantitative study the author focuses upon the red-figure vases of Apulia, Italy, which have been comprehensively catalogued by Professors Trendall and Cambitoglou. Only 753 of these vases were recovered during an archaeological excavation, the remaining 13,000 are without contextual information, and

to produce them several thousands of ancient tombs must have been plundered. Much of this looting has probably been carried out over the past ten years. Sixty per cent of all known Apulian vases are no longer in Italy. Most are sold in Britain or the United States.

Examples from Kenya and Somalia

GEORGE H.O. ABUNGU (National Museums of Kenya)

With the opening up of the world market in antiquities and the realization that Africa has a rich but unprotected heritage, the dealers have descended on the continent. They operate through middle persons who come from within local communities and who do not feel tied to the customary or traditional beliefs which have in the past protected sites. The wars in Africa have also created a conducive atmosphere for this destruction. Even in countries subject to the rule of law, some sites are located in remote and ungovernable areas making it easier for looters to operate.

Population pressure and unemployment coupled with the quick money emanating from antiquities dealing have not helped the situation.

Archaeological heritage — seen as cultural heritage in developing countries — is not the priority health, education, water, and job creation are to governments. It will take some time to sensitize governments on the role of archaeology or, for that matter, culture, in the development of a national or social identity. The destruction of archaeological heritage is a problem for the international community.

Destruction of Archaeological Heritage in Tanzania: the Cost of Ignorance

BERTRAM B.B. MAPUNDA (History Department, University of Dar es Salaam)

Illegal excavation for valuable artefacts is not a very serious problem in Tanzania although some sites, including rock shelters, especially those with art, are damaged by people digging for 'hoards' which are rumoured to have been buried in colonial times and before. Sites are also vandalized and accidentally destroyed by large construction projects or by smaller agricultural improvement at a local level. These problems are amplified by the lack of a clear

law requiring land developers to conduct archaeological impact assessment and to adhere to mitigation measures thereafter.

Over 85 per cent of Tanzania is rural, and a good number of its archaeological sites are located in rural areas, so that they will always be in danger until the rationale of fully involving local communities in heritage resource management is recognized.

Niger

BOUBÉ GADO (Institut de Recherches Sciences Humaines, Université de Naimey)

In the north of Niger, which is mainly desert, palaeontological and prehistoric sites, when exposed, are damaged by individual collectors, some unauthorized. The situation is more serious in the southwest of the country where historical sites are particularly attractive to looters. The situation was made worse by the international '*Valleys of the Niger*' exhibition which toured France and West Africa and brought to the attention of western collectors the funerary art from sites in the area of Bura.

Looting of these sites has since 1994 been systematic and it is estimated that 90 per cent have been damaged.

The protection of the cultural heritage should happen through its integration into the process of development. This would promote the judicious exploitation of archaeological resources by creating long-term employment opportunities through craft production and tourism for the local population.

Looting of Archaeological Sites in Italy

GIOVANNI PASTORE (Carabinieri for the Protection of Artistic Heritage)

Experience in Italy has shown the existence of criminal organizations involved with the illicit trade. Antiquities leave Italy by road, perhaps in refrigerated trucks which are not carefully checked, or hidden in shipments of modern replicas. Some Swiss towns, for example Geneva, are important places of distribution where Italian antiquities enter the international market. Archaeologists inadvertently help the trade by acquiring unprovenanced pieces for museum and university collections and by authenticating pieces. The Section of Carabinieri for the

Protection of Cultural Heritage was formed in 1969 and has units in areas at risk of looting. They patrol their relevant jurisdictions and monitor the market for stolen material. Over the years the Carabinieri have recovered about 326,000 archaeological items from illegal excavations. Over the past five years 99,970 were recovered in Italy and 1297 abroad. At the G8 Conference held in Bonn this year it was decided to consider crimes against the cultural heritage alongside the traffic in drugs, human body parts and weapons, and money laundering.

Looting and the Market for Maya Objects: a Belizean Perspective

ELIZABETH GILGAN (Boston University)

Although there has been legislation concerned with protecting and preserving cultural material in Belize since the late 1800s, looting and illegal exportation of artefacts still occur. Sandwiched between Mexico and Guatemala, Belize is in a prime location to serve as a transit point for illegal export of Pre-Columbian material from neighbouring countries. Currently the Department of Antiquities is working on drafting a request to the U.S. Cultural Property Advisory

Committee to impose a ban on imports from Belize which will also help to halt the flow of antiquities from Mexico, Guatemala, and Belize.

A study of Sotheby's catalogues from 1971 to 1999 shows that only three out of 3209 Maya objects recorded specify Belize as a provenance. 1788 list no information at all about location but there are reasons to suspect that possibly as many as 2153 artefacts originated in Belize.

Antiquities without Archaeology in the United Kingdom

PETER ADDYMAN (York Archaeological Trust)

British laws relating to portable antiquities are among the least prescriptive in the world. Objects found on the 13,000 or so Scheduled Ancient Monuments may not be removed except by an approved archaeological excavation but otherwise, in general, antiquities belong to the owner of the land on which they are found and may be removed by the owner. Thus their removal may not be illicit but may be damaging nevertheless. A survey by English Heritage reported that, between 1988–94, 188 sites of their sites were damaged by metal detectorists,

often working at night. The Portable Antiquities Recording Scheme was instituted in 1997 and now has twelve recording officers. In one county alone — Kent — 100,000 objects were reported in one year, 43 per cent were coins. The way forward for protecting Britain's archaeological heritage is seen to be by raising public awareness. The network of Portable Antiquities Liaison Officers now being established will endeavour to educate the public about the value of the heritage and the need to safeguard it.

Protecting the Past for the Future: Federal Archaeology in the United States

VELETTA CANOUTS & FRANCIS P. MCMANAMON (National Park Service)

In 1979 it was estimated that nine out of every ten known archaeological sites in the United States had been disturbed, although the statistics to back up this claim are difficult to come by. Activities that disturb and destroy sites run along a continuum from land development and resource extraction to commercial looting and intentional vandalism. In a study of mounds in the Lower Mississippi region it was shown that looting was second to agriculture in causing

destruction by a factor of almost 2 to 1, 2282 mounds to 1198 respectively. The looting of Native American graves at Slack Farm in Kentucky caused such an outcry that it provided the impetus for new state legislation in Kentucky and Indiana, and helped the passage through Congress of the Native American Graves Protection Act (NAGPRA). Many artefacts are now being purchased by European and perhaps Japanese collectors.

Threat to Cultural Sites in India from Illegal Excavations: Case Studies, Problems and Solutions

AJAI SHANKAR (Archaeological Survey of India)

Illegal excavation for personal gain is one of the major causes of destruction of the cultural heritage. Many examples could be reported, such as the village of Katingra, Uttar Pradesh where moulded bricks and panels which contain inscriptions from the epic Ramayana are probably from a temple of the Gupta period. Stolen objects have often been recovered from individuals and institutions in the United States and Europe, such as an eighth-century sculpture of Buddha, which disappeared from Bihar

between 1987–89 and was recovered from the Metropolitan Museum of Art, New York in 1999. The Indian Government in 1972 passed the Antiquities and Art Treasures Act which provides for the compulsory registration of notified categories of antiquities, regulation of export and other protective measures. India is a signatory of the 1970 UNESCO Convention and encourages other nations which have not yet done so to ratify this Convention.

The Destruction of the Cultural Heritage of Thailand and Cambodia

RACHANIE THOSARAT (Fine Arts Department, Thailand)

In Thailand the evidence of looting is patchy, but in some areas is severe. The continuing destruction of prehistoric sites is such that it is now perhaps impossible to investigate the Neolithic and Bronze Ages properly. In the Bangkok plain whole sites are sluiced for beads and other small items and virtually none remains intact. The Thai Fine Arts Department has realized the importance of involving local people in protection and has plans to create local museums in each province so that finds

might be kept locally instead of being 'lost' to the National Museum.

Historic sites in Thailand are better protected but they are being badly looted in Cambodia. Famous Angkor period temples such as Banteay Chmar and Angkor Borei are being systematically dismembered. Even at Angkor itself the Conservation compound was attacked in 1993 by 300 armed bandits. Looted material is normally shipped overland through Thailand to Bangkok.

Destruction, Looting and Traffic of Peru's Archaeological Patrimony

WALTER ALVA (Museo Arqueológico Nacional Brüning de Lambayeque, Peru)

Since the 1960s a continuing pillage has supplied the national and international markets. A great number of collections formed in Peru between the 60s and the 80s, for 'patriotic reasons' have actually now disappeared — absorbed by the market. It is estimated that 90 per cent of all ancient Peruvian gold now known in collections around the world was looted from the single site of Batan-Grande. After the looting of Sipán an agreement was reached with the United States in 1997 restricting the import of Pre-Columbian and

ethnographic material from Peru. Producers and exporters of craft items often mix in archaeological pieces. Sometimes counterfeits are manufactured from archaeological material. Since the signing of the bilateral agreements with the United States the traffic now tends more to be directed towards north and central Europe. At Sipán a programme of protection initiated by the museum and carried through in collaboration with local police has reduced the numbers of looters in the area from something like 100 per site to a few individuals.

Altering Information from the Past: Illegal Excavations in Greece, the Case of the Cyclades

MARISA MARTHARI (Ministry of Culture, Greece)

According to Greek law, an antiquity can only be legally exported for temporary display purposes. Illegal excavations concentrate on the Bronze Age cemeteries of southern Greece and the Iron Age cemeteries and sanctuaries of central and northern Greece. Antiquities often leave Greece in lorries, sometimes packed in watermelons, and travel to the major markets in Switzerland and Germany. The trade in antiquities and the trade in narcotics is evidently very close as the police often arrest people in possession of both. Fakes are also noticed amongst genuine pieces. The Aidonia treasure

— 81 objects looted from a Mycenaean chamber tomb cemetery sometime early in the 1970s — was recovered from a gallery in New York in 1996. The archaeology of the Cyclades is known mainly from its figurines, most of which were illegally excavated and some of which are fakes. The establishment of an archaeological museum on the island of Ios, presenting the archaeology of the island in its entirety, has shown the people of the island that there is more to archaeology than figurines and, perhaps, dealt a strong blow to antiquities theft.

The New Syrian Law on Antiquities

AMMAR ABDULRAHMAN (Directorate General of Antiquities and Museums)

The Syrian Directorate General of Antiquities and Museums has had to deal with a number of cases of illicit excavation over the past few years. In the area of the so-called 'dead cities', of Byzantine date, south of Aleppo, digging is carried out by squatters. More worrying is when previously excavated and important sites are attacked, such as the third-millennium cemetery at Tell Halawa and the second-

millennium site of Meskenah-Emar. In response to this illegal activity the Syrian Government in 1999 passed a new law on the protection of antiquities. But no law can be fully effective without the cooperation of everyone involved. Thus education at schools and universities can help diminish illegal digging and international cooperation too is essential.

The first interim International Standing Committee on the Traffic in Illicit Antiquities shall be the following:

DR GEORGE ABUNGU

Director General, National Museums of Kenya
(*Chairman*)

DR WALTER ALVA

Institute Nacional de Cultura, Museo
Arqueologico Nacional Brüning de
Lambayeque, Peru

H.E. PROFESSOR SENAKE BANDARANAYAKE

Ambassador of Sri Lanka to UNESCO, and
Chair, International Committee on
Archaeological Heritage Management of
ICOMOS

DR NEIL BRODIE

McDonald Institute, Cambridge, UK
(*Executive Secretary*)

PROFESSOR RICK ELIA

Boston University, USA

PROFESSOR PATTY GERSTENBLITH

De Paul University, USA: Editor, *International
Journal of Cultural Property*

MR HE SHUZHONG

National Administration on Cultural Heritage,
People's Republic of China

PROFESSOR COLIN RENFREW

McDonald Institute, Cambridge, UK
(*Secretary*)

DR RACHANIE THOSARAT

Fine Arts Department, Thailand

The interim Committee shall have the power to co-opt. It was agreed that the interim Committee should also have some representation from the Mediterranean region.



Press conference introducing the Interim International Standing Committee on the Traffic in Illicit Antiquities. Left to right: H. Shuzhong, R. Thosarat, G. Abungu, C. Renfrew, W. Alva, R. Elia & N. Brodie.

International Standing Conference on the Traffic in Illicit Antiquities: the Cambridge Resolution

We, the participants in the Symposium 'Illicit Antiquities: the Destruction of the World's Archaeological Heritage' held at the McDonald Institute, Cambridge from 22 to 25 October 1999, hereby resolve that there be instituted an International Standing Conference on the Traffic in Illicit Antiquities (ISCOTIA), whose members shall be the heritage and antiquities directorates of national governments, national and international governmental and non-governmental organizations concerned with the protection of the world's cultural heritage, universities and research institutes in the fields of archaeology and conservation, and national and international learned societies and professional bodies concerned with the protection of the world's cultural heritage. We hereby appoint an interim International Standing Committee on the Traffic in Illicit Antiquities with the objectives of (a) organizing the first meeting of the Standing Conference, and (b) promoting the aims of the Standing Conference.

Among the aims and objectives of the International Standing Conference on the Traffic in Illicit Antiquities shall be to:

- (i) seek the protection of archaeological and historical sites, monuments and landscapes from destruction or damage through public works, commercial developments or unauthorized excavation by looters and others;
- (ii) promote the understanding by local communities of their own cultural heritage through education, the development of local museums and site museums, and the organization of an effective antiquities service in every nation;
- (iii) institute effective national legislation for the protection of the cultural heritage and the support of international agreements, including specifically the ratification by every nation of the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property and the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects;
- (iv) make widely understood that the principal

significance of cultural objects and artefacts resides in the information which they provide about the human past, that this information comes principally from their context of discovery as documented by systematic excavation and careful publication, and that such information is irretrievably lost when objects are separated from their context of discovery without full documentation;

- (v) seek agreement among museums and private collectors that the appearance on the market of antiquities without provenance is likely to be the result of looting (i.e. clandestine excavation and illegal export) and that it is consequently inappropriate to purchase antiquities without documented provenance (unless these can incontrovertibly be shown to have been known prior to 1970);
- (vi) persuade collectors (and museums) that the ownership (and display) by them of unprovenanced antiquities should be seen as shameful and offensive to those concerned for the world's cultural heritage, and that far from according protection to the heritage by curating such antiquities their cash and encouragement promotes the looting process;
- (vii) persuade conservators, scientists and scholars that it is inappropriate to undertake conservation work, authentication or scholarly research in connection with unprovenanced antiquities on the grounds that such work ultimately facilitates the marketing of antiquities and hence contributes to the cycle of looting and destruction;
- (viii) persuade the tax regimes of national governments that tax benefits should not be accorded to those collectors who donate or bequeath unprovenanced antiquities to museums and other charitable organizations, and to persuade museums that they should not accept donations or bequests of unprovenanced antiquities;
- (ix) encourage national governments to protest formally when unprovenanced antiquities originating within their borders are publicly offered for sale in other countries
- (x) engage the media of communication to promote effectively these aim and objectives and to expose the 'prestige culture' still surrounding certain museums and wealthy private individuals who continue conspicuously to collect unprovenanced antiquities.

Stealing history

JENNY DOOLE

It has long been recognized by those fighting the illicit trade in antiquities that public education is key. Indeed, one of the aims of the IARC is to raise public awareness of the scale and consequences of looting.

This point was emphasized by Manus Brinkman, Secretary General of ICOM (the International Council of Museums) in his keynote speech to the Museums Association Conference 1998. Commenting that he did not know of many educational programmes in schools, or museums that deal with illicit antiquities issues, he said it would be helpful if UK museums ran such communication initiatives.

Museums in badly looted countries are increasingly doing just that. There are examples of imaginative educational campaigns explaining the damage caused by archaeological destruction — and the value of archaeology — in countries like Mali, Peru, Jordan, Italy, Mexico. But there has been very little equivalent coverage in market countries.

To try and redress this balance, the IARC, with the help of the A.G. Leventis Foundation has produced a portable display, called *Stealing History*. It is available on loan, free of charge to museums, libraries and suitable institutions in the United Kingdom.

Under the headings 'Illicit Antiquities', 'Why Archaeology?', 'Why Loot?', and 'The Way Forward' the exhibit explains the basic issues: why the general public should be concerned about archaeological looting, the benefits of archaeology as opposed to looting, and possible ways forward. The display also highlights famous



Stealing History: a portable display.

case studies from around the world, including the Salisbury Hoard and the Icklingham Bronzes, the palace of Sennacherib, the Weary Herakles, Sipán, the Kanakariá mosaic, Cambodia, Mali and Kabul Museum.

If you would be interested in more information about *Stealing History*, please contact:

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Conference report

CHRIS SCARRE

European Association of Archaeologists: Bournemouth, 14–19 September 1999

The illicit trade in antiquities was the subject of a session in this year's conference of the European Association of Archaeologists, held at Bournemouth from 14–19 September. Several aspects of the problem were presented in a series of papers which once again sought to convey the scale of the damage which is being caused, and argue the case for more effective action.

The session began with papers by **Kathy Tubb** of the Institute of Archaeology, London, and **Paula Kay Lazrus** of Boston University, who pointed out the need for education to drive home the message to local communities that it was not only archaeologists, but they themselves who were losing knowledge of their past through the widespread destruction of local sites. It was at this level — by recruiting the support of local people — that protection on the ground was likely to be successful.

A fuller picture of the trade is beginning to appear from detailed studies of antiquities sales. This was illustrated by the paper given by **Vinnie Nørskov** from the University of Aarhus in Denmark, who summarized the results of five years' research on Greek vases appearing in saleroom catalogues. She approached the question from two angles: the vases which are being presented for sale by the major auction houses from 1953 to 1998, and the acquisitions of material by museums over the same period. Her results show clearly how museum acquisition policies have changed over the five decades in question. A more disturbing statistic is the very small number of vases offered for sale which have any kind of archaeological provenance.

The lack of provenances is symptomatic

of the secrecy in which the antiquities trade is enveloped, and in another paper **Neil Brodie** asked why it was that antiquities dealers were so unwilling to be more open about the sources from which they obtained their material. The very secrecy of the trade has made it vulnerable to thieves who wish to pass off stolen antiquities, and to organized crime, where antiquities are coming to be employed as collateral in money-laundering schemes. Given these developments, it is hard to understand why dealers find it so difficult to accept the need for greater transparency, especially as most of them openly declare that they do not deal in illegally-acquired material; they should therefore have nothing to hide.

A leading issue to emerge from the Bournemouth session was the continuing unwillingness of Britain and several other European governments to subscribe to the 1970 UNESCO and 1995 Unidroit conventions. **Tim Schadla-Hall** of the Institute of Archaeology, London, made the point forcefully that despite abundant evidence of widespread illicit trade in the UK there is little sign of the Government taking a clear line on reform or on tackling the problem.

This issue was the subject of a resolution which was adopted in the Annual Business Meeting at the close of the conference. The European Association of Archaeologists agreed that further action was needed to stem the flow of illegally acquired or illegally exported antiquities, and accepted that all European governments should sign and ratify the UNESCO and Unidroit conventions as a matter of urgency. The EAA President, Willem Willems, has undertaken to write to all European governments enquiring about their policy on these conventions. The replies will be brought to the next meeting of the EAA at Lisbon in 2000, where the next stage of action will be discussed.

The final paper in the Illicit Antiquities session at Bournemouth was given by **Roger Bland**, who is currently on secondment from the British Museum to the Department for Culture, Media and Sport. He noted that the

legal protection afforded to portable antiquities in England and Wales is both more limited in scope and more liberal in its treatment of finders than in virtually any other country in Europe. The wide toleration of metal detecting in Britain has posed particular problems, and the recent Portable Antiquities Recording Scheme has taken only the very moderate step of encouraging finders to register their finds. Dr Bland reviewed the results of the first year pilot project of registration and outlined some of the additional information which had been made available in this way. A similarly upbeat appraisal of the Portable Antiquities scheme had been given to the conference the previous day by the Rt Hon **Alan Howarth** MP,

Minister in the Department of Culture, Media and Sport. For many archaeologists, however, the chief result of the new provisions is likely to be a depressing demonstration of how rapidly and in what numbers portable antiquities in Britain are being ripped from their archaeological contexts. In the absence of political will and of a unified response from archaeologists, museum curators and others, this is a problem which appears unlikely to find any imminent solution.

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Front cover. Warehouse of allegedly smuggled antiquities sealed by Swiss police at Geneva Freeport.

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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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