

Both policies are indeed necessary and must be complemented by educational programs that emphasise the social value of archaeological heritage, but it is still naïve to consider the fight against plundering to be truly over.

Donna YATES

*The theft of cultural property in Bolivia:
the absence of metal detectors*

It seems surprising at first that the popularity of metal detecting has not spread to much of South America. The pre-Conquest cultures of the Andes are, perhaps, best known for their metal work. Furthermore, throughout the Colonial and into the Republican periods, the region was extensively mined for a number of metals, most notably silver, and Bolivia was a centre of coin production. Despite the potential for metal detector finds, nearly no reports exist of metal detectors being used on Bolivian archaeological and historic sites.

In this piece, I will offer some reasons of why I think that illicit metal detecting is not a significant problem in Bolivia, followed by a discussion of the type of looting of metal heritage objects that the region does experience.

Why isn't detecting popular in Bolivia?

The Law

Personally, I do not think that the criminalisation of illicit removal of heritage objects from Bolivian archaeological and historic sites is what discourages people from engaging in metal detecting. However, it is worth noting that this is not a grey area in Bolivian law.

Although physically sweeping a metal detector over the ground is not illegal in Bolivia, the intentional removal of archaeological and historic objects from the ground on both private and public land is. In 1906 the Bolivian government declared itself to be the rightful owner of all archaeological material from the Inka period and before, and banned the unauthorised removal of objects from all archaeological sites

(Law of 3 Oct. 1906). By 1938, national ownership of all archaeological material was added to the Constitution (BOL. CONST. 1938, art. 163). This claim of complete ownership, accompanied by the need for a Ministry of Cultures permit for all excavation, has been supported by all subsequent Bolivian heritage legislation and has been expanded to include all objects dating to before 1900.

According to Title XII, Chapter 1, Article 326 of the 2010 Bolivian Penal Code, theft from an archaeological or heritage site is considered to be 'especially serious' and incurs a prison sentence from three months to five years. Furthermore, Article 223 of the 2010 Penal Code states that the punishment for destroying, defacing, or exporting objects archaeological or historic patrimony is one to six years imprisonment.

Poverty

Despite the stiff penalties, people are willing to break the law and remove heritage objects from the ground. Bolivia has experienced a significant amount of looting at heritage sites, yet metal detector use does not seem to be a factor. I believe that the primary reason that individuals who are willing to engage in illegal digging in Bolivia do not use metal detectors is, quite simply, poverty.

According to household surveys conducted by the Political and Economic Analysis Unit (UDAPE), 5.17 million Bolivians lived in poverty in 2010, meaning that roughly 50% of the population of the country lived on less than \$2 a day. Roughly half of those in poverty live in extreme poverty. Around 65% of the rural population, a group made up almost entirely of Indigenous subsistence farmers, are considered to be in poverty and 45% of them are considered to be in extreme poverty (down from 87% and 75% respectively in 2002). The majority of archaeological sites are located in rural areas where poverty is most concentrated.

With 65% of the rural population of Bolivia earning less than \$730 a year, it is not surprising that few choose to devote an entire year's income to the purchase of a metal detector. Even a motivated individual would not reasonably be able to come up with the money needed to buy a metal detector. It is a rich man's tool.

But what about the rich?

Not everyone is poor in Bolivia: some people are really quite rich. The income divide between the rich and the poor in Bolivia is one of

the widest in Latin America. If we consider metal detecting to be a hobby accessible to the few who are able to buy a metal detector, why don't we see more of an uptake of metal detecting use among Bolivia's elite?

Wealthy metal detector users in Bolivia interested in heritage objects would be required to not only willfully break the law, but would also need to cross significant social and racial boundaries. They would need to enter into the largely indigenous areas of the country where metal-producing archaeological sites are found. They would also need to negotiate their detecting with communities and land owners who, at least stereotypically, have a profound distrust of elite Bolivians, especially elite Bolivians with an interest in their land. In a country where trespassers and thieves are regularly lynched, to nighthawk would be akin to suicide. I would imagine that a wealthy Bolivian would not think it was worth it.

Bolivian metal artefacts are looted

Despite this lack of metal detector use, the theft and trafficking of metal objects is one of the most common types of heritage looting in Bolivia. Throughout much of the 16th through 18th centuries and into the 19th century, a significant amount of the silver in global circulation came from Bolivia. Perhaps because of this local availability of silver, the churches that are scattered throughout the small communities of the Bolivian highlands are filled with silver ecclesiastical objects. These objects, although owned by the Catholic church (or, arguably, the community they are in), are considered to be the cultural patrimony of Bolivia, thus they cannot be easily sold, can never be exported, they have been catalogued by the Ministry of Culture (as per the requirements of Bolivian law) and their theft results in the stiffer penalties mentioned above. The churches themselves are usually in poor condition and are insecure due to lack of funding for security or preservation.

No metal detector is needed to locate a Bolivian church and metal ecclesiastical heritage objects are regularly stolen. At least 34 church thefts and 1 attempted church theft have occurred in Bolivia in the last five years (2008 through 2012). Many of these churches have been robbed in the past and a few were robbed multiple times during this five-year period. In almost none of these cases were the thieves apprehended by the authorities. However, in 2012 two individuals who were allegedly caught robbing one rural church were lynched.

Silverwork was the most common type of item stolen from these churches (324 items) with other metal objects (13 items), goldwork (1 item) and gilt wood (35 items) representing smaller portions of what was stolen. A preliminary survey of international sales of this type of material indicate that a portion of these items may have entered the illicit antiquities market, however there is a distinct possibility that some of these objects, particularly larger silver pieces, have been melted down and sold as scrap silver.

It is unclear what can be done about the theft of metal heritage pieces from churches and my research into the regulatory and social issues surrounding these occurrences is at an early stage.

Closing Thoughts

It is easy to dismiss illicit and illegal metal detecting use at heritage sites as a first world problem. While that may not be a fair characterisation of this sort of archaeological site looting globally, it appears to be the reality in Bolivia at the moment.

Pieterjan DECKERS

The past, present and future of amateur archaeological metal detecting in Flanders

Archaeological metal detecting by amateurs in Flanders stands at a turning point. Earlier this year, the first steps were taken towards the approval of a new Immovable Heritage Decree that effectively lifts a 20 year-old ban on the hobby. This change of direction did not come out of the blue; rather, it is the culmination of a long, gradual shift in attitudes and policy. And neither is it an end-point, as several challenges can still be identified.

As with countries neighbouring Belgium, metal detecting was first introduced in Flanders in the 1970s. It was only in 1993, in the wake of the Valletta Convention, that the first Flemish legislation² specifically aimed at the protection of archaeological heritage was drawn up. It

² Belgium is a federal state. The responsibility for heritage management is relegated to its constituent regions, e.g., Flanders.