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33

The International Politics of Cultural Heritage Crime in Cambodia: Past, Present and Future

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Introduction

International diplomatic and legal dialogues have been instrumental in securing the return of major cultural artifacts to their “source countries” from “market countries”, where it can be shown or reasonably inferred that those objects were looted. What, though, on the one hand, is the relationship between this political discourse and practice surrounding the repatriation of antiquities that were stolen in the past and, on the other hand, the protection of heritage sites from plunder in the future? In this chapter, we will explore this question, using the Southeast Asian nation of Cambodia as a case study. Reflecting on the history of archaeological looting in the kingdom—as well as the contemporary diplomacy that the Royal Government of Cambodia is now practicing to recover its stolen heritage from overseas collections—we consider the contours of the possible connections between repatriation claims, market sensibilities and the prevention of looting at the local level.

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Ancient sites have been pillaged throughout history, but in recent decades, the illicit antiquities trade has become increasingly recognized as a lucrative and widespread industry. In an often repeated statement—if never explained figure—the Federal Bureau of Investigation cites “losses running as high as \$6 billion annually” from the illicit trade in cultural property. Despite this claim, the International Criminal Police Organization (INTERPOL) doubts “there will ever be any accurate statistics”, given the inherent difficulties in quantifying and qualifying it. Far from being mere “treasure hunting”, antiquities trafficking is part of the nexus between crime and conflict around the world, and investigations are underway into the extent to which looted cultural property is linked to the financing schemes of violent extremist organizations like Daesh (also known as the Islamic State of Iraq and Syria or ISIS). In February 2015, the United Nations Security Council considered that Daesh, the Al-Nusra Front and Al-Qaeda were arming themselves through “the looting and smuggling of cultural heritage”, in order to “support their recruitment efforts and strengthen their operational capability to organize and carry out terrorist attacks” (UNESCO 2015). In addition to this plunder for profit, these same networks are also carrying out campaigns of cultural cleansing: the deliberate and systematic destruction of targeted groups and their cultural heritage, destroying countless archaeological, historic and religious sites (especially those sacred to the Shiite and Sufi sects of Islam).

Today, Mesopotamia is a global hotspot in the public eye, but four decades ago, a major issue was looting and trafficking in Indochina: Vietnam, Laos and Cambodia. In Cambodia, internationally celebrated for its twelfth-century temple of Angkor Wat, fighting erupted between government forces and the Khmer Rouge in 1970. Decades of civil war, mass murder and foreign occupation would follow. As is happening today in Iraq and Syria, Cambodia’s bloody conflict accelerated the development of organized antiquities looting and trafficking, which in turn helped to bankroll the fighting for some of those involved. As we are also seeing today in the Middle East, this pillage went hand in hand with the cultural cleansing of thousands of Buddhist, Muslim and Christian sites.

Even as this tragedy is being repeated today in the Cradle of Civilization, where Daesh is waging an unrelenting assault on the region’s people and their heritage, Cambodia and the art world are continuing to struggle with the aftermath of cultural crimes committed in the “Killing Fields”. Over the past five years, this saga has made headlines from Phnom Penh to New York, and the consequences have been felt in both. On 29 February 2012, the *New York Times* exposed that Sotheby’s auction house in

Manhattan was attempting to sell a 1000-year-old Khmer masterpiece for millions of dollars, despite allegations that thieves had hacked the figure off at the ankles from a sacred Cambodian temple and trafficked it overseas in the chaos heralding the Killing Fields. The newspaper illustrated this front-page story with a photograph of the larger-than-life “mythic warrior” as it appeared in the glossy pages of the sales catalogue. Another image showed its feet and pedestal, half a world away and still in situ, at the tenth-century ruins of Koh Ker deep in the Cambodian jungle (Blumenthal and Mashberg 2012a, p. A1).

The resulting scandal over the Koh Ker Warrior would eventually reveal a major antiquities trafficking network that stretched from the Southeast Asian kingdom to the very heights of the global art market, implicating not only Sotheby’s, but some of the world’s top collectors, galleries and museums. In doing so, it also launched an international—and ongoing—effort to bring home the plundered past of the Khmer people. Cambodia has triumphantly played David to the art market’s Goliath, joining the host of nations fighting to recover their looted and stolen art through public appeals and legal action and giving hope to Iraq and Syria that they will one day be able to do the same.

This fight for the Koh Ker Warrior blew the lid off the inner workings of the illicit “blood antiquities” trade with front-page news around the globe and in the process sent shockwaves through the art world. It led to a sea change, not only in how those in the market and museum community view Cambodian antiquities, but in how the Cambodian government and people do themselves. Finally, it served to strengthen Phnom Penh’s often tense relationship with the United States. This chapter will revisit the case, evaluate its impact thus far and reflect on the likely repercussions to come. It is an updated and expanded version of a previously published chapter by Tess Davis (2015) on cultural heritage crime in Cambodia.

United States v. 10th Century Cambodian Sandstone Sculpture

Cambodia’s art and archaeology has invaluable cultural, historic and religious significance to the Khmer people. Since it attracts millions of tourists each year, this heritage is also one of their most important economic resources. With the country now at peace, preservation has become a matter of national pride and increasingly a state priority.

The day after the *New York Times* exposé hit the stands, the Koh Ker Warrior was also front-page news in Phnom Penh (Vrieze 2012, p. A1). However, by then, beyond the reach of the headlines and behind the scenes, Cambodia and Sotheby's were already deep into negotiations. A wealthy donor had even stepped forward, pledging the auction house \$1 million to repatriate the statue. Sotheby's had refused this offer, continuing to demand the full catalogue price (Roasa 2012).

Having reached a dead end in the negotiations, Phnom Penh accepted the help of the United States Department of Justice. On 12 April 2012, at the kingdom's request, the U.S. Attorney for the Southern District of New York filed a civil forfeiture action against Sotheby's, seeking to seize, recover and return the warrior. As an *in rem* action, brought against the property itself, the case received the somewhat improbable name of *United States v. 10th Century Cambodian Sandstone Sculpture*.

U.S. v. Cambodian Sculpture argued that the Koh Ker Warrior was "stolen property introduced into the United States contrary to law"—including the National Stolen Property Act, anti-smuggling laws and customs laws (*U.S. v. Cambodian Sculpture* 12 Civ 2600 2012, complaint at 2). Strengthened by internal emails from Sotheby's, the complaint revealed that the auction house's own expert had warned them the piece was "definitely stolen" and suggested that its owners "might want to offer it back to the National Museum of Cambodia as a gesture of goodwill and save everyone some embarrassment". Six months later, the government amended this complaint with more serious allegations, suggesting that the Koh Ker Warrior was not only stolen property, but was one object in a category the press and public were beginning to refer to as "blood antiquities" (Vlasic and Davis 2012).

According to the new evidence entered by the Department of Justice, the Koh Ker Warrior had been looted around 1972, in the midst of the country's violent civil war. Moreover, it had been removed from territory under communist control, raising the possibility that its theft may have been carried out by the Khmer Rouge themselves. An organized trafficking network had then smuggled it in pieces to a prominent collector in Bangkok and from there onward to Europe, where a premier London gallery sold it to Belgian royalty in 1975 (*U.S. v. Cambodian Sculpture* 12 Civ 2600 2012, amended complaint at 8 and 9).

That same year, Phnom Penh fell to the communists, beginning one of the twentieth century's darkest periods. In the genocide that followed, two mil-

lion Cambodians (one-fourth of the population) died from murder, starvation and disease. The sculptures that had adorned and guarded the nation's temples for millennia also fell victim, vanishing into the global black market by the thousands. Centuries worth of sacred relics flooded overseas—war loot hawked as fine art—and sold to the highest bidder. An increasing body of research indicates that this organized traffic in Cambodian antiquities helped to finance all sides in the fighting, including the Cambodian army, paramilitary factions and the Khmer Rouge themselves. While this illicit trade accelerated with the civil war, it has long outlasted it, continuing to this day (Mackenzie and Davis 2014; Davis and Mackenzie 2014).

Despite the duration and scale of this black market traffic in Cambodian conflict antiquities, few had been identified when *U.S. v. Cambodian Sculpture* went to court. However, it would not take long for the *New York Times* to find on display in top American museums another five major pieces that had been looted from Koh Ker during the civil war. Cambodia quickly called for their repatriation as well (Mashberg 2013).

The kingdom had its first success on 29 June 2013 when New York's Metropolitan Museum (Met) of Art returned two statues to Phnom Penh: the “kneeling attendants”. According to the Met's spokesperson, Cambodia had presented “dispositive” evidence that the pair were its rightful property. However, Sotheby's continued to hold firm to its position, countering in a public statement that “The Met's voluntary agreement does not shed any light on the key issues in our case, [and] we expect to prevail on each” (Felch 2013).

U.S. v. Cambodian Sculpture would continue another six months. Then, on 12 December 2013, with the case against it heating up in the U.S. district court and full discovery on the horizon, the auction house settled. The settlement stated that Sotheby's had “a good faith disagreement” regarding whether Cambodia owned the Koh Ker Warrior, but “further litigation of this action would be burdensome” and so it had “voluntarily determined” to return it to Cambodia (Mashberg and Blumenthal 2014).

On 3 June 2014, across the world in Phnom Penh, Cambodia provided a hero's welcome to the warrior. It was joined by two other statues, which had been looted from Koh Ker at the same time (and likely by the same people) as the Sotheby's piece—one was returned from Christie's Auction House and the other from the Norton Simon Museum. Deputy Prime Minister Sok An, assisted by monks and traditional dancers dressed in gold and silk, led the homecoming ceremony. The event made the front page of all the local papers, in both the English and Khmer language press. The sculptures themselves, believed by many to be among the finest in the Khmer canon,

are now being restored at Phnom Penh's National Museum where they will be a centerpiece of the collection.

Each year, research continues to identify more statues looted during the war that are now in public and private collections around the world. The Royal Government of Cambodia has made their recovery a priority, with His Excellency Sok An and the Secretary of State Chan Tani taking an active role in negotiations. At the time of writing, the Cleveland Museum has also returned another piece from Koh Ker, as has the Denver Art Museum (Duray 2016). The Musée Guimet and private collectors have made public repatriations of pieces removed from other sites (see at <http://www.cambodgepost.com/5057-au-cambodge-harihara-retrouve-sa-tete-grace-a-laccord-signé-avec-le-musee-guimet/>; <http://www.voacambodia.com/a/returned-artifacts-stir-newinterest-in-cambodian-antiquity/3283937.html>). Unlike Sotheby's, all of these individuals and institutions have acted voluntarily and without any involvement from the courts. However, on 21 December 2016, the New York County District Attorney's Office (Manhattan DA) charged prominent art dealer Nancy Wiener with criminal possession of stolen property in the first and second degrees over antiquities allegedly looted from Cambodia and a number of other South and Southeast Asian countries. One of these pieces was successfully sold in the same Sotheby's sale that was to include the Koh Ker Warrior. Unlike *U.S. v. Cambodian Sculpture*, this is not a forfeiture suit, but it could foreseeably lead to the return of additional pieces to the kingdom.

The first chapter to this saga may have closed with the resolution of Cambodia's case against Sotheby's, but it took decades to loot Koh Ker's treasures, and it will likely take decades more to bring them home. However, *U.S. v. Cambodian Sculpture* and its aftermath have already had major and lasting implications, which go far beyond the return of the statues themselves. These consequences have been felt throughout the art world—at art galleries, museums and auction houses—and of course throughout the country of Cambodia.

The Impact of These Developments in Cambodia

In light of the scandal over the Koh Ker Warrior, Cambodia has called anew for the protection of its past, a call which has resonated at the highest of political levels in the country. Under Prime Minister Hun Sen—who has

ruled the country on and off since the mid-1980s—cultural heritage has always been prominent in the national agenda, at least on paper, if not always in practice. To this day, Cambodia is one of the few states in the world to have ratified all of the major international agreements on preservation and remains the only state in East or Southeast Asia to have done so. These include the Hague Convention in 1962, the UNESCO Convention in 1972, the World Heritage Convention in 1991, the UNIDROIT Convention in 2002, the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage in 2006 and, most recently, the UNESCO Convention on the Protection of the Underwater Cultural Heritage in 2007.

Indeed, when the decade-long Vietnamese occupation of the country ended in 1989—during the so-called transitional period and before Cambodia even had a fully functioning government—Phnom Penh was already taking steps to implement the 1970 *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property* (more commonly known as the 1970 UNESCO Convention, which remains the major international law on the illicit antiquities trade) (Askerud and Clément 1997, pp. 5–6). As part of these efforts, in 1993, Cambodia worked with the International Council of Museums (ICOM) to publish *One Hundred Missing Objects: Looting in Angkor* (ICOM 2015). This selection of items stolen from the *Conservation d'Angkor* in the 1980s and 1990s brought international attention to Cambodia's plight and eventually led to the repatriation of around a dozen masterpieces, including three that had once gone on the block at Sotheby's.

In 1993, the kingdom's new constitution required the state to “preserve and promote national culture”, including “ancient monuments and artifacts”, and further stipulated that “any offense affecting cultural artistic heritage shall carry a severe punishment” (Article 69, Article 70). While crimes against cultural property had been roughly addressed by the transitional period's penal code, in 1996, the National Assembly strengthened these provisions, adopting the *Law on the Protection of Cultural Heritage*, in accordance with international best practices. Cambodia also joined the World Heritage Convention in 1992, the UNIDROIT Convention in 2002 and the UNESCO Convention on the Protection of the Underwater Cultural Heritage in 2007.

However, despite these accomplishments, during the 1990s and early 2000s, top government and military officials (many in Hun Sen's own Cambodian People's Party) still faced repeated accusations of involvement in the illicit antiquities trade. These claims have lessened in the last few years, replaced

instead with high-profile arrests and convictions, which would have been inconceivable just a decade ago. For example, in 2012, the Phnom Penh Municipal Court convicted former Governor Lay Vireak and General Khuon Roen to 12 and 16 years in jail, respectively, after they were caught trafficking drugs, arms and a twelfth-century Angkorian bronze artifact (Kongkea 2012). Such groundbreaking cases, while remaining few and far between, suggest that once “untouchable” figures may now finally be held legally accountable for their role in plundering the country’s past.

U.S. v. Cambodian Sculpture came at a volatile time in Cambodian politics, overlapping with the lead-up to—and fallout from—the 2013 general elections, the results of which were strongly contested by the opposition, as well as some international observers. Post-election protests and outbreaks of violence were frequent until a new government formed in July 2014 (Sokchea and Ponniah 2014). During the standoff, in which some politicians openly warned of a return to civil war, Cambodia’s fight to recover the Koh Ker statues ranked among the few positive headlines in the country.

The Sotheby’s litigation provided Cambodians with something of a common enemy in the auction house, alongside others deemed responsible for plundering Cambodia’s past, from the former colonial powers to the modern art market. It proved to unify the Khmer people across party lines. There were even protests held against the auction house in Phnom Penh (Lewis 2012). In such an otherwise divisive time, the importance of taking back the country’s stolen heritage was one subject on which all Cambodians agreed, regardless of their political persuasion. No doubt this opportunity was not lost on Hun Sen, who is recognized as a seasoned politician, even by his most ardent critics.

Today, Hun Sen’s administration—despite receiving heated international criticism for alleged corruption, election fraud and other human rights abuses—has taken an increasingly prominent role on the world stage when it comes to cultural preservation. In June 2013, Cambodia hosted the 37th session of the World Heritage Committee Meetings in Phnom Penh, a major honor that ranks it alongside such metropolises as Doha (2014), Bonn (2015) and Istanbul (2016). The 2013 Phnom Penh meeting coincided with the Met’s return of two statues from Koh Ker, and the repatriation ceremony actually opened the proceedings. Hun Sen himself presided over the festivities. Photographs of him kissing the statues, and blessing them with jasmine garlands, soon flooded the international wires (Seiff 2014).

As previously mentioned, the subsequent repatriation ceremonies were also led by some of the country’s top officials, specifically Deputy Prime Minister Sok An and Secretary of State Chan Tani. Both men have taken a strong lead-

ership role in this issue, not only nationally but globally, demonstrating Cambodia's dedication. The involvement of such prominent figures has garnered the world's attention. For example, Vijay Kumar, a noted activist and blogger working to trace and recover art looted from India, has encouraged New Delhi to follow Phnom Penh's example by noting that: "Even countries like Cambodia have been able to exercise their rights and take back their cultural property within months, whereas Indian authorities run around for years chasing what rightfully belong to us" (Kumar 2015).

In Sotheby's internal emails, which came to light during *U.S. v. Cambodian Sculpture*, the auction house had discussed Cambodia's stance on the illicit antiquities trade and repatriation. It reached the conclusion that, "There are no plans at all for Cambodia or the National Museum of Cambodia in Phnom Penh to attempt to ask for the return of anything", as "the major Cultural Property thrust" (sic) in the country was stopping looting, not recovering those pieces that had already been taken (*U.S. v. Cambodian Sculpture* 12 Civ 2600 2012, complaint at 13). Therefore, Sotheby's felt it could safely proceed with the sale of the Koh Ker Warrior and that, if it did "get bad press" as a result, it would only come "from academics and 'temple huggers' not from Cambodians" (*U.S. v. Cambodian Sculpture* 12 Civ 2600 2012, complaint at 15). It can be debated whether Sotheby's was mistaken in this assessment of the kingdom's politics at the time or whether the revelations in *U.S. v. Cambodian Sculpture* prompted a change in the country's policy. Regardless, Phnom Penh is now fully committed to the recovery of its plundered treasures, and has enjoyed significant successes on this front. Perhaps due to these triumphs, and the confidence that has come with them, the Royal Government of Cambodia has found itself in a position to be unusually generous with its heritage.

For example, in November 2015, the Ministry of Culture and Fine Arts returned a statue fragment to the Cleveland Museum of Art (which had itself repatriated one of the Koh Ker statues in 2015). Cleveland had first sent the piece—a larger-than-life hand sculpted in the 600s (Pre-Angkorian)—to Cambodia in 2005, believing it was part of a Krishna statue that was then being restored by the National Museum in Phnom Penh. However, subsequent analysis, using digital technology that had not existed in 2005, later showed that it was actually part of *another* Krishna statue still in Cleveland. The National Museum's Director, Dr. Kong Vireak, decided to send the hand back to Cleveland in the hopes that it would "present a new, enhanced opportunity for the public in the United States to see one of the great artistic accomplishments of the Khmer people" (Elliot 2015). In another example, in January 2016, the National Museum sent a number of sculptural fragments

to the Musée Guimet in Paris, where they were rejoined to a statue of the goddess Uma. In exchange, the Guimet repatriated a head of the god Harihara, making whole a statue in Phnom Penh (McGivern 2016). His Excellency Sok An, in a ceremony to mark that return, said “the reunion is symbolic of prosperity” (BBC News Asia 2016).

With these gestures of goodwill, or “reverse repatriations”, Cambodia has indeed demonstrated the country’s increasing prosperity. They show that Phnom Penh is now in a position not just to ask for what is theirs, but also to share what is theirs with others, even those who may have been considered adversaries in the past. In short, Cambodia has reasserted control of its past, but also over the political narrative of its present.

Impact of *U.S. v. Cambodian Sculpture* on the Art World

The impact of *U.S. v. Cambodian Sculpture* has also been felt far beyond the country’s borders, reaching to the very heights of the art world’s conceptions of meaning and value in the cultural appreciation of Southeast Asian ancient art.

In contrast to Classical art—which collectors have sought for hundreds of years—Khmer pieces only began to appear on the global market within the last century. Neil Brodie and Jenny Doole (2004, p. 100), writing at the time from the now-closed Illicit Antiquities Research Centre at the University of Cambridge, noted that “When in 1913 the Metropolitan [Museum of Art in New York City] acquired a stone head from the temple of Angkor Wat, it was described as ‘one of the first three or four fragments of ancient Cambodian sculpture to reach America’”. However, the authors continued that, “from the late 1960s onwards Cambodian material started to enter United States museums in increasing quantities”. Furthermore, increasingly such acquisitions were not just fragments, but complete statues.

Still, as late as 1966, *Oriental Art* observed “that there is no public collection of first quality Khmer sculpture, or any collection at all worthy of the name” in the United Kingdom. The magazine attributed this absence “to the policy of the French government which [had] protected the cultural heritage of its colonial empire by restricting the export of works of art from Indo-China”, noting it “has, naturally, been continued since independence

by the Cambodian government”. In conclusion, it lamented that “for those of us who are not privileged to travel to Paris or Phnom Penh our only experience of Khmer sculpture for some time to come will be through the medium of books” (Lowry 1966, p. 192). This fear was unfounded. As the story of the Koh Ker Warriors makes clear, Cambodia hemorrhaged its heritage starting with its 1970 Civil War. But even in the subsequent decades, as the art world began to talk about improving its practices—at least with regards to suspect Classical, Near and Middle Eastern antiquities—“Asian collections [...] rarely figured into the debate” (Brodie and Doole 2004, p. 84). In 2004, Brodie and Doole observed that, “Most Asian objects that appear on the market do so seemingly out of thin air [...] hardly ever accompanied by any details of find circumstances or previous ownership” (Brodie and Doole 2004, p. 100).

They were not the only experts troubled by this double standard. In 2008, in a *New York Times* op-ed, critic Souren Melikian lamented how “art casualties from Tibet to Cambodia” still found “an eager market” in the United States. With regard to a Sotheby’s auction of Asian antiquities, he pondered “how it is that so few questions are asked about just how works of art of major importance, for which no government would ever issue an export license, come to tumble on to the market. Do the temples of Cambodia, erected by the Khmers at the height of their culture between the 10th and 13th centuries, ring so few bells?” Melikian concluded his scathing argument with begrudging resignation: “From Tibet to Cambodia, the common treasure of mankind is squandered at a rate that matches that of melting Antarctica. And business goes on” (Melikian 2008).

Five years later, in 2012, the case of the Koh Ker Warrior provided a respite from such business going on and marks a milestone in the transition of the U.S. market away from untrammelled profiteering from loot. Sotheby’s seemed caught off guard in a misreading of, or maladjustment to, developing legal and ethical boundaries, publicly stating in the early stages of *U.S. v. Cambodian Sculpture*: “we are disappointed that this action has been filed and we intend to defend it vigorously” (Blumenthal and Mashberg 2012b). The company’s vice president had earlier insisted that “Sotheby’s approach to the Khmer sculpture is one of responsible and ethical market behavior and international cooperation between private and public entities” (Blumenthal and Mashberg 2012). But, as Mr. Melikian, other experts vehemently disagreed with lawyer and professor Herbert Larson telling the *New York Times*: “Every red flag on the planet should have gone off when this was offered for sale. It screams ‘loot’” (Blumenthal and Mashberg 2012a).

Sotheby's—publicly at least—appeared confident of winning the case up until the signing of the settlement. The auction house did not completely abandon this position in that agreement, in which it insisted that “Sotheby's and its client acted properly at all times” (Blumenthal and Mashberg 2013). Even so, *U.S. v. Cambodian Sculpture* has made clear in general terms that the federal government strongly believes that Cambodia has a valid legal claim under American law to its stolen antiquities, including those that have been in overseas collections for decades. The Department of Justice has moreover proved itself very willing to back that belief with litigation on Cambodia's behalf. At the time, in 2012, one member of the pro-market lobby warned that such actions had prompted a “crisis” that “threaten[ed] the very future of collecting and collecting museums” (see at <https://committeeforculturalpolicy.org/wp-content/uploads/2013/06/CCP-TranscriptAsiaSocietyPanel.pdf>). But the wholesale emptying of Khmer collections in the United States—or elsewhere—has not come to pass. To the contrary, as mentioned above, Cambodia has sent pieces to the Cleveland and Guimet Museums on a long-term basis to make statues in those institutions whole. In addition, it has also increased its short-term loans to overseas institutions, including a number of pieces to New York's Metropolitan Museum of Art for its “Lost Kingdoms” exhibition in 2014. Many of these pieces had never before left the country (see at The Met Museum's Exhibition on Lost Kingdoms, “Hindu-Buddhist Sculpture of Early Southeast Asia, 5th to 8th Century”, *The Met*, Exhibition, <http://www.metmuseum.org/exhibitions/listings/2014/lost-kingdoms>).

Thus far at least, unlike other source countries like Egypt, Greece and Italy, Cambodia has not sought to recover pieces that were stolen during the colonial period. Instead, it has focused its recovery efforts on pieces looted during the 1970 war and its violent aftermath. As 1970 is also the date of the UNESCO Convention, it already served as a “bright line” for many of the art world's own acquisition codes, well before the Sotheby's case. So on one view, in its efforts to recover the Koh Ker masterpieces, Cambodia was asking no more of museums than they already ask of themselves.

Impact on Cambodian-U.S. Relations

In addition to having an impact on the art world and internal Cambodian politics, the fight to recover the Koh Ker Warriors also served to strengthen relations between Phnom Penh and Washington. In its efforts to recover the statues, Cambodia found a strong ally in the United States, adding a new layer to the two countries' often tense relationship. From the American perspective,

bilateral relations have long been overshadowed by concerns ranging from Chinese expansion, to electoral reform and the struggling Khmer Rouge tribunal (which then-Secretary of State John Kerry played a key role in creating while still a U.S. Senator). On Cambodia's side, tensions have emanated from the illegal American bombing campaign and military coup in the 1960s and 1970s that many blame for dragging the country into civil war. However, art has proved a powerful ambassador and a bridge to productive discourse.

This impact is perhaps best illustrated by U.S. Secretary of State John Kerry's January 2016 visit to Phnom Penh—which was part of a broader tour of the region in advance of the special the Association of Southeast Asian Nations (ASEAN) Summit in California that February. As expected, given the United States' "pivot to Asia" (perhaps more accurately called a pivot to "Southeast" Asia), Secretary Kerry's ambitious agenda in Phnom Penh emphasized economic ties between the two nations, as well as the importance of building democracy and fighting extremism. But he also used his platform to highlight cultural ties and the importance of heritage preservation. And in between official meetings with government, opposition leaders and civil society representatives—despite only being in the country for 24 hours—Kerry made time for a visit to the National Museum of Cambodia.

Far from playing the tourist with this stop, Secretary Kerry was demonstrating the soft power of cultural diplomacy, as he paid his respects to the Koh Ker masterpieces that had been recovered in the previous three years with U.S. assistance. Kerry was photographed viewing the ongoing conservation work on the statues repatriated from the United States. Cambodian and international experts are now cooperating to put these figures back together and reattach them to the original pedestals (they had been broken into pieces when looted and then trafficked as parts). In making them whole, they provide a fitting metaphor for the entire country.

During Kerry's formal visit to the Peace Palace, the Office of the Prime Minister, Hun Sen, publicly thanked the United States for its support in recovering the statues. In his own remarks to the press, Kerry also stressed, "We are committed to building on the progress that we have already made in [...] cultural preservation". He added, "I had the privilege of visiting the national cultural museum earlier this morning where artefacts have recently been returned from the United States to Cambodia. And that museum is an extraordinary asset, a goldmine of treasure from the past". He likewise promised that, "We are working with Cambodia to eliminate not just the painful reminders of a long war but to define the future, which is very, very different and distant from that war".

The country's desecrated tombs, beheaded statues and ransacked temples are one of these painful reminders. They conjure one of the darkest periods in the twentieth century—and in all of the kingdom's long history—which left a quarter of the population dead. Safeguarding Cambodia's sacred sites and recovering their stolen relics are not just a matter of preservation—it is a matter of post-war recovery and national identity. Both Hun Sen and Kerry recognize that Cambodia's art and archaeology—its past—is critical to its bright future. It has invaluable cultural, historic and religious significance to the Khmer people. And, since this heritage attracts millions of tourists each year, it is also one of their most important economic resources.

Conclusion

It is a great irony that the UNESCO Convention was adopted the very same year (1970) that an organized trade in Cambodian antiquities was erupting. The Koh Ker Warrior was looted around 1972, the year that Cambodia ratified this agreement. During this time, the government was in the midst of a civil war and controlled little more than Phnom Penh, so, of course, it could not fully enforce this agreement or other laws.

It is confronting that so many other countries failed to meet their domestic and international legal obligations in this story. We know that the Koh Ker Warrior—and likely the other statues plundered from the site—first crossed the Thai border to the major art market hub of Bangkok. From there, the piece traveled to a premier gallery in London and then to a private collection in Belgium, crossing numerous borders in the process. While it would remain in Belgium for decades, in 2012, it entered the United States. Then—42 years after the UNESCO Convention—the Koh Ker Warrior landed on the block of a respected auction house, featured on the front page of the sales catalogue. All this even though it had first appeared on the market directly from a war zone, in the midst of a genocide, with its feet suspiciously chopped off at the ankles. There were numerous points during this journey where the warrior could and should have been stopped—by law enforcement, if not by the art market's own internal codes and policies.

Despite these failures, which allowed the Koh Ker warrior not only to be looted, but trafficked, halfway around the world through the illicit and licit markets, once the scandal was public, law and policy provided the

platform for resolution. An international team came together to secure the statue's return, including the Cambodian government; the U.S. government; and intergovernmental organizations, like UNESCO, non-governmental organizations and even the art market itself. Of the latter, Christie's and the Met appear to have identified the silver lining to the cloud of proactive repatriations, in the opportunity to strengthen relationships with Cambodia.

Cambodia has been measured and proportionate on its part in the recent spate of repatriations. Throughout the last few years, it has only used litigation as a last resort and only targeted those pieces that left the country after 1970. Those collectors and institutions who feared a slippery slope in the early days of *U.S. v. Cambodian Sculpture*—where all Western museums would be emptied of their Khmer art—need not have worried. The public can still readily see Cambodian masterpieces in American museums and may actually be able to see *more* in upcoming years, as Cambodia is actively working on a number of overseas loans.

The overall message from the Sotheby's case—put forward by Phnom Penh, Washington and the more responsible players in the art world itself—is that looting, and trafficking, of antiquities is a crime, and it will no longer be tolerated: not by governments, not by law enforcement and, increasingly, not by the art world's own norms and values, which, if not fully committed to righting past wrongs, are moving slowly but constantly in the direction of hostility to the presence of loot in the system. Where once the trading of loot was glorified and then, more recently, passively accepted, it is now evermore difficult to justify, and there is a clear sense that the old routines of the art market in this respect are operating on borrowed time. Where the market is beginning in cases, like those mentioned in this chapter, to accept the rationale and moral value in righting past wrongs in the form of present-day repatriations, work continues by researchers, lawyers and activists to prompt comparable levels of market commitment to be displayed in respect of preventing such wrongs in the first place, as opposed to just unwinding the consequences of thefts many years later.

What happened in Cambodia four decades ago is happening now again in “Cradle of Civilization”. Masterpieces from Iraq and Syria are crossing borders, this time into Lebanon or Turkey. What happens next? Will they too be slapped with a plausible backstory and laundered into respectable auction houses, art galleries, private collections or even museums? Hopefully, this time, it will not take 40 years for a crisis situation of looting and trafficking to be adequately identified and undone.

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