

Stolen Heritage

Multidisciplinary Perspectives on Illicit Trafficking of Cultural Heritage in the EU and the MENA Region

edited by Arianna Traviglia, Lucio Milano, Cristina Tonghini, Riccardo Giovanelli

EAA Community on the Illicit Trade in Cultural Material Function, Activity and Responsibilities

Marianne Moedlinger

Università degli Studi di Genova, Italy

Andris Kairiss

Riga Technical University, Latvia

Evelyne Godfrey

Uffington Heritage Watch, Farington, Oxfordshire, UK

Abstract The Community on the Illicit Trade in Cultural Material of the European Association of Archaeologists is briefly described, focussing on its history, principles and aims, as well as activities. The community's position concerning stewardship and commercialisation of cultural heritage material is laid out and its online strategy for raising awareness presented.

Keywords Illicit trade. European Association of Archaeologists. Looting. Protection of archaeological heritage.

Summary 1 History. – 2 Principles and Aims. – 2.1 Stewardship. – 2.2 Commercialisation. – 2.3 Aims. – 3 Activities.

1 History

The Community on the Illicit Trade in Cultural Material (hereafter, the Community) was founded in 1994. It was established as a Working Party on the Illicit Trade in Archaeological and Cultural Material in 1998. The Commu-



Edizioni
Ca' Foscari

Antichistica 29 | Archeologia 6

e-ISSN 2610-9344 | ISSN 2610-8828

ISBN [ebook] 978-88-6969-517-9 | ISBN [print] 978-88-6969-518-6

Open access

Published 2021-03-31

© 2021 | © Creative Commons 4.0 Attribution alone

DOI 10.30687/978-88-6969-517-9/009

181

nity met at the annual meetings of the European Association of Archaeologists (EAA) in Bournemouth (1999), Lisbon (2000), Thessaloniki (2002), and Lyon (2004). As a result, a new EAA statement on illicit trade in archaeological material was formulated in 2000 and included in the association's statutes (Art. 2, 3):

The aims of the Association shall be: [...] To work for the elimination of any form of illegal detection and collection and the damage it causes to the archaeological heritage. (EAA 1994)

In 2015, at the Annual Meeting of the European Association of Archaeologists (EAA) in Glasgow, the Community was re-founded as the Committee on the Illicit Trade in Cultural Material (renamed as Community in 2019). The current Chair of the Community is Marianne Mödlinger (Genoa), and its vice-chair is Andris Kairiss (Riga). Regular meetings are held at the Annual Meetings of the EAA, where the Community also regularly organises sessions. Participation in the Community is open to all EAA members, who can follow the Community's activity via the EAA website (www.e-a-a.org). The Community is active online through its own website (<https://heritage-lost-eea.com>) and on Twitter (@EAAHeritageLost).

2 Principles and Aims

The principles and aims of the Community are set out below (see also Mödlinger et al. 2016).

2.1 Stewardship

The archaeological record of each land is unique and irreplaceable. It is therefore the duty and responsibility of every archaeologist to protect and contribute to the long-term preservation of world archaeological heritage. This includes a duty to prevent, report, and raise public and especially institutional awareness, of activities such as the damage or destruction of cultural heritage, and the illegal trade in cultural heritage.

We endeavour to protect material culture and its context as the basis of the social memory of past people and societies, and not on the basis of a selectively constructed record. We have ethical responsibilities to the materials we study, the people with whom we work, and to the people living today in the places where we study those materials. We act with political awareness, not only to protect the cultural heritage for the future, but also with responsibility for the present.

Archaeologists have a responsibility to question political decisions which result in human suffering and loss of cultural heritage.

2.2 Commercialisation

Europe is a leading region in the global trade in archaeological and ethnographic objects. This trade results in the destruction of archaeological sites and the loss of material culture and contextual information, all of which is essential for understanding our past. Consequently, archaeologists should:

- raise public awareness of the social, economic, and wellbeing consequences of damage to and destruction of cultural heritage, and the resulting loss of information;
- report any illegal activity, or trade in potentially illegally-acquired material culture;
- be certain of the provenance of any cultural material studied, and only undertake work following engagement with all legal stakeholders;
- never act as an expert or advisor for auction houses, antiquarians, or private collectors if the object, assemblage, or collection concerned will not be accessible to the public for research;
- actively discourage commercialisation of archaeological material. The publication of archaeological objects suspected to have been illicitly traded, or of doubtful provenance, should only be for the purpose of underscoring the problematic background of the material.

2.3 Aims

The EAA Community on the Illicit Trade in Cultural Material aims to:

- publicise and seek to prevent looting and illegal excavations;
- as an initial target, limit selling of cultural heritage to those objects that have a certificate of legal and ethical origin (e.g. as in the UNIDROIT convention (1995) (UNIDROIT 1995), or the *Kulturgüterrückgabegesetz*, Germany (1999 and 2007; *Kulturgüterrückgabegesetz* 2007), noting recently strengthened provisions);
- develop strategies for a common European legal basis for the protection of archaeological sites and material culture;
- develop a code of conduct for archaeologists (e.g. finds specialists, scientists, and conservators who carry out study and analysis of cultural material);
- develop European standards for the protection of cultural heritage and archaeological finds;

- establish partnerships with specialists, organisations, and agencies working on similar issues (e.g. UNESCO, the Italian Carabinieri, the London Metropolitan Police Art and Antiques Unit in England);
- raise public and institutional awareness of the impact of the destruction of cultural heritage and its consequences.

We aim to discourage looting and illegal excavations by a variety of far-reaching strategies, including organising activities and raising public awareness of the negative consequences of illegal excavations, such as loss of cultural value, common history, identity, and tourism potential. We aim to raise public awareness of the value of archaeological finds, and their context for everyone; for example, by providing information for schools, exhibitions, and brochures, and collecting and publishing information in a public database and web map. We do this through strategic use of the press and social media.

“High end” collectors deserve a special focus; we hope to raise ethical issues, making it more difficult to justify collecting practices in light of the impact they have on archaeological sites, and the loss of contextual information. Significant attention will also be drawn to effective regulation of recreational artefact hunting and collection-driven exploitation of the archaeological record (Godfrey 2020).

Moreover, we co-operate with local and international police authorities, government agencies, and specialists (e.g. UNESCO, Interpol, Italian Carabinieri, and others). This will also raise the profile of “heritage crime”, and result in partnerships with government authorities (including advising export licensing authorities, customs and border control, and others). Consequently, we support a call for more co-ordinated sharing of information across Europe, from intelligence on sales and crime trends through to more co-ordinated data sharing (i.e. compatible software to enable cross-comparisons and transnational research between national and international databases). Examples of such databases can be found in Israel and Egypt (see below).

The Community moreover aims to provide a holistic overview and publish regular reports on the current situation with regard to heritage crime in EAA membership countries. Over time we will ask individual EAA members to contribute to our studies with information about their country. An additional goal is the creation of country-specific brochures, both for archaeologists and the general public, summarising the current legal status, and the negative effects for all of us of unauthorised excavations, artefact hunting (such as Kairiss 2020 for Latvia; Kairiss, Olevska 2020), theft from museum collections, and the trade in archaeological material from areas where armed conflicts are taking place in various parts of the world.

We aim to limit trafficking of cultural heritage by supporting the establishment of an international database in order to register finds

with photos and an identifier number, and a certificate of origin as noted in, for example, the Directive 2014/60/EU (Directive 2014/60) and the *Berliner Erklärung* (1988; see Thorn 2005, Anhang 2, 407-8) The Israeli High Court recently announced that all antiquities dealers will have to allocate every artefact an identification number and picture, which will be stored on an electronic database. We encourage more museums and heritage professionals worldwide to join the International Council of Museums (ICOM), to engage in the process of reformulating the definition of museums for the twenty-first century, and to adhere to the ICOM codes of ethics, especially articles 2, 7, and 8 (ICOM 2005).

We urge all our colleagues to use communication channels, from social media and encounters with the press, to guided tours for schools, to spread information about their ethical standpoint as archaeologists, and why it is important to protect our cultural heritage.

3 Activities

Since being re-founded in 2015, the Community organised several sessions at the annual meetings of the EAA:

- *Protecting Archaeological Heritage in the Globalisation Era: Trends, Challenges, Solutions*. Kiel, 2021.
- *Expanding Horizons: Decolonisation, Contested Ownership of Archaeological Material*, and the 1970 UNESCO Convention on Cultural Property (roundtable discussion with planned briefing paper output). Kiel, 2021.
- *Modern Networks and Past Narratives: "Treasure Hunting", the Art Market, Scientific Analysis, and Co-operation for Protection of Archaeological Heritage*. Budapest, 2020, online.
- *Illegal Obtaining and Trade of Archaeological Artefacts: Status Quo and Counteraction*. Bern, 2019.
- *Cultural Property: From Looting and Illegal Trade to Restitution*. Barcelona, 2018.
- *Archaeology on Sale: How to Prevent Official Selling of Illegally Excavated Objects*. Maastricht, 2017.
- *Illicit Trafficking of Cultural Heritage: Different Strategies to Fight It*. Vilnius, 2016.
- *Sell-out of Our Past: Different Strategies of How to Deal with Illicit Trafficking of European Cultural Heritage*. Glasgow, 2015.

Beyond these, members of the Community also participated actively to other conferences relevant to the topic:

- NETCHER Experts Webinar *Art Market Workshop. Routes for International Cooperation*. November 2020.

- NETCHER Educational Webinar *Education & Illicit Trafficking of Cultural Goods*. October 2020.
- International scientific conference *Kultūras Krustpunkti 2020* [Cultural Crossroads 2020]. Riga, Latvian Academy of Culture, November 2020, online.
- International scientific conference *Scientific Problems of Engineering Economics of Construction and Real Estate Management, Regional and Territorial Development* (ICEREE2020). Riga, Riga Technical University, October 2020, online.
- NETCHER conference *Stolen Heritage*, December 2019.
- NETCHER project international seminar. Barcelona, October 2019.
- *Act for Heritage! Conference of the Council of Europe Convention on Offences relating to Cultural Property*. Nicosia, October 2019.
- NETCHER project international seminar. Frankfurt, May 2019.

Together with the EAA Board, the Community also participated in the Election Benchmarks 2019-24 for the then upcoming elections of the European Parliament, where we evaluated the position of different political parties of several European countries on the protection of cultural heritage (notably, responses from about half of the larger political groups in the European Parliament as well as several parties from Germany, Austria, Spain, Latvia, and nations of the United Kingdom).

Similarly, the community together with the EAA Board put forward a letter in October 2020 to Commissioner Ylva Johansson on adopting a comprehensive strategy to intensify efforts to prevent and combat heritage crimes.

An important step and still work in progress is the formulation of a Code of Ethics for the evaluation and scientific analysis of archaeological materials. This code will be binding for EAA members and tackles issues such as how expert evaluation and scientific analysis can have the effect of raising the financial value of the objects, hence contributing to the market.

Online, the Community is active both via its website (<https://heritage-lost-aaa.com>) and Twitter account (@EAAHeritageLost). Via Twitter, current news on the topic, dealing with various aspects of trafficking and protection of cultural heritage objects are shared. The website presents additional information about the work of the Community, and its aims and activities. The website is regularly viewed by about 2,500 visitors per year.

Members of the Community also observe and track the online trade in potentially looted archaeological objects and how such items enter the market. It is often found to be the case that archaeological objects, when indeed authentic, are presented for sale with a false provenance (Mödlinger, Tsirogiannis 2020).

Bibliography

- Directive (2014). *Directive 2014/60/EU of the European Parliament and of the Council of 15 May 2014 on the return of cultural objects unlawfully removed from the territory of a Member State and amending Regulation (EU) No 1024/2012* (Recast). <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32014L0060>.
- EAA (2014). *Statutes of the European Association of Archaeologists*, 22 September 1994. https://www.e-a-a.org/EAA/About/EAA_Statutes/EAA/Navigation_About/EAA_Statutes.aspx?hkey=7d37ed82-d905-40e9-9377-742d728acaad.
- Godfrey, E. (2020). "Time to Rethink Buried Treasure". *Antrocom Journal of Anthropology*, 16(2), 397-403.
- ICOM (2005). *ICOM Code of ETHICS for Museums*. <https://icom.museum/wp-content/uploads/2018/07/ICOM-code-En-web.pdf>.
- Kairiss, A.; Olevska, I. (2020). "Damage to Archaeological Sites: Assessment Criteria and Situation in Latvia". *Baltic Journal of Real Estate Economics and Construction Management*, 8, 45-82. <https://doi.org/10.2478/bjreecm-2020-0005>.
- Kairiss, A. (2020). "Latvijas arheoloģiskā mantojuma aizsardzības un sociāli-ekonomiskās attīstības faktori" [Factors of Protection and Socio-Economic Development of Latvia's Archaeological Heritage]. *Latvijas Zinātņu Akadēmijas Vēstis* [Proceedings of Latvian Academy of Sciences]. A daļa, 74(3), 52-79.
- Mödlinger, M. et al. (2016). "Committee on the Illicit Trade in Cultural Material". *The European Archaeologist*, 49, 16-20.
- Mödlinger, M.; Tsirogiannis, C. (2020). "Recent Cases of Unprovenanced Armour in the Antiquities Market and Its Clients". *Archäologisches Korrespondenzblatt*, 50(3), 323-37.
- Thorn, B. (2005). "Internationaler Kulturgüterschutz nach der UNIDROIT-Konvention". *Schriften zum Kulturgüterschutzrecht* (Berlin, Boston: De Gruyter). <https://doi.org/10.1515/9783110914030>.
- UNIDROIT (1995). *UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects*. Rome, 24 June 1995. <https://www.unidroit.org/instruments/cultural-property/1995-convention>.

