

We remind delegates that they will need to have partially written a resolution on at least one of the topics discussed in their committees.

## FORUM: CULTURAL MEMORY

### ISSUE: Claims to historical artifacts and documents

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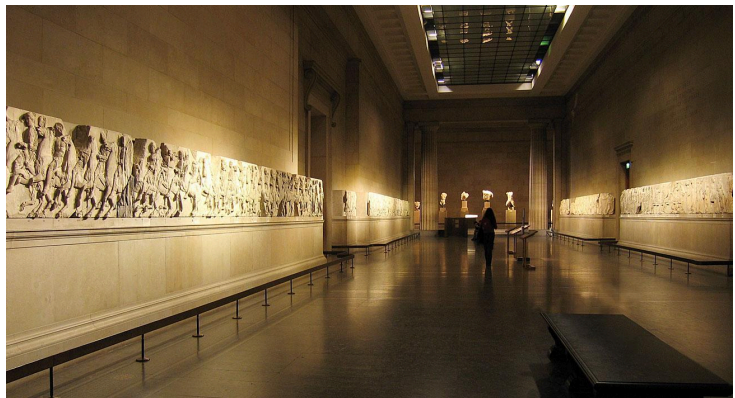
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#### Introduction

At first, claims of artifact was something delt between museums. But as time passed and more countries felt the need to get their heritage back, it became a governmental affair. Smuggling of antiquities is the third major traffic in the world. But if so, why is it not something we talk about often in the media ?

The issue of artifact claims goes back to the most ancient times, when civilisations started exploring the countries overseas. Conquerors would take the artifacts back to their country and most of them still remain there, or have been since then shipped to the US or other countries for museums or private collections.

In the past few decades, some governments have politely asked for objects that they feel have been pillaged from their countries to be returned. During the 2004 Summer Olympics in Athens, Greece attempted to pressure Great Britain for the return of the displaced Parthenon or "Elgin" marbles by announcing the building of a brand new museum for them, the Acropolis Museum.



*A part of the Elgin Marbles*

Egypt is considered as one of the biggest priority. To be more precise, Britain and itself have a never-lasting feud as the UK is holding many of the most precious and iconic egyptians artifacts such as the Rosetta Stone, the Sphinx's beard, and the multitude of mummies.

## Definitions of Key Terms

**Historical artifacts** : They are man-made objects that has some kind of cultural significance and characteristics of an earlier time or cultural stage

**Curator** : Is the custodian of a collection (as a museum or library). He is in charge of choosing the pieces which will be displayed, how and where.

**Archivist** : They acquire, manage and maintain documents and other materials that have historical importance for individuals, organisations and nations. A large part of the work is related to making information accessible to users, increasingly in digital format.

**Looters** : It's a word we refer to when speaking of people stealing goods/artifacts by force or through lawless behaviour.

**Black Market** : It's an illegal market in which goods or currencies are bought and sold in violation of rationing or controls. 95-99% of the final price of a looted artifact is typically pocketed by middlemen and dealers.

**Customs** : Known as *douane* in french, they are an administration which aims to collect the taxes imposed on goods when going in or out of a country. That's why smugglers of artifacts always try to avoid them.

**Claim** : When a person, (or more specifically a country in this report's theme) demands for something as rightful or due. Egypt for example, has been claiming many artifacts such as a collection of mummies and a piece of the beard from the Great Sphinx of Giza ; preserved in the British Museum.

## Background Information

In recent years, countries of origin have successfully recovered illegally removed archaeological and ethnographic objects. Indigenous and Native American communities also have successfully recovered cultural artifacts excavated from ancient burial sites but have had less success in cases of international repatriation. Claims for recovery are based on a patchwork of legal rules, treaties and extra-legal pressure placed on the current possessor. U.S. indigenous communities have recovered cultural artifacts within the legal structure of the Native American Graves Protection and Repatriation Act (NAGPRA), but museums have acted outside of NAGPRA as well.

Well-known examples of historical claims include Nigeria's request for repatriation of the Benin bronzes that British troops removed during the 1897 "Punitive Expedition"; and the recent move by Turkey to recover antiquities taken before 1970.

When two 18th-century bronzes looted by French and English troops from the Chinese emperor's Summer Palace, North-West of Beijing more than a century ago were gave back to China in 2013, it was a very powerful event. In a ceremony at the museum, François-Henri Pinault, a French manager of luxury goods who also owns Christie's, gave the two bronzes back to China, making good on an offer made in April which helped improve China's relations with France and came as Christie's gained long-delayed access to the Chinese market.

Even though China finally succeeded to win this never-ending feud, this is a basic example of how countries struggle to get their heritage back, which is caused by a complicated network of smuggling. In most cases, the people digging the objects won't be the same selling them. That is because the network is very large and quite methodical.

The ones digging are usually poor local people, which are often more influenceable as they don't have many options. They often work in groups of 13 individuals, and they usually sell to regionals. The diggers could be paid in three different ways ; monthly, the price of the object they're selling, or the total cost of the excavation.

Once it is done, the regional intermediate is in charge of passing the illicit antiquities past the custom without being discovered. The artifacts can now enter the process of being laundered, as the regional intermediate passes the objects to an international one, who will

give them false origins. There are two main ways that the smugglers use to launder the artifacts :

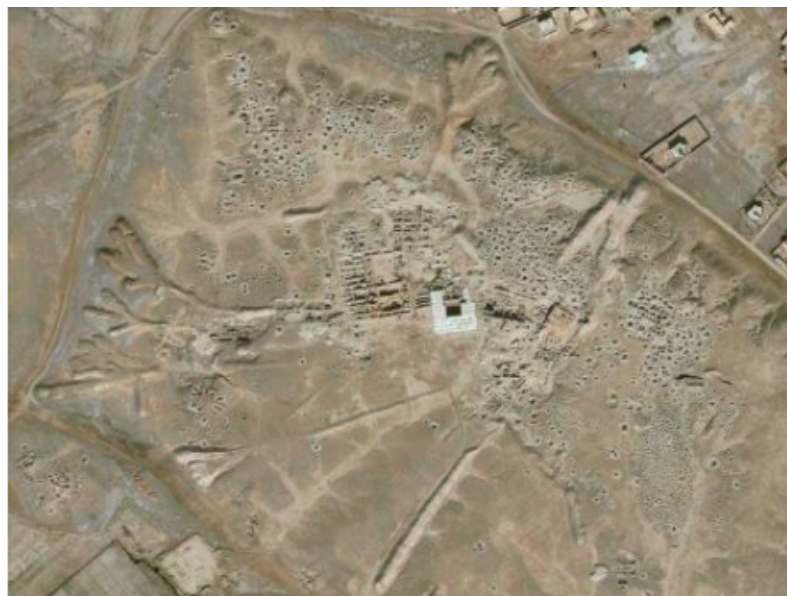
- You can include the artifact in an old collection, giving it false documents and origins.
- You can sell the artifact to an auction house who doesn't pay very much attention to its origins, and buy it again. The documents made thanks to the auction prove that the artifact is "legal".

Geneva, a famous Swiss city has been known for a long time as perfect for smugglers, thanks to the free port zone. At first, those large warehouse were used to store goods of transit, without having to pay the rights of custom.

But the antiquity sellers rapidly started using them as bunkers to store their merchandise with total privacy. Of course, it doesn't meant that every seller who stores goods in the free port zone is involved in illicit actions, but some were. One of the most evident example is Giacomo Medici, which is one of the most famous antiquity trader in the world. A million of artifacts were discovered in the bunkers, which is two times bigger than the collection of the Louvre.

Because of the recent events, Swiss laws have been a little more rigid, as they state that "Henceforth, every company using the free port zone needs to present a precise inventory of their goods." At least, officially speaking. The only tax which should be paid is the one when the object leaves the free port zone.

**This is a link recording every [art crimes and theft statistics](#). The delegate may look it up to see if he/she can find something related to their country.**



*Satellite images of Mari, an ancient Mesopotamian city in eastern Syria, show a dramatic increase in looting pits between August 2011 (left) and November 2014. The structure at the center is a roof over the ruins of a once grand palace. - [From National Geographic](#)*

## Major Countries and Organizations Involved

Bulgaria, Cambodia, China, Egypt, England, Greece, Germany, Guatemala, Iraq, Iran, Italy, Mali, Mexico, Niger, Peru, Switzerland, Syria, Turkey, USA,

**UNESCO Convention** (PDF) : The United Nations Environmental, Scientific and Cultural Organization was created in 1970, Convention on the Means of Prohibiting the Illicit Import, Export and Transfer of Ownership of Cultural Property. This seminal document gives members the right to recover stolen or illegally exported antiquities from other member countries, including the United States. American law incorporated the UNESCO Convention in 1983 through the Convention on Cultural Property Implementation Act (CPIA).

Currently, UNESCO has official partnerships with 373 international NGOs and 24 foundations and similar institutions. Working with NGOs allows them to :

- create strategic alliances;
- enhance efficiency and effectiveness of programme/activity implementation;
- strengthen visibility and impact of its action and presence, globally, regionally and at country level;
- reinforce the implementation and monitoring of its normative frameworks;
- enhance its capacity to reach all segments of societies which should be beneficiaries of its action;
- multiply the effects of UNESCO's actions.

**MFAA** : Mostly known for the help they gave during the restitution of Nazi-smuggled artifacts, the “Monuments, Fine Arts and Archives program” known today as the Monuments Men are still searching for lost antiquities lost during the Holocaust.

**INTERPOL** : It's the world's largest international police organization, with 190 member countries. They work to ensure that police around the world have access to the tools and services necessary to do their jobs effectively.

**Art Loss Register** : It's a private company based in England which has a database of thousands of missing or stolen artifacts, which increases days after days. They create certificates which state that the artifact has not been stolen. It is useful for traders when they sell antiquities, to prove that the objects aren't illicit. However, the certificate of Art Loss Register clearly state that *“We certify that this item has not, to the best of our knowledge, been registered as stolen or missing.”*. Thus, this mean that even though they haven't found it in their database, there is no confirmation that it is not missing elsewhere. So even though it is useful, it cannot be used for all occasions.

In addition, the reason why it is a private and not a public company is because as the European countries have different laws regarding antiquities, it impedes the company to work properly.

**China** : It is believed by experts that 100,000 looters are currently active in china, with more than 400,000 ancient graves robbed in the last 20 years.

## Timeline of Events

**1802** : The Egyptian Rosetta Stone, which was the key to unlock the meaning of the hieroglyphs was discovered by a French soldier, and then sold to the British Museum in London.

**1818** : The sphinx, which was built in honor of Pharaoh Khafre lost his nose, which fell off, and was then taken and sold to the British Museum

**1995** : An Italian Magistrate called Paolo Ferri is warned of a traffic when thousands of euros seem to have been spent on the black market. In the middle of this was a well-known antiquities seller called Giacomo Medici. It was discovered that his power was international and a vast network of people working for him. An estimation made by a university of the US ; **a million and a half antiquities had been sold**. It was one of the biggest looting ring dismantled. Unfortunately, the prosecution was abandoned.

**1998** : Washington Conference Principles on Nazi-Confiscated Art

**1999** : Resolution 1205 of the Parliamentary Assembly of the Council of Europe

**2000** : Declaration of the Vilnius International Forum on Holocaust-Era Looted Cultural Assets

**2005** : The Axum obelisk which is 1,700-year-old was returned to Ethiopia after 70 years in Italy. It was looted by Italian troops in 1937. Dismantling and sending the artifact back to Ethiopia costed \$7.7 million to the Italian government.

**2005** : Italian police calls out to the American Marion True, which at the time was the curator of antiquities of the famous J. Paul Getty Museum in Los Angeles, accusing her of (knowingly) buying dozens of looted antiquities. She was put under examination, for association with criminals and illicit antiquities traffic.

**2009** : The forty-seven countries that participated in the [Conference on Holocaust Era Assets held in Prague](#) adopted the [Terezin Declaration](#)

**2011** : Yale and Peru ended a 100-year dispute when the university agreed to return 40,000 artifacts originally taken from the Machu Picchu site in the Andes in the early 1900s. Peru's President sent President Obama a letter seeking his assistance in 2010.

**2011** : An international antiquities smuggling ring, charging artifacts dealers in New York, Michigan and Dubai conspiring with a collector in Virginia to smuggle Egyptian artifacts into the United States is dismantled.

**2011** : Cambodia and Thailand waged a mini war over an ancient temple. Because the temple is on the border between the two countries, there has been a feud over who owns it since the 1950's when the French withdrawn from the territory. Resumed in 2008 when the United Nations Educational, Scientific and Cultural Organization announced the temple a World Heritage with ownership to Cambodia. In February 2011, the United Nations ordered a ceasefire between the two nations after 10 people perished but the dispute resumed in April resulting in the deaths of 18 people and evacuation of 85,000.

**2011** : Subhash Kapoor which allegedly runned a \$100 million international smuggling racket, was arrested at Frankfurt International Airport and on 14 July 2012 extradited to Chennai, India.

**2012** : Over one thousand pieces of artwork were discovered at the home of Cornelius Gurlitt, son of a famous art dealer and historian that worked during the Nazi occupation in Germany.

**2014** : Just days before the terrorist group seized Mosul, Iraqi forces discovered over 100 flash drives packed with data on ISIS which exposed information on smuggling and looting of artifacts. The fortune they accumulated is so massive that they stole \$36 million worth of artifact in one Syrian site alone.





*Using toilet cleaner and a dental probe, middlemen clean antique coins dug up in Syria. Second-tier looters like these buy antiquities from diggers and sell them to smugglers and dealers, who resell them at a considerable profit. - [From National Geographic](#)*

## Relevant UN Treaties and Events

### **Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property 1970**

At the end of the 1960 and in the beginning of the 1970s, thefts were increasing both in museums and at archaeological sites, particularly in Africa, South America, Asia and the Middle East. In Europe, Asia and North America, private collectors and, sometimes, official institutions, were increasingly offered objects that had been illegally imported or were of unidentified origin.

Thus, *“the Convention, States Parties undertake, at the request of the State Party (of origin), to take appropriate steps to recover and return any such cultural property imported after the entry into force of this Convention in both States concerned, provided, however, that the requesting State shall pay just compensation to an innocent purchaser or to a person who has valid title to that property. More indirectly and subject to domestic legislation, Article 13 of the Convention also provides provisions on restitution and cooperation.”* - Unesco

## Unidroit Convention on Stolen or Illegally Exported Cultural Objects

In Rome, on the 24 June 1995, a convention took place with the determination to do something about the illicit trade and looting of antiquities. They finally came up with solutions, including :

“(b) the return of cultural objects removed from the territory of a Contracting State contrary to its law regulating the export of cultural objects for the purpose of protecting its cultural heritage (hereinafter "illegally exported cultural objects").”

There was a lot of opposition toward this ameliorated version of the 1970 Unesco Convention. Some countries sustain that the Unidroit Law was too complicated, there were too many things to manage. It would mean a change in important legislations. It was so negatively received that it was nearly not presented. But fortunately in 2002, the French National Assembly opened the debate on the Unidroit Law. Even though it didn't thrill many of the people, it was passed.

Unfortunately, 5 months later, the new right wing Government completely abandoned the Unidroit Law which to this day, has still not passed.



*The blue countries are the ones who signed 1970 Unesco Convention ; which nearly covers the entire globe.*





resolution later this year. With strong, enforced international laws supporting domestic laws, we can prevent the smuggling of priceless global heritage before it hits the auction block.

## Possible Solutions:

One of the biggest problem regarding the looting and claim of artifacts is not so much the people selling the antiquities, but the ones buying them. And what happens is that in many cases, private buyers or museums have no idea or care little about the object's origins, which can sometimes end up being trouble if they were taken thanks to illegal processes. A possible solution to this issue is to first make the population aware of the problem ; which is quite ignored in medias and can be hard to research when someone is interested in the subject.

This is a possible solution with the objective of *preventing* looting and thus, the issue regarding claims of artifacts.

Delegates may explore any solution which he/she think can bring richness to the debate.

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