

The International Illicit Antiquities Trade

Colton Rafferty

For decades the trade in illicit antiquities and looted artifacts has often been ignored, or given little recognition, outside of academic and/or legal circles. With the rise of the Islamic State of Iraq and Syria (ISIS) and the sale and destruction of antiquities to fuel terrorist activities new interest has been sparked in this topic. Although

many of these issues are just being realized by the general public, much of what is being discussed has been occurring for decades. Issues such as heightened rates of looting in conflict areas, which in many cases are various manifestations of criminal

“AS THE DEMAND THAT FUELS LOOTING COMES PREDOMINANTLY FROM THE WESTERN WORLD AND THE DESIRE BY COLLECTORS AND MUSEUMS TO ACQUIRE RARE AND VALUABLE PIECES OF HISTORICAL AND CULTURAL VALUE; THIS IS WHERE THE TARGET FOR CHANGE MUST OCCUR.”

organizations, have become a more acknowledged phenomenon than in previous decades. The desire by collectors and institutions to garner prestige or recognition by being in possession of such items has often not been deterred by conventional attempts to deter looting. The possession of items with authentic

historical or cultural significance appear to be amongst the most highly sought after, and as a result have been at the forefront of these discussions. Additional legal and ethical challenges such as subsistence looting, the policies of museums, and their collaboration with collectors, proves to complicate this matter even further. The renewed focus on this issue presents an opportunity to discuss not just the impact of the international trade in illicit antiquities, but meaningful solutions to discourage or stop it in the future. As the demand that fuels looting comes predominantly from the Western World and the desire by collectors and museums to acquire rare and valuable pieces of historical and cultural value; this is where the target for change must occur. A re-evaluation of what it means to own cultural materials must be done globally by all parties involved to truly address the problems that stem from the desire to physically possess a piece of history, be it by a museum or a collector. The ramifications of the current attitude of collection and ownership only produces economic hardship and the loss of cultural items for the peoples where the artifacts come from originally. Artifacts that may be integral to their past, and possibly their economic future.

A major ethical problem needs to be addressed before this topic can be developed any further. It is important to indicate that the extreme circumstances, such as armed conflict, drought, famine, poverty, and/or economic or political turmoil,¹² are often present in areas where looting takes place. Many of the people who do the looting are often engaged in the activity in order to create, or supplement, an income that is inadequate to provide for themselves and their families. This particular brand of looting is often

¹ Sam Hardy, “Virtues Impracticable and Extremely Difficult: The Human Rights of Subsistence Diggers,” *Springer Science*, In Press (2015): 80-111 [Line #s].

² Benjamin Isakahn, “Chapter 19: Heritage Under Fire: Lessons from Iraq for Cultural Property Protection,” in *A Companion to Heritage Studies*, ed. William Logan et. al. (Malden, MA: Wiley & Sons, Inc. 2015).

referred to as subsistence looting³. This is not the main issue of importance when examining the international illicit antiquities trade, but it is a symptom that is caused by the desire of buyers, predominantly from the West, to own a piece of history, regardless of who it rightfully belongs to or the circumstances under which it was acquired. Looters are often demonized as being the problem although they tend to make next to nothing in comparison to what the middle-man (often an auction house) and the collectors get in return for their purchase. For instance, “in the Petén region of central America looters receive about \$200-\$500 each for vessels which might ultimately be sold for \$100,000”⁴. In an attempt to better their lives, and that of their families, looters turn to helping supply the West with their Nations’, or Cultures’, highly sought after artifacts. This issue is highlighted by Julie Jones, former curator for Pre-Columbian Art for the Metropolitan Museum of Art, when she explains that “[i]n Peru, everyone who has a shovel and is poor digs. To sit up here in our comfortable air conditioned places and say those people shouldn’t loot... is a nicety that we can afford they cannot”⁵. This perspective highlights some of the controversy surrounding the reprimands coming from the West. It is important to note, however, that the Metropolitan Museum of Art is not innocent on this topic. Examples of the Lydian Hoard and Andean four-cornered hats, two collections obtained by the museum in questionable ways, may be used to argue that the institution is an excellent example as to why this issue is persisting⁶. This misplacement of the blame to the people on the ground often leads to well-intended, but ultimately flawed, attempts to remedy the solution through on the ground intervention.

On the ground intervention for looting is a multi-faceted issue that will require some deconstruction. On the ground intervention is precisely what it sounds like, intervention at a specific site or in a highly prolific area of looting that is aimed at discouraging or stopping the act of looting at the source. Firstly, one of the major complications with on the ground intervention is that it often occurs only after the area has degraded to such a point that there is some sort of call to action, or outcry, on the basis of the protection of cultural heritage, the stymying of organized crime, or more recently, on the grounds of international security⁷. Secondly, often the intervention suggested is the addition of armed guards to the sites at risk. Having armed guards present at a site that is at risk of looting seems like it would be useful. However, the same circumstances which often cause police and other civil and protective services to stop operating during times of civil strife also affect those who have been hired to protect archaeological sites, museums, etc.⁸ The people hired, though often private contractors, are still involved in the events unfolding around them and are not immune to the same fears or concerns that cause other services to stop operating, such as concern for one’s personal well-being or that of their family⁹. Another argument against armed protection for sites is that it does not actually deter looting as a whole, but rather looting at one specific site. For example, resources for protection of archaeological materials may be placed at a site that may be at risk or has already suffered from severe looting. However, this does not deter looters from looting another site nearby which is not guarded, as it is not feasible to have guards stationed at each archaeological site¹⁰. It is also common for looted sites to not be well known, but

³ Hardy, “Subsistence Diggers,” 2015.

⁴ Neil Brodie et. al., “Stealing History: the Illicit Trade in Cultural Material,” *The McDonald Institute for Archaeological Research*, Cambridge: McDonald Institute (2000): 13.

⁵ Brian Alexander, “Archaeology and Looting Make a Volatile Mix,” *Science* 250 (1990): 1075.

⁶ Brodie et. al., “Stealing History,” 8, 46.

⁷ Neil Brodie, ““Why is Nobody Talking about Libya’s Cultural Destruction?”” *Near Eastern Archaeology* 78 (2015): 215-216.

⁸ Ibid, 214-215.

⁹ Isakahn, “Heritage Under Fire,” 273.

¹⁰ Alexander, “Volatile Mix,” 1074.

rather discovered by those in the looting community¹¹; i.e. areas that have not been archaeologically excavated previously but have varying amounts of artifacts. This approach of armed surveillance is not effective for a myriad of reasons and does little to decrease the driving factor that is causing the looting in the first place, which is often Western demand for the items being stolen.

Many of these responses are targeted towards on the ground efforts and are often coordinated by various governments and institutions which may be based in the country where the looting is taking place. The efforts can also be international in scope, however, they often focus on a targeted country by country approach rather than a broad international effort to discourage the sale of looted antiquities¹². One can see the progression of these efforts from crisis to crisis in an effort to deter looting by attempting to discourage it in different areas, after the fact, over the last thirty years. Most recently one can identify the progression of efforts from Iraq in the early 1990's, Afghanistan in the late 1990's and early 2000's, Iraq again in the mid-2000's, then in quick succession, Egypt, Libya, and Syria and Iraq most prominently in the present day¹³. These issues have morphed recently from simply an issue of cultural protection and have taken on an international security dimension with terrorist activities fueling the sale of antiquities¹⁴. This back and forth between various politically charged areas in an attempt to stop looting appears to be doing nothing to deter the looting of antiquities, possibly due to the fact that these efforts do not affect the market which they are

sold into, nor the overall demand for the items. Rather than a country by country, crisis by crisis, response to these issues perhaps a broader approach focusing on the markets and buyers, rather than the sellers themselves, would be more effective¹⁵.

This approach also presents a number of challenges that may or may not make it a feasible option. To start, one of the major drivers for the antiquities market appears to be the recognition, prestige, and value associated with owning items of cultural or historical significance. This recognition amongst certain circles, such as collectors and enthusiasts, bolsters the desire to acquire artifacts that are "authentic" and unique¹⁶. These views can be seen in an analysis, by Paul Edward Montgomery of York University, of small, mostly online, distribution sites for artifacts which are predominantly from the continental United States. The sales are completed mostly by small retailers out of either their homes or a small business space, with emphasis placed on the authenticity of the artifacts they are selling¹⁷. The claims that the artifacts for sale are authentic, while probably true, fail to provide any legitimate evidence towards proving their claim. Sections describing the artifact are laughably lacking in detail to the point of being useless in determining anything other than some sort of broad geographical or cultural association to a large area¹⁸¹⁹. Many of the websites in question attempt to justify, or explain, their reasoning for collecting archaeological materials that often boils down to some version of showing homage, or respect, to the culture which they collect from²⁰. One

¹¹ Christopher Roosevelt and Christina Luke, "Mysterious Shepherds and Hidden Treasures: The Culture of Looting in Lydia, Western Turkey," *Journal of Field Archaeology* 31 (2006): 188.

¹² Brodie, "Libya's Cultural Destruction," 215-216.

¹³ Ibid, 212.

¹⁴ Ibid, 212.

¹⁵ Neil Brodie, "Stealing History," 5.

¹⁶ "Artifacts for Sale Page 1" Prehistoricartifacts Accessed November 22nd, 2015.

<http://www.prehistoricartifacts.com/for%20sale%20pages/Page%201.html>

¹⁷ "American Looters: A Market Report of the Online Trade of Native American Artefacts," accessed November 20th, 2015.

https://www.academia.edu/12512459/American_Looters_A_Market_Report_on_the_Online_Trade_of_Native_American_Artifacts

¹⁸ "American Looters," 2.

¹⁹ "Artifacts for Sale Page 1"

²⁰ "American Looters," 11-15.

particular seller attempts to pre-emptively defend his involvement in selling Blackfoot artifacts online by immediately informing the potential customer that that he has a connection to Blackfoot heritage, but does not self-identify as Blackfoot²¹. These observations by Montgomery help to establish the point that looting, trade, and sale of archaeological material is not simply a matter for exotic locations and conflict areas but is a serious issue in North America as well.

Looting is a concern on an international scale, a dilemma that archaeologists, and those involved in archaeological endeavours also encounter in the course of running fieldwork. An online questionnaire conducted by Blythe Bowman Proulx attempted to gain insight into the global scope of archaeological looting by sending a questionnaire to approximately 15,000 archaeologists, and people in the archaeology profession, in order to determine the experiences of the professionals who work on various archaeological sites around the globe²². The results of the survey found that 80% of those questioned had experienced looting (seen the destruction of sites caused by looting, or witnessed it first-hand) to some degree while on site, and nearly 90% of those surveyed told of experiences offsite with admitted or suspected looters²³. These results are compounded by the fact that of the 118 countries included in the survey 103 of them have had looting activity witnessed by the recipients in the survey²⁴. The overwhelming consensus amongst those in the archaeological field surveyed found that “(97.9%) of respondents reported that looting was occurring in some capacity in the country or region where they conduct fieldwork”²⁵.

Contrary to how it is often portrayed, this exemplifies that the looting of archaeological sites is a problem that is occurring on a global scale, and requires a global response to combat it.

The global trade in antiquities is as broad in its scope as it is in its consumers. Some of those who purchase and covet archaeological materials appear to do it out of the desire to own something that is “authentic”^{26,27} while others see the purchase of archaeological artifacts as an investment, that not only garners them prestige within the community, but also allows them to buy, sell, or trade their purchases for further recognition or benefit²⁸. Much of the high end archaeological trade (the flashiest or rarest of artifacts), the type that is most often discussed in the press, begins on the ground in almost the same way as subsistence looting. Often the types of people who subsistence loot are hired by international traders, organized crime, or some other conduit to do the dirty work in order to acquire the artifacts to be shipped to a middleman, often an auction house for distribution^{29,30}. The source or exact location of the artifacts’ discovery is often kept secret, or extremely vague, in order to protect the source who provided the material thus stripping the item of all providence, in addition to its’ contextual information³¹. Neil Brodie explains that there is a typical way in which these transactions occur: “as a general rule material is excavated and passed on to local middlemen, who, if necessary, are then able to arrange for the material to be smuggled out of the country, whereupon it may be bought by one or more dealers for ultimate sale to collectors or museums”³². This is important to note because, as previously stated, the people

²¹ Ibid, 1.

²² Blythe Bowman Proulx, “Archaeological Site Looting in “Glocal” Perspective: Nature, Scope, and Frequency,” *American Journal of Archaeology* 117 (2013): 114-115.

²³ Ibid, 121.

²⁴ Ibid, 123.

²⁵ Ibid, 123.

²⁶ “American Looters,” 13.

²⁷ “Artifacts for Sale Page 1”

²⁸ Neil Brodie and Colin Renfrew, “Looting and the World’s Archaeological Heritage: The Inadequate Response,” *Annual Review of Anthropology* 34 (2005): 353-354.

²⁹ Brodie, “Stealing History,” 29.

³⁰ Roosevelt and Luke, “Mysterious Shepherds,” 194, 196.

³¹ Brodie, “Stealing History,” 29.

³² Ibid, 29.

engaging in the physical looting are often the ones that are vilified. While sometimes they do use excessive force and violence to achieve their goals, such as in Iraq³³, Peru³⁴, or Turkey³⁵, more often than not the looting is quietly done unbeknownst, or ignored, by the local people and/or government who may not know how to handle the situation (as there has been no one solution that seems to have been effective).

A key matter that serves to perpetuate the cycle of illegal looting and cultural destruction is the relationships that exist between the collectors of illicit materials and museums, or often the lax or non-existent policies of museums in regards to un-provenanced materials. Many museums do not have the means to mount their own archaeological excavations and research projects in order to acquire artifacts and must rely on the private market³⁶. Museums often use the justification that these practices, while some may view as questionable or morally reprehensible, are technically legal³⁷. Many museums use ambiguous language in their policies in order to circumnavigate these issues³⁸. In addition to the purchase of un-provenanced materials, museums often exhibit artifacts that are owned by private collectors. The main problem with this is that due to the lack of clear guidelines dictating the need for materials to have proven or documented provenance, is that the museums, through their display of these materials, act to legitimize materials that may have been illegally excavated and imported. Brodie and Renfrew outline the general progression of how this occurs and how it often benefits both parties:

“First, they often donate some or all of the antiquities (not infrequently the most obviously

looted ones) to the museums, thereby often obtaining substantial tax benefits from the tax authorities by virtue of their “charitable” donation. Second, the collectors who have benefited from this laundering process sometimes pay substantial sums towards new museum galleries, which are in some cases named in their honor. And third, the collector in question is sometimes rewarded by being made a trustee of the museum in question, a position which is sometimes held to confer a significant honorific status”³⁹.

The complacency with which some museums operate in collusion with private collectors and dealers serves to promote the profitability of the artifacts in question. The lack of many clear policies in place for the filtering of un-provenanced, illegitimate materials allows museums to circumnavigate responsibility for their displays. Although this is not the case for all museums⁴⁰ the continuation of these practices are detrimental, not just to the preservation of archaeological materials and the prevention of looting, but to the reputations of museums as a whole. In order to discourage looting on a global scale many things need to be successfully brought to fruition such as the “protection of sites, churches and museums; good documentation; a well-functioning national and international legal framework; codes of ethics; and education and awareness-raising are all important”⁴¹.

It is here that we come to the pivotal crux of the matter in regard to the illicit antiquities trade;

³³ Isakhan, “Heritage Under Fire,” 272-273.

³⁴ Alexander, “Volatile Mix,” 1074.

³⁵ Roosevelt and Luke, “Mysterious Shepherds,” 194-196.

³⁶ Brodie, “Stealing History,” 47-53.

³⁷ Ibid

³⁸ Brodie and Renfrew, “Looting and the World’s...,” 345.

³⁹ Ibid, 354.

⁴⁰ Ibid, 344.

⁴¹ Brodie, “Stealing History,” 5.

desire by predominantly Western purchasers to acquire artifacts in order to own a piece of history, regardless of the provenance or legality of the item, for either monetary gain, recognition as a collector, or both. After the artifact is taken from the site it is often moved to auction houses and to other dealers before being sold off to various collectors, and sometimes museums⁴². Through these transactions, the contextual or providential information that could be useful in examining the historical or cultural significance of the piece is typically lost, and thus relegating the artifact to an item that is little more than aesthetically pleasing, devoid of much of the important information uncovered during the course of a proper archaeological excavation⁴³⁴⁴. The trade in illicit antiquities is not a “two-way street” with equal amounts flowing all over the world but instead most of the items are being sent to nations typically characterized as “first-world countries”⁴⁵. The retention of these artifacts in the countries which they originate, with proper protection both locally, and on an international scale, could be used to foster the development of the local and national economy. Cultural centres showcasing the artifacts of the area have the potential to infuse underprivileged areas with economic assets that would have been exhausted once the artifact itself was illegally exported⁴⁶.

The illicit trade in antiquities is a multi-faceted and complex issue which effects the preservation of cultural materials on a global scale. The vilification of looters themselves, while an easy target and partially to blame, is misplaced. A key issue with the international illicit antiquities trade is the culture of ownership amongst collectors in Europe and North America to museums and other similar institutions. Martin Sullivan succinctly stated that “[t]oo many museums are still thinking in terms of ownership... Museums started out

being institutions for the preservation of cultural heritage. We have to get back to that – and find some new ways to do it”⁴⁷. In order to have any meaningful impact on the trade of illicit antiquities we will have to re-evaluate not only how we deal with looting itself but the concept of ownership, collection, and legitimacy.

⁴² Brodie, “Stealing History,” 26-29.

⁴³ Ibid, 29.

⁴⁴ Isakhan, “Heritage Under Fire,” 273.

⁴⁵ Brodie, “Stealing History,” 12-14.

⁴⁶ Ibid, 14, 56.

⁴⁷ Ibid, 54.