



Art theft from fragile states

Safe havens

What can be done if the government of a fragile state or a rebel movement neglects or threatens to destroy a country's cultural heritage? While 'temporary' safe havens are now accepted as a solution to the problem, many museums are refusing to return stolen pieces of art.

By **Jos van Beurden**

Every country and every people has its own special monuments and objects. They are expressions of their culture and links with the past, and form part of their material cultural heritage. Sometimes that heritage comes under threat. Archaeological objects may be excavated or pieces of art stolen and smuggled out of the country. It is almost impossible to assess the scale of art theft and the damage it causes in poor and fragile countries in monetary terms. 'The illicit trade is clandestine, it is hidden from view' and it is 'in consequence difficult to quantify the damage caused worldwide. ... There are very few facts and figures', concluded a research team from the University of Cambridge, UK.

There is, however, more than enough evidence that art theft is leaving gaping holes in the material cultural heritage of poor peoples and fragile states. It is also clear that stealing art is only lucrative if there is also sufficient demand. That demand is there, and it is growing, as is shown by statistical evidence of rising prosperity and the desire to travel.

In many cases, art theft occurs in a context of violent conflict, instability, poverty and changing values. Archaeologists like Colin Renfrew (McDonald Institute at the University of Cambridge, UK) and Neil Brodie (Archaeology Center at Stanford University, California), as well as legal experts such as Lyndell Prott (Australian National University) and Kurt Siehr (University of Zurich) are working to bring the causes, the damage being done, and possible solutions to the problem into sharper focus.

In Cambodia in the 1970s, poverty and changing values were the main reasons why countless religious artefacts disappeared from temples and home altars. At that time, as cultural heritage specialist Masha Lafont describes, the authorities wanted little to do with

religion. Merchants and high-ranking military officers took advantage of the situation and sold many cultural treasures to antique dealers, museums and collectors in Australia, Japan, Europe and North America, using Thailand as a conduit.

The same occurred in Ethiopia in the 1980s, according to Kassaye Begashaw, director of the Centre for Research and Conservation of Cultural Heritage in Addis Ababa. During that decade, when the country was ruled by a Marxist government and there was a series of famines, old Christian and Islamic treasures disappeared *en masse*.

In Bangladesh, mostly Islamic traders are stripping Hindu temples and Buddhist shrines, which to them are worthless.

In the Balkans, the military violence in the early 1990s resulted in the loss of much cultural heritage, according to Fabio Maniscalco, director of the International Observatory for the Protection of Cultural and Environmental Heritages in Areas of Conflict. Among the worst incidents were the aerial bombing of the historic city of Dubrovnik in Croatia in 1991, and the destruction of the sixteenth-century bridge at Mostar in Bosnia-Herzegovina in 1993.

In the same year, in Afghanistan, against a background of instability and changing values, the National Museum and various regional museums were looted. In 2001, in a similar situation, Taliban fighters destroyed the ancient statues of Buddha in Bamyán, while the world looked on.

In Iraq, the instability that followed the invasion in 2003 led to the looting of many museums. At first there were reports of 170,000 missing objects, although this figure was later adjusted to between 14,000 and 15,000. The *Guardian* and other newspapers reported allegations that US and Polish troops had caused great damage to Iraq's cultural heritage. In the process of setting up a military base at the ancient capital Babylon, according to a report by the British Museum, a brick pavement 2600 years old was crushed by their military vehicles, archaeological fragments were scattered across the site, and trenches had been dug into ancient deposits. >

Jos van Beurden is a journalist and researcher. Since 1990 he has focused on the protection of cultural heritage and the illicit trade in art and antiquities, and has published several books and articles on the subject.

Safe

What can be done if a government or rebel movement neglects a country's cultural heritage or permits it to be destroyed? Although the problem is by no means new, since the looting of the Kabul Museum it has been the subject of heated discussion among archaeologists, archivists, legal experts and other researchers involved in matters relating to cultural heritage. The museum lay precisely in the firing line and its buildings were bombed. Troops from all sides tried to loot it regularly. Museum staff and concerned foreigners watched as many objects disappeared, and later turned up for sale in Peshawar, in northwest Pakistan. The authorities faced a serious dilemma: should they buy back what was essentially contraband – unprovenanced artefacts at low prices and so preserve them for Afghanistan, or allow them to be bought up by outsiders? They would then invariably end up in the hands of Western dealers, who would sell them for much higher prices, and they would be lost to Afghanistan for good.

Moving valuable works of art to other countries of course has a precedent. In 1939, at the outbreak of the Second World War, endangered Spanish art treasures were moved to Switzerland, and valuable Polish works of art were shipped to Canada. But in these cases, governments had taken the decision to move them. In Afghanistan it occurred without government involvement. The items bought in Peshawar in 1994 by a group of art lovers, the Society for the Preservation of Afghanistan's Cultural Heritage (SPACH), were part of the national cultural heritage and should never have been put up for sale. But in buying them, SPACH was essentially guilty of fencing, and of violating the sovereignty of the country by deciding what to do about items of its cultural heritage without consulting the competent authorities.

This was a serious problem for UNESCO, says Lyndell Prott, who at the time was director of the Division of Cultural Heritage. 'UNESCO clearly could not be associated with any activity contrary to its own standards', she says. 'UNESCO disapproved of the purchase of unprovenanced antiquities, which not only encouraged further illicit excavation and theft, but also promoted fraud and forgery'. SPACH countered with the argument that in Afghanistan there was a basis for evacuating items of cultural heritage: in 1989 the then President Mohammad Najibullah had asked for the assistance of the international community on this very matter.

Eventually UNESCO agreed that the Afghanistan Museum in Exile, in Bubendorf, Switzerland, could act as a safe haven for Afghan cultural objects. It imposed six conditions, the most important being that the museums should return everything to Afghanistan, at a time and to an institution of UNESCO's choosing.

The internet

The internet has become a fourth major channel – after public auctions, sales from dealers and private transactions – for dealing in tainted art. According to UNESCO, Interpol and the International Council of Museums, it presents 'a very serious and growing problem, both for the countries of "origin" (where the theft has occurred) and the destination countries'.

The illicit trade in art and antiquities via the internet is a new area of crime-fighting. Combating this trade is difficult, but sometimes catches are made. In 2000, for example, the US Customs Service reported that they had seized a number of prehistoric human bones, excavated in Italy, that had been bought by private collectors and dealers via the internet. The bones had been smuggled out of the country to a dealer in the Netherlands, who had exported them to the United States.

That time came in October 2006, when the museum closed its doors and started to prepare for the return of all objects to the Kabul Museum.

Kurt Siehr of the University of Zurich summarizes the lessons of the Afghanistan case as follows. Safe havens for endangered cultural objects are needed in some situations. They may be located in the country of origin or in foreign countries. If an institution serves as a safe haven it has to take care of the stored objects as if they were on loan. UNESCO should be asked to serve not only as a supervising body but also as a coordinator.

As time has passed, safe havens have become accepted as a solution to the problem of art theft. Many Iraqi antiquities have been protected in this way. A UNESCO Expert Committee called in 2007 for 'the introduction of ... measures to encourage all countries to keep any recovered items in safe havens with a view to returning them to Iraq when the adequate conditions for their protection are met'. So far, some 695 artefacts looted from the Baghdad Museum have been seized in the USA and the UK, and a further 700 by Jordanian, Syrian, Kuwaiti and Saudi border officials.

Return

The international discussion on the return of objects of art entered a new phase in 2002 when the directors of 18 large museums not only expressed their disapproval of art theft, but also tried to put a stop to the wrangling about items they had acquired in the past. This was a clear 'no' to source countries like Greece and Italy, which have campaigned for many years for the return of certain cultural objects, the most well-known examples being the Elgin Marbles from the Parthenon, which are held at the British Museum in London, and the Pergamon altar in Berlin, which dates from the second century BC and originates from Anatolia. The museums said that they see themselves as the guardians of the world's cultural heritage and that they would keep objects that they had acquired in the past, even though in ways that are perhaps no longer considered acceptable. Their position is shared by the Musée du Quai Branly in Paris, which opened in 2006. It holds a large collection of art objects from the South, the origins of some of which are also dubious.

But this was by no means the end of the discussion. In 2006, Italy was in the spotlight after a large number of important objects that had been acquired illegally by American museums were returned. Cambridge research associate and journalist Peter Watson and his colleague Cecilia Todeschini have described how the Italian authorities not only pursued the matter through legal channels but also conducted their own painstaking detective work. But countries in the South, outside the classical Mediterranean region, are also increasingly successful in their efforts to recover objects important to their heritage. In 2005 the shoe was on the other foot for Italy when Ethiopia successfully negotiated the return of an obelisk that had been removed from the ancient city of Axum by Italian soldiers as war booty in 1937. In a similar case, Ethiopia recovered ten of 486 objects, known as the Maqdala treasure, which were taken from the Ethiopian army by British soldiers in 1868. Recently, nine sacred totems found their way back to Kenya from New York. The family that had bought the totems, not knowing that they had been stolen from graves belonging to the Mijikenda people of the Kenyan coast, said they no longer wanted to keep them.

Among the countries of the South, China is taking the lead in retrieving its lost art treasures. The Chinese government has compiled a list of over 1.5 million objects currently held in 200 museums in 47 countries, and has set up a China Cultural Relics

Continued on page 26 >>>

that lack absorptive capacity. As Sanjaya Lall of the University of Oxford observed, in countries ‘with weak local capabilities, industrialization has to be more dependent on FDI. However, FDI cannot drive industrial growth without local capabilities’.

From the evidence emerges the idea that policy makers have for many years been asking the wrong question. For developing countries, the main challenge is not how to attract as much FDI as possible, but to decide on what kind of FDI to attract. This implies that it must be possible to regulate inflows of FDI. Yet the abolition of rules that impede FDI is one of the items on the agendas for the current rounds of talks on free trade agreements. Since the success of FDI is so dependent on specific characteristics that vary between countries, sectors and investments, developing countries must have in place adequate FDI-related policy instruments. They can then extract maximum benefit from FDI by encouraging it where they expect to profit from foreign investors. But they must also be able to refuse FDI if it is likely to distort local markets and out-compete local businesses.

Selective protectionism

This is what many Asian countries and almost all developed countries have done. As Ha-Joon Chang showed in his book *Bad Samaritans*, countries like the US and the UK, which are the greatest advocates of removing obstacles to FDI, have themselves not been open to FDI in important sectors such as banking or the automobile industry.¹⁴

The recent success of Nokia, the world’s largest mobile phone company, provides a good example. The Finnish company took 17 years to make a profit, but it could afford to take that long because it was protected against hostile takeovers by the government. Like Nokia, many of today’s multinationals were protected in their early years against foreign takeovers. If they had been taken over, they would not have been the multinationals they are now.

Do we need a new political agenda? Sanjaya Lall, one of the pioneers of research into FDI, and Rajneesh Narula answered this question by noting that many researchers are ‘unanimous in their skepticism of the Washington consensus and the rather simplistic view taken by certain mainstream economists that FDI is a *sine qua non* for economic development. Market forces cannot substitute for the role of governments in developing and promoting a proactive industrial policy’. ■

The author wishes to thank Fabienne Fortanier (Amsterdam Business School, Universiteit van Amsterdam), Robert Went (Scientific Council for Government Policy (WRR) and the Amsterdam School of Economics, Universiteit van Amsterdam) and Rob van Tulder (Rotterdam School of Management, Erasmus University Rotterdam) for their comments.

- H.-J. Chang (2007) *Bad Samaritans: Rich Nations, Poor Policies and the Threat to the Developing World*. Random House Business Books.
- J.H. Dunning and F. Fortanier (2007) Multinational enterprises and the new development paradigm, *Multinational Business Review*, 15(1): 1–21.
- R. Hausmann and E. Fernández-Arias (2000) *Foreign Direct Investment: Good Cholesterol?* Working Paper 417, Inter-American Development Bank.
- S. Lall and R. Narula (2004) FDI and its role in economic development: Do we need a new agenda? *European Journal of Development Research*, 16(3): 447–464.
- A. Razin and E. Sadka (2007) *Foreign Direct Investment: Analysis of Aggregate Flows*. Princeton University Press.

Safe havens

Continued from page 8

Recovery Programme to ensure the return of as many of them as possible. According to the programme’s director-general, China is pursuing a strategy of buying the objects back in preference to instigating legal procedures. In 80% of cases, such purchases are made through private channels, and often involve very large sums of money.¹⁵ In early 2007, for example, a Chinese billionaire paid nearly €6 million for a bronze horse’s head through Sotheby’s auction house in Hong Kong, and then donated it to the Chinese government.

Old manuscripts are sometimes returned in microfiche form. In 2002 the university libraries of Uppsala (Sweden) and Leiden (the Netherlands) and the Chester Beatty Library (Dublin, Ireland), presented the Institute of Ethiopian Studies in Addis Ababa with microfilms of several hundred Christian and Islamic manuscripts, some dating back to the sixteenth century. Many manuscripts have left Ethiopia over the centuries, with large quantities being sold in the 1980s. ‘The situation in Ethiopia was bad at that time’, explains Jan Just Witkam of Leiden University Library, ‘and many churches and monasteries were willing to sell manuscripts’. He purchased many boxes full of old books and scrolls. ‘Because the prices were so favourable, I accepted every package’. Witkam says that even if Ethiopia wanted the manuscripts back and the cultural authorities requested their return, he would not consider it.

The trade in stolen art and antiquities belonging to vulnerable peoples and fragile states has gone on throughout history, fuelled by conflict, political instability, poverty and changing values. There are several steps that defenders of cultural heritage can take if, for example, a government or a rebel movement neglects or threatens to destroy a country’s cultural heritage. Among these, the idea of creating ‘temporary’ safe havens is becoming increasingly accepted. At the same time, countries in the South have become more vocal in their demands that the major museums return the many artefacts they acquired in the past. All of these issues demand urgent attention, as the theft and smuggling of art and antiquities are on the increase, due partly to the growing numbers of wealthy travellers and private collectors. While there is no easy answer to the question of how to protect these treasures more effectively, whatever is done will require the full commitment of all concerned. ■

The author wishes to thank Charlotte van Rappard (former chief inspector of cultural heritage for the Netherlands Ministry of Education, Culture and Science) and Neil Brodie (Stanford Archaeology Center, California) for their comments on this article.

- J. van Beurden (2007) *Jhagrapur Revisited*. Pearl Publications.
- M. Bogdanos (2005) The casualties of war: The truth about the Iraq Museum, *American Journal of Archaeology*, 109(3): 477–526.
- N. Brodie, J. Doole and P. Watson (2002) *Stealing History: The Illicit Trade in Cultural Material*. McDonald Institute for Archaeological Research, Cambridge.
- J. van Krieken-Pieters, ed. (2006) *Art and Archaeology in Afghanistan: Its Fall and Survival*. Brill.
- P. O’Keefe and L. Prott (1989) *Law and the Cultural Heritage*, vol.III: *Movement*. Butterworths.
- C. Renfrew (2002) *Loot, Legitimacy and Ownership: The Ethical Crisis in*