Nordic Council of Ministers

Illicit trade in cultural artefacts

Stronger together: How can the Nordics join forces to stop the illegal import and export of cultural objects?
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Nordic co-operation
Nordic co-operation is one of the world's most extensive forms of regional collaboration, involving Denmark, Finland, Iceland, Norway, Sweden, the Faroe Islands, Greenland, and Åland.

Nordic co-operation has firm traditions in politics, the economy, and culture. It plays an important role in European and international collaboration, and aims at creating a strong Nordic community in a strong Europe.

Nordic co-operation seeks to safeguard Nordic and regional interests and principles in the global community. Shared Nordic values help the region solidify its position as one of the world's most innovative and competitive.
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Tiltak som kan gjennomføres på kort sikt (før statspartsmøte i UNESCOs 1970-konvensjon i 2017) ............................................................................................................................. 101

Tiltak som kan gjennomføres eller oppstartes før 2019 (dvs. før neste 4-årsrapportering til UNESCOs 1970-konvensjon om ulovlig handel) .............................................................. 102

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the available facts, with the ethical perspective often being more important than the purely legal position.

Our advice to other museums on charting ownership history and provenance of any artefacts would be to:

- Be as open, transparent and honest as possible. Make use of this type of internal discussions as an opportunity to update the collections and engage the broader public.
- Better safe than sorry: when buying historical works of art, investigate their ownership history.
- Cross-check the works against the many international databases that are available in this day and age.
- Dedicate the time it takes to find the required information.

Other countries, in possession of much larger and more valuable collections than Norway, have appointed national commissions that handle this type of investigation. Norway has signed a treaty that recommends a much more proactive approach. However, in a Norwegian and Nordic context I believe that a national group for the restitution of art would be excessive. Having said that, obviously works of art were not the only things to be stolen from their owners during World War II, and such issues will continue to arise in the future.

2.35 Christopher Prescott – Looting and illicit trade in cultural artefact: challenges and implications for academia

Professor at the University of Oslo.

Throughout my career, I’ve had several involuntary engagements with looting, collectors and the academics who are involved in supporting these activities. The Norwegian Schøyen case is an illuminating and internationally cited case. The way institutions, governmental management and academia have handled cases like the Schøyen collection is characterised by lack of insight, conflict of interest, avoidance of
confrontation and lack of credible information from those involved. It has at times been
dishartening to witness. However, the flipside of the coin is the commitment to ethical
standards, the pursuit of information and integrity that a number of researchers,
journalists and cultural managers have shown in the wake of these cases. The
outcomes: legislation, international collaboration, institutional transparency,
undermined markets, returned objects and reduced looting.

The attention allotted Islamist destruction of the Buddhas of Bamiyan, shrines in
Timbuktu, churches, shrines, mosques, museums and archaeological sites in Syria and
Iraq is understandable. However, from the vantage point of knowledge production and
archaeology, another activity is probably more irreversibly destructive: The systematic
looting, smuggling, sale and collecting of archaeological objects from sites in, e.g.,
Afghanistan, Pakistan, Syria, Iraq and Egypt. This business has a further consequence
for contemporary societies. It is a source of revenue for those involved in crime
(extendng in to drugs, trafficking and weapons) and violence.

Many academics shrug their shoulders, and readily view the antiquities business as
a crime without victims. This view is stimulated by the fact that prominent and wealthy
members of society, as well as academic specialists in developed countries are involved.
A sort of defence is built around a concept of unfettered research – that research is an
immediate obligation that has priority over social, political or long term consequences.
Indeed, it is strange that in 2016 one should have to argue the imperative of ethical
responsibilities with researchers from the humanities – that all actions cannot be
defended in reference to the sanctity of research, that national prestige and career
advancement do not trump ethical standards, and that ethics is more than an abstract
concept to be debated in mandatory courses for PhD-students.

Variable views in academia are also based on disciplinary background. For
archaeology the concepts of context and knowledge production are pivotal. This is all
the more important in light of archaeology’s continued integration with the natural
sciences. For a number of text-based researchers, the textual source here-and-now is
essential – the consequences of acquiring texts are of less significance (e.g. recently
Elizabeth C. Stone 2015: An update on the looting of archaeological sites in Iraq. Near
Eastern Archaeology 78(3), 185). However, there are clear ethical guidelines that
professional societies and serious publishing houses enforce (e.g., ICOM, European
Association of Archaeologists and the American Journal of Archaeology). These include
a ban on publishing dubious materials, restrictions on researching such materials,
prohibitions concerning sale, borrowing or gifting such materials, transparency
requirements and due diligence. When temptation is great these requirements are
often ignored, circumvented with the help of manufactured ownership histories or by
publication at self-owned publishing companies, information is suppressed, institutions
are indifferent to their responsibilities or hired legal aid and PR-consultants strong-
arms and stonewall critics so owners and their experts avoid accountability.

In 2005 Colonel Matthew Bogdanos (US Marines, head of the investigation into the
looting of Iraq’s National Museum and assistant district attorney Manhattan) coined the
phrase "The cozy cabal of academics, dealers and collectors". (The terrorist in the art
gallery. New York Times 10. des 2005). Academic specialists are an essential part of the
antiquities trade. This means that academics can make a difference, primarily by
impacting the final market end of the chain. This is accomplished by not helping out in
the clearance and white washing of objects, but also through the production and
dissemination of knowledge. Through this activity we can hopefully render the
provision of academic services to traders and collectors (in their endeavours to
determine provenience, authenticity, generate ownership history and suppress
information) difficult and socially unacceptable. A priority should therefore be research
into the inner workings of the trade.

Though the destructive trade in archaeological materials seems difficult to stem,
there have been advances in legislation, law enforcement, international collaboration,
public awareness and increased institutional responsiveness. This is clearly seen in the
Schøyen case, where the owner and his collaborating academics were forced to come
forth with some information, Norwegian public institutions withdrew from
collaboration, Schøyen was forced to return material looted from Pakistan and the
museum in Kabul, the UNESCO 1970 agreement was ratified, the material is virtually
unsellable, public awareness is raised and the material is pretty much published outside
of serious scientific channels.

To further combat the destruction of cultural heritage in countries like Iraq, Syria,
Afghanistan and Pakistan we need:

- Research concerning the chain of looting, transportation, trade and collecting.
- The sociology, economy and anthropology of those involved.
- The role of academic specialists.
- Ethics and law.
Institutions (museums and research institutions) must be constantly educated in regard to their responsibilities. International collaboration is a must, campaigns for public awareness are beneficial and academics that breach basic fundamental ethical guidelines should be held accountable.

The food chain of illicit trade can be perceived shown in table 1.

<table>
<thead>
<tr>
<th>Supply</th>
<th>Distribution</th>
<th>Dealers</th>
<th>[Enablers]</th>
<th>Buyers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Looting</td>
<td>Smugglers</td>
<td>Dealers</td>
<td>Experts (authentication, whitewashing, value appraisal, cataloging)</td>
<td>Collectors</td>
</tr>
<tr>
<td>Supply →</td>
<td>Market</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Here, little can be done on the supply side as heritage management often has collapsed. Policing transportation is difficult in today’s globalised world. The Schøyen case demonstrated that uncovering the activities on the supply side – dealers, academics and collectors – can undermine trade and collecting, and thus looting. In terms of the Schøyen case, it would seem that public involvement undermined the market for manuscripts from Pakistan and Afghanistan, and for incantation bowls from Iraq. The outcome was a halt in looting.

2.16 Maria José Miñana – What measures does the UNESCO Secretariat recommend that member states should implement to prevent illicit trade? What can the UNESCO Secretariat offer in the way of facilitation?

Associate Programme Specialist, Section for Movable Heritage and Museums, Division for Heritage Culture Sector, UNESCO Secretariat.

The United Nations Educational, Scientific and Cultural Organization (UNESCO), is the only agency within the United Nations system with a specific mandate on the protection of cultural heritage. This mandate is reflected in the implementation of