

## MANAGING EPISTEMOLOGICAL PLURALITY: A MULTI-SITE CASE-STUDY

*Jasper Chalcraft*

*European University Institute, Bologna, Italy*

THIS paper deals with three rock art sites, and the effects of excluding locals from both their management and interpretation. Because these are World Heritage sites, it thus also represents a look at diverse publics, simplistically, the universal, national, and local. One of these sites, the painted rock shelters of Kondoa-Irangi in central Tanzania, was a World Heritage site in-the-making when fieldwork was undertaken. Its nomination dossier was submitted in 2004, and was successfully inscribed on the World Heritage List in 2006 following the 29th World Heritage Committee meeting in Durban. My interest has been in attempting to interpret what this change in status might mean both for the heritage itself, and for locals who live around the site. To understand the kind of problems that might develop, I am also going to detail my findings from another fieldwork site: the Valcamonica. The petroglyphs of this Alpine valley were Italy's first World Heritage site, and one of the first World Heritage rock art sites. Finally we will look at the case of the Libyan Sahara, where the author's recent experience guiding tourists around the World Heritage site of the Tadrart Acacus has highlighted the potential threats tourism poses to this fragile form of heritage, and to the area's inhabitants.

Two of these case-studies demonstrate how things can go badly wrong when locals are excluded, when they find not only their tangible material remains appropriated for nationalist narratives and tourism, but also their intangible values imbued within the landscape re-written through the process of archaeological site management. In other words, the way management bodies conceive of sites, especially so-called 'prehistoric' ones, is sometimes inadequate to the often complex, and frequently contested, realities on the ground. However, the third case-study, the Tadrart Acacus, demonstrates that poorly regulated local involvement with tourism equals destruction of the heritage itself, as well as disruption of local society: here bold but sensitive management is seen as essential.

## Kondoa-Irangi

UNESCO's interest in Tanzania's heritage goes back to the UNESCO General Conference of 1976, and subsequently to Emmanuel Anati's mission to Kondoa-Irangi and Singida as a UNESCO consultant in 1980. Anati's recommendation was that the area become a World Heritage site. His proposed area did not include all the sites he visited however, and the map he prepared back at the beginning of the 1980s is not vastly dissimilar from the area that was proposed by the Tanzanian authorities and accepted by UNESCO. Anati's interest was exclusively in the rock paintings themselves, and he made no mention of the importance of particular sites to locals, or to *ongoing* practices. Thus, even at this first stage of UNESCO's contact with the rock art sites of Kondoa-Irangi, the relationship between locals and the landscape in which they made their own history was ignored.

Anati's positive recommendation<sup>1</sup> for a WH nomination was ignored – despite constant campaigning by the Tanzanian archaeologist Amini Mturi<sup>2</sup> – until 1995 when the Southern African Rock Art Project (SARAP)<sup>3</sup> took an interest in aiding a Tanzanian nomination – in synergy, it was hoped, with another ten states in “southern” Africa – for a serial nomination to the World Heritage List. The SARAP Workshops that were part of this process highlighted the need for local consultation, and the value of local attachment to sites. Organised by SARAP and ICCROM's *Africa 2009* programme, a Workshop in July 2000 served also as a stakeholder meeting. The Workshop established six goals to which its objectives and strategies were directed in the proto-management plan:

1. to manage the rock art sites in their setting so that all of the cultural (world heritage) values are conserved;
2. to actively involve the community in the management of the rock art sites;
3. to ensure ongoing traditional use of the sites by the local community;
4. to provide sustainable benefit to the local community by good management of the rock art sites and the natural resources;
5. to provide information to the community and visitors about the culture of Tanzania and Africa;
6. to give visitors a good experience of Tanzanian culture and cultural and natural heritage management. (SARAP/ICCROM 2002:28)

My own research in Kondoa-Irangi focused on the extent and nature of local use of painted shelters. Interviews with over fifty ritual specialists (rain-makers,

healers and diviners), suggests that the area can indeed be considered as what World Heritage would define as an “associative cultural landscape”.<sup>4</sup> I will briefly describe then the ritual practices that occur in the area, and in particular those that take place in the painted rock shelter known as Mungumi wa Kolo that is the ‘flagship’ site of the World Heritage nomination. However, that Mungumi wa Kolo is a locally meaningful site should not be news to the research community, as the Leakeys had to provide a sacrificial goat to propitiate the site’s spirits in 1951 before they could start work there, as Louis Leakey’s field journal, dated July 10th, attests:

*In the afternoon five local elders appeared and after exchanging polite greetings told us that before we could start work we would have to provide a goat for a sacrifice to propitiate the spirits of the painted site, which are regarded as very powerful. I agreed and we handed over 30 shillings for a goat which will be sacrificed tomorrow in Kolo main site. (Leakey 1983:15)*

The Leakeys did not however give any further detail as to *why* Mungumi wa Kolo was important to ritual specialists. Those I spoke with detailed two main reasons for its importance: one is that it forms part of a well-known ritual border; the second is that it is home to some particularly powerful ancestral spirits and djinns. Due to this second reason the site is seen as particularly potent by a number of diviner-healers<sup>5</sup> who come here to cure their patients, to divine the future, and in some cases to gain power themselves. Both the first and second reasons contribute to why Mungumi is also used by a few rain-makers and *veneese* as well. It should be pointed out that just below the large shelter known as Mungumi wa Kolo there is a large boulder with a ‘hole’ underneath it. This has been described as something similar to a vision-quest hole, and as a repository for the portion of the sacrifice designated for the ancestors. The ways ancestors were honoured, invoked and generally interacted with through ritual varied enormously between the ritual specialists I spoke with, something that testifies to the area’s importance as an ethno-cultural crossroads; for instance, there are some practices, (notably the use of chyme to mark boundaries) that we can tentatively characterise as ‘Cushitic’, whereas other themes, like the possible importance of snakes seem to resonate with practices better documented amongst the Nyamwesi to the West. Such heterogeneity is thus a reflection not only of a traditionally segmented society, but also of the complexities of ethnic and clan interaction in the area.<sup>6</sup> This interaction and its codification in local historical narratives is tangible to locals in

a ritual landscape that attests to these other values that the potential reification of the 'outstanding universal value' of the rock art conceals.

When I undertook my research in Kondoa-Irangi the village councillors and local élite had been involved in stakeholder meetings (these continued with further such meetings, necessary for the proposed property's change in legal status to a Conservation Area, effected in October 2004). Others however, those who actually used the sites, had not been consulted during the part of the nomination process that I followed. This was in spite of the ritual importance of the painted shelter known as Mungumi wa Kolo being known to Tanzanian archaeologists, and, indeed, relatively successfully managed in the past.<sup>7</sup> Thus, in practice, ritual specialists have been excluded from the World Heritage nomination process since it began over 25 years ago up until the submission of the nomination dossier: ritual specialists have not been deemed as suitable "stakeholders". Nevertheless, the rhetoric in the nomination dossier is positive, stressing the value of "continuing" local use and ritual practice. This is recognised also in ICOMOS's evaluation of the nomination, with an emphasis being placed on "living ceremonial practices ... [which] reflect continuity in traditions with those who created the rock paintings".

Perhaps such lip-service would have been more engaged had these locals, the ritual specialists, claimed either authorship or ownership of the paintings themselves. Instead, locals claimed that *Wareno* – the Portuguese – or Germans made the paintings, and that they are of no importance. Thus, the denial of authorship by local ritual specialists may be at least partly responsible for the way in which the World Heritage nomination has proceeded; that is, they present themselves as marginal to the 'heritage' being classified and documented in the area, and are treated as such by the Department of Antiquities. Furthermore, the high levels of soil erosion in Kondoa-Irangi (partly the result of British colonial policy) mean that its inhabitants are not seen as responsible custodians of the land, and it is perhaps for this reason that the area is not considered as worthy of the World Heritage "cultural landscape" label. The kind of management advocated for this kind of WH (though likely to require more governmental resources) is, arguably, better suited to the kind of multiple uses and meanings just described. There is another side to this too, for this situation represents a failure on the part of the locals I have described to live up to the ideals of Otherness, to exploit the benefits of the continuing popularity of the Noble Savage trope, a trope advantageous to groups otherwise marginalised within their national politics. Drawing on Michael Brown's work (2003), I see international processes and institutions as having

made such stereotypes into useful tools for groups to pursue their collective goals. The over-representation of the Maasai in UNESCO and World Bank projects is a good example<sup>8</sup> which also demonstrates the potential of such institutions and their programmes to act as taste-makers in the creation and consumption of global cultural exchange.

### The Valcamonica

What I have just described for Kondoa-Irangi was essentially what occurred in the Valcamonica when its rock art was put forward for inscription on the World Heritage List in 1979. The nomination 'dossier' contained no reference to local use of the areas where the rock art is found. In this way it presented the archaeologists as the 'discoverers' of the rock art, and effectively divorced the rock art from those living around the sites. This is however a misrepresentation of the continued importance of the rock art into the historical period, and even to the present, as well as the local importance of the landscape in which it was situated.

I see this situation as having had a series of negative effects. Firstly, the bureaucratisation of the past that has accompanied the World Heritage nomination has reduced its inherent complexity, its polyvalence. For instance, the local use of these sites as integral parts of a "sacred landscape",<sup>9</sup> both historically and more recently, has been consistently ignored; thus the value attached to some of these places, and their ethnohistory, has been lost. Moreover, not only the complexity of the past has been reduced by the World Heritage nomination, it has also been a passive witness to the destruction of some of the heritage of the area: unregulated development has destroyed numerous archaeological contexts, and the existence of six different management regimes has aggravated the situation. In this way, both individual vandals and local administrations have happily destroyed petroglyphs for pleasure and development, and they have not been prosecuted for these actions.

Unfortunately, the fractured management of this heritage seems to have encouraged a general lack of accountability. A recent example was the addition of a walkway seated on metal pins drilled into the supporting rock, in the Riserva Regionale di Ceto-Cimbergo-Paspardo. Incredibly, this was actually carried out by the management body responsible for the conservation of the Reserve's rock art.<sup>10</sup> This inconsistency in the application of conservation strategies and (Provincial, Regional and national) legislation has contributed to the local antipathy to rock art, with most locals I have spoken with identifying it as the antithesis of what they

value. Recently, this has expressed itself in acts of iconoclasm. For instance, in January 2002 there was an arson attack on two reconstructed prehistoric houses in one of the reserved areas. Slightly less destructive, but nonetheless problematic, has been the deliberate obstruction by locals of archaeological research, sometimes literally covering over rock art sites to prevent locally-based archaeologists getting access. In November 2004 locals also undertook the worst instance of graffiti in memory, on Rock 6 of the Riserva. The overall management body seem little concerned with research *per se*, as their blocking of excavation permits for a recently discovered potentially hugely significant scene on a heretofore unknown rock in the midst of the well-known area of Bedolina demonstrates; a decision all the more curious given that locally sourced external funding had been found for the excavation.

All of this is partially the fault of the inadequate management plan submitted to UNESCO before the Valcamonica's inscription on the World Heritage List. Not only is legal ownership complex to the point of being unworkable, but there was never even a definitive *map* to define what exactly should be considered as World Heritage (remedied as of last October). However, it is perhaps, more than anything else, a general climate or culture of disinterest and apathy that is primarily responsible for this state of affairs, where the rock art itself has suffered as it has become unravelled from local habitus (in Bourdieu's sense).

### Tadrart Acacus

Finally, we turn briefly to Libya, and to the Tadrart Acacus in particular. Tourism is in local hands to the extent that a number of local Tuareg operate as guides, drivers and cooks, but it needs strict control and rigorous management by the Dept of Antiquities, because, literally, much of this heritage has been lost in a decade. To give an idea of the scale of the attack, between December 1999 and April 2000 (a period of just five months), around 45,000 tourists visited the ecologically sensitive areas of the Tadrart Acacus and the Messak Settafet, and irreversibly destroyed around 40 rock shelters (Anag *et al.* 2002). The problem is not so much a lack of legislation, or funds, but a lack of will. Most visits to the rock art sites are in the hands of local Tuareg (Kel Ajjer), but the Libyan Dept of Antiquities has yet to enforce their own regulations to control what is effectively the unregulated use of this heritage area. It has taken less than half a decade for looters and tourists to freely 'vacuum' entire areas of their palaeolithic and neolithic artefacts (most famously the Temet dunes, Air, Niger). As Jeremy Keenan (2002) has pointed

out, what is needed is for national governments to encourage tourism only when they have adequate structures and policies in place, to vigorously pursue those that infringe their regulations, whilst greater care is required by the scientific community (looters use the GPS coordinates from scientific publications), and education and training should be used to create a culture of conservation amongst locals.

## Conclusion

Of course, such scenarios may not occur in Kondoa-Irangi, but the exclusion of ritual specialists from the management procedure, people who depend on access to Mungumi wa Kolo to negotiate the difficulties of life in a semi-arid environment, doesn't bode well; similarly the example of wildlife tourism in East Africa promises neither equity nor sustainability. More-over, the culturally circumscribed and particular practices of locals complicate both the canonical nationalist reading of the area's rock art as past, and the 'World Heritage' reading as *universal*. And, as we speak, hordes of camera-toting, dust-raising, litter-dropping tourists are descending on the rock art sites of Libya, and empowered locals are filling their wallets whilst the Sahara is literally emptied of its moveable heritage, and the rock art becomes, simply, rock again.

I suggest 3 strategies:

Firstly, I believe that the cultural landscape category would have better represented these sites. This is certainly true for much of the African continent, and echoes something Innocent Pikirayi said a few years ago, regarding necessities for African archaeology. We should be aiming to record the extent of the archaeological landscape first, before we move on to idiosyncratic excavations that contribute poorly to our knowledge of these areas. Having said this, Layton & Titchen's (1995) criticism, more than a decade ago, of the preconditions of 'Functionality and Intelligibility' for World Heritage Cultural Landscapes as being euro-centric, still holds true.

Secondly, researchers have a key role to play. No matter how valid the research agendas of archaeologists, we need to hand them back to locals, we need – as Jim Igoe (2003) points out for those communities destroyed by African wildlife management policies – to regain their trust. In my own research I am turning toward the explicit formulation of research activities that address local historicisms, "that complement local attitudes to history".<sup>11</sup> Where ethnoarchaeological investigation attends to the significance of material culture to local historicism

and memory<sup>12</sup> it also helps to sensitise CRM techniques to the way locals make their pasts. Given a poor, if not disastrous, performance by archaeologists and other academics in the past, widespread mistrust of governmental institutions and interventions, negligence and iconoclasm committed by local governments and locals themselves, combined with the social and environmental impact of tourists, I believe this approach is a pragmatic attempt to attenuate the erosion of epistemological diversity that I see as inherent to the sites discussed; I also believe it is our best chance of trying to keep the material culture itself intact (though it carries exclusivist dangers also).

Thirdly, and connected to the above, there are examples of multicultural, socially inclusive cosmopolitanisms in the three case-studies themselves. These provide the most telling indications for the future of these sites, indications which remain ambivalent, but offer, perhaps, some hope. To put it briefly, the rock art of the Tadrart Acacus attests to a cattle-keeping culture that 5000 years ago appears, in its early and mature phases, to have been both peaceful and socially inclusive. Somewhat later, by the 11th century AD, the Valcamonica had developed a kind of proto-commune system of social regulation (the *vicinie*) that organised resources for ordinary villagers, guaranteeing some kind of basic equity, and acted as a control on the power-politics of the nobility and the church. Meanwhile, Kondoa-Itangi represents the only place on the African continent where its four major language groups all coexist; I do not pretend that this was an entirely peaceful co-existence, but it represents an example of social change, in particular with the enlargement of one ethnic category, the Rangi, over the last 100 years, as other ethnicities have chosen this identity, and its cultural heritage, above others. Whilst some of the lessons learnt from these 3 case-studies are specific to this typology of heritage (rock art situated in landscapes which still maintain meaning for locals), wherever locals are involved – and especially in the context of environmentally, economically and politically marginal areas – I believe that their inclusion in research design, as well as interpretation, is the best we can do at present to redress the wrongdoings we have inflicted on their pasts, and to regain their trust.

Yet I would like to finish on a negative note, for I sincerely believe that there are risks in trying to engage cultural practices and their practitioners with CRM, not least because of the reified and politically expedient categories being used in some states. I am speaking of ‘Indigenous Knowledge’. I have problems with the concept partly because I am not sure who indigenes are, and because “in collecting [indigenous] knowledge one has already changed its essential nature through the ways in which it has been appropriated” (Marsden 1994:53). Such



appropriation applies equally to a heritage-focused epistemology, one that believes that the recognition, documentation and celebration of 'traditional' cultures and practices is an adequate and suitable means of maintaining sociocultural plurality. In conclusion, I suggest that ultimately this rush for recognition, and the universalised codes of CRM and 'best practice', may be little different from the transfigurations of local historicisms and worldviews enacted by the European museological practices of the late 1800s, whose legacy of cultural appropriation, categorisation and hierarchisation of civilisations we are still struggling with. We therefore risk reifying poor and partial substitutes of our pasts for the dynamic – though problematic and frequently contested – realities that I believe are challenged, if not threatened, by CRM and international heritage tourism.

## Endnotes

1 "The rock art sites (in the Central Highlands of Tanzania) provide an invaluable historical record of the diverse economic and social activities of human communities and their intellectual, imaginative and emotional expressions over many millennia. This patrimony should be protected, preserved and illustrated. It should become a source of historical awareness, of culture and of education for the people of Tanzania, for Africa and for the World. Every effort should be made to save it for future generations." UNESCO report 1980

2 Mturi wrote a proposal in 1986 for an *International Campaign for the Safeguarding of Tanzanian Cultural Heritage: The Conservation of Rock Art of Central Tanzania*, which the Tanzanian authorities effectively ignored (Mturi 1996:185). Frustrated by this, alongwith Mary Leakey, who had previously documented some of the sites, he set up *The Preservation Trust for Rock Art Limited* in 1988-89 to try and raise funds for the conservation of Tanzanian rock art (*ibid.*).

3 The Southern African Rock Art Project was set up after representatives from heritage institutions in Southern Africa identified, initially at a meeting in Harare in 1995, that there was a need for such an organisation to steer a regional management strategy for this type of heritage. From 1998 onward – through a series of workshops – they aimed to co-ordinate a serial nomination to the World Heritage List of rock art sites from Tanzania, Malawi, Zambia, Zimbabwe, Namibia, Botswana, Mozambique, (Angola), Lesotho and South Africa. Linked to this, but an objective in its own right, was a desire to develop the expertise

of heritage professionals across the region with regard to both the management and conservation of rock art sites. To this end a number of courses (COMRASA: Conservation and Management of Rock Art Sites in Southern Africa), were effectuated in different countries at and around the sites that are earmarked for World Heritage status. The courses/workshops have been run in South Africa (1998) Zimbabwe (1999), Tanzania (2000), Zambia (2001), Botswana (2002), and most recently Malawi (whose Chongoni sites were also successfully inscribed on the WH List in 2006): they have been funded by ICCROM (and later the *Africa 2009* programme), the Getty Grant Programme, NORAD and the World Heritage Fund of UNESCO.

4 Kondoa-Irangi, like the Botswanan World Heritage rock art site of Tsodilo, can be considered as a cultural landscape because of “powerful religious, artistic, and cultural associations of the natural element;” this means it would qualify as a cultural landscape under category iii, “an associative cultural landscape.”

5 Also known as “djinn musicians,” *madoguri* and *vaanga*.

7 At Mungumi wa Kolo this involved moving the fire they light in the shelter away from the paintings, and not spitting and splattering *pombe* (local beer) directly onto the paintings themselves; according to Mturi (personal communication, December 2001) they seemed to be content that this did not affect the efficacy of their rituals. NB. The SARAP/ICCROM report of 2000 noted that the extent of the traditional use of sites, and its exact nature, was unknown.

8 For example, the Maasai are represented in the Working Group on Indigenous Peoples, the lesser-known Bantu pastoralists the Wagogo are not. To illustrate this point, UNESCO publishes “best practices on indigenous knowledge,” and for Tanzania lists only two, both of them of the “Maasai” in Simanjiro District (Arusha): the Rangelands Utilization Strategy and the Participatory Animal Health Care Programme/Ethnoveterinary Development Programme (UNESCO 2004). Things are not radically different in the World Bank’s ‘Knowledge Pack’ of Tanzanian “indigenous knowledge.” Ten indigenous knowledge projects are detailed, of which seven deal with ‘Maasai’ practices, with one of these also involving the Barabaig (who are also Nilotic pastoralists) (World Bank 2004).

9 E.g. The roads into the Val di Scalve which follow the routes used during the

Chalcolithic, (statue-stele of Ossimo-Borno).

10 Another example includes the filling-in of cracks on a monolith/boulder bearing Chalco-lithic petroglyphs – the Corni Freschi – with an undeclared substance by the Archaeological Superintendency of Lombardy, the body responsible for the overall management of the area.

11 Peter Schmidt's criticism in 1983 of the loaded nature of the term 'prehistory' in relation to the African continent and the historical experience of its actual inhabitants remains broadly relevant.

12 As Lane encourages 2005:43.

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## COLLECTIVE HERITAGE OR HERITAGE OF CAPTIVITY: A CHANGE OF RELATIONSHIP BETWEEN CITIZENS AND CULTURAL VALUES

*Begoña Bernal*

*University of Burgos, Spain*

THE city of Burgos, on the medieval pilgrimage route to Santiago de Compostella, constitutes an historical centre of great cultural value linked to the Camino de Santiago in which the gothic Cathedral stands out in the landscape because of its cultural, artistic and aesthetic value as a monument listed as a World Heritage site by UNESCO (1984).

The Cathedral is a complex construction that began in 1221 but continued on until the 16th century, with various changes and additions in the 17th and 18th centuries. As things stand, the presence of the cathedral in the urban environment in Burgos is absolute. Due to its position and visual impact, it may be seen throughout the city. However, it is in the confines of the small historic centre where the cathedral assumes an indisputable position as an artistic monument. It is the city's most conspicuous symbol, whether observed from the hilltop of the city's old castle, where one becomes aware of the imposing mass of this sacred building, or towering over the town buildings from the foot of the hill. Human beings are belittled before the magnificence of the creative capacity of the generations that preceded them.

Since 1995, the historic centre of Burgos has had a special protection plan, which has been more concerned with appearances (i.e. in keeping with its desire to convert the old city into a tourist zone), than with the quality of life of its inhabitants (Bernal 2001a). It is for this reason it has become a very fragile historic centre, with serious problems of deterioration and degradation, in which the service sector predominates at the same time as there are ever decreasing numbers of private residences. We could define it as one of those museum-cities, in which the activities and interests of "heritage tourism" are governed by economic interests, which is why they only strive to satisfy the fleeting desires of the visitors (Bernal 2001b). Such commercialisation leads to practices in which the sole interest is an imitation of culture and art through frivolous and superficial techniques of recreation (Bernal 2001c).

The same criteria are guiding restoration work on Burgos Cathedral, causing a crisis in the relation between authenticity, integrity and the cultural value of this built heritage. Modifications are being made to the organization of the space within the church and the widespread substitution of original elements by copies made out of resin, are the logical consequences of actions that aim to convert the monument into a museum so that it may exploit tourism as means of reaping financial reward.

Prior to its renovation, entry to Burgos Cathedral was free. It was a lively, open cathedral. Payment was only required to visit a small zone set aside as a museum. However, as the restoration work has advanced, the temple itself has been converted into a museum, disregarding the work that has been undertaken thanks to the financial effort of society as a whole, which considers the cathedral to be everybody's common heritage. The spiritual heart of the cathedral is no longer enjoyed by anybody as it has been transformed into a mere guided tour for tourists. The closure of the cathedral, which took effect on the 25th of July 2003, implied a change of role, from cathedral to museum, for the sake of economic benefit and supposes a negation of the shared property and an impoverishment of its value as heritage.

These actions demonstrate the insurmountable distance that lies between the feelings and desires of citizens, and the interests of those acting as the sole proprietors and owners of the heritage; between the conception of heritage as an essential cultural instrument for the development of individuals and the community as a whole and the discriminatory elitist approach that guards its riches under lock and key.

I have chosen to present the problem of the reproduction of art and the loss of authenticity because it could be a good example of the very serious problems raised by the legal and economic implications pertaining to the ownership of heritage. It is a cultural problem that affects the behaviour of the owners, when they interact with the collective values associated with built heritage, a behaviour that is opposed to the way in which society wishes to maintain the authenticity of its memory and to have the means to enjoy it. This is to say, ethics are at stake. The case that I shall present here refers to a specific intervention on the main façade, the west façade of Burgos Cathedral, dedicated to the Holy Virgin Mary where fifteen statues have been replaced by exact copies made from synthetic moulds (epoxy resin).

It is a question, in the first place, of four figures – two kings and two bishops – two situated at each side of the main door. In the second place, the statues of eight prophets and kings identifiable by their symbols as biblical figures and situated in a gallery on the third storey window ledges of the facade, have been replaced. Also reproduced and replaced is the group of figures presiding over the façade formed of the Virgin, Mother of God with the child Jesus in her arms. She is dressed as the sun and the moon and two angels carrying censers are at her feet. It is noteworthy that lettering on both sides of this group of sculptures reads *Pulchra es et decora* (“Thou art beautiful and graceful”), praising the Virgin as befits a temple dedicated to the Mother of God.



Figure 1. The Virgin, Mother of God, with the child Jesus and two angels.

Those responsible for this act of replacement are the owners – the Cathedral Chapter – and the public authority charged with its protection, who act without any awareness that private ownership of heritage has to be combined with the cultural interests of the public at large. Society's appreciation of its heritage has led it to make enormous financial sacrifice to contribute to the restoration work on the cathedral, either directly through individual donations to the Chapter or through sponsorship by private bodies, which have added to the immense financial effort supported by public authorities and bodies: two central Government ministries (*Ministerio de Educación Cultura y Deportes, Ministerio de Fomento*), the regional government of the Autonomous Community (*Junta de Castilla y León*), the municipal authorities (*Ayuntamiento de Burgos*), and the European Investment Bank (EIB).

Although restoration work on Burgos Cathedral began in 1994, at present the total budget for all of its numerous parts is unknown. Nevertheless, in statements to the media, those in charge of this work have affirmed that roughly 24 million euros have been invested from 1994 up until 2004.<sup>1</sup>

The same sources point out that the budget for the works on the façade of Santa María was 1,300,000 euros, money made available by the *Junta de Castilla and León*, EIB and the Cathedral Chapter, which acts as a channel for the donations of individual citizens. Faced with the evident lack of transparency in the management of the funds destined for the restoration of the monument, democratic controls are urgently needed to justify the investment of public resources in the conservation of a privately owned built heritage, which will guarantee its upkeep and the enjoyment of the heritage shared by all.

The use of the heritage as a tourist site and the commercialisation of its cultural assets have led to perverse practices to justify its conversion into a museum so as to maximise economic returns from visits and, furthermore, to justify the industrial reproduction of works of art, hence their falsification (Bernal 2001d).

The *moulding techniques* use synthetic materials, presumably more resistant to the passage of time, which are presented as *heritage conservation techniques*. The example of Burgos Cathedral is worrying, since once successfully applied to one World Heritage Site, the system could establish a precedent for future interventions. The substitution of statues from the main façade by epoxy resin replicas was greatly contested by citizens, who questioned such mandatory "conservation through substitution," the oft-repeated phrase of those defending the conversion of the monuments into museums following their disassembly and deconstruction. Those defending such practices not only propose replacing the



works of art but also propose criteria on authenticity in a new Charter on the Restoration of Historic Buildings – Krakow – renewed in Venice (1964), drawn up by a group of experts from the Universities of Valladolid, Gent, Krakow, Budapest and Venice.

“Before what was authentic was the material, now it is also the idea, and an example might be Burgos Cathedral, where the authenticity of the building is safeguarded by installing copies.” These were the opening remarks used to present the new Charter to the media by Javier Rivera Blanco,<sup>2</sup> the representative of the University of Valladolid. Similarly, other experts, meeting in Burgos, in July 1999, to support the work undertaken on its cathedral stated that “the restoration work must be designed to present the wealth of the monument’s authenticity, an authenticity that is linked to the message of the work of art, not to the materials with which it is made”.<sup>3</sup>



Figure 2.

With this idea in mind, among others, the “Charter of Krakow” (2000) attempts to establish the principles for restoration in the new Europe. The city of Krakow, where Steven Spielberg made the film *Schindler’s List*, was chosen as the place in which to draw up the new “Charter on the Principles for Conservation and Restoration of Built Heritage” because it serves as an example of historical recreation, the mythology of the cinema having been superimposed on the city’s

own history. Those who uphold the importance of heritage as the idea, explain that in historic cities recreated sceneries can have greater impact than reality itself. Spielberg recreated the Jewish ghetto for his film in a different place than the Jewish community in fact occupied during the war years and now tourists visit the film set, forgetful of the real places. This is the method that is proposed for the restoration of the old cities.

“Today it is possible to follow the scenes of the film using a number of guides that retrace its steps forgetful of the real places (...) As you walk through the city, if you have seen the film, you feel the presence of a more potent reality than that which actually occurred. (...) The infinite power of that erratic image of the little girl in the red coat in a sordid black and white world is part of a virtually experienced truth but accepted as a complete symbol of a cruel and certain reality. Even the fact that reality may be recalled through fiction intensifies the emotions and frees them from interferences, since its protagonists are perfect”.<sup>4</sup>

### Alarming Signs and Unresolved Problems

In relation to the preservation and interpretation of heritage, the loss of sincerity and authenticity and the mistrust associated with falsification are all alarming signs, since such methods mean that the protected heritage loses value and are indicators of ineffective lines of action as new problems arise that remain unresolved (Bernal 2002a).

The reproductions placed on the façade are exactly the same as the originals in both size and shape. These morphological aspects might also safeguard the façade's formal order and the balance of its composition, but they provide no cultural information nor are they of any historic value. The replicas are not heritage. As they are not wrought by the inspiration and the hand of the artist, they can hardly of course be called art.

What is more serious is that the value of the original set of statues as built heritage was also lost the moment they were removed from their plinths. They mean nothing in the museum. They have lost their functional significance and their aesthetic and symbolic meaning that is intimately linked to the place they held on the facade. Today they are mere objects without the value that they once had as metaphorical representations. Now, decontextualised, they have lost their significance. Nobody looks at them.

Today the originals are to be found in disorder in the lower cloisters, mixed up with other objects, stripped of all symbolic value. They have lost a fundamental

attribute, which is their meaning, as the spatial hierarchy that they occupied and the interrelation between each statue on the main façade has disappeared. The scene has been destroyed that was created by a particular arrangement of the sculpted elements that endowed the images with a meaning that went beyond pure form. This situation is especially degrading for the set of sculptures constituting the scene of the Virgin and child, eliminated from the place of honour over which it presided on the façade of the temple that is dedicated to the Holy Virgin Mary (Bernal 2002b).

The concept of authenticity is an essential value and, at the same time, a condition that is inherent in the heritage, a synonym of individuality, originality, referring to the uniqueness of the heritage. It is what marks out its identity as a product of history. As the identity is associated with the originality of the material, it is thus the material that lets us document its originality. Any change in the material leads to a loss of authenticity. If the work undertaken on Burgos Cathedral detracts from the authenticity of the building and neither reinforces the historic, artistic or architectural values, nor adds to the social values, such a method is to be rejected as a good practice in restoration (Bernal 2003).

The challenge presented by the conservation of heritage is the need for democratic control on the part of society and a profound debate on criteria, methods and techniques in restoration works, and, above all, a debate on the ethics of such actions.

<b>Public Authorities and other bodies</b>	<b>Individual donations to the Cathedral</b>	<b>Private sector sponsorship</b>
Government Ministries: <i>Ministerio de Cultura, Educación y Deporte</i> <i>Ministerio de Fomento</i>	Cathedral Chapter <i>(individual donations)</i>	Mutual Savings Trusts: <i>Caja Burgos, Caja Círculo, Caja Duero</i>
Regional Government: <i>Junta de Castilla y León</i>		Spanish Banks: <i>BBV, Banesto</i>
Local Government <i>Ayuntamiento de Burgos</i>		Insurance companies: <i>Winthertur, UMAX Seguros</i>
European Institutions <i>European Investment Bank (BEI)</i>		Firms: <i>Rhone Poulenc</i>
		Foundations and Associations: <i>Fundación para el Apoyo de la Cultura, Fundación Caja Madrid, Rotary Club, Consejo General de Ingenieros Industriales, Friends of the Cathedral</i>

## Endnotes

1 Funding sources:

From the approximate total of 24 million euros, the European Investment Bank (EIB) contributed 6.6 million euros, the Junta de Castilla and León 2.4 million euros, and the Cathedral Chapter 4.8 million euros received from individual contributions. It is estimated that a million people visit Burgos Cathedral each year, which implies an annual income of 3,500,000 euros.

2 A headline in a national newspaper to the effect that the statues in Burgos would disappear in 10 years – ‘Las estatuas de Burgos desaparecerían en 10 años’ - in EL MUNDO. CASTILLA Y LEÓN, 16th of October 1999, p. 9.

3 A similar headline in a provincial newspaper affirming that restoration experts advise replacing the statues on the Cathedral to conserve them - ‘Expertos en restauración abogan por sustituir las estatuas de la Catedral para conservarlas’ - in Diario de Burgos, 16th July 1999, p. 12.

4 Article on Spielberg and the restoration of old cities by PÉREZ ARROYO, Salvador: 'Spielberg y la restauración de las viejas ciudades', ABC CULTURAL, 4th December 1999, pp. 43-44.

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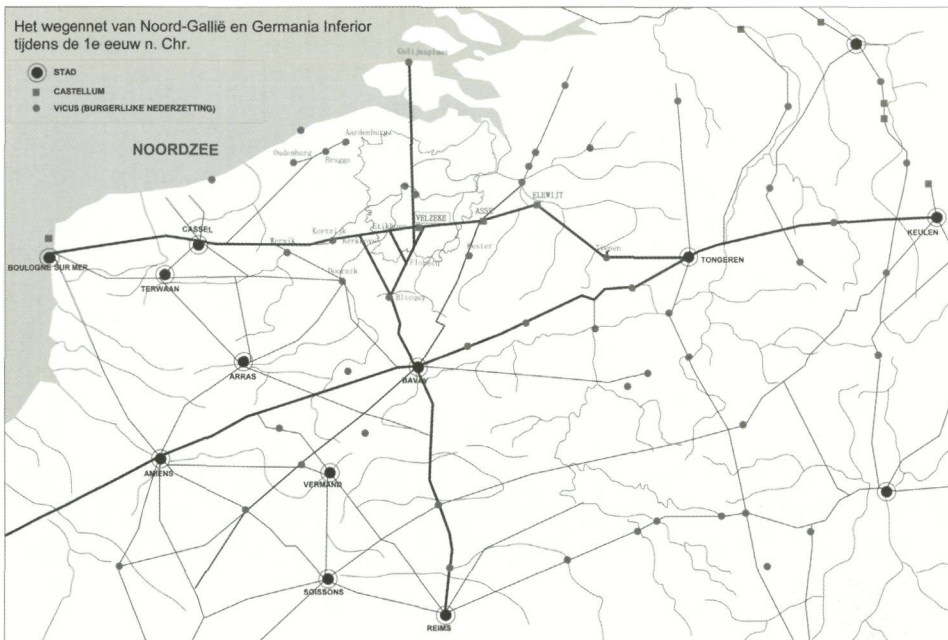
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# NETWORK OF ROMAN ROADS AS LEVER FOR THE DEVELOPMENT OF RURAL INITIATIVES

*Roland Vancauwenberghe &  
Martin De Pelsmaeker  
Flemish Land Agency (VLM)*

**A**ROUND three hundred years before Christ, the Romans began the construction of an expanded Roman road network. Initially, this network was meant for military aims, later for postal traffic, trade and even tourism. Because of this road network, a large cultural exchange took place and the Roman idea of unity emerged.

The Peutinger Map, a medieval manuscript copy of a Roman map, showed 372 large roads (*viae*). This road network went through the continents of Europe, Asia and Africa for more than 120,000 km. Smaller roads were connected to the larger ones through a network, hence the expression: "All roads lead to Rome." The first constructed segment, with a length of 558 km, was the *Via Appia* going from Rome to Brindisi.



Map 1. Road network North Gaul and Germania Inferior (first century after Christ).

Map 1 shows the road network of North Gaul and Germania Inferior during the first century AD. The road from Cologne to Boulogne-sur-Mer via Tongeren, Asse, Velzeke and Cassel, crossed the Belgian region. At present, the original route has disappeared or has been integrated in the contemporary road network. That is why their historical authenticity on a local level is often no longer recognizable or known in some cases and why their relation with the wider road network faded away.

However, there is a renewed, contemporary interest in the Roman roads in some regions. The activities in which the historical context of the Roman roads is a common factor have included a provincial workshop on “The Roman road” at Rijkhoven (2006), the master plan Haspengouw, and the European Symposium “Voies romaines en Méditerranée” – “Roman roads in the Mediterranean” (2006) which took place in Montpellier.

### Archaeological and Historical Background

The village of Velzeke (Felciaco) is situated along the Roman road from Cologne to Bavay. During the reign of the Roman emperor Augustus, an army camp was built at this location. Velzeke is one of the most important Gallo-Roman settlements in Flanders and is the site of PAMZOV, the provincial archaeological museum of southeast Flanders (Rogge et al. 1996).



Figure 1. Paddestraat (Velzeke) before the works.

Today Velzeke is a rural village with a surface of 13 km<sup>2</sup> and about 3000 inhabitants, and is a municipal district of the city of Zottegem. Its location in the hilly Zwalm region with its many sources and water mills is a natural trump card for Velzeke. This largely authentic historical landscape with historico-cultural relics and rural roads is very much appreciated by holiday-makers and rural tourists.

The landscape of the Zwalm region is characterised by the dominance of agriculture as a structural support. Six land consolidations (one of them in Velzeke) have been carried out to improve the agricultural structure in the region. The traditional grouping of the parcels in use is an example of reallocation. Reallocation also seeks to achieve optimisation of drainage and the opening-up, reinforcement and restoration of the structures of the landscape while also ensuring the conservation of the historico-cultural and archaeological values.

Map 2 situates the roads in the Velzeke land consolidation area. Archaeologists accompanied the execution of the road works (Vancauwenberghe et al. 1993). One of these roads, the Paddestraat, was actually a part of the Roman road from Boulogne-sur-Mer to Tongeren. Besides its historico-cultural value, the road is a landscape relic, a functional road for agriculture, the local traffic and a component of several tourist-recreational routes. The Paddestraat also occurs in the route of the well-known annual cycling classic "Tour of Flanders".

As the road is situated at the point of transition from loamy soil to the alluvial valley of the Molenbeek (Millbrook), many springs appear on the surface,



Figure 2. Paddestraat (Velzeke) during the works.





Map 2. Location land consolidation roads in Velzeke.

causing the road to subside at several places. Due to this, restoration works were necessary. The historico-cultural and archaeological qualities of the road and its potential for development were taken into consideration. The accompanying figures show the Paddestraat before (fig. 1) and during the repairs (fig. 2). In the course of the road works, archaeological prospecting and discoveries were made, exposing the foundations of a Roman villa (fig. 3), Gallo-Roman graves with traces of ashes (fig. 4) and a Roman pointed ditch (fig. 5).

### Heritage Challenges

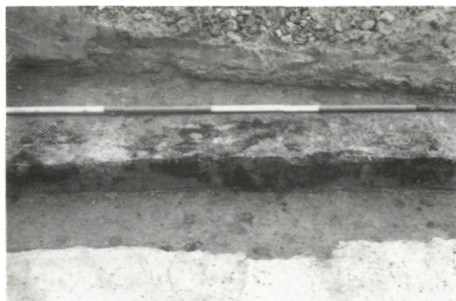
Because of the presence of the Gallo-Roman settlement in Velzeke with its Roman road as spatial starting point, a number of historico-cultural and archaeological values have already been valorised within the framework of the land consolidation. This also offers an opportunity for the future expansion of an archaeological park and the development of linked regional initiatives. All this should happen



Figure 3. Foundation of a Roman villa.

in a contemporary European context with attention to the environment and its occupants. In collaboration with PAMZOV and University of Ghent, the Flemish Land Agency intends to start a project in a European context in which the network of the Roman roads will be used as a lever for development of regional rural initiatives. The multicultural angle is essential to guarantee a diversified approach.

At first, the approach includes an exchange of knowledge and experience. By means of a systematic approach, the partners will make an inventory of the regional characterisations and the rural Roman roads with their specific characteristics and functions in a coordinated way. It is also essential to involve potential actors, administrators and already existing cooperation bonds.



Figures 4 & 5. Gallo-Roman graves with traces of ashes & Roman pointed ditch.

All the data will be analysed in order to classify the qualities and potentials in a structured way. Subsequently, a common vision will be developed at European level concerning the conservation, the restoration, and the expansion of these roads related to the regional potentials. Finally, specific actions can be formulated which could trigger regional development. This way, one region could develop a project which fits in the European unification idea.

By means of a common forum, for example a website, the public will be informed about the progress of the project. Eventually, the initiative should lead to the conservation of Roman roads and relics obtaining a central place within a contemporary context with a specific regional recognisability and a diversity of occupants and products.

### Partners and Financing

We have the intention to realise a project with at least three partners from the former Roman empire who are trusted with this specified theme. The core tasks of the partners should be situated within the field of the integrated development of open space, the supply of information to the public (for example museums, to attract the public at regional level; the province or the municipality) and scientific research (for example universities).

The Flemish Land Agency (VLM) in Flanders is responsible for the qualitative development of the open space. Therefore, the VLM collaborates with other administrations and governments. In order to fulfil these tasks, it disposes of specific developing instruments, such as the integration instrument of land development, the sectorial instruments reallocation and land development for nature. All kind of disciplines of personnel are available: e.g. engineers, rural planners, hydrologists, landscape architects, ecologists and archaeologists who can make use of a GIS-environment. The Flemish Land Agency also supplies services in the field of manure bank, agri-environmental agreements, local land banking and rural management.

### Conclusion

Starting from the European unification idea, we aim at a joint venture project which departs from traditional focus on regional diversity with a focus on the Roman roads as a connecting spatial starting point. The intention is to provide a contribution to the conservation and development of the qualities of the rural area,

with agriculture as economic bearer and rural villages as recognizable entities in relation to the Roman road network. From this international alliance, regional initiatives could be subsequently developed with attention to recreational joint use, rural tourism and the promotion of regional products and handicrafts.

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## CULTURAL PROPERTY: LEGAL AND ETHICAL ISSUES

# PROPERTY AND HERITAGE - A LATIN AMERICAN PERSPECTIVE: MEXICO, PERU, COLOMBIA AND GUATEMALA

*Clemency Coggins*  
*Boston University, USA*

IN Latin America cultural heritage from two historical periods is in peril. Entirely different from one other, they include the three centuries of Colonial Hispanic culture (1521-1821) and the more than three millennia of Pre-hispanic heritage (500 B.C. - 1500 A.D). The cultural heritage of this earlier period involved innumerable ethnic groups and many hundreds of languages. Although all Central and South American countries experience the plunder of both kinds of heritage, Mexico, Peru, Colombia and Guatemala (fig. 1) are discussed here as especially egregious examples. Their national systems of cultural patrimony protection



Figure 1. Map of Latin America - discussed countries darkened.

are considered as well (Table 1). The word "patrimony" (*patrimonio*) is used in Latin America as equivalent to "heritage" (sometimes *herencia*, or *acervo*), whereas "cultural property" is translated as *bienes culturales*.<sup>1</sup> In her discussion of Peruvian cultural resource management, Helaine Silverman understands *patrimonio* to signify manageable cultural resources and she distinguishes this from the more abstract "heritage" - translated as *acervo*, or the accumulated goods and traditions of a country (2006:58). This critical distinction is practical, not rhetorical, and would serve all these countries well. An analysis by Brazilian archaeologist Pedro Funari would oppose "an emotive 'heritage' to a more distant 'cultural property'... while considering the tensions between" them. Mexican legal scholar, Jorge Sánchez Cordero in his discussion of the origins of these constructs observes that "cultural patrimony" is a concept transformed from the older use of the term "antiquities" (2004b: 392); in this metamorphosis from antiquarian pursuit to nationalist icon is found our dilemma today. Most of the forces that threaten the heritage of these countries were created and nurtured in the days of antiquarianism, while modern efforts to preserve and protect cultural patrimonies espouse legal methods and political goals largely unknown in the past.

Despite the Peruvian usage noted, however, the designation, *bienes culturales*, or cultural property implies "ownership" in English, whether of a country, an institution (church or museum), ethnic group, individual, or, more recently, of everyone. Today, however, in three of the countries, cultural patrimony is the property of the nation; in Colombia only archaeological materials are property of the nation. For this reason, among others involving the monetary and exclusive connotations of the word "property," and considering the evolving concept of a transcultural heritage, Lyndel Prott and Patrick O'Keefe proposed the substitution of "heritage" for "property" (1992). Indeed subsequent UNESCO terminology has made this change, as in the 1972 Convention on the Protection of the World Cultural and Natural Heritage. However, the identification and repatriation of objects so broadly termed "heritage" is not specific enough. Silverman associates the more abstract heritage with concepts of stewardship, while speaking of cultural property as involving the more practical management of resources (2006: 59).

Today, the different types of cultural patrimony involve different constituencies, and information available about them varies according to country, depending on published sources, on the relative size and geography of each country, on historic attitudes toward the past, on the scope and effectiveness of laws, on the availability of trained personnel, on financial resources, and on an independent national press. It is significant that all four countries under consideration have

government web sites that present the basic data on national cultural heritage management.

Table 1 presents some information about each country, including size, population, and cultural heritage, international, and relevant United States (U.S.) legislation. All of these factors influence the relative endangerment and care of cultural heritage, and to some degree, the success in its protection or restitution.

## Colonial

The Colonial history and thus the heritage of Hispanic Latin America is structurally similar in the four countries, partly because Spain limited colonization to pen-insular Spaniards (Sánchez Cordero 2004a: 314) who were charged with governance, exploitation of resources and Christianization of the indigenous population. During the three centuries between Conquest and Independence, the Catholic Church dominated the artistic production of the colonies, although the secular art and architecture of the ruling vice-royalties were important components. "By the middle of the seventeenth century, Spanish America – which, all told, did not possess a million people of European origin – was supporting 840 [monasteries] and more than 7000 churches. By the end of the century the numbers were much greater, particularly in Mexico, Peru, and Guatemala" (Kelsey and de Jongh 1961: 143). Indeed, "every church was a museum" (Arciniegas 1977: 220), as were the houses of the wealthy.

With Independence, 1821-30, the tides of secularization rose in all four countries, until, by the last century the Church had lost much of its property. Today, the Church stripped of its old wealth and power, cannot protect the many churches still enshrined in popular religion, nor can the nation states. The scale of this problem may be seen in the omnipresence of Catholic patron saints in Colonial Latin America. Every city, convent and monastery had a patron saint, as did every parish, guild and brotherhood; every *hacienda* had its patron saint with a family chapel, and every member of every family had their own patron saint. Consider these in terms of the innumerable paintings and sculptures in all media that represented these saints, and their life histories, for personal worship, in addition to the many, many more images of other sacred figures and biblical themes.

There were also family portraits and the paintings and sculptures that decorated the vice-regal palaces and buildings, but Colonial religious art once intended for domestic devotion may constitute a significant percentage of existing



Latin American private collections. Early in twentieth century Cuzco, Peru, such paintings might hang in every room of a house, even the kitchen (Mould de Pease 2002: 115). Although much of this unquantifiable store of Latin American sacred art was “secularized”, and often destroyed in the nineteenth century, a new epidemic of theft threatens what remains. Colonial works of art are stolen frequently today from small or remote churches, where they may represent a living heritage and an immediate cultural and devotional loss to a parish or village, as well as from large churches, private homes, and museums. When traced (seldom) these may be found in private and public collections or on the art market. Gauvin Alexander Bailey author of the authoritative *Art of Colonial Latin America*, recently informed me that the entire ceiling of an early eighteenth century Jesuit sacristy in Bahia, Brazil was stolen shortly after his book came out, in 2005. In the book, he discusses this unique example of Chinese style painting (2005:199) and today worries that his book called attention to this little known church. Although not from one of the countries discussed here, this is a frightening example of the sophistication and speed with which Colonial art is targeted today. Only relatively recently has it become mandatory in most Latin American countries to register ownership of such Colonial and Republican (nineteenth century) objects, while export is illegal. Like the connoisseurship of antiquities, the collection of Colonial art has long been considered a mark of taste and breeding in these countries. Today, however, it represents novelty and a new field for investment in many art collecting places in the world.

It is impossible to estimate how much such cultural property is left in original context. This vast Colonial heritage and the immeasurable archaeological one are both included in the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (Cultural Property Convention) which has been signed by all four countries considered here. For archaeological contexts, it is important to recognize and not to blur the distinction between objects with known “provenance” or with known “provenience”. The art historical French *provenance* usually refers to a his-tory of ownership (property), whereas the English “provenience” is more archaeo-logical, and specifies the original context – a specific site or other location. If re-corded, a Colonial object may be traced to a church or secular locus and thus have provenience, or to a private collection where it generally has only provenance (ownership), or perhaps a suppressed provenience (since it may once have been acquired illegally). Plundered archaeological objects are unknown before their appearance on the market or in a collection, so they can not have been recorded;

their “provenience” must thus be stylistic, or based on the unreliable word of an antiquities dealer, who provides only provenance, a history of ownership, should there be one. Known, documented objects, if illegally exported, are understood to be stolen from their country of origin under the provisions of the Cultural Property Convention and thus subject to relatively uncontested return – at least theoretically. Archaeological materials may or may not, however, have been stolen **before** the relevant legislation existed; this is the critical question since the Convention is not retroactive and proving the date of illegal export is usually not possible.

The ancient and the Colonial heritages are equally in demand today – if by different markets. These are fueled by the dealers and the collectors of the Pre-Columbian past and of Hispanic American art; contraband from the two may follow the same long-established routes. Pronounced differences in taste and knowledge divide these fields of connoisseurship as reflected in associated academic expertise, cultural associations and, especially in Latin America, by deep-seated historical antipathies. Art historians and historians of Spanish America tend to focus on aesthetic, historical and literary associations which usually exclude the pre-Columbian past. In contrast, most anthropological archaeologists are primarily interested in ancient America, and in the purpose, technology and cultural context of its remains. When coupled with the antagonistic historical relationship between the Spaniards and indigenous Americans, this attention to different kinds of evidence and identification with the two historical periods leads to contrasting points of view and of intellectual foci. Furthermore, such distinctions tend to be reflected in the governmental agencies charged with the care of the two cultural patrimonies that comprise one heritage. Thus, since the character, as well as the perpetrators, of the depredations are different, so are the corresponding efforts to prevent such losses. While many factors determine and characterize the destruction of cultural patrimony, the founding event in Latin America (as opposed to Pre-Columbian America) was the extermination of native “idolatry” and its material forms pre-scribed by the Roman Catholic Church. Such ideological purges have, in turn, been directed against this church in the nineteenth and twentieth centuries and to-day by an iconoclastic Protestantism, and the concurrent losses from looting and theft might be ascribed to an ideology of capitalism.

## Archaeological

Serious Colonial theft is more recent than most archaeological depredation although the latter has also increased dramatically since the 1960s. At that time the United States was the principal market, and awareness of this motivated that country to sign the 1970 international UNESCO Convention in 1972, although it was another decade before the enabling legislation was passed. In 1972, however, the U.S. did pass a significant national law (which went into effect in 1973); it prohibited the importation of illegally exported Pre-Columbian monumental sculpture and architectural materials – basically immovable materials – from all Latin American countries. The law proved surprisingly effective. The traffic in large Maya monuments into the United States virtually stopped, although the European market replaced it on a reduced scale. There were, however, unintended consequences. The well-established pattern of plunder turned to more portable, or moveable, funerary objects, particularly from Guatemala. This sequence of events illustrates the significant distinction, made in cultural property legislation, between movable and immovable objects. The 1972 U.S. law dealt with the former, while subsequent problems have involved the latter.

## International and United States Actions

### *International*

**UNESCO Conventions.** The two most important international initiatives that involve these four countries are the two UNESCO conventions: the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970), and the Convention on World Cultural and Natural Heritage (1972). See Table 1 for the years in which each of the four countries ratified these. The conventions, treaties and agreements in Table 1 are non-binding declarations that comprise what has been called “soft law” – basically a code of cultural conduct (Sánchez Cordero 2002: 10; 2005: 199). Signing such conventions enjoins signatory states to draft legislation to enforce provisions (Cultural Property) or to create agencies and policies that will carry out prescribed measures (World Heritage). The Cultural Property Convention is international and deals with trafficking between nation states; the World Heritage Convention is focused on the cultural and natural heritage within each country.

Each party state to this latter Convention recognizes that the duty of ensuring the identification, protection, conservation, presentation and transmission to future generations of the cultural and natural heritage referred to in Articles 1 and 2 and situated on its territory, belongs primarily to that State. It will do all it can to this end, to the utmost of its own resources and, where appropriate, with any international assistance and co-operation, in particular, financial, artistic, scientific and technical, which it may be able to obtain (Article 4).

A World Heritage Committee was established to receive from each signatory country the required inventory of cultural and natural property, with documentation. On the basis of these inventories, states nominate particular properties for the World Heritage List. The Committee evaluates the nominations and establishes a list of properties designated World Heritage sites (articles 8, 11). These, if endangered, are eligible for assistance for their "protection, conservation, presentation or rehabilitation" (Articles 13, 22; see Table 1 for the number and type of World Heritage sites in each country).

Nicholas Stanley Price who was the first speaker at the conference (March 21, 2006), served as a member of the World Heritage Committee and represented the International Center for the Study of the Preservation and the Restoration of Cultural Property (ICROM). Stanley Price spoke of his experience in the field of cultural property protection, and of the process of inscription of World Heritage sites (see above pp. 19). He noted that such a designation is transformative in its effects on the national significance of a site, and thus on its tourist potential and its inevitable economic significance for the country. Such major consequences are usually beyond the abilities of the national cultural patrimony agencies required to care for such designated properties. Price also spoke of the benefits and problems inherent in the privatization of such sites, a development now under way in many parts of the world.

**UNIDROIT Convention.** In response, or reaction, to the 1970 UNESCO cultural property convention the International Institute for the Unification of Private Law, after years of study, drew up the UNIDROIT Convention on Stolen and Illegally Exported Cultural Objects, 1995. According to Lyndel Prott, "The UNESCO Convention deals with the problem of illicit traffic by means of administrative procedures and State action; the UNIDROIT Convention provides direct access to the courts of one State by the owner of a stolen cultural object or by a State from which it has been illicitly exported. They thus complement each other" (Prott 1997: 15). Furthermore, "the aim of the convention is to achieve common, minimal legal

rules for the restitution and return of cultural objects between Contracting States, with the objective of improving the preservation and protection of the cultural heritage in the interest of all” (Prott 1997: 20).

UNIDROIT deals with the inevitable problems among different legal systems inherent in the international traffic in cultural property, and with questions of transfer of title, and thus it complements the 1970 Convention. This “convention stipulates that an owner must pay compensation to a good faith purchaser who returns stolen cultural objects” (Gerstenblith 2004: 451; Prott: 1997). A “good faith” purchaser will have researched the object to be sure it was legally acquired (due diligence), and that the seller can actually transfer title. The Convention is in force in 27 signatory countries including Guatemala and Peru. The United States has not signed, nor have Mexico or Colombia.

**ICOM.** A relatively recent initiative involving all fifteen Latin American countries is the *Red List of One Hundred Missing Objects* first issued in 1997 by the International Council of Museums (ICOM) under UNESCO. Intended for museums, scholars, enforcement agencies, collectors, and dealers, this brief compilation, like earlier ones on Africa and Cambodia, could but outline the problem with a few arbitrarily chosen examples from each category – archaeological and Colonial. These represent a much larger, unknown universe of stolen materials. However, a redesign of format, of criteria and of organization resulted in a much improved 2002 web version that is easier to use and more comprehensive while including fewer objects (<http://icom.museum/redlist/LatinAmerica/english/intro.html>).

The new list illustrates only twenty-five examples of types of Pre-Columbian and Colonial objects “which are systematically looted” from all of Latin America. These broad categories are easier to consult than were individual and idiosyncratic stolen objects.

### ***United States Import Controls***

**1972.** The U. S. response to the Latin American loss of cultural property has been particularly important for the hemisphere. This national legislation affects all four countries. Traditionally the U.S. has been the major market for Latin American cultural property and the legislation was drawn up in explicit recognition of this destructive role (Coggins 1998). This 1972 law prohibiting the importation of Pre-Columbian monumental art, mentioned above, was in force in 1973. Its passage, immediately after signing the 1970 UNESCO Convention in 1972, reflected the U.S. perception of the urgency of the situation, and awareness that implementing

legislation for the Convention might take a long time. In fact, it did not go into effect until 1986, and only then with many US “reservations” to its implementation. Among others, these required every signatory country with an endangered heritage to apply independently to the U.S. for import controls, and to delimit and demonstrate the seriousness of their problem. This insistence on bilateralism ignored the provision of the Cultural Property Convention in which all signatory states have a reciprocal relationship with all other states party to ensure the return of stolen cultural property.

In 1987 the US UNESCO Convention Cultural Property Implementation Act (CPIA) was amended in response to continued pressure from the antiquities dealers, collectors and art museums lobby. Most significant among the amendments was the stipulation that the law could not be implemented if other significant art-importing countries had not imposed similar provisions prohibiting importation of the materials the legislation was designed to protect. This was never enforced. Today, however, all but one of those major art-importing countries has signed the UNESCO Cultural Property Convention and thus met the criteria of the amendment. Denmark has just signed the UNIDROIT Convention; this country had recently become an important market from the most imperiled countries, including Colombia (Aagard and Kaarsholm 2007), despite having signed the Cultural Property Convention. This is an important step in regulating the legal market which may effectively supplement the other convention to slow the influx of prohibited objects. Belgium is the principal European country that has signed neither UNIDROIT nor the UNESCO Cultural Property Convention. Belgian antiquities dealers are major importers of looted and stolen cultural property from all over the world – most notoriously from Mali and Guatemala.

***Bilateral Treaties.*** Under the 1983 implementing legislation, the Cultural Property Advisory Committee was created to deal with requests for U.S. import controls. It had been clear since before the 1972 Pre-Columbian Monuments law that Guatemala was suffering a worsening epidemic of looting, theft and site destruction. Since it was realized that it might be a while before the UNESCO Convention implementing legislation was in effect (actually another three years), the new Cultural Property Advisory Committee solicited documentation from Guatemala and U.S. archaeologists in support of a regular bilateral Treaty with Guatemala that was proposed in Congress. This treaty which covered archaeological, historical, and cultural properties was passed and in force in 1984. Although this treaty, which is still in force, covers much more than archaeological

materials, particularly the highly endangered Colonial and Republican periods, it has never been invoked.

The first request for US import controls under the Cultural Property Implementation Act was from El Salvador for an Emergency Action; they had demonstrated a crisis situation in the looting of a particular archaeological site, Cara Sucia (1987). Eight years later this action was expanded to a regular agreement, or Memorandum of Understanding, covering all Salvadoran archaeological material. This pattern was followed with five more Latin American countries, including Guatemala and Peru. Colombia's 2006 bilateral agreement was not, however, preceded by an Emergency Action (see Table 1).

### The United States and Cultural Property

It is important to understand that the U.S. differs from most, if not all, 108 other states party to the Cultural Property Convention in that it does not restrict the export of its own cultural property. With the exception of the Smithsonian Institution in Washington, D.C., imported cultural property is in private hands – and even the Smithsonian must raise part of its funding from private sources. Large private museums, like the Metropolitan Museum of Art in New York, receive public subsidies; they are not-for-profit, tax-exempt institutions operated for the public benefit, but they are overseen by a board of trustees or directors who technically own the building and land. These trustees are private individuals except for the Mayor of New York City is an *ex officio* member of the board of the Metropolitan Museum. Accordingly, American museums must raise most of their own money (often from these same trustees).

Although the National Park Service manages many of the most famous cultural and natural sites in the U.S., there are many more institutions, large and small, that receive funds from a combination of governmental and private sources, at every level – municipal, state, federal. These are independent organizations that set their own policies and agendas. Accreditation by the American Association of Museums “is a widely recognized seal of approval” (American Association of Museums), but this organization is not governmental. The association draws up policies for museum management, including a code of ethics, but they are not mandatory, any more than is the ICOM code of ethics, which is the most demanding (ICOM Code). American museums have a great deal of autonomy. This is one important reason why the U.S. did not sign the 1970 Cultural Property Convention without reservations. The Convention requirements for a national inventory, for

instance, would be totally unrealistic and unenforceable in the United States. Unlike most countries with endangered cultural heritage, U.S. museums are filled with examples of the finest cultural patrimony of other countries, in addition to their own.

For a decade, American art museums, antiquities dealers and collectors lobbied intensively against signing the Cultural Property Convention until the U.S. legislation was finally modified enough to pass Congress. The convention and the potential bilateral agreements negotiated under its provisions have posed a serious threat to the antiquities and ethnographic art markets and to collecting in the U.S. This threat increases each time the Cultural Property Advisory Committee accepts the request of an additional country to be added to the list. Today, thirteen nations have bilateral agreements for the prohibition of import into the U.S. of their carefully defined endangered cultural property (US Cultural Property). In 2004, the US acknowledged the ever-expanding volume of art theft and created a twelve-member Art Crime Team, surely partly in recognition of the repeated Interpol declaration that art theft is the world's fourth largest crime, after drug running, money laundering, and the arms traffic.

In March 2007 the US participated in a conference in Mexico that also included Colombia and Guatemala among the four Latin American countries considered here. This meeting produced resolutions to create governmental departments in each country that would deal with problems of cultural property preservation and theft, and an exciting and ambitious plan for a continental register of cultural property was proposed. Certainly, once these countries have computerized registers of cultural property it would, perhaps, be possible to combine them. Such plans would however, probably require compatible formats that would have to be discussed and synchronized as soon as possible (Yahoo! Mexico Noticias 22/3/07; Milenio 25/3/07).

## Latin America

### *Mexico*

**Introduction.** Mexico is the largest and most populous of the four Latin American countries considered here (Table 1), and will be discussed at greatest length. As with all four countries, the ethnic composition and religious affiliation of the population are presumably self-ascribed in the national census. When population numbers do not add up to 100%, it is because those in the Table do



not include small minorities. Contrary to general belief, most of Mexico is in North America; only the Yucatán peninsula is in Central America. (The region referred to as Mesoamerica extends from about 600 km north of Mexico City to the southwestern borderlands of Honduras and El Salvador; this was the ancient home of complex culture, or civilization. South of Mesoamerica, throughout the rest of Central America to Peru the intermediate area was once characterized by chiefdoms instead of states. The territory of Peru contained the height of ancient Andean culture and the hemisphere's only other focus of ancient American "civilization.") Mexico, throughout the three millennia of its Pre-Columbian past, Mexico comprised hundreds of different cultural groups and languages, as did the other countries, and thus retains a complex archaeological heritage of wide extent and great time-depth.

**History.** The Pre-Columbian history of Mexico, as of Peru, Colombia and Guatemala, is much too long and complicated to outline here, but certain facets of post conquest history illuminate Mexican attitudes toward their cultural heritage – views that may be found in the post-conquest history of the other three countries as well. The sixteenth century conquest was carried out by Spaniards pursuing new lands, wealth, and converts to Christianity, in the name of the Crown and the Cross (the King of Spain and the Roman Catholic Church) – and for the personal enrichment of adventurers and trained soldiers lacking an enemy since the expulsion of the Moors from Spain in 1492. All Spanish America from California through Peru and into Argentina was, at first, divided into two immense regions governed by Viceroyalties: the Viceroyalty of New Spain with its capital at Mexico City and the Viceroyalty of Peru with its capital at Lima. Indeed, Mexico City was "the richest, largest and most beautiful metropolis on the continent until early in the nineteenth century" (Arciniegas 1977:131). The first arriving Spaniards were soon followed by church hierarchy and by more humble friars from a variety of orders intent on conversion; one century later there were thousands of churches, monasteries and other church properties.

At the end of the eighteenth century the powerful and persuasive philosophies of the Enlightenment spread throughout the Spanish colonies, transforming them, as they did the future United States. One early aspect of this European influence, born of admiration for the Classical world, was a neo-classical antiquarianism which investigated ancient cultures wherever they were found. Inspired by an intellectual ferment that led to ideas of equality and liberty, the proponents of Enlightenment increasingly viewed the Church and ruling class

of Hispanic America as exploitative and representative of Spanish oppression. A second powerful intellectual trend promoted ideas that accompanied, perhaps inspired, the American, French and Latin American wars of Independence (New Advent). This was the growing presence of French-inspired Freemasonry among liberal elites in Latin America. Some time before 1791 there were Freemasons in Mexico (Salinas: 1999). These espoused the separation of church and state and were generally strongly opposed to Catholicism, although many Freemasons maintained “Catholic identity (as opposed to belief)” (Garrard-Burnett 1998:19). Early in the nineteenth century, declarations of independence from Spain were made throughout the colonies. By the third decade, the four countries were independent, although still dominated by the conservative high clergy, the army, and powerful landowners (Sánchez Cordero 2004a: 316). The mid-nineteenth century saw the beginning of the long decline of the Church in Latin America. Liberal and Conservative awareness of past oppression and inequalities, especially in Mexico and Guatemala, led to widespread anti-clericalism and to major reforms that seriously weakened the Church. In 1859 “productive” immovable church properties (*immuebles*), such as monasteries, houses, and farms – were confiscated and sold at auction to help finance the impoverished government. The great landowners were the real beneficiaries of this redistribution of land (Bazant: 12). “Unproductive” properties, namely the churches and their contents, were exempt from expropriation, although they actually represented a significant, potentially productive, part of the Church’s wealth (Bazant: 13). Some of the finest religious books and sacred art were, however, appropriated for public, or private, use (López Bajonero 2004: 59). During the Reform Wars (circa 1858-61), anti-Catholic movements in the liberal city of Zacatecas, like the radical faction of Freemasons called Yorkinos, were given San Agustín church as their temple, to be shared with the proselytizing Presbyterians (Vanderwood 2000: 324-330; Peter Jiménez, personal communication). The Augustinians were the richest monastic order in Mexico (Bazant: 10) and thus a prominent target. The new owners completely destroyed or covered the elaborate stone sculpture on the facades and inside, as well as other Catholic imagery – hacking it to pieces in a Taliban-like iconoclastic fury. This was but one of many ways in which sacred art was “lost” over the last two centuries as revolution and internal wars also damaged Church property.

Today, the Protestantism sweeping Latin America again discards this imagery that they reject. The Pew Forum on Religion and Public Life in Washington D.C. recently found that one in four Christians worldwide, among 10 countries

surveyed, belong to a Pentecostal, or “Renewalist” kind of Protestantism. The largest percentage, 60%, is in Guatemala (Goldstein, 6/10/06). (Brazil and Chile are the two other Latin American countries surveyed). Confronting evangelical Protestantism, the modern Latin American Roman Catholic Church with syncretistic indigenous congregations is no longer the principal religious option of the people. In Table 1, apparent skepticism is expressed in the *CIA World Fact Book* about the number of Roman Catholics in Mexico, as indicated by the book’s quotation marks. These may possibly reflect an urban point of view and distrust of rural respondents, rather than the actual inroads of *evangélicos* (Protestants).

**Indigenismo.** For almost four centuries no connection was made between the ancient ruins of Mexico and the impoverished Native Americans who were the working sub-stratum of society. In the twentieth century, the indigenous population was finally widely acknowledged as descendent from the legendary people who had made the temples and pyramids. Mexico’s numerous ethnic groups became objects of anthropological study and were admired and romanticized, leading to a movement called *indigenismo* which aimed to redress the historical injustices of European colonization (Coggins 2002). This was a political as well as intellectual movement that involved artists and writers and led to the powerful expression of a reformulated Mexican identity, looking to the indigenous roots of the mestizo (mixed Amerindian and white) population, while rejecting the Hispanic. In Table 1, the burgeoning population of Mexico is 90% Mestizo and Amerindian.

**Endangered Heritage: Archaeological.** Today, the looting of Mexico’s ancient past is better controlled than in the other three countries. Evidence of this was found in the 1997 ICOM *Red List of One Hundred Missing Objects* where Mexico was the source of only two undated lots of recovered stolen materials (ICOM *Red List*, 109), and neither was representative of the two areas in Mexico which continue as the most seriously plundered by *saqueadores* (looters). Remote from each other, these are the Maya lands near Mexico’s border with Guatemala at the base of the Yucatán peninsula, and the states of western Mexico, along the Pacific Ocean (Gonzales Cardenas 2005). Along this coast the state of Guerrero has more recently been a source of very early Olmec objects. North of Guerrero, the four coastal states of the traditional “West Mexico” have appealing ceramic sculpture found in deep chamber tombs that have been looted steadily since at least the 1930s; these materials, often destined for middle men in the city of Guadalajara, frequently end up in California (fig. 2).



Figure 2. West Mexico, Colima. Comala style ceramic duck effigy.

As noted earlier, such archaeological objects are unknown before they are looted, so it is generally impossible to demonstrate their exact source (or provenience). Furthermore, proving an object was discovered after restrictive laws were in effect, is equally difficult. Nayarit (West Mexican) ceramic figures are one of the three categories Mexico includes in the 2002 *Redlist*, as with all the examples, the photographs illustrate objects of a type that is now represented in the National Museum. The other two categories are Olmec figurines and Teotihuacan masks; both types of objects that have been looted from Mexico for a century and more, thus representing an ongoing problem rather than a current crisis.

The new ICOM *Redlist* does not include losses in the Maya regions, possibly because the category is covered in the contiguous Guatemalan listings. Polychrome ceramic vessels, and small sculpture plundered from Classic period Maya burials in southern Campeche, Mexico, might actually come from Guatemala or from Belize – all part of ancient Maya territory – so national ownership is equivocal. Mexico and Belize do, however, have a bilateral agreement designed to deal with these problems through the return of stolen objects to the country of origin (Bi-lateral Treaties 2006); how the countries will ascertain the actual provenience is a question. In Mexico, as in every country, there is also a significant loss of ancient sites that are destroyed in the course of public works, by expanding settlement, and from normal agricultural practices, but these activities generally

still also serve in the end to provide objects for the antiquities market. Mexico has about 40,000 registered archaeological sites, and perhaps 200,000 in total (Milenio 2005). The majority of these are at risk from one of the four engines of destruction: the historical/ideological; modern development; looting and theft; and natural disasters.

While this paper focuses on the ancient and Colonial past of these four countries, it must be emphasized that their cultural patrimonies comprise a continuous history of indigenous life, irrespective of the Spanish conquest. Native American populations and their cultures were decimated in Colonial times, but many of these impoverished peoples have survived and are seen today as living evidence of that pre-Hispanic world. These more recent peoples are not, however, creators of the ancient art that feeds the antiquities market.



Figure 3. Central Mexico, Puebla state, Tochimilco, Franciscan Monastery Chapel, St. Francis Receiving the Stigmata, detail. Anonymous, 16th c. polychrome painted and gilt wood relief. Stolen 2001, repatriated 2004.

*Endangered Heritage: Colonial.* Mexico's Colonial heritage has recently experienced an epidemic in the theft of sacred art from churches in many states, but mostly those in central Mexico. No Colonial art was shown in the 1997 ICOM *Red List*, since the current crisis in thefts was not envisioned. The 2002 listing for all of Latin American Colonial art tends, with some exceptions, to present regional styles. Thus Mexican and Guatemalan paintings are a single category. (An exception, however, are the distinctive Mexican figures made of corn stalk paste, mistranslated from the Spanish into English as "Corn-Stem Paste Figures" which are mistakenly thought to have been made of sugar cane paste). Often crucifixes constitute a single category, as do ivory carvings of Christ.

In 2004 alone 600 objects were reported stolen (Hawley 2005). Such figures vary widely; it is impossible to know what is missing, since most objects are not inventoried and losses have not been discovered, or reported. Stolen paintings, sculpture and church silver clearly involve criminal acts that may be prosecuted and lead to restitution, if there is documentation. The contents of churches are the property of the nation, although since 1992 the churches have been given renewed autonomy and charged with the registration, preservation and restoration of their cultural heritage (López Bajonero 2004:92; *Ley de Asociaciones Religiosas y Culto Público: articles 17, 20*) – even though there is some fear that registration might lead to government expropriation of beloved objects for some national purpose. Most stolen sacred art is thought to leave Mexico quickly, much of it for the United States where there is a taste for Hispanic Colonial heritage in the American Southwest, including Texas and California. Perhaps the busiest market for Colonial art is Sante Fe, New Mexico, where a very large 273 kilo wooden relief depicting St. Francis receiving the stigmata, was found in 2004 in the possession of an art dealer (fig. 3). This was stolen in 2001 from a locked chapel attached to a former Franciscan monastery in Tochimilco, Puebla, east of Mexico City. During its shipment northward, it had been restored, and was discovered only when the owner advertised it on the internet. A joyous fiesta celebrated its return to Tochimilco in September 2005 (Hawley 2005). The offer of stolen Colonial art and antiquities on Ebay and other internet sites is apparently legal, since the web sponsors disclaim responsibility. It is left to the injured parties and to international law enforcement to recognize these stolen objects immediately when they first appear. Surely some legal mechanism can be devised to remedy this intolerable situation.

**Cultural Heritage Management.** In Spanish, *política cultural* means cultural policy rather than cultural politics, although it is never far from the latter in Latin America. In 1939, Mexican anthropologists dedicated to the study of man and culture created the *Instituto Nacional de Antropología e Historia* (INAH), under the Secretariat of Education (SEP) (Table 1). INAH is still the principal institution for the protection, teaching and research of modern indigenous Mexican culture, of historical sites (16th -19th centuries), for the discovery, research, excavation and presentation of ancient Mexico, and for the conservation and restoration of both ancient and historical materials (INAH, *Escuela*). Under its care today INAH has an estimated 110,000 historical and 29,000 archaeological sites with 150 of the latter open to the public (there may be as many as 200,000 such sites), plus 112 museums: national, city, local, and site.

**Historical.** The broad influence of INAH, with its many local and site museums, their employees, and the emphasis on Mexico's ancient cultural heritage in the schools, coupled with vestiges of *indigenismo* may be responsible for the lower rate of archaeological looting in Mexico compared to the other three countries. The *Historia* in the institute's title refers to four centuries of Colonial and modern history, from the early sixteenth to the end of the nineteenth century, excluding the twentieth century. Thus INAH was, and is, in charge of both major parts of Mexico's endangered heritage. This administrative division is similar to that of the other three countries.

In the 70 years since its founding, INAH has grown steadily, with numerous specialties and sub-divisions responsible for the care and documentation of most of Mexico's cultural heritage. This is slowly being catalogued and listed in national registries (INAH, Cultural Property). Such inventories are absolutely key to the preservation of national cultural patrimony as the four countries are as acutely aware of the problem as they are frustrated by lack of resources – both political and monetary. Founded in 1946, the *Instituto Nacional de Bellas Artes y Literatura* (see INBA), sister institution of INAH, is concerned with Mexican art, architecture, museums, music, theater, dance and literature of the twentieth century. For about forty years, these two centralized institutes, despite serious over-commitment and under-funding, have carried out their nation-wide mandates with variable effectiveness, not always separated from politics. In the 1980s there was growing impatience with the inefficiencies and unmanageable scope of INAH which has been described as having a virtual monopoly of the cultural patrimony (López Bajonero 2004: 127). Such criticism was echoed by the historian Enrique

Florescano in the inaugural address for a 1987 conference on cultural patrimony (1994: 14,-15). He advocated local self management throughout the country in place of INAH's centralized bureaucracy, while still recommending national standards, and recommended a greater involvement of private enterprise in cultural heritage management. Such ideas were not new and prefigured the major changes to come (Gándara 1992).

In 1988, President Carlos Salinas created a new superagency by executive decree – the *Consejo Nacional de la Cultura y las Artes* (CONACULTA) under the Secretariat of Education (SEP) – with a mandate to “coordinate, modernize and provide institutional coherency to the multiplicity of organizations that preserve, promote, and disseminate cultural life.” This council inevitably jeopardized the independence of long-established institutions like INAH; its very broad goals were seen by many to compromise the original constitutional mission of the older organization. On a wave of privatization in the 1990s, Mexico's vast cultural resources were newly valued as potential revenue, and a country-wide consciousness of the Mexican cultural heritage was promoted for its touristic value, as well as for raising general historical awareness. Money was poured, for instance, into the excavation and reconstruction of some of Mexico's best known archaeological sites in preparation for projected hordes of tourists. However, this archaeological campaign tended to ignore modern principles of excavation and restoration in the effort to enhance money-making potential and still protect the sites from their inevitable deterioration.

CONACULTA includes about 29 different cultural institutions and projects including state and municipal projects, libraries, publications, international initiatives, television, film centers, archaeology and all the arts. Today, CONACULTA is fighting in the Mexican Congress to confirm its legitimacy by inclusion in the constitution, since it is still based on a Presidential decree. However, some constituent institutions like INAH and INBA strongly oppose such enhanced legitimacy, since they view CONACULTA's reforms as ill-conceived and endangering the Mexican cultural patrimony (García Hernandez 2006). This dispute is unlikely to be resolved until some time after the *sexenio*, or six year election of a new president (July 2, 2006).

In June 2006, an international meeting was held at the National Museum of Anthropology (MNA) in Mexico City, not long after a spring in which Mexican newspapers seemed to be reporting thefts of sacred art every week. This “International Conference to Combat the Illicit Traffic in Cultural Property” was organized in Mexico by INAH, the *Agencia Federal de Investigaciones* (AFI), the



*Procuraduría General de la República* (PGR) and Interpol México. It was attended by specialists from the U.S., France, Guatemala, Italy and Spain, and was covered well by the Mexican press. Recommendations involved increased cataloguing and inventories, greater police involvement, and even a national ministry to deal with such crimes, since so many national and international bodies may be involved (*Notimex* 2/17/06). One important result of this historically significant meeting was new emphasis on the collaboration of INAH, CONACULTA, UNAM (*Universidad Autónoma de México*) and state governments in the concerted campaign to catalog all sacred art. More than 100,000 objects are already cataloged – an estimated 1% of the total. Each robbery may result in the loss of many objects as may be seen in thefts from 1999 to June 2006 when 964 were stolen in 305 robberies, and this can only be an estimate. About 20% of these were recovered (*Once Noticias*). However, unless they have been excavated legally (or even illegally) there is no way to catalog archaeological objects since they are unknown in advance.

Good news may be found in the recent action of a Mexican senator, Mi-nerva Hernández Ramos, who urged more government support of INAH and INBA in the creation of a national catalog that would be updated continuously and posted on the internet three times a year for national and international law enforcement, as well as for art dealers and auction houses who would be required to consult it (*Vanguardia*, 28/1/07). Figures cited estimated that Mexico has 100,000 archaeological sites of which only 35,000 have been registered, while only 17,000 out of 120,000 historic monuments are cataloged. The number of individual objects (*muebles*) to be catalogued vastly exceeds these numbers. Even without the archaeological estimate, Interpol includes Mexico in the top ten countries in the theft of cultural property.

***Mexican Museums of Anthropology and Archaeology.*** It is significant that this international conference should have been held in the Mexican national museum of anthropology (which subsumes archaeology). Mexican national museums, including many site museums, as well as this principal one in Mexico city, the *Museo Nacional de Antropología* (MNA, under INAH), are blessed with enormous numbers of excavated, and thus documented, objects. In many, perhaps most, Mexican museums, these are exhibited as aesthetic objects (although not in the exceptional Museo del Templo Mayor), with little or no indication of their known provenience or their true significance for the Mexican cultural heritage beyond broad cultural, or site designations which are frustrating and seriously inadequate – even though the professed goal of this magnificent museum is didactic. This

problem is perhaps due to the role art historians (rather than archaeologists) play in creating the Pre-Columbian exhibits. Art historians and museum designers are generally trained in aesthetic appreciation and presentation appropriate for art museums. It is discouraging to realize that, despite long-standing national and international efforts to preserve and to document Mexico's ancient past, Mexican museums display many of the most valuable and informative excavated objects as if they were in a private collection. In their defense, one must acknowledge that many objects were indeed acquired by the museums from private collections, from the art market, as well as from the confiscation of stolen materials – none of which has any provenience. It would be inconsistent, it is probably argued, to exhibit some with an original context, and some without. Nevertheless, excavated materials can and should be used to explain and to situate the others in their ancient historical context, despite the increasing distaste of museum designers for the distraction and clutter of exhibits with informative labels. The national museums of the four countries under consideration all exhibit this problem to varying degrees, as do the private museums that display the collections of private individuals.

Among the world's museums, the "western" ones have until fairly recently been the only ones to amass the cultural property of the rest of the world. In Latin America most museums, public and private, celebrate and collect the art and archaeology of their own country. The role of opulent private museums that represent the collections of private individuals in all these countries is an important one. Mexico, perhaps foremost among these is the *Museo Amparo* located in a fine Colonial building in the historic district of Puebla. This displays the stunning collection of Josue Saenz which consists principally of archaeological objects without provenience bought from antiquities dealers in the decades before the 1972 passage of the law that required the national registration of private collections. Like comparable private museums in Colombia and Guatemala, the *Museo Amparo* has an important library, an educational mission, and in this case supports archaeological excavation through the Amparo Foundation. Like the comparable private museums, it also includes Colonial art. It is undeniable the acquisition of such collections once encouraged the looting of archaeological sites, but once the collecting has stopped, there is surely no better outcome than that the antiquities be given to the country in conjunction with the pursuit of educational, artistic, and ideally of professional archaeological activity.

***Mexico and the United States.*** Mexico has never requested a bilateral treaty with the U.S. under the Cultural Property Convention, probably because the Treaty of Cooperation signed in 1970 is considered adequate (Table 1; see US, Cultural Property for US laws and treaties). Mexico is also protected by both the 1972 U.S. Pre-Columbian Monuments law and by the 1979 U.S. McClain decision (Greenfield 1996:164-169). The latter important case, although twice appealed, is still operative. Since Mexico declares all cultural patrimony to be property of the State, the U.S. National Stolen Property Act, which covers stolen property transported across state or national boundaries, was put into effect. Under McClain the U.S. 1934 National Stolen Property Act was later applied in a case of the theft and removal of antiquities from Guatemala into the U.S. Thus Mexico has no internationally-based laws in its relation to the U.S., unlike the other three countries. The 1970 bilateral treaty, the 1972 Pre-Columbian Monuments law, and the McClain Decision all facilitate the seizure and return of Colonial well as Pre-Columbian materials in the current epidemic of theft.

### *Peru*

***History and Heritage.*** Peru became the second Spanish viceroyalty after Mexico, and it is the second largest of the four countries after Mexico, although its population is about one quarter the size (Table 1). Compared to Mexico, Peru's geography is more regionally articulated, with the highest mountains in the hemisphere, long dry coastal deserts on the west and rain forest on the east. Less than 3% of Peruvian land is arable (CIA). The "white" population is concentrated near the few coastal cities, far from most ancient sites, and even from many of the neglected religious establishments built for conversion of the natives and care of a scattered Colonial elite involved in mining Peru's great wealth in silver. Peru was the other locus of ancient American civilization. As long as 35 centuries before the Inca there is evidence of complex society on the Pacific coast – long before that of Mesoamerica. Thus in Peru there is a striking imbalance between 4500 years of ancient Andean culture and the 300 years of Colonial Hispanic occupation.

Until recently, as in Mexico, the destructive loss of cultural property was primarily archaeological – though larger in scale and of longer duration, beginning already in the Colonial Period. This is because many ancient Peruvian burials contained worked gold, as the arriving Spaniards quickly learned. A more recent, celebrated example is the 1980s looting of the tomb of a Moche lord at Sipan, near the north coast (Atwood 2004). This dramatic episode provoked an Emergency Request for U.S. import controls under the Cultural Property Convention (1990,

Table 1) and led to the scientific excavation of remaining tombs at the site, and the return of spectacular gold objects to Peru (Atwood 2004:184-186). The 1997 ICOM Red List illustrated one object looted from the Sipan area and ten from a legally excavated tomb at Sipan (121-125). Also shown are two magnificent textiles stolen from the National Museum in Lima (118). Much commoner than such museum theft, however, has been the continuing destruction of sites along the north coast where the barren ground is pock-marked with looters' holes. Hunting for antiquities (*huaqueo*), is a time-honored occupation in Peru, rather as it is in Italy. Some representative objects looted on the North Coast and confiscated by the authorities are arrayed in fig. 3. The 2002 *Red List* reduces the number of looted materials from the north coast to a single emblematic category of Moche vessels as representative of the continuing depredations there. Peru lists five archaeological categories in this new list. The other four are textiles, feather weavings, carved wooden oars (also north coast) and wooden Inca *keros* (vessels).

It may surprise Europeans involved in the protection of Cultural Patrimony to hear that there is another point of view, beyond those of archaeologists and art consumers. This involves the persistent cultural role and significance of buried antiquities for *huaqueros* (looters) on the North Coast. In a paper recently presented at a symposium in Boston, Peruvian graduate student Luis Castañeda, relying on the anthropological work of Rena Gündüz, described the meaning of looting and uses of looted objects for many mestizo *huaqueros* (2007). In long-practised rituals, shamans, or curanderos, use plundered antiquities in religious ceremonies that require ancient textiles, among other such sanctified objects, as evidence of and contact with the ancestors. Castañeda describes this as "a performative preservation of the past" (6). *Curanderos* locate burials and render the looting process sacred. He notes, however, that once out of ritual context these antiquities, like all others, go to the market, and that aware of the serious penalties if apprehended, looters may acquire the role of courageous outlaws who perform acts of protest against the state.

In summary, Castañeda pleads for "a more nuanced understanding" of the cultural complexity of *huaqueo* (10). Today, these traditional practices are confined to the North Coast where, historically, looting has been most intensive.

**Colonial Art.** Peru declared its independence from Spain in 1821, under the impetus of a Liberal movement, as in Mexico. However, in Peru, while the Freemasons were established by 1830 (New Advent), the country remained more conservative, with the Church and landowners retaining their ascendancy. For this

reason, in part, the *indigenismo* movement, so strong in Mexico, never had such a transformative effect in Peru (Coggins 2002: 108-112). There, the *mestizos* did not identify with the Quechua Indians or with Peru's ancient heritage, and thus were not educated or moved to deter the looting that had continued from the sixteenth century.

Ironically, an important factor in the loss of Colonial sacred art in the second half of the last century came from within the Church. Catholic Liberation Theology, in its pursuit of a simplified and newly inspiring popular religion, stripped churches of superfluous buildings and embarrassingly rich art. Frequently this ended up on the art market (Mould de Pease 2002: 34, 35). The organized theft of Colonial art is, however, a relatively new pursuit which can involve very high stakes. Two church sextons were killed by robbers seeking paintings and sculpture, in 1996 and 2004 (Mould de Pease, personal communication). In 1972, the Archbishop of Cuzco expressed his inability to care for the 300 chapels in his archdiocese (Mould de Pease: 29). These are the reported source of much of the stolen works. However, the owners of private collections who illegally acquired this material may resist making accurate inventories of their objects (Mould de Pease 2002:39). The objects' identification as national cultural patrimony would severely limit the collectors' option for resale or even public display.

One of numerous more recent and unusual cases of theft involves the 2005 return from the United States of the stolen altarpiece from a seventeenth-century church in highland Challapampa, near the shore of Lake Titicaca. Like the Mexican relief from Tochimilco, it was located at an art dealer in Santa Fe, New Mexico (U.S. Immigration and Customs 2005; Mould de Pease & Van Rijn 2005). Stolen in 2002, when the paintings in the church were being restored, the 410 kilo altar piece is evident in fig. 4; the central figure has not been recovered. Visible on the right wall of this church are paintings of *arcangeles arquebuses* (Musket Archangels), characteristic of the distinctive highland style. These were stolen in 1976 (Mould de Pease 2006: 4, and see Van Rijn 2006); today no examples of this extraordinary type remain in Peru (Mould de Pease 2006: 4). The Challapampa theft was publicized by the colorful reformed art dealer, Michel Van Rijn (see Hofstadter 1994) who sporadically maintains a useful and informative, if occasionally slanderous, web site (Van Rijn 2006 and see Estrada 2006). The case was taken up by Mariana Mould de Pease who works tirelessly for the Peruvian cultural patrimony, particularly of the Roman Catholic Church. As in Mexico, Church property belongs to the nation, but the Church has responsibility for its care. This is a difficult partition of functions since the responsibilities for



Figure 4. North Coastal Peru, Lambeyeque,. Ceramic vessels of different dates and cultures. Confiscated 1995-1996. After fig. 5, *Patrimonio Cultural del Perú, II*.

preservation and security fall to the Church, without the autonomy of ownership. In 1988 and 1993, Pontifical Commissions urged the preservation and complete inventory of the historic and artistic legacy of the Church (Mould de Pease 2002: 38), as did a regional conference (Castelli Gonzáles and Córdova Burga 2003) on the illicit traffic of all Peruvian cultural property. The value of registration is confirmed in recent news from INC that reports 44% of registered objects stolen from churches have been recovered. (*El Comercio*, 5/11//06). Other noteworthy measures proposed by this conference included the creation of an Andean database, of a cultural police unit, and the conversion of churches into tourist attractions, both to protect them and as a source of revenue by selling reproductions and post cards (Repetto Málaga 2003: 17; Castelli Gonzáles and Córdova Burga 2003: 42). The 1997 ICOM Red List illustrates two paintings of the Virgin stolen from a church in Ayacucho in 1992 (1997:120). On the 2002 web site, the Red List groups Cuzco (Peru) and Quito (Ecuador) paintings together as a regional style, although this style includes the archangels with muskets so characteristic of Cuzco (fig. 5). “Liturgical Silver Objects” is a category that might represent every Latin American country, as might the second broad category, “Colonial Religious Sculptures”. Simple theft is, however, not the only force militating against the preservation of

sacred art. Luis Repetto Málaga, President of the International Council of Museums for the Latin American and Caribbean regions, noted in his opening remarks at the Bogotá ICOM meeting that “[t]he proliferation of the most diverse quantity of churches and sects in the Andean region increasingly contributes to the elimination of these cultural resources which may undergo appraisal and transformation” (2002:11).

**Cultural Property Management.** As in Mexico, the *Instituto Nacional de Cultura y las Artes del Perú* (INC) is under the Ministry of Education, but is overseen by the Consejo Nacional de Cultura within INC. The institute adopted its current configuration in 2001 (after predecessors in 1962 and 1971) and cultural policy is still being planned and reorganized. As in Mexico, this large cultural agency has been criticized for inefficiency, over-centralization, and politicization coupled with ineffectual laws and the inevitable lack of funding (Hildebrandt 2000: 14; Makowski 2000: 629-630). The INC web site is generally well organized, although still under construction in July 2006 (INC). This site answers questions about many aspects of the protection of cultural patrimony in an unusual didactic fashion that provides clear background and explanations of the nature of threats, like those enumerated above, with the valuable addition of vandalism as a serious problem. Those listed are: *Huaqueo* (looting), *Robo Sacrílego* (church theft), and three more destructive forces: *Fenómenos Naturales* (natural phenomena), *Vandalismo* (vandalism), and *Modernidad*, (development). This educational tool was perhaps created in response to appeals for the formation of a collective Peruvian conscience in matters of cultural patrimony (Agurto Calvo 2000: 100).

In the a 1982 congress on Peruvian cultural patrimony, Eduardo Barbosa, a Peruvian collector, gave an impassioned paper decrying the demonization of collectors entitled: “*Defensa del colleccionismo de bienes culturales, de las empresas particulares y de la propiedad privada*” [In Defense of Private Individuals and Business Collecting Cultural Property] (2000: 343-393). He makes the usual, not invalid, points about collectors preserving objects. Then, for eleven pages of the printed paper he enumerates documented examples of the sale, contemporary theft, and other examples of the decontextualization of works of Peruvian historic art in order to show the many ways, other than modern robbery, that an object may be found in a collection. Barbosa does not object to the national requirement for the inventory of private collections, but observes that nearly all moveable cultural property in Peru actually comes from private collections (Barbosa 2000: 345). This statement is true of all four countries. Before about 1900 there was very

little archaeological excavation that might provide documented objects for museums, and until the middle of the last century innumerable more antiquities without provenience went into museums than documented ones. The National Museum of Anthropology and Archaeology in Lima (now in two buildings – one old, one new) is just such a mix. Lima's three largest private museums warehouse huge private collections. The Gold Museum, which is apparently still acquiring objects, is crammed with materials arranged thematically (pornographic at the Larco Herrera Museum for instance); by artistic material or medium (ceramic, gold, textile); or stylistically by region because they have no archaeological contexts. The Amano Museum of textiles is perhaps the most professional of the three, with a commitment to study and conservation. While Mexico has private museums, they do not approach these in Lima in the extraordinary size of their collections. Looting in Mexico has never been as easy as it continues to be in Peru, nor was there ever enough potential reward to make it so worthwhile.

In an analysis of the two principal museums in Cusco, Helaine Silverman discusses the profound difference between their purposes, their content, their methods of display, their funding, and their effectiveness (2005). One of these is the venerable anthropological Museo Inka, which projects “an overt political message” (30) that involves a didactic identification with the Quechua people from the sixteenth century Inca to modern times. The museum is poor and little visited by tourists compared to the expensive new Museo de Arte Precolombino which displays “450 exquisite objects” originally from the Larco Herrera Museum in Lima containing the famous private collection of the Larco Hoyle families (31). The exhibition philosophy here is aesthetic and Silverman describes some exhibits as “innovative, indeed breathtaking” (31). This is the role played by the Amparo museum in Mexico. Cusco itself, and its ancient and modern indigenous culture are generally ignored, while Colonial art is glorified – which is surely another kind of political message. Silverman describes the museum as “decontextualized and retrograde” (31), nevertheless she observes from the handwritten comments in the visitors' book that most found it wonderful. Here is the dilemma: archaeological contextualization is usually perceived as too didactic, boring (unless it is a tomb). Is this a problem of expectations? Philosophy of display? Education? The Colonial Period in the Museo de Arte Precolombino, not Precolumbian by definition, does not have these problems, visitors know how to look at pictures – and they want the unique, the beautiful.



**Cultural Property Legislation.** Looting became illegal in Peru in 1929. Today, Peru has signed both UNESCO Conventions, 1970, 1972, and UNIDROIT (Table 1). The relative effectiveness of these initiatives, plus the four agreements with the United States may be evident in the listing of returned cultural property (*Bienes Recuperados*) on the INC site. Peru is, of course, included in the U.S. Pre-Columbian Monuments law, but it is doubtful Peru was affected by it, since looted Peruvian antiquities are virtually all movable. The first agreement between the US and Peru, in 1981, was made specifically in response to several large collections of antiquities confiscated from dealers by US Customs. This agreement implicitly recognized the legitimacy of Peruvian ownership and depended on the recent McClain Decision (Truslow 1983). The returned objects also included seven Colonial paintings stolen from Arequipa and Cuzco which had been seized from the auction house of Sotheby Parke Bernet in New York, in 1981 (Truslow 1983: 58).

As noted above, the U.S. accepted an Emergency Request from Peru in 1990 under the Cultural Property Convention legislation (US Cultural Property). This was to prevent further illegal importation into the U.S. of materials from the severely looted archaeological site of Sipan. In 1997 a regular bilateral agreement was signed to protect all of Peru's cultural patrimony, archaeological and Colonial. The later highly developed, often sophisticated, tradition of sacred art was included under the curious category of "Ethnological Objects." The two types are defined in the following words:

*A. directly related to the pre-Columbian past, whose pre-Columbian design and function are maintained with some Colonial modifications or additions in technique and/or iconography. [or]*

*B. Objects that were used for religious evangelism among indigenous peoples, [since, in] Colonial paintings and sculptures Western religious themes were reinterpreted by indigenous and mestizo artists who added their own images and other characteristics to create a distinct iconography.*

The second category nevertheless includes all Colonial sacred art. The 1997 bilateral agreement has been renewed twice and currently extends to 2007, when it will certainly receive another extension in response to a current request. In September 2003 and April 2004, under this MOU, a total of 320 ancient artifacts were returned to Peru.

There are nine entries in the Peruvian list in the 1997 *Lista Roja*; these are a combination of specific looted objects and of generic types. Of the remaining five Moche culture objects, four were legitimately excavated from a tomb at Sipan, and the last is known to have come from there. There are two Pre-Columbian textiles, one stolen from the National Museum, the second still in its collections. The two illustrated Colonial paintings were stolen from a church in Ayacucho. Among these listed objects, the textiles are particularly difficult to see, but certainly identifiable by museum curators, collectors and dealers, although it is unlikely a customs inspector would recognize them. This is generally the problem with this ambitious listing which combines unique stolen objects with examples of archaeological types of objects that may or may not be valued on the antiquities market.

A purely Latin American agreement intended reciprocally to protect the cultural property of signatory countries is found in the San Salvador Convention of 1976 (under the auspices of the Organization of American States (OAS). This includes materials and requirements for inventory, protection, and the prevention of illegal import and export like those in the 1970 UNESCO Convention. By 1979 Peru, Colombia and Guatemala had signed this, while Mexico has not. Since many Latin American countries serve as conduits for the stolen cultural property of neighboring countries it would be interesting to know how effective the signatory countries have found this international agreement. On March 30, 2007 *Agence France Presse* (2007) reported that, according to “cultural authorities,” Interpol, and Customs, Peru has become a paradise for traffickers in art and collectibles of every kind – ancient, Colonial, mummies, fossils – and that Peru is more affected than any other Latin American country.

### *Colombia*

***History and Heritage.*** Colombia is third in size, but second in population after Mexico and apparently is demographically anomalous among these countries in having only 1% Amerindian and a relatively large percentage of *mestizos* (Table 1). The mountains of Colombia are not as high as in Peru, but similarly serve to dissect the country and isolate different areas, with many environments, from volcanoes to jungle. This led to an ancient cultural diversity that was probably responsible for the lack of a dominant power and for relatively simple social structures, chiefdoms, and towns without major buildings. Such diversity also led to a surprising variety of styles in the production of objects generally found in the innumerable burials and fewer painted tombs. These constitute the movable

ancient cultural patrimony of Colombia. Monumental, or theoretically immovable, sculpture is principally found at the important site and region of San Agustín, from which stone monuments have been stolen for more than a century. Five stolen monuments and three remaining at this site are illustrated in ICOM's 1997 *Red List* (1997: 9, 36, 59-61), and indeed this 1997 archaeological listing is the longest and most comprehensive of the Latin American countries – including 65 representative ceramic objects. The more recent 2002 listing illustrates only sculpture from San Agustín. The 1997 ICOM *Red List* also showed examples of two of the seven distinctive ancient Colombian gold-working styles, 2002 shows none, but the 2006 MOU with the United States illustrates twenty.

As in Peru, large scale archaeological destruction began in the Colonial Period. The Spaniards found gold along the Caribbean coast and it “soon became their obsession. They took it from the living and from the dead...[and gold soon determined] the routes of the conquering troops and the choice of sites for the establishment of the first Spanish Settlements” (Reichel-Dolmatoff 1965:18). The Spanish controlled looting rights so the Crown would receive its share of revenue (Reichel-Dolmatoff 1965:19).

The political developments in Colombia did not follow the usual pattern. Not until 1717, almost two centuries after Mexico, did Spain establish the third Viceroyalty of New Granada (including modern Ecuador and Venezuela) with the capital at Santa Fe de Bogotá (Arcineagas 1977: 129). The early nineteenth century period of independence in Colombia involved anticlericalism, as in the other countries, but Roman Catholicism was not as seriously challenged as it was in Mexico – although also followed by civil wars. A century later, although influenced by Mexico, Colombia did not have a wave of *indigenismo*, or “cult of the Indians”, as it is dismissively described (Sánchez Cabra 2003:42), probably because most had long before been absorbed into the general population (Table 1). Today, the Church still owns and cares for church property that it created (*Cartilla* 2002a). All other cultural property belongs to the Nation, and should be declared and entered in the National Register of Cultural Property. In the 1997 General Law on Culture, Cultural Property is described as *bienes de interés cultural*, or property of cultural interest. This qualification indicates a higher category of cultural property which will receive special treatment. The two types of material most favored by the art market are the same in Colombia as the other countries. Archaeological materials are similar to Peru in the predominance of funerary ceramics, but in Peru, with centuries of complex society and ceramic specialists, the vessels and figurines tend to be more elaborate. It is in the very early mastery



Figure 5. Southern Highlands Perú, Challapampa, 17th c. Church of San Pedro 1974, before theft of altar piece and paintings. Altarpiece, by Bernardo Bitti et al; gilt wood, h.330cm. Stolen 2002, repatriated 2005.

of gold-working that Colombia excelled. Peru developed highly sophisticated metallurgical techniques, creating alloys with gold, silver, copper, arsenic and tin, but despite the magnificence of the Sipan materials, this was basically two-dimensional sheet metal without the three dimensional mastery and appeal of much Colombian work. This was accomplished with a lost-wax casting technique that was perfected independently centuries before it was known elsewhere in the world. This was the gold the Spaniards coveted and that fuels collecting today, motivating innumerable looters to provide a continuing supply.

Modern Colombian gold fever (*fiebre del oro*, Sánchez Cabra 2003: 4) reached its height in looting operations between about 1880 and 1915. Its acquisition was socially acceptable and created great wealth. In 1918, *guaquerismo* (looting) became illegal but did not appreciably deter the practice since most of it was melted into ingots or used in jewelry. Gold has played a prominent role in the cultural patrimony of Colombia. Sánchez Cabra notes that the gold objects of the ancient inhabitants came to symbolize modern Colombian national identity (13) In 1939, the governing body of Colombia's "semi-official" Banco de la República decided to preserve some of this gold by buying it from collectors and *guaqueros*" (Reichel-Dolmatoff 1965: 23). For the first two decades the museum was open only for visiting dignitaries (Sánchez Cabra 2003: 9) – a showcase of national

pride. Today the bank's Gold Museum in Bogotá, one of the city's prime tourist destinations, has tens of thousands of gold objects, many of them on display (Banco de Oro). Although even the bank is not safe – in 1997, 2,000 gold objects were stolen from this museum (Rodas Estrada 1998:158) – it does, however, continue to acquire them. This policy is reflected in the Colombian Constitution (Article 72) which stipulates the nation may recover archaeological and other cultural property from private individuals, presumably because it is already patrimony under the protection of the State and thus inalienable (*Cartilla* 2002a,b; *Cartilla* 2003).

Buying or accepting antiquities without provenience is not allowed in modern museum codes of ethics (ICOM, Code), unless the owner can somehow demonstrate legal title. It is argued that such acquisitions provide incentives to loot and are thus counter-productive to the preservation of the cultural patrimony. If an individual can demonstrate ownership since before the laws prohibiting illegal excavation then, as in Colombia, it is reasonable, and usually acceptable to “recover” it for the state.. An example of such venerable ownership, beyond Colombia, may be seen in an 1899 acquisition by the Peabody Museum of Archaeology and Ethnology at Harvard University. Acquired as a gift, this cast gold female figure is worked in the remarkable naturalistic Quimbaya style of the Cauca Valley, Colombia (fig. 5.). It was displayed in 1978 as a masterpiece of the Peabody Museum (Coggins 1978: 24). During the exhibition it was stolen, and has never been recovered. The theft serves as an excellent example of the undiminished greed inspired by Colombian gold – in the original looting and sale and then in the modern robbery presumably for resale in a much bigger market.

**Cultural Property Management.** The Colombian Gold Museum (*Museo del Oro*) has a beautifully designed web site as part of the Bank of the Republic of Colombia. Here twelve distinctive regional gold styles are illustrated with objects from the museum collections. The Bank also supports the Luis Angel Arango Library which serves as a major cultural center and sponsor for archaeological conferences and publications, in addition to the museum's own well-known publication, *Boletín Museo del Oro*. Gold was the earliest and best known Colombian antiquity and it continues in that role with the quasi-private Gold Museum providing the care, the setting and the support it has commanded. Despite this anomalous sub-division of the ancient patrimony, the Colombian archaeological heritage is under the care of the Instituto Colombiano de Antropología e Historia (ICANH), and is the property of the nation as in the other countries considered, and like them this institute encompasses all parts of the cultural patrimony: archaeological and ethnographic

patrimony, ancient, Colonial and modern. This is presented clearly and accessibly on the well-designed Instituto web site. This is in contrast to the situation in Mexico, for instance, where the complex governmental bureaucracy may be too fragmented to capture and present coherently on the web.



Figure 6. Western Colombia, Cauca Valley, Quimbaya style cast gold female figure, h. 14 cm. A.D. 400-600, Stolen 1978 from the Peabody Museum of Archaeology and Ethnology.

Colombia has developed a national initiative for cooperative work in combating the illicit traffic in cultural property (*Sistema Nacional*). As in Peru, this emphasizes educational initiatives. The directive comes from the *Dirección de Patrimonio*, a large department under the Ministry of Culture which is in charge of the protection and preservation of the patrimony by formulating, designing



Figure 7. Central Colombia, Bogotá, Convento de las Carmelitas Descalzas, Sta. Teresa de Jesús, Anonymous, 18th c., polychrome painted and gilded wood, h. 46 cm. Stolen 2003.

and implementing public policies. ICANH is also attached to the Ministry of Culture and it is not clear to an outsider how these bodies inter-relate, perhaps the *Dirección de Patrimonio* is more concerned with enforcement.

The 1997 ICOM *Red List* illustrates two Colonial paintings, stolen in 1992 and 1993 which, like the archangels with muskets of Challapampa, Peru, were originally part of a sacred ensemble, now forever dismembered. A wooden painted statue of St. Theresa of Ávila, stolen in 2003 from the Convent of the Barefoot Carmelites in Bogotá is illustrated in fig. 6. This image was of extraordinary significance for this Convent because St. Theresa was the sixteenth century founder of the Carmelite order in Spain only a few decades after the founding of Bogotá. She had contemporary ties to the New World where her brother established a convent of her new Carmelite order in Quito to the southwest in New Granada (Arciniegas 1977: 84). Such religious sculpture is found in the broad category of “Colonial Religious Sculpture” in the 2002 ICOM list.

Photographs of the endangered Colombian Colonial heritage on the “designated List,” which might actually represent all four countries, are found in the 2006 MOU with the United States – although as in the Peru MOU, there is the strange limitation to “certain categories of ecclesiastical ethnological material”, here “ranging in date from 1530 to 1830” which does not seem to apply to the 19 objects illustrated. Colombia also illustrates 81 types of archaeological objects of all media, including 21 made of gold and gold alloys. This array provides some understanding of the great variety of ancient Colombian regional styles.

***International Cultural Property Initiatives.*** Colombia has signed both the UNESCO Cultural Property and the World Heritage conventions, but not UNIDROIT (Table 1). The 1972 U.S. Pre-Columbian monuments law applied to Colombia, and the site of San Agustín would have been the main beneficiary, but it has never been invoked for sculpture from this site. Much more important for Colombia is the bilateral agreement with the U.S. signed in March 2006 noted above. Colonial paintings have a ready market in the U.S. and it is hoped that this market will increasingly be starved as more Latin American countries sign agreements with the U.S. Colombia is the fifth to sign an MOU that includes Colonial art; the others are neighboring Peru, and Bolivia, Guatemala and Mexico. With Bogotá, these include the three principal capitals of Colonial Hispanic America, and the three greatest concentrations of wealth, high clergy, and Colonial art. How the bi-lateral agreement will affect the traffic in ancient gold objects remains to be seen.



### *Guatemala*

***History and Heritage.*** Guatemala is the smallest of the four countries both in size and population. Except for a narrow Pacific coastal plain and piedmont, Guatemala is either mountainous, as in the south, or fairly flat. The Pacific coast is good for agriculture, but the country's remaining high slopes and valleys, temperate rain forest, and savannah are not. Unlike the other three countries, Guatemala has been occupied by one ethnic group, the Maya, for two and a half, maybe three, millennia. Maya regions once included modern Belize, and, in Mexico, all of the Yucatan Peninsula and half of the bordering states. The Maya have always been there, today speaking twenty-eight Maya languages. The Maya peoples were not alike, except in comparison with the striking cultural differences among the many distinct ancient peoples found in the other three countries.

In Guatemala, Colonial settlement was concentrated in the mountains near the Pacific Coast while the rest of the country was virtually uninhabited – except, of course, by the Maya and friars intent on their conversion. Spanish colonists clustered around the capital and larger towns with, at best, a paternalistic attitude and an incurious involvement with surrounding indigenous peoples. As in all these countries, the Spaniards were not aware that innumerable cultural groups had inhabited ancient America for millennia. It is the irreplaceable material evidence of the lives of these predecessors that feeds the antiquities market today. This ancient heritage has been plundered continuously, but most ruinously since the 1960s. The Colonial heritage was stolen and destroyed sporadically on a smaller scale, and ruined in many other ways because of its location in the seismic highlands where the Spanish elite lived. Yet the theft of Colonial art has increased dramatically in Guatemala in recent decades, as it has elsewhere. A book entitled *El Despojo Cultural: la Otra Máscara de la Conquista*, [Cultural Plunder: the Other Face of the Conquest] by Guatemalan scholar Haroldo Rodas Estrada is an anguished and detailed description of these losses since the sixteenth century, with the last 48 pages devoted to documented examples between 1977 and 1998 (Rodas 1998: 223-271).

The trajectory of Guatemalan history parallels that of the other three countries except that Guatemala initially represented a financial burden for Spain, since it had neither silver nor gold. Eventually, however, the export of indigenous products like cacao (chocolate beans), tobacco, cochineal (red dye), indigo (blue dye), and cotton, all grown along the coast by indigenous labor, provided a bounteous economic return (Arcineagas 1977: 147). The capital of this *Capitanía General*, a dependency of New Spain that extended from Mexico to Panama, was Santiago de Guatemala (Antigua). It was founded only three years after Mexico City and

soon ranked with it and Lima “as one of the three great centers of Spanish culture in the western hemisphere” (Kelsey and de Jonghe 1961: 136). This fabulous city, enriched by trade routes linking the far flung outposts of empire, with its fine houses and numerous churches and monasteries, was from the beginning threatened by floods and volcanic eruptions until, in 1773, its final destruction forced relocation of the capital.

Guatemala was conservative in its politics, although a progressive movement that worked for indigenous rights grew after Independence in 1821, when Guatemala became capital of a Central American federation. In 1871, Liberal anti-clericalism became powerful, as in Mexico, sponsoring reforms which resulted in the expulsion of religious orders and the destruction and expropriation of Church property. It is interesting to find that a Freemasons’ Lodge was established there in 1870 with the usual Latin American Masonic agenda involving the suppression of religious orders, secular education and the confiscation of Church holdings. These policies were described by a Roman Catholic source as the “irreligious reorganization of Christian society” (New Advent 2006). As elsewhere, these rationalist Freemasons rejected the Supernatural for the Natural (New Advent 2006). Protestantism was also making inroads with aims that Rodas interprets, perhaps following Max Weber, as the promotion of capitalism (1998: 83). This period saw the first major losses of sacred art for ideological reasons (since the Church’s own suppression of Maya culture), a process that Rodas describes as “*despojo*” [despoliation or plunder] in deliberate contrast to “*robo*” and “*guerra*” [robbery and war] (Rodas: 217-222).

In the twentieth century Guatemala experienced a long period of dictatorships and US economic domination that continued, with brief exceptions, until recently. Distinct from the political trajectory of Mexico, Guatemala never had such a social revolution. Instead, wealthy landowners continued to run Guatemala, depending on Indian labor for coffee, by then the principle crop. *Indigenismo* in Guatemala was limited to writers and other intellectuals, without the transformative repercussions found in Mexico.

***Endangered heritage.*** Since late in the 1960s, the remains of ancient Maya culture have increasingly been ravaged, with the worst looting concentrated in the once relatively uninhabited northern state of Peten, home of the height of Classic Maya civilization. This has been described for decades, including by this writer (Coggins 1969, 1972). In 2002 Maya archaeologist Robert Sharer, in testimony to the Cultural Property Advisory Committee, graphically described the seriousness of this situation in most parts of Guatemala (Sharer 2002).

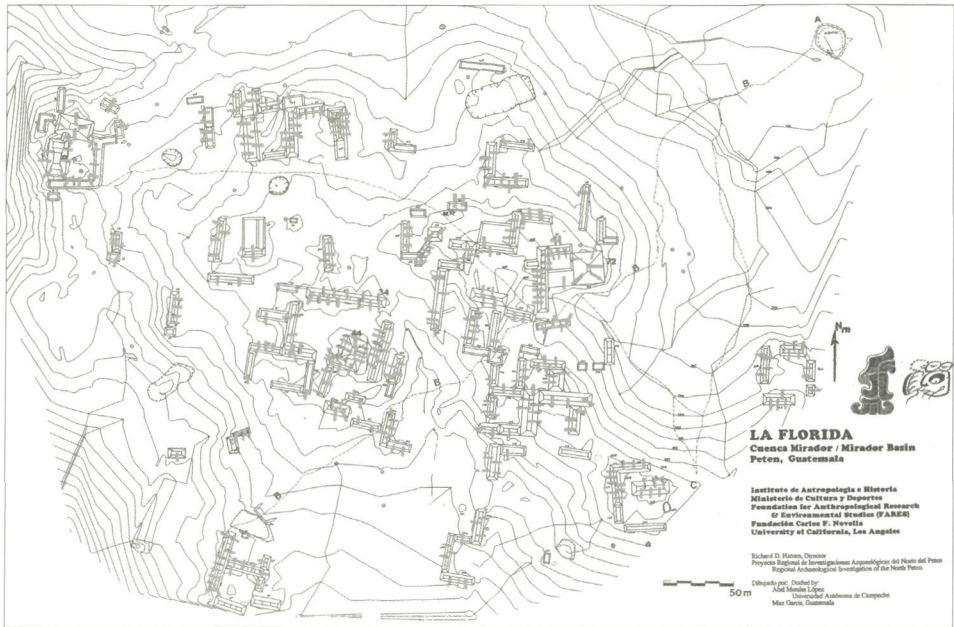


Figure 8. Northern Guatemala, Petén, La Florida. Plan of Maya Site with looter's trenches in most buildings.

*I have seen first hand the results of the destruction wrought by looting in both the highlands and the lowlands. My first contact was in the 1970s while excavating in the Verapaz highlands. Although at the time a fairly isolated region, every Classic period tomb my project encountered had been looted – Classic polychrome pottery being the prime target for looters in both the highlands and lowlands.*

Despite seeking help and solutions for thirty five years, Guatemala has yet to alleviate the problem – in part because political and economic forces have changed the picture more than once.

The northern state of Petén, comprising one third of Guatemalan territory, has experienced the influx of new settlers impelled by lack of land and of work, or by civil war in their original homes. Most of these settlers come from very different environments and must learn to work this infertile land. Looting archaeological sites often proves to be an easier way to earn a living. Many of the looters are squatters in the theoretically protected, but basically lawless, Maya Biosphere Reserve which includes the archaeologically rich and little known Mirador Basin at the northern border with Mexico, which “measuring 2169 square kms, is the

last tract of virgin rainforest remaining in Central America, supporting dozens of endemic and endangered species.” (Mirador Basin 2006). To survive in this forest, the settlers cut down protected trees so they can farm, and sell the endangered animal species and irreplaceable antiquities plundered from unguarded sites. Marijuana and poppies for heroin have long been grown, but a new scourge has arisen since Guatemala has become the principal transit point for cocaine going from Colombia to the U.S. via Mexico. This traffic has introduced big money and led to the rampant corruption of law enforcement (Smyth 2005; U.S. 2006: *International*).

This situation cannot be effectively solved by the unstable governments of Guatemala, which have neither the resources nor the ability to combat the international drug traffic, nor to control the wholesale sacking (*saqueo*) of archaeological sites. More optimistically Richard Hansen notes the investment of the US Department of the Interior in the preservation and eco-tourism potential of the Basin (personal communication). Furthermore Hansen has worked to involve Guatemalan businessmen in the national effort to protect the environment and heritage of the region and develop its sustainable use. In fact, a museum, *Museo de la Cuenca Mirador* is planned (Ministerio de Cultura y Deportes, Guatemala – Museos en Formación).

For decades, Guatemalan archaeological sites in all regions have been looted by local *huecheros* (looters). One of these, from Petén, describes how he taught himself and learned from experienced friends who had worked for archaeological projects. Another explains it is a good way to make easy money and pass the time. On a more sophisticated level buyers (middle men) organize looting expeditions that may last for months while enjoying the protection of local police and even the Army (Pellicer 2004; Sharer 2002). On the plan of La Florida (fig. 8), an archaeological site in the Mirador Basin of the northern bio-reserve, virtually every structure has multiple looters’ trenches – the result of a large, well-organized operation. Despite this bleak picture, there are brave Guatemalan archaeologists, like Wilma Fialko and Juan Pedro La Porte, who continue working in Petén, even after threats on their lives. An archaeological project usually serves, simply by its presence, to protect an area, unless the project is systematically frightened away (Sharer 2002). The degree to which traffic in archaeological objects, drugs, tropical wood, and exotic animals are intertwined is unknown, but the recent destruction of eighteen drug transit landing strips in northern Petén demonstrates the prevailing lawlessness of this border region (*El Reloj* 5/3/06 2006).

It is relevant to refer here to an article by anthropologist David Matsuda, even though he writes about Belize, not Guatemala (2005). Matsuda maintains that looters of Maya archaeological sites are poor, small scale “subsistence diggers” who are only trying to survive, and that archaeologists represent an exploitative class much resented by both those who work for them and by those who loot the sites. While such resentment may exist, most workers at archaeological sites appreciate the job, whereas resentment small-time looters may feel toward archaeologists is more than matched by the rage they inspire by their mindless depredations.

Much of the looted archaeological material is said first to go to dealers and collectors in the big cities to the south. Since collecting Maya antiquities is still considered, by some, evidence of cultivation and national pride, many objects not smuggled out of the country find their way into private collections within the country. Such private collections may be registered, but many are not, and it is a sad fact that the under-protected Guatemalan National Museum was for many years a source of desirable antiquities for private collectors. This situation has recently changed dramatically as the museum has received a large grant from the government of Japan. This is providing the means to augment security, introduce modern conservation methods, and support the creation of desperately needed inventories of the more than 20,000 archaeological objects. (*Miami Herald*, 8/25/06).

As in the other countries, a wealthy private museum in the capital (Guatemala City) contains a fine collection that lacks provenience. The *Museo Popol Vuh*, located at the Francisco Marroquín University, includes both antiquities and important Colonial works. These were amassed by Jorge Castillo and his wife; Castillo was primarily an antiquities dealer. Like the Amparo Museum in Mexico and the Gold Museum in Colombia, Popol Vuh has a library and provides educational activities, and like the Amparo it supports archaeological excavation. Cultural property in most Latin American countries – antiquities and Colonial art alike – is usually described as the property of the nation. However, the Guatemalan law of 1998 indicates they are part of the cultural patrimony and “under the protection of the state” (Zea Flores 1999: Article 5, p. 12) – apparently without clear assertion of actual ownership. This may be because the Church has always been the depository, administrator, and owner of its sacred art. Today it allows only restricted access and has been reluctant to create a comprehensive inventory of its holdings, despite the 1988 and 1993 imperatives of the Vatican’s Pontifical Commission (Rodas 1998: 178-197). However, Ana María Urruela de Quezada,

Director of the Museum of the Church and Convent of La Merced, Antigua, began inventories of sacred art a decade ago and has written a manual for the inventory of sacred art (personal communication). As in the other countries, private collections of Colonial art have only relatively recently been obliged to be registered, and since there were no inventories in the past, original ownership is difficult to demonstrate. There are, however, legitimate possibilities for buying sacred art from newly converted Protestants and, for instance, from no longer-functioning Catholic community organizations called *cofradías* and *hermandades*, where sacred images may have been kept in private homes – although registration of these is now required. The Pew Foundation survey cited above reported that today Guatemala is 60% Protestant. It is also possible to acquire objects from the numerous sold or dismantled churches and Colonial houses that were sold or dismantled long ago (although these must also be registered). After the great earthquake of 1976, however, such Colonial objects were simply stolen from the ruined churches to feed the market for sacred art that had been growing since the 60s (Rodas 1998: 161-163). This was a combination of natural and predatory disasters.



Figure 9. Southern Highlands, Guatemala, Antigua; Museo de Arte Colonial, Dream of Pope Gregory IX by Cristóbal Villalpando, 17th century, h. 338 cm., painted canvas. Stolen 2004, Recovered 2005. Returned to Guatemala 2007.

A picture of the current criminality of the market is seen in the 2004 robbery from the *Museo de Arte Colonial* in Antigua in which, as in Peru, the custodian was murdered (*Prensa Libre*). Three objects were stolen; the most famous a painting, part of a series depicting the life of St. Francis, by the renowned early eighteenth century Mexican painter, Cristóbal Villalpando (fig. 9). Early in 2006, Mexican police were tipped off and retrieved this very large work (360 x 260 cm) cut into two pieces – half already in a private collection, the other half with a dealer near Guadalajara, Mexico (*El Mundo en Latin America* 17/2/06). The painting will be returned to Guatemala. Such a return, as an inventoried museum property is mandated under the Cultural Property Convention, of which both countries are signatory. Mexico and Guatemala also have a reciprocal agreement (Table 1). In the 1997 ICOM *Red List*, Guatemala illustrates ten ancient and two Colonial objects (ICOM 1997: 96-102). The first five antiquities listed were stolen from a single regional museum and would be difficult to recognize, particularly by a customs inspector. The second five are examples of types of archaeological objects. The one Colonial painting included was stolen, in 1991, from the same Antigua Museum as the Villalpando. The presence of this painting by the Mexican painter, Villalpando, in Antigua, Guatemala, demonstrates the utility of the broad 2002 Red List category “Mexican and Guatemalan Paintings”. While the second, Colonial object in the 1997 list, a gilt silver monstrance (*custodia*), was stolen in 1989 from a provincial church. Liturgical objects, especially monstrances, are frequently stolen in every Latin American country and are found under the category “Liturgical Silver Objects” in the 2002 Red List.

***Cultural Heritage Management.*** In 1986 the Ministry of Culture and Sports was formed, following adoption of the Constitution of 1985. The reformed Constitution of 1993 (Chapter 2, Article 60), is unchanged in stating that all Guatemalan cultural patrimony is under the protection of the nation and may not be exported; national ownership is apparently not declared (Republic of Guatemala 2005). In 1998, the *Ley Para la Protección del Patrimonio Cultural de la Nación* (Law for the Protection of the Cultural Patrimony of the Nation) implemented this constitutional provision, with requirements for cultural asset registration and the creation of a Register of Cultural Assets, now directly under the *Dirección del Patrimonio Cultural* in the Ministry of Culture and Sports (Zea Flores 1997). Whoever owns any part of the cultural patrimony must register it and care for it; exportation is illegal. On the Ministry website, a link to *bienes culturales*, describes the registry, its functions, and instructs a private owner how

to register objects on line (*Registro*). There is also a list of the materials registered between 1976 and 2004; this includes the property of 32 museums and 434 private collections, plus nineteen other repositories of cultural property, totaling 114, 068 objects. Another unusual feature of the Ministry website is a discussion of the illicit traffic in Guatemala with links to sites that give the relevant law and describe what to do if one encounters looting. There is, unfortunately, little information about the *Dirección del Patrimonio Cultural* itself or the dependent *Instituto de Antropología e Historia* (IDAEH) which is the body most responsible for the protection, research, and documentation of cultural patrimony.

**Guatemala and the U.S.** The official Guatemalan relationship to the U.S. and its art market dates to the 1972 U.S. law passed explicitly to remedy the theft of monuments from Guatemala, and from other countries less threatened at the time (Coggins 1998). In 1971 a demonstrably stolen and mutilated monument, published while still in situ, was found in the possession of Clive Hollinshead, a California art dealer. Its return to Guatemala provided a precedent for the important McClain case (discussed above) which involved Mexico (Greenfield 1995: 164-165). In 1984, Guatemala signed a bilateral treaty with the U.S., before the UNESCO legislation was operative (United States Cultural Property). This was for “the recovery and return of stolen archaeological, historical and cultural properties” (United States, Department of State 2006: Treaties, 129). This treaty, still in effect, is the only one that includes Guatemalan historic and other cultural property in addition to archaeological materials. Although presently not enforced, Guatemala can perhaps work to revive the intent of this early treaty. In 1991, a bilateral Emergency Action was signed between the two countries (United States, Department of State, *Convention*, Sec.304) This was in response to the crisis in archaeological depredation ongoing in Petén, and was in effect for five years, with an option of renewal for three. This emergency action was subsumed in the 1997 bi-lateral agreement which was similarly limited to archaeological materials, although amplified to include the Highlands and Pacific coastal regions. Renewed two times this treaty will remain in force until 2007. The request for an extension is now before the US Cultural Property Advisory Committee.

In view of 23 years of bi-lateral agreements with Guatemala, it is legitimate to ask what effect they have had on archaeological looting. After the surprisingly successful deterrence to the theft of immovable monuments affected by the 1973 law, the success of efforts to control the depredations in Petén has been minimal – for complex reasons outlined above. If, however, success is measured only by



direct traffic into the U.S., it is apparently relatively effective since Guatemalan antiquities, particularly polychrome painted ceramics, are evidently laundered in Europe or elsewhere before arrival in the U.S. Such bilateral agreements, according to the U.S. law implementing the 1970 convention, expect the requesting country to demonstrate "that the State Party has taken measures consistent with the Convention to protect its cultural patrimony" (United States, Department of State, *Convention*, Sec 303). This is seldom possible, or there would be little need for the request.

## Conclusions

This summary consideration of the endangered property, relevant laws, and cultural property stewardship in four Latin American countries, which are all states party to the 1970 UNESCO Cultural Property Convention, has led to a few conclusions. In general, Colombia is least covered here for lack of data. Such information may be difficult to find and scattered in many sources, if available at all. Numerous colleagues have, however, provided illuminating background. From Conquest to Independence there is a common trajectory in which indigenous populations play a background role, of interest to the conquerors principally as cheap labor and then for Christian conversion. Enlightenment ideals brought a new appreciation of the antiquity and potential equality of native peoples. This consciousness peaked in the 1930s and 1940s with the development of anthropology, *indigenismo*, and a new focus on indigenous culture. Today, such awareness may ennoble the indigenous and work to preserve their cultures, but they remain an impoverished underclass which abandons the aboriginal home for the city, while occasionally harboring a nascent, but uncoordinated, nativistic idealism that is sporadically florescent in political action.

Mexico is unique among the four in that the capital was constructed on top of the ancient capital, thus the presence of the pre-hispanic world is woven into daily life, as well as into the education of all Mexican children. Major archaeological sites are scattered all over Mexico, providing foci for local pride and identification with the past, often with a museum, and facilities for tourism. As a direct result of the *indigenismo* movement and its educational imperatives more ordinary Mexicans feel connected with the past than is apparent in the other countries. This may be why Mexico has the lowest level of archaeological depredation, despite its greater size. In Peru, many indigenous peoples live around cities along the coast where their ancestors never lived. Coastal archaeological

sites have little connection with the surviving native populations that live in the southern highlands where they can trace their ancestry to the Inca, and their cultural roots to Machu Picchu, Peru's major tourist attraction.

Colombia's scattered indigenous peoples may be direct descendants of ancient chiefdoms, but their forebears left astounding gold work rather than monumental architecture. It is difficult for a group to identify with such funerary goods since they are still under the ground, in foreign countries or, in staggering quantities, concentrated in the Gold Museum in the capital. The Maya of Guatemala nurture a powerful sense of identification with their ancestors who spoke the same languages while many lived in the same places as today. The never-ending determination of the indigenous Maya to survive as a living and an ancient culture perseveres despite the massacres and repression that have that have stricken them since the arrival of the founding Spaniard, Pedro Alvarado, and most recently in the last half century of forced movement and extermination. Table 1 indicates that almost half the Guatemalan population is "Amerindian" (Maya); they are concentrated in the southern highlands. To the north, in Petén, with the ruins of famous Classic Maya cities, many recent non-indigenous inhabitants see the ancient ruins as providing potential touristic employment, or more often enrichment through *huecherismo*.

In all four countries, the Roman Catholic Church was rejected to varying degrees by reformist political movements in the second half of the nineteenth century, permanently diminishing the power of the Church, although wealthy conservatives and the pious poor never let it die. Today, a weakened Church and scarce clergy and their parishioners are ill-equipped to preserve the remains of the Colonial heritage and so must depend on the over-burdened national cultural institutions for money and professional expertise. In Peru, Colombia and Guatemala the Church is involved in a campaign to preserve and inventory its sacred art, as enjoined by the Holy See. It is evident that geography and internal history, ancient and historic, are critical factors in the effectiveness of international and bi-lateral agreements. This body of "soft law" can be no more effective than the influence of education and community identification and pride – and nor effective than national conservation resources, including professional training, money and enforcement allow. However, these non-binding laws at least provide a framework for an emerging consciousness of a world that is struggling against great odds to preserve the foundations of civilization.

Looting, theft and the illicit traffic will never cease – although with this new awareness it may be reduced, especially if a less draconian attitude can prevail among those who make cultural property policy. In a recent issue of the *International Journal of Cultural Property*, David Lowenthal attacked such policy in an incendiary and often unrealistic jeremiad (Lowenthal 2005). But he got some points right. Considering some of these same points in 1982, Paul Bator, who was involved in the drafting of the 1970 UNESCO Convention, wrote: “Embargo itself perversely fuels the black market” (1982: 43). In order to retain their patrimony countries must let some go. Bator’s work, *The International Trade in Art* is still the most complete and realistic analysis of the legal, moral, and economic character of the international market (Bator 1982a).

The following observations are those of the author. National cultural property establishments are not the only constituencies of cultural patrimony – although it is their charge to establish the size and nature of the cultural patrimony, and then to describe and protect it. Of these four countries, Mexico has the most outstanding examples of its ancient civilization in its own museums, largely excavated, where they are reasonably secure, instead of in foreign museums and private collections. The other three countries seriously need more prime works of their own heritage. Perhaps this might be possible if systems of exchanges, or at least long-term loans, were allowed and pursued, with the express purpose of selectively augmenting the impoverished cultural patrimony. Perhaps a national inventory could be the principal tool in such an enterprise. An inventory serves to document and to protect, and thus to appreciate the true significance of each object relative to others of its category. For instance, it becomes clear how many archaeological objects in the collections have no provenience. This can only be established only by excavation or exploration. These decontextualized objects (spurned by most archaeologists) are irreparably compromised in historical cultural value. But such objects could be considered for controlled exchanges that would operate only with official export papers. In such a system, legally exported objects would, in one sense, be seen as voluntary ambassadors from their country of origin because they have no provenience or even because they add nothing significant to the cultural heritage. Such considered transactions might avert the prevailing demonization of all museum curators and collectors, since they would acquire legal title, instead of buying stolen antiquities. In no way would such a measure condone the illicit traffic or undermine a country’s efforts to control the looting and destruction of archaeological sites, to compile the necessary inventories, and protect their heritage. It would allow for a new

level of control. An object in a museum or in a private collection could only be exported if it had been inventoried, registered and evaluated.

Today in the three of the countries, registration signifies that an object has automatically become national cultural patrimony and is thus inalienable. (In Colombia inscription designates property of "special interest" – only archaeological materials are inalienable) If this were to change in the three countries, the act of registration would still serve to transform an object into cultural patrimony, but would then allow choice, including possible exchange. This might give the country some level of control of its resources and of the insatiable demand for its cultural heritage, while promoting its national patrimony. Such suggestions apply only to antiquities however. The loss of Colonial heritage poses a very different set of problems and potential solutions.

Nations and their cultural property institutions must acknowledge that all objects which comprise the patrimony are not of equal importance. Archaeological objects without provenience have less historical value, for instance, as many excavated materials that have been completely studied have served their purpose. In every category, relative value and significance would be assessed by experts, and some materials found non-essential. The next step would be deaccessioning and the possibility of legal export. Italy is close to this model today by having established their right to repatriation, and to create long-term loans with private institutions in the United States. Guatemala might retrieve the "November Collection" (named after the investors group that funded the looting operation) from the Boston Museum of Fine Arts (which has ignored Guatemala's claim of ownership), just as Italy is now recovering sculpture from this same museum.

Such suggestions for wider access to cultural patrimony have long been made by international lawyers, curators and collectors invariably to meet with rejection by those who would preserve every national heritage intact, like myself, until I have sadly concluded the old solutions will not work. The aim of such initiatives would be to increase condemnation of criminal activity as the possibilities for long-term loan and legal exchange expand. This question was explored in a 1994 symposium in Vienna (Briat & Freedberg 1996) which was spearheaded by international art lawyer and scholar John Merryman (1996; Coggins 1996). The biggest problems in creating such schemes will lie, first, in asking the world's cultural property establishments to consider such possibilities; then, in suggesting that the patriotic government of any country should allow such apparent national losses. However it is clear such a policy would be far better than the current irremediable and unending theft of cultural heritage without hope

of return of any kind; such a plan involves a measure of choice (see E. Dwyer's evaluation of such a hypothetical initiative for Peru, 1996).

In 2002 a US antiquities dealer, Frederick Schulz, was found guilty of violating the U.S. National Stolen Property act by dealing in Egyptian antiquities. This conviction has radically changed the antiquities market in ancient Mediterranean objects. One major international gallery, Phoenix Ancient Art, has seen the light and declares they have stopped dealing in unprovenanced (and unprovenienced) materials (Stodghill 2007). Like most honest art dealers, they will buy and sell objects which are genuinely and demonstrably from old collections. Furthermore, they have found these are more valuable than those without guarantees of legitimacy, which must depend on the date of relevant legislation. Perhaps such initiatives will eventually be forced upon the Pre-Columbian and the Latin American Colonial art markets. An inducement might be found in the selective imposition of national ownership, as found in France, England and Canada. Eventually We must face our helplessness and perhaps find a way to starve the omnivorous appetite for stolen art by choosing judiciously to feed it, or else continue to struggle helplessly against the ever-escalating destruction and mindless consumption of the world's cultural heritage.

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**Table 1. Cultural Heritage-related Information for Four Latin American Countries<sup>1</sup>**

COUNTRY (by area)	AREA	POPULATION	CULTURAL HERITAGE ADMINISTRATION	AGENCY/ INSTITUTE	INTERNATIONAL 1) 1972 UNESCO <i>World Cultural and Natural Heritage Convention.</i>  2) <i>World Heritage Convention</i> <i>Sites: Cultural/ Natural</i>	INTERNATIONAL 1) 1970 UNESCO <i>Convention on Prohibit... Illicit Transfer of... Cultural Property</i>  2) 1995 <i>Unidroit Convention</i>	RELEVANT US LEGISLATION 1972 law prohibiting Importation of Pre-Columbian Monumental or Architectural Sculpture or Murals. 1973 in force  Cultural Property Convention legislation, 1983. 1986 in force/ 1987 Amended  Emergency Actions and Bi-lateral Agreements under US/ UNESCO Implementation Act
United States of Mexico	1,972,550 km <sup>2</sup>	107,449,525 (est. 2006)  60% Mestizo <sup>2</sup> 30% Amerindian 9% White 89% "Nominally Roman Catholic" <sup>3</sup>	SEP <sup>4</sup>  CONACULTA <sup>5</sup>	INAH <sup>6</sup>  INBA <sup>7</sup>	1) 1984  2) 22/25	1) 1973 in force 1975 Bilateral Agreement with Guatemala 1975 Bilateral Agreement with Peru 1996 Bilateral Agreement with Belize 1996 in force	1971 U.S.- Mexico Treaty  1972 Pre-Columbian law  1979 McClain Decision
Republic of Peru		28,302,603 (est. 2006)  45% Amerindian 37% Mestizo 15% White 81% Roman Catholic	Ministry of Educa- tion and Culture	INC <sup>8</sup> (1971)	1) 1982  2) 10/3	1975 Bilateral agreement with Mexico 1976 San Salvador Convention 1979 ratified  1) 1980 in force 1992 Bilateral Agreement with Colombia 2) 1998 in force	1972 Pre-Columbian law  1981 U.S-Peru Agreement  1990 US-Peru (UNESCO) Emergency Action  1997 US-Peru (UNESCO) Agreement Renewed 2x to 2007 2006 - Extension requested for 2007.
Republic of Colombia	139,910 km <sup>2</sup>	43,600,000 (est. 2006)  58% Mestizo 20% White 1% Amerindian 90% Roman Catholic	Ministry of Culture	ICANH <sup>9</sup> (1941)	1) 1983  2) 4/1	1976 San Salvador Convention 1980 ratified  1) 1988 in force 1992 Agreement with Peru	1972 Pre-Columbian law  2006 US-Colombia (UNESCO) Agreement to 2011
Republic of Guatemala	108,890 km <sup>2</sup>	12,293,545 (est. 2006) 55% Mestizo (Ladino) 43% Amerindian 2% White/other  80% Roman Catholic <sup>10</sup>	Ministry of Culture and Sports  Dirección del Patrimonio Cultural	IDAEH <sup>11</sup>	1) 1979  2) 3/0	1975 Bilateral Agreement with Mexico  1976 San Salvador Convention 1979 ratified  1) 1985 in force 2) 2004 in force	1972 Pre-Columbian law  1984 US-Guatemala Bi-lateral Agreement-ar- chaeological, historical, cultural  1991 US-Guatemala (UNESCO) Emergency Action  1997 US-Guatemala (UNESCO) Agreement Renewed 2x, to 2007 Extension Request 2007

Table 1: Comparative data for Mexico, Peru, Colombia, Guatemala.

- 1 Information from CIA World Fact Book: <[www.cia.gov/cia/publications/factbook](http://www.cia.gov/cia/publications/factbook)>  
 Cultural Property Advisory Committee: <[exchanges.state.gov/culprop/chartdate.html](http://exchanges.state.gov/culprop/chartdate.html)>  
 Guía de Administración Cultural Iberoamericana: <[www.gestioncultural.org](http://www.gestioncultural.org)>  
 Redlist America Latina: <[icom.museum/redlist/LatinAmerica/english/legislation.html](http://icom.museum/redlist/LatinAmerica/english/legislation.html)>
- 2 Mixed Amerindian and White.  
 3 Quotation marks from CIA World Fact Book.  
 4 Secretaría de Educación  
 5 Consejo Nacional de la Cultura y las Artes  
 6 Instituto Nacional de Antropología e Historia  
 7 Instituto Nacional de las Bellas Artes y Literatura  
 8 Instituto Nacional de Cultura  
 9 Instituto Colombiano de Antropología e Historia  
 10 Haroldo Rodas (personal communication)  
 11 Instituto de Antropología e Historia

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## THE ILLICIT TRADE IN ANTIQUITIES AND THE UNESCO CONVENTION

*Marina Papa Sokal*

*Accordia Research Institute, University of London, UK*

CONSIDER this contemporary situation: a fur-clad, perfectly coiffed woman walks into a gallery of ancient art on Madison Avenue in New York, accompanied by her interior decorator. She is looking for something a little special to furnish her country house. The decorator points to a first-century A.D. Roman funerary urn, richly decorated in bas-relief. The woman is unsure what she would do with what she calls “a child grave”, but the decorator enthusiastically explains that if a hole were drilled through the bottom to insert a light, and a glass top added, the Roman cinerarium could be turned into a magnificent and very original coffee table. Clearly enticed by the idea, the woman buys it for a substantial sum.

What will become of this important archaeological artifact? No one knows (except presumably the purchaser), just as no one knows where this urn came from in the first place. Had the woman bothered to inquire about its provenance, she would most likely have been told that it came from “an old European collection”. No documentation would have been provided to support such a claim, nor would the woman have asked for it. This is, sadly, a true story that I witnessed myself about twelve years ago.

In this paper I would like to draw attention to one crucial aspect of the illicit trade in antiquities, namely the direct connection between antiquities collecting and the looting of archaeological sites. Along the way, I wish to disentangle a number of confusions that have long marred this debate:

- 1) miscasting the controversy as a dichotomy between “nationalist” and “internationalist” approaches to the protection of cultural heritage. The key issue is not whether all archaeological material should be kept in its country of origin; it is rather how to safeguard archaeological sites from looting and pillage.
- 2) failing to stress the crucial difference between museums and public institutions on the one hand and private collectors on the other.
- 3) failing to taking proper account of the differences between antiquities



and other classes of art.

4) the indiscriminate use of the word “market” to denote very different types of transaction.

Before addressing these confusions, however, let me state what in my view is the central issue.

Whenever we archaeologists speak to the general public, it is important for us to stress that the purpose of archaeology is not just to recover pretty objects from the ground; it is to reconstruct the history of the human past. Indeed, some of the most useful information for archaeologists comes from items that have no monetary or aesthetic value at all: pottery shards, pieces of charcoal, human and animal bones, even seeds and pollen. Through the scientific study of a site, we can learn what people ate, what type of houses they lived in, which diseases they died from. We can learn about their social organization, their religious beliefs and rituals, and patterns of trade and migration. Yet all the information that could be obtained by scientific excavation is irreparably destroyed every time an archaeological site is plundered. At best we are left with a few objects, beautiful but silent.

We are all aware of the tragedy of the looting of the Iraq Museum in April 2003; but what is even more disastrous is the ongoing pillage of major archaeological sites all over Iraq. Aerial photographs taken by the Italian Carabinieri of a number of archaeological sites in southern Iraq – among them Umma, Um Al-Agarib and Shmed – show a devastating trail of destruction. In each photo one can clearly see thousands of holes, several meters deep, representing tens of thousands of man-hours of labor by hundreds of well-organized looters. Why would anyone invest so much time and effort? Obviously because there is a lucrative market for looted archaeological objects. And the major source of demand in this market is from private collectors in the rich countries.

In the past two decades, the looting of the human past has become a large-scale industry not only in Iraq but also in Egypt, Peru, Guatemala, Mexico, Italy, China, Cambodia, Mali and many other countries that are being stripped clean of their heritage to feed the world market in antiquities. As journalist Roger Atwood (2004) documents in his book *Stealing History*, looters are well-organized and increasingly well-informed about the tastes of collectors in rich countries. The pillage of archaeological sites, no less than the drug trade, is driven by market demand.<sup>1</sup>

Unfortunately, many collectors – and even some museums – have taken a “don’t

ask, don't tell" approach to their purchases. A study by British archaeologists Christopher Chippindale and David Gill (1999) found that 75 percent of antiquities in a sample of major private and museum collections have no documented provenance. Even more shocking, an exhaustive analysis carried out by Ricardo Elia (2001) on Apulian red-figure vases documents "a virtual flooding of the international market [in the 1980s] with previously undocumented Apulian vases, as well as robust collecting, both by museums and especially by private collectors"(Elia 2001: 148-149).<sup>2</sup>

With these facts clearly in mind, we can now turn our attention to some of the confusions that plague this debate.

One frequent misunderstanding arises from illegitimately linking two quite distinct issues: the debate between "nationalist" and "internationalist" approaches to cultural heritage, and the debate concerning the private collecting of antiquities. For instance, in a recent article, Professor John Merryman has deplored what he sees as the "excessive source nation retention of cultural property" (2005: 30) and has advocated a "cultural property internationalism" that includes a large role for private collectors and dealers. Some of Merryman's criticisms of overly retentive legislation and practice are perfectly valid; but his conclusions concerning private collecting are a *non sequitur*. Merryman has attempted to wrap his defense of private collecting in the mantle of internationalism, but the conflation of these two questions is illegitimate. Internationalists can perfectly well oppose private collecting, just as nationalists can support it.<sup>3</sup>

The nationalist-internationalist debate can be summarized briefly as follows: "nationalists" tend to stress the rights of the country of origin in safeguarding cultural property, including the right to prohibit export, while "internationalists" tend to stress the claims of humanity as a whole and to seek a wide circulation of cultural objects. Of course, many intermediate positions are also possible.

Personally I would consider myself a "moderate internationalist". I should make clear, at the outset, that I am talking exclusively about antiquities and not addressing other classes of cultural property.

Movement of cultural objects, including archaeological artifacts, is undoubtedly a positive and highly desirable state of affairs. The preamble of the 1976 UNESCO Recommendation concerning the International Exchange of Cultural Property states that "the circulation of cultural property, when regulated by legal, scientific and technical conditions calculated to prevent illicit trading in and damage to such property, is a powerful means of promoting mutual

understanding and appreciation among nations".<sup>4</sup> Moreover, especially when it comes to archaeological materials, it is often difficult to attribute "ownership" to one particular country. Modern state borders virtually never coincide with those of ancient civilisations. In addition, because of trade within the ancient world, objects may be found in archaeological sites far from their place of origin. In purely conceptual terms, why should an Attic vase found in an Etruscan tomb at Cerveteri or Vulci be considered the "property" of Italy, rather than, say, Greece? In practical terms, however, in order to guarantee protection and care of archaeological artifacts, there must be a state power capable of exercising its jurisdiction over them. I would prefer to view antiquities as part of "the common cultural heritage of mankind" (UNESCO 1976: II.2), and the modern state in whose territory they are found as "morally responsible to the international community as a whole for [their] safeguarding" (UNESCO 1978).<sup>5</sup> And not just morally, I would hope, but legally as well. In the fine words of Anthony Appiah (2006), governments should think of themselves as "trustees for humanity".<sup>6</sup> In exercising this trusteeship, governments should implement laws aimed at protecting the cultural heritage situated within their borders for the benefit of all people – not just their own citizens – and collaborate with other countries to ensure their circulation and accessibility. In particular, for antiquities, laws are needed to protect not just what is already known, but also all that is still to be discovered.

The need for preservation and access leads me to my second point, namely, the distinction between private collectors on the one hand and museums and other public institutions on the other. Private collecting, by definition, does not serve the interest of the general public. Museums' role, by contrast, is principally to educate the public and to serve as repositories of our shared historic and artistic patrimony. In this perspective, they are the most natural and fitting institutions to serve the internationalist ideal. Ultimately, it isn't really relevant whether a find from Pompei (especially if it is a duplicate) ends up in a museum in Naples, Italy or in Naples, Florida, as long as the integrity of its context is maintained and the object is kept in the public domain.

Accessibility is indeed a key issue. Both scholars and lay people in different parts of the world should be given the opportunity to enjoy and share the knowledge of the "the common cultural heritage of mankind". Also, archaeological materials, possibly more than any other historical documents, often need to be re-examined and re-evaluated, for instance in the light of new dating techniques being developed, or for comparative or quantitative studies when new materials are discovered in the course of more recent excavations. Guaranteeing adequate

access to private collections would be very difficult, if not impossible; indeed, in many countries it would require radical changes in the laws regulating private property.

Bearing this in mind, museums have the responsibility to lead the way in setting the ethical standards in the art world. They should all adopt strict codes of ethics and careful acquisition policies, and where these are already in place, commit themselves to strengthen the often-too-vague guidelines and observe them consistently.

Unfortunately, however, since public funding is often inadequate, especially in the United States, many museums are highly dependent on private sponsorship, much of which comes from collectors. This often creates inevitable, but in many cases detrimental, alliances. For instance, museum curators sometimes advise collectors on purchases – even of unprovenanced material – with an eye toward possible future acquisitions of private collections on behalf of the museum.

My third point concerns the fundamental difference between antiquities and other types of art, be it medieval art, old masters, modern art, or art by living artists. Of course, all art by non-living artists is a non-renewable resource; but for no other kind of artwork is context so important as for antiquities. The historic (as opposed to merely aesthetic) value of any ancient artifact resides principally in its relation to its original context: Was it found in a house, a workshop, or a grave? The grave of a male or a female, an aristocrat or a commoner? Conversely, when a site is looted in order to recover a few objects which may have some aesthetic (and hence monetary) value – such as a painted vase, a statue or a mosaic – much other information that site may have yielded is lost. Whenever the stratigraphic order of the archaeological layers or the exact position of various finds is disturbed, many types of analysis become impossible: for instance, accurate dating, precise spatial distribution, and many types of statistical and quantitative studies.

Moreover, for each valuable (i.e., marketable) object recovered by looters, many more sites are destroyed in the process. As Elia (2001: 151) has shown in his ground-breaking study of the corpus of Apulian vases, “several thousand, even tens of thousands, of ancient tombs must have been plundered to obtain the more than 13,600 Apulian red-figure vases that exist throughout the world and were recovered in a non-archaeological manner”.

A fourth confusion arises from the promiscuous use of the word “market” to denote a wide variety of transactions – between different types of buyers and sellers – that need to be analyzed separately. For instance, Merryman (2005: 29) rightly criticizes those (unnamed) archaeologists who oppose all sales of antiquities,

even between museums and governmental institutions, and approve only of loans or exchanges.<sup>7</sup> Merryman agrees that museum-to-museum exchanges of duplicate objects “are a valuable tool of museum collections management”, but he correctly observes that they are “a form of barter, with all of barter’s considerable limitations” (Merryman 2005: 23). Suppose, for instance, that the national museum of Mali has some duplicate Djenne-jeno terra-cotta objects or Bankoni-style statues that it is willing to offer to a museum in another country. Are loan and exchange the only legitimate options? Perhaps a museum in Kansas would like to enlarge its collection of ancient African art but has no duplicate objects of interest to the Mali museum; and perhaps, conversely, a museum in Greece has artifacts of interest to Mali but no desire to build a collection of African antiquities. Shouldn’t the Mali museum be permitted to sell its duplicate artifacts to the museum in Kansas and then to buy pieces from the museum in Greece? Or for that matter, to sell objects to the museum in Kansas and then use the money to sponsor new excavations, to renovate the museum facilities, or to improve staff salaries? Indeed, doesn’t the Malian government have the right to decide that the proceeds from the sale of duplicate antiquities are more urgently needed by the Health Ministry than by the museum?<sup>8</sup>

The problem is not limited to museums in the developing world. Museum storerooms in Italy, Greece and many other art-rich countries are overflowing with ancient artifacts that, in some cases, have not yet been catalogued or studied, for lack of personnel and funds.<sup>9</sup> Might it not be sensible for a museum in Colorado, wishing to build an antiquities collection, help finance the cataloguing of that material, and in return to get some of those objects as either outright purchase or long-term loan, once the cataloguing is finished?<sup>10</sup>

In fact, though Merryman does not notice it, the 1976 UNESCO Recommendation concerning the International Exchange of Cultural Property explicitly recognizes sale as a legitimate means of inter-institutional transfer of cultural property. Indeed, immediately after pointing out the limitations of barter, Merryman quotes the 1976 UNESCO Recommendation:

*“International exchange” shall be taken to mean any transfer of ownership, use or custody of cultural property between States or cultural institutions in different countries – whether it takes the form of the loan, deposit, sale or donation of such property – carried out under such conditions as may be agreed between the parties concerned. (UNESCO 1976: I.1) but in his zeal to criticize UNESCO he fails to notice the word “sale”.*

But none of this provides any reason to support a private market in antiquities, or private collecting, as Merryman would like. Indeed, his arguments in favor of the private market simply laud the historic roles of collectors and dealers in supporting artists and promoting their work, in building private collections that ultimately enrich museums; and in pioneering the collection of objects that eventually are recognized for their cultural importance. (Merryman 2005: 24)

The first argument is irrelevant to antiquities. As for the second, we have already seen that many objects in private collections have no provenance, thus vastly reducing their scholarly value; also, private collections reflect the interests and tastes of their owner, which may or may not correspond to museum curators' judgment of the public interest. Moreover, as noted before, museums' reliance on donations from collectors can create undesirable situations of dependency. As for Merryman's third argument, collectors may on occasion be scholarly pioneers, but collecting can also be detrimental to scholarship by fuelling looting of newly discovered or newly popular categories of materials and by stimulating the production and dissemination of fakes. This has been the case, for instance, of Cycladic sculptures and Malian terracottas.<sup>11</sup>

Nevertheless, one might ask if it is legitimate for a museum to sell its duplicate objects to another museum, once they have been catalogued and studied, might it not also be legitimate to sell some of its minor pieces – say, Roman oil lamps, which exist in the tens of thousands – to private collectors? Could there be some limited scope for private collecting, and a licit private market, of antiquities that have been scientifically excavated and catalogued but are no longer needed in museums? My answer to all these questions is no! It simply would not work. I very much doubt that private collectors, especially the richest ones, would be satisfied with minor or recycled objects. There would always be demand for new and important pieces. After all, most countries already have laws regulating the licit market and criminalizing unauthorized excavations; yet looting still continues on a large scale. I believe that as long as there exists a private market in archaeological artifacts, there will be an incentive for looting and plunder.

In an ideal world, I would like to see the complete disappearance of a private market in archaeological artifacts; but this is probably a utopian vision, or, more optimistically, a distant possibility. A more realistic goal would be national and international legislation demanding that each object have a documented provenance back to a specified cutoff date, and making the rebuttable presumption that objects without such documentation are illicit. However, we are at present very far from getting this kind of legislation in any of the major art-importing countries.

It is therefore urgent to consider, simultaneously, measures that would reduce the total global demand for purchase of antiquities: first, by greatly reducing the appeal of private collecting, through campaigns aimed at raising public awareness about the problem of pillage; and second, by giving museums and educational institutions wider access to antiquities through means other than purchase on the private market. Among these are long-term loans, widely travelling exhibitions, and strictly controlled museum-to-museum sales or exchanges of duplicate objects (Papa Sokal 2006).

Moreover, having eliminated the competitiveness of the open market which drives up prices, some of the vast resources currently invested by major museums in the purchase of antiquities could be effectively channeled instead into sponsoring new research and excavations, conservation projects, educational and training programs for local populations in art-rich regions, construction of on-site museums, and the development of responsible cultural tourism – all in order to help create, at least in part, a sustainable economy and real expertise for local peoples out of their cultural resources, while preserving their historical heritage. To conclude, it seems to me that long-term task for all of us must be to sensitize both citizens and politicians to the immense loss to our historical patrimony that is being caused by the illicit trade in antiquities. With such an awareness, it should be possible to devise effective measures to protect the world's cultural heritage, and to make that heritage widely available to people around the world in a safe and democratic way.<sup>12</sup>

### Acknowledgments

I wish to thank the Ename Center for Public Archaeology and Heritage Presentation and its Director Neil Silberman for having organized a superb conference. Special thanks go also to Claudia Liuzza for the competence and graciousness with which she and her colleagues ensured the smooth running of the conference and for all the helpful assistance they provided to the contributors.

My greatest gratitude, as always, goes to my husband Alan Sokal, for his support, many enlightening conversations and real contributions to some of the ideas contained in this paper. Obviously, all mistakes are entirely mine.

Finally, I wish to dedicate this paper to my daughter Serena, the greatest joy of my life.

## Endnotes

1 See in particular the case studies collected in Brodie et al. 2001; and see also Schmidt and McIntosh 1996 and Papa Sokal 2005.

2 More precisely, Elia (2001: 148) found that “while almost two centuries of collecting [Apulian vases] up to 1980 produced some 9347 vases, the thirteen years following 1980 have produced 4284 new vases. Equally revealing is where these new vases are found: whereas at the beginning of 1980 museums accounted for 74 per cent of all Apulian vases, private collectors 17 per cent, and the market 9 per cent, the figures for the newly appearing material have dramatically shifted. Of the 4284 vases appearing in 1980-92, only 25 per cent were in museums, while 31 per cent were in private collections and a staggering 44 per cent were on the market”. Elia adds that “Since the only possible source of genuine, new Apulian pottery is looted archaeological sites in Puglia, the updated vase lists published by Trendall and Cambitoglou in effect provide documentary evidence of massive looting of archaeological sites in Puglia in recent years.” (2001: 149)

3 See also Prott 2005 for cogent criticisms of many of Merryman’s arguments.

4 Likewise, the preamble of 1970 UNESCO Convention states that “the interchange of cultural property among nations for scientific, cultural and educational purposes increases the knowledge of the civilization of Man, enriches the cultural life of all peoples and inspires mutual respect and appreciation among nations”. (UNESCO 1970)

5 The 1976 UNESCO Recommendation concerning the International Exchange of Cultural Property, states: “Bearing in mind that all cultural property forms part of the common cultural heritage of mankind and that every State has a responsibility in this respect, not only towards its own nationals, but also towards the international community as a whole, Member States should adopt ... measures to develop the circulation of cultural property among cultural institutions in different countries in co-operation with regional and local authorities as may be required”. (UNESCO 1976: II.2)

Likewise, the preamble of the 1978 UNESCO Recommendation for the Protection of Movable Cultural Property stresses that “every State is therefore morally responsible to the international community as a whole for its safeguarding” (UNESCO 1978).



6 Let me stress that I do not agree with some other views expressed by Appiah in this article, such as his apparent support for private collecting of antiquities.

7 “Archaeologists do not actively oppose the barter or loan of antiquities by governments and museums. They do, however, oppose international trade.”(Merryman 2005: 29)

8 A similar point is made by Appiah (2006).

9 For instance, the preamble of 1976 UNESCO Recommendation concerning the International Exchange of Cultural Property observes that “many cultural institutions, whatever their financial resources, possess several identical or similar specimens of cultural objects of indisputable quality and origin which are amply documented, and ... some of these items ... would be welcomed as valuable accessions by institutions in other countries” (UNESCO 1976).

10 I wish to thank Alan Sokal for many excellent conversations and useful suggestions on these issues.

11 See Gill and Chippindale 1993; Marthari 2001: 161; He 2001; Brent 1996: 67; McIntosh and McIntosh 1986: 57.

12 I wish to draw the reader’s attention to a recently created grassroots, membership-based organization, SAFE/Saving Antiquities for Everyone. SAFE is a group of professionals and scholars dedicated to raising public awareness about the importance of preserving cultural heritage worldwide. Their website contains much useful information and can be found at [www.savingantiquities.org](http://www.savingantiquities.org).

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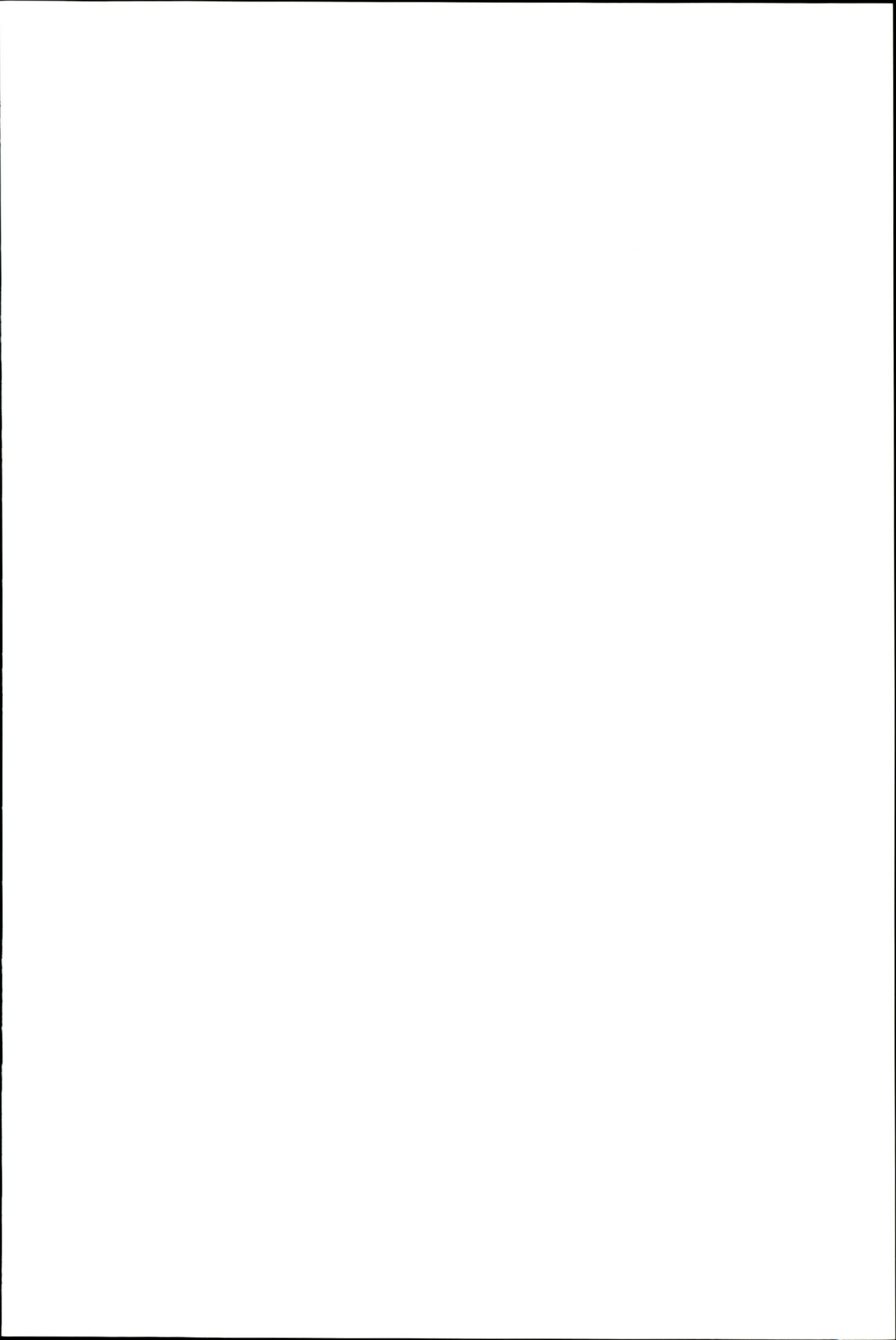
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SAMENVATTINGEN VAN DE PLENAIRE  
SPREKERS

## EIGENDOM EN ERFGOED. EEN LATIJN-AMERIKAANSE VISIE: MEXICO, PERU, COLOMBIA EN GUATEMALA

*Prof. Clemency Coggins*  
*Universiteit van Boston, USA*

**I**N Latijns-Amerika lopen twee verschillende soorten cultureel erfgoed gevaar: de koloniale cultuur en twee millennia cultuur die aan de Spaanse invallen voorafgingen. Mexico en Guatemala dienen als voorbeelden voor deze situaties.

In 2004 werden in Mexico 600 koloniale objecten gestolen. Het koloniale erfgoed valt onder de Cultural Property Convention van de UNESCO (1970), geratificeerd door alle Latijns-Amerikaanse landen behalve Chili. In 1997 werd het koloniale erfgoed opgenomen in de ICOM Red List voor Latijns-Amerika.

De grootste verliezen op lange termijn in Latijns-Amerika zijn wellicht archeologisch van aard. De bewustwording hieromtrent motiveerde de Verenigde Staten om in 1972 de UNESCO-conventie van 1970 te ondertekenen.

In 1972 werd in de Verenigde Staten een belangrijke wet gestemd die de invoer verbood van illegaal uitgevoerd archeologisch materiaal uit alle Latijns-Amerikaanse landen. De handel in Maya-monumenten werd vrijwel lamgelegd. Op de markt kwamen nu objecten (in keramiek en jade) uit graven in plaats van monumenten. Door te verwijzen naar de bepalingen van de UNESCO-conventie die door de Verenigde Staten werden aanvaard, vroeg Guatemala in 1991 invoerbepalingen voor alle bedreigde archeologisch materiaal.

## NAAR EEN COLLECTIEF PUBLIEK ERFGOED

*John H. Jameson, Jr*  
*VS Dienst Nationale Parken*

**A**LS we tijdens dit colloquium de uitdagingen bekijken die de studie en de herdenking van erfgoed sites in onze moderne multiculturele samenlevingen meebrengen, dan stappen we een doolhof binnen van terminologie en betekenissen. Geen enkel land of geen enkele regio ter wereld is perfect multicultureel, maar deze gesprekken komen voornamelijk voor in landen met een westerse culturele traditie en waar gelijke behandeling, etnische gevoeligheden en de garantie voor diverse standpunten voortdurend ter discussie staan.

Enkele fundamentele vragen bij onze besprekingen over wie het verleden bezit en wat een "inclusief publiek erfgoed" is:

1. Wat stelt een inclusief publiek erfgoed voor?
2. Houdt "inclusief" een democratische of gelijke behandeling in? Hoe staat het in verband met brede volksmassa's?
3. Hoe worden normen voor belangrijkheid en authenticiteit bekend gemaakt en hoe worden ze geïnstitutionaliseerd terwijl diverse standpunten aan bod blijven komen?
4. Eens dat de herdenkingsnormen geformaliseerd zijn, hoe worden de waarden van immigranten en minderheden, evenals de evoluerende waarden van de "meerderheid" behandeld en geplaatst binnen het proces van identificatie en herdenking?
5. Zijn formeel beheerde monumenten en sites een weergave van een tijdloos ideaal of van een veranderende werkelijkheid? Kunnen beide doelstellingen naast elkaar bestaan?

# DE VREDESSCHOOL VAN MONTE SOLE: OPVOEDING TOT VREDE TUSSEN HERINNERING EN GESCHIEDENIS

*Roberta Pellizzoli*

*Vredesschool van Monte Sole, Italië*

DE Vredesschool van Monte Sole werd gesticht in 2002 en promoot scholingsprojecten en projecten voor vredesopvoeding, niet-gewelddadige ombuiging van conflicten en respect voor de mensenrechten om een maatschappij te kunnen uitbouwen zonder racisme of iedere andere vorm van geweld jegens mensen en hun omgeving.

De Vredesschool is gebouwd op een plek waar in 1944 SS-troepen met de hulp van fascistische elementen een slachtpartij aanrichtten.

De dialoog tussen herinnering en geschiedenis slaagt erin de emotionele en rationele aspecten van het historische begrip te combineren en probeert een en ander te verduidelijken:

- het mechanisme van het geweld in Monte Sole;
- de persoonlijke verantwoordelijkheid van de daders;
- het evenwicht tussen het individuele vermogen om te kiezen en de context of de omgeving waarin het individu zich bevindt;
- de collectieve verantwoordelijkheid op verschillende niveaus, waarbij de aandacht vooral gaat naar het niveau van opvoeding, de propaganda en het politiek gebruik van herinnering en geschiedenis.

Nadat we de kern van onze theoretische methodologie hebben belicht gaat de tekst dieper in op de activiteiten die bij de vredesopvoeding in Monte Sole aan bod komen. De klemtoon ligt op het belang van vredesopvoeding op een specifieke plek met (tragische) herinneringen.



## JOODS ERFGOED IN FRANKRIJK: HET ERFGOED VAN EEN RELIGIEUZE MINDERHEIDSCULTUUR

*Dr. Max Polonovski*

*Ministerie van Cultuur, Frankrijk*

**D**E herinnering is selectief en het erfgoed ontsnapt niet aan de herziening die de tijd en de mens het opleggen. Monumentale overblijfselen achtergelaten door de joden zijn tastbaarder dan dat hun simplistische reputatie van eeuwige zwervers ons zou doen geloven. Het zegevierende christelijke Europa probeerde de multiculturele wortels van zijn beschaving uit te wissen en liet parallelle geschiedenissen naast elkaar bestaan. In de moderne geschiedschrijving is de geschiedenis van de joden in Europa over het algemeen opgegaan in de nationale geschiedenissen. Van de andere kant had de mobiliteit van de joodse bevolking omwille van vervolgingen en verdrijvingen de gemeenschappen afgesneden van hun origineel erfgoed. Het resultaat is een erfgoed dat hen als het ware is toegefallen en waarvan de conservatie een uitdaging is voor de Europese identiteit. Het kan niet overleven zonder een toe-eigening door de hele bevolking. Dit impliceert een beter begrip van het joodse verleden en de joodse cultuur, hoofdzakelijk door onderwijs, en vandaar de noodzaak van de betrokkenheid van zowel de nationale en lokale autoriteiten als van de hulp van culturele verenigingen.

# ETNICITEIT OPBOUWEN IN DE ZUID- AFRIKAANSE ARCHEOLOGIE: DE IDENTITEIT VAN BUSHMEN IN ZUID-AFRIKAANSE VOORSTELLINGEN, 1911-2001

*Professor Carmel Schrire*

*Dienst antropologie, Rutgers, Universiteit van de Staat*

**H**ET opbouwen van etniciteit is een oude bekommernis in Zuid-Afrika. Vandaag blijkt de democratie de diversiteit te koesteren met 11 verschillende officiële talen en een wapenschild dat wordt versierd met een uitgestorven taal van de bosjesmannen, terwijl er tegelijkertijd een strikte partijgebonden loyaliteit wordt gevraagd in een éénpartijstaat.

Vandaag is etniciteit in Zuid-Afrika van belang, zeker in het geval van de minderheden. Het nieuwe Apartheid Museum in Johannesburg en het Joods Museum in Kaapstad proberen de kwalijke gevolgen van de apartheid goed te maken.

Bij de uitbouw van niet-elitaire etniciteit ligt de zaak iets anders. Intellectueel gezien gaat het proces terug op een 30 jaar oude controverse die bekend staat als het Grote Kalahari Debat dat focust op de vraag of voorhistorische etniciteit kan worden gereconstrueerd door levende personen te observeren. De erfgoedsites van niet-elitaire minderheden houden zich minder bezig met etniciteit dan met het behouden van hun patrimonium. Sommige verdedigers van het Australische erfgoedstandpunt zouden het Zuid-Afrikaanse archeologische onderzoek willen koppelen aan een dialoog met de vermoedelijke eigenaren van de site. Ook hier staat nog veel ter discussie. Het feit dat de Australische aboriginals zeggenschap hebben in erfgoedzaken heeft hun politieke toekomst niet verbeterd en heeft het aanzicht van de Australische archeologie veranderd.

## HET VERLEDEN ACTIVEREN: HISTORISCHE SITES MET EEN GEWETEN

*Liz Sevcenko*

*Internationale Coalitie van Musea op Historische Sites  
met een Geweten*

**D**E Internationale Coalitie van Musea op Historische Sites met een Geweten werd opgericht om een nieuwe rol te bepalen voor historische sites als open forums voor burgers die zich engageren voor dringende sociale problemen. Miljoenen mensen uit alle lagen van de maatschappij bezoeken elk jaar Sites met een Geweten en gebruiken de geschiedenis van wat daar gebeurde – of het nu om een genocide gaat, een schending van burgerrechten of een triomf voor de democratie – als uitgangspunt om te dialogeren over waar deze problematieken vandaag nog leven en mee te doen aan een zoektocht naar oplossingen.

Sites met een Geweten zijn musea die:

- historische sites gebruiken om de geschiedenis te interpreteren;
- programma's ter beschikking stellen die de dialoog over dringende sociale problemen stimuleren en die op de eerste plaats democratische en humanitaire waarden promoten;
- met elkaar mogelijkheden uitwisselen om het publiek te betrekken bij de problematiek die op hun respectieve sites wordt aangekaart.

De coalitie is nu een netwerk geworden met meer dan 800 aangesloten leden uit 90 landen en wordt geleid door 14 Sites met een Geweten.

## CULTUREEL BEZIT EN UNIVERSELE WAARDE

*Dr. Nicholas Stanley-Price*

*Voormalig directeur-generaal van ICCROM, Rome*

**O**P internationaal vlak lijkt de term “cultureel bezit” veelal vervangen door “cultureel erfgoed”. Tezelfdertijd wordt er meer en meer intensief gedebatteerd over “wie het verleden bezit”. Deze bijdrage onderzoekt enkele aspecten van het internationale erfgoedbeleid met betrekking tot de culturele eigendom en verwijst daarbij naar universele waarden.

## THE WORKHOUSE: ERFGOED EN HET PROBLEEM VAN DE ARMOEDE

*Nikki Williams*

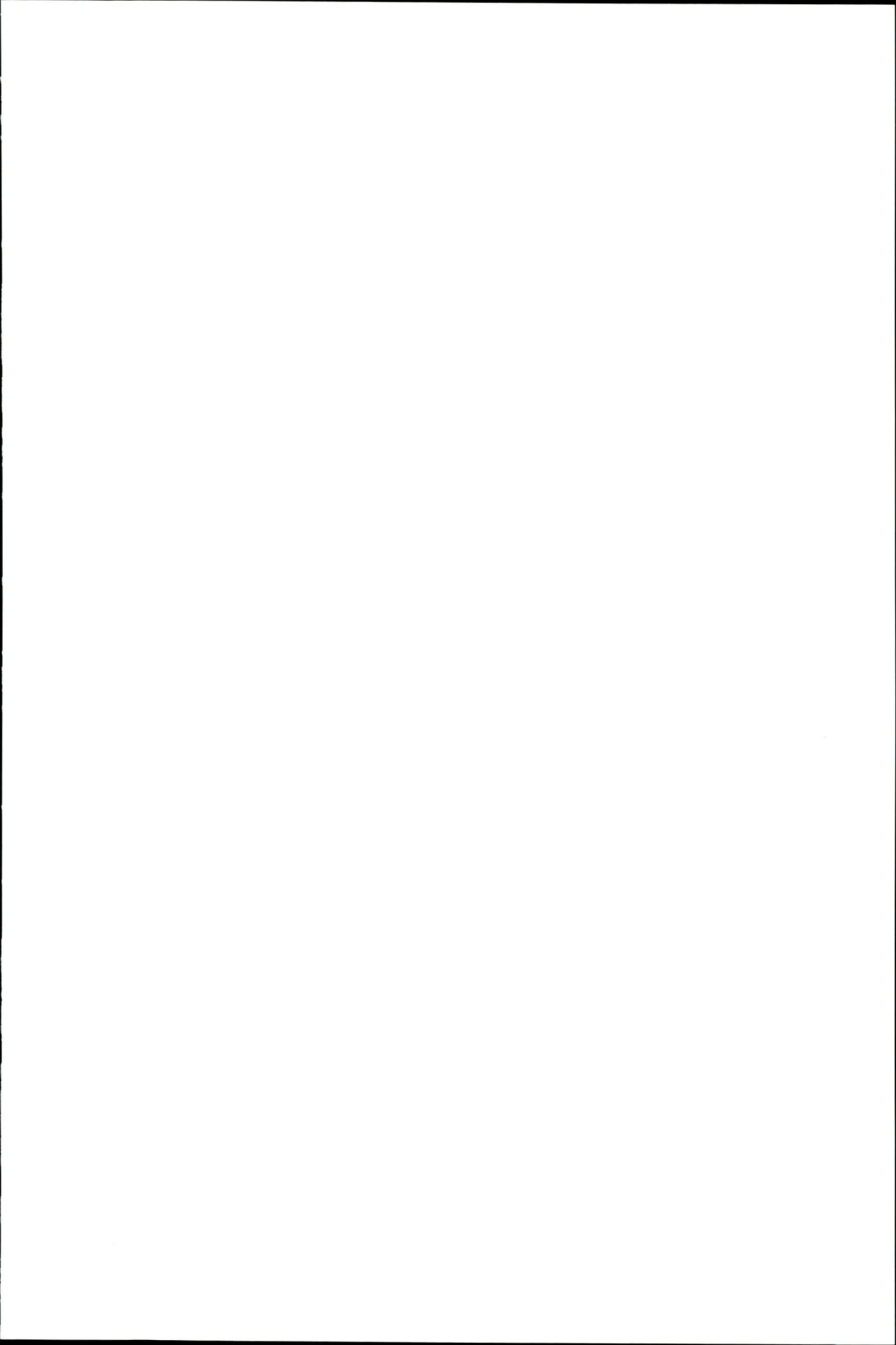
*Het armenhuis, Verenigd Koninkrijk*

**T**HE *Workhouse* werd gebouwd in 1824 en was een bekend experiment wat betreft het ontwerp van een armenhuis. Het beïnvloedde de New Poor Law van 1834 die over het hele land gelijkaardige armenhuizen liet oprichten. De stichter ervan, de geestelijke J.T.Becher, zocht een oplossing voor de hoge kost van de steun aan thuiszittende armen (de 'werkloosheidsuitkering' van die tijd).

Vandaag gebruiken de bezoekers van The Workhouse een audiogids die hen helpt zich in te beelden hoe de sombere kamers waren ingericht. De keuze om de site niet in te richten heeft twee bedoelingen. Ten eerste zijn er geen archiefstukken, ten tweede wordt op die manier getoond dat de artefacten niet belangrijker zijn dan de mensen die in het gebouw woonden.

Het bezoek culmineert in de tentoonstellingsruimte 'Wat nu? Wat volgt?' waar de bezoeker wordt aangespoord om zich niet af te keren van de geschiedenis, maar te onderzoeken hoe de dag van vandaag nog steeds armoede is en hoe moeilijk het blijft om er oplossingen voor te vinden.

Met de steun van 200 vrijwilligers wordt getracht de weg te tonen die de maatschappij heeft afgelegd in haar omgang met dit moeilijke aspect van het leven. Zoals wordt aangegeven bij het begin van de rondleiding: 'Er zullen altijd arme mensen onder ons zijn'.



RÉSUMES DES ORATEURS DES SESSIONS  
PLÉNIÈRES

# PROPRIÉTÉ ET PATRIMOINE - UNE VISION LATINO-AMÉRICAINNE: MEXIQUE, PERU, COLOMBIE ET GUATEMALA

*Professeur Clemency Coggins  
Université de Boston, Etats Unis*

**E**N Amérique latine, on identifie deux types de patrimoine culturel en danger : la culture coloniale et la culture qui a précédé de deux millénaires les invasions espagnoles. Le Mexique et le Guatemala servent d'exemple à ces situations.

En 2004, 600 objets coloniaux furent volés au Mexique.

Le patrimoine colonial tombe sous la « Cultural Property Convention de l'UNESCO (1970) », ratifiée par tous les pays latino-américains sauf le Chili. En 1997, le patrimoine colonial a été repris par la Liste Rouge de ICOM pour l'Amérique latine.

En Amérique latine, les pertes archéologiques constituent un vrai problème sur le long terme. Les Etats-Unis en prirent conscience et signèrent, en 1972 la convention de l'UNESCO de 1970.

En 1972, une loi importante fut votée aux Etats Unis interdisant l'importation de matériel archéologique illégalement exporté des pays latino-américains. Le commerce des monuments maya fut ainsi arrêté. Aujourd'hui, on continue néanmoins à trouver sur le marché des objets en céramique et en jade venant de tombes et non plus des monuments.

En renvoyant aux dispositions de la convention de l'UNESCO, qui a été ratifiée par les Etats Unis, le Guatemala demanda en 1991 de limiter l'importation de tout matériel archéologique menacé.

Aujourd'hui, on constate le peu d'efficacité de ces mesures au Guatemala. Les sites mayas sont toujours pillés. On peut toujours trouver, aux Etats-Unis, de la vaisselle en céramique comportant des inscriptions mayas.



## VERS UN PATRIMOINE PUBLIC COLLECTIF

*John H. Jameson, Jr*

*Service Parcs Nationaux, Etats Unis*

SI, durant ce colloque, nous analysons les défis amenés par l'étude et la commémoration des sites patrimoniaux de nos sociétés multiculturelles modernes, nous entrons dans un labyrinthe de terminologies et de significations. Aucun pays ou aucune région au monde n'est parfaitement multiculturel, mais ces discussions ont lieu principalement dans des pays de tradition culturelle occidentale, où traitement égalitaire, sensibilités ethniques et tolérance d'opinions diverses sont des valeurs permanentes.

On retrouve ci-dessous des questions fondamentales qui pourront se poser lors des discussions sur « Qui possède le passé ? » et sur le thème du « Patrimoine public inclusif »:

1. Que représente un patrimoine public inclusif?
2. Le terme « inclusif » contient-il un élément démocratique? Quelle est sa relation avec les grandes foules populaires?
3. Alors que subsistent des points de vue différents, comment des normes d'importance et d'authenticité sont-elles promulguées, et comment sont-elles institutionnalisées ?
4. Une fois les normes de reconnaissance formalisées, comment sont traitées les valeurs des immigrés et des minorités, ainsi que les valeurs en évolution de la « majorité », et comment sont-elles placées dans le processus d'identification et de commémoration?
5. Des monuments et sites gérés de façon formelle sont-ils le reflet d'un idéal intemporel ou bien d'une réalité changeante? Les deux buts peuvent-ils coexister?

# L'ÉCOLE DE LA PAIX DE MONTE SOLE : ÉDUCATION POUR LA PAIX ENTRE MÉMOIRE ET HISTOIRE

*Roberta Pellizzoli*

*L'Ecole de la Paix de Monte Sole, Italie*

L'Ecole de la Paix de Monte Sole fut érigée en 2002 pour promouvoir des projets éducatifs pour la paix, le règlement non-violent de conflits et le respect des droits de l'homme afin de développer une société sans racisme ou toute autre forme de violence envers les gens et leur environnement.

L'Ecole de la Paix est érigée sur le site d'un carnage perpétré en 1944 par des troupes SS aidées d'éléments fascistes.

Le dialogue entre mémoire et histoire réussit à combiner et à expliquer les aspects émotionnels et rationnels de l'histoire :

- Le mécanisme de la violence à Monte Sole,
- La responsabilité personnelle des auteurs,
- L'équilibre entre le libre arbitre des individus et l'influence du contexte ou de l'environnement,
- La responsabilité collective à différents niveaux, principalement axée sur le degré d'éducation, la propagande et l'usage politique de la mémoire et de l'histoire.

Après avoir donné un aperçu de notre méthodologie théorique, le texte analyse les activités rentrant en ligne de compte dans l'Ecole de la Paix de Monte Sole. L'accent est mis sur l'importance de l'éducation pour la paix, à un endroit spécifique ayant un passé (tragique).

## LE PATRIMOINE JUIF EN FRANCE: LE PATRIMOINE D'UNE CULTURE RELIGIEUSE MINORITAIRE

*Dr. Max Polonovski*

*Ministère de la Culture, France*

**L**A mémoire est sélective et le patrimoine n'échappe pas à la révision que le temps et l'homme lui imposent. Les vestiges monumentaux laissés par les juifs sont plus tangibles que leur réputation simpliste de vagabonds éternels pourrait nous faire croire. L'Europe chrétienne triomphale a essayé d'effacer les racines multiculturelles de sa civilisation et fit subsister des histoires parallèles les unes à côté des autres. Dans l'historiographie moderne, l'histoire des juifs d'Europe s'est trouvée mêlée de façon générale dans les histoires nationales. D'autre part, la mobilité de la population juive par les persécutions a coupé les communautés de leur patrimoine d'origine. Le résultat est un patrimoine qui leur échoit et dont la conservation est un défi pour l'identité européenne. Il ne peut subsister sans une appropriation par la population entière. Cela implique une meilleure compréhension du passé juif et de la culture juive, en grande partie par le biais de l'enseignement, d'où la nécessité d'impliquer aussi bien les autorités nationales et locales, qu'obtenir le soutien des associations culturelles.

## SE CRÉER UNE ETHNICITÉ DANS L'ARCHÉO-LOGIE SUD AFRICAINE: LA PRÉSENTATION DE L'IDENTITÉ BUSHMAN EN AFRIQUE DU SUD, 1911-2001.

*Professeur Carmel Schrire*

*Service d'anthropologie, Rutgers, Université de l'Etat du  
New Jersey, Etats Unis*

**S**E créer une ethnicité est un souci ancien en Afrique du Sud. Avec 11 langues officielles et un blason décoré par une devise écrite dans la langue morte des Boschiman, la démocratie d'aujourd'hui semble chérir la diversité, alors qu'en même temps, l'état recommande une loyauté stricte envers l'unique parti.

Pour les minorités d'Afrique du Sud, il est très important aujourd'hui de se créer une ethnicité. Le nouveau musée de l'Apartheid et le musée juif du Cap essayent de réparer les conséquences fâcheuses de l'apartheid.

Lors du développement d'une ethnicité non élitaire, les choses se passent différemment.

D'un point de vue intellectuel, ce développement renvoie à une controverse vieille d'une trentaine d'années, connue sous le terme du Grand Débat Kalahari se concentrant sur la question de savoir si une ethnicité pré-historique peut être reconstruite par l'observation des personnes vivantes.

## ACTIVER LE PASSÉ: SITES HISTORIQUES DE CONSCIENCE

*Liz Sevckenko*

*Coalition internationale des Musées de Sites historiques de Conscience*

LA Coalition est un réseau de musées de sites historiques situés dans différentes parties du monde, à des stades de développement différents, présentant et interprétant une grande variété de questions ayant trait à l'histoire, aux événements et aux populations. Nous partageons la conviction que nos sites historiques ont pour vocation d'aider le public à établir les liens entre l'histoire de notre site et ses implications contemporaines. Notre fonction principale est de stimuler le dialogue sur les questions sociales et de favoriser les valeurs humanitaires et démocratiques. Afin de faire bénéficier les luttes contemporaines des leçons du passé, la Coalition travaille en collaboration avec des organisations internationales de défense des droits de l'homme et de lutte sociale.

Au delà de son rôle conventionnel de musée, un « Site de conscience » s'engage sur les points suivants :

- interprétant l'histoire à travers des sites historiques
- Interprétation de l'histoire au travers des sites historiques;
- Participation à des programmes stimulant le dialogue sur les questions sociales, favorisant avant tout les valeurs humanitaires et démocratiques;
- Soutien de la participation du public aux questions posées sur le site.

La coalition est un réseau de plus de 800 membres adhérents issus de 90 pays, repartis en 14 Sites de Conscience.

## BIENS CULTURELS ET VALEURS UNIVERSELLES

*Dr. Nicholas Stanley-Price*

*Ancien Directeur Général de l'ICCROM, Rome*

**S**UR le plan international, le terme « Bien culturel » semble souvent remplacé par « Patrimoine culturel ». Parallèlement, il y a de plus en plus de débats passionnés sur la question de « Qui possède le passé ? ». Cette contribution analyse certains aspects de la gestion patrimoniale internationale relativement à la propriété culturelle, pour finalement renvoyer à des valeurs universelles.

## THE WORKHOUSE: PATRIMOINE ET LE PROBLÈME DE LA PAUVRETÉ

*Nikki Williams*

*The Workhouse, Royaume Uni*

**L**A *Workhouse de Southwell* fut construite en 1824 par le Révérend John Becher. Il fut le précurseur d'un système d'aide sociale, révolutionnaire mais implacable, basé sur la philosophie de soutien à ceux qui ne pouvaient pas travailler. Cependant, le même système était conçu pour décourager ceux qui ne voulaient pas travailler. Le bâtiment et le système qu'il représentait, servirent de modèle à la « New Poor Law » (nouvelle loi sur les pauvres) de 1834, qui aboutit à la construction de workhouses similaires fonctionnant sous le même régime strict.

La préservation de la Workhouse a pour objectif de montrer un bâtiment autrefois familial dans les faubourgs de chaque ville, et d'interpréter sa signification historique en tant que refuge et avertissement pour les millions d'âmes qui vivaient aux limites du seuil de subsistance dans l'Angleterre du 19<sup>ème</sup> siècle.

La visite comprend une vidéo d'introduction ainsi qu'une animation audio faisant revivre les personnages de la Workhouse. Les lieux d'exposition montrent les étapes du développement du site. Une section interactive offre une approche pratique permettant de réfléchir sur des problèmes contemporains tels que la pauvreté.

Avec l'aide de 200 volontaires, nous essayons de montrer le chemin que la société a parcouru sur cet aspect difficile de la vie. Comme indiquée au début de la visite guidée : « Il y aura toujours des personnes pauvres parmi nous ».