

LAUNDERING ANTIQUITIES OF ILLEGAL ORIGIN: GERMANY'S STRUGGLE AGAINST RATIFYING THE UNESCO CONVENTION OF 1970

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After 36 years of deliberation, and shocking pictures of archaeological sites in Iraq, devastated by looters feeding a voracious antiquities market, Germany has announced that it will ratify the UNESCO *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970)*. However, the draft law, which the cabinet has passed and which soon will be approved by the parliament, is primarily oriented to the demands of an affluent antiquities dealers' lobby. It perverts the goals of the convention:

The protection of cultural property of Non-EU-states will only happen if listed as single, "individually identifiable" items published in the German *Bundesanzeiger* (Government Gazette). All other objects – even cultural property which other State Parties have classified as inalienable, which should therefore *ipso facto* not be exported – will, contrary to the obligations of the Convention, continue to pass German borders and will be traded freely. Loot from undocumented illegal diggings, will be excluded from restrictions almost entirely. They cannot possibly be published in such lists. The theoretical right granted to the countries of origin to add previously unknown loot from illegal excavations to the list within one year, would not result in endorsable claims: Restitution requires proof of origin. Countries are expected to prove the illegal origins of their stolen property. How can they if the illegal excavation wasn't documented? An example: There are currently c. 30 different countries on the territory of the former *Imperium Romanum*. How could any one of these states claim ownership to a Roman statue that turns up in an antiquities shop, if it can not prove that it was found on its territory and not at the looted site beyond its border?

Also excluded from restrictions will be items that were smuggled from the countries of origin before the new law has come into force – even if published in the *Bundesanzeiger*. In the future, evidence that an artifact had left its country of origin before that date will be sufficient to allow it to be bought and sold without limitations.

Cultural goods of illegal origin sold and laundered in Germany, will then also be marketable in countries with more serious antiquities laws (i. e. the US).

This German "Loot Laundry Law" will affect several hundred thousand objects worldwide, with a market volume estimated by UNESCO and the FBI to be between 6 and 8 billion dollars per year. This amount will multiply if illegal property without export documents is converted into proper merchandise. In order to get the benefit of this multibillion-dollar present of the German Government, dealers everywhere on this globe will now register and document their ill-gotten goods and keep this evidence with notaries so that later they can demonstrate that the items they are selling had been transferred from their country of origin prior to that date. We are heading towards the golden age of the antiquities trade. The realized profit will create a gigantic demand, which can only be met by an increase in the looting of archaeological sites world-wide.

It is a well-established fact that looting archaeological sites is a mayor source for terrorist funding – not only in Iraq. The new German Antiquities Law not only jeopardizes world-wide efforts to protect our shared archaeological heritage, it also undermines the war on terror.

Do we need to sponsor Baghdadi road-side bombs that kill American soldiers to secure German jobs in the antiquities trade?

Germany needs your support. Help our government to resist the pressure of a wealthy antiquities “fence” lobby. We must join the civilized world and protect our past for future generations.

Write the German embassy in your country. It will forward your concerns.

Protection of cultural goods should extend beyond the few items listed in the *Bundesanzeiger*, to include all archaeological artifacts. Excluded from restriction should be only those items that are proven not to be from illegal excavations and not exported in violation of the laws and regulations of their country of origin.

The dealer knows if an object in his sales collection is of legal origin. If this is the case, you can be sure that he will always offer and specify the evidence by presenting legal export documents of the country of origin or proof that the item had already been part of a collection before the country of origin made digging and exporting antiquities an offence. He will gladly carry this burden of proof because, with the evidence of a legal origin, he will realize a much better price than his dubious competitor with ill-gotten goods of comparable quality.

Archaeological artifacts of unknown provenance, as a rule, are either fakes or produced from illegal excavations since objects from legal excavations are kept in museums. They are not for sale.

Only a consistent prohibition on looted artifacts from illegal excavations can effectively restrain the damage they cause.

What can be done? – What should be done?

Raising public awareness is the number one priority.

Laws should reflect the moral standard of a society. This German antiquities law does not.

However, insufficient legislation is no excuse for violating basic rules of ethical behavior.

Whoever buys unprovenanced antiquities – collectors or museum curators – should be aware that he or she acquires responsibility. He or she becomes the patron and sponsor – not only for the very looter’s pit from which the bargain was stolen but also for the destruction of archaeological sites that will, in the future, be sponsored by his or her money.