

# **ILLICIT ANTIQUITIES: THE SITUATION IN SOUTH-EAST ASIA**

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In most countries of the world antiquities are protected by law. They might be state property or, at the very least, their export may be restricted or forbidden. Thus their unauthorised excavation or export is illegal. They are illicit.

Through most of history, and indeed prehistory, tombs have been robbed. But over the past twenty years improvements in technology have greatly increased the efficiency of the tomb-robber. The mechanical digger and bulldozer have taken their places next to the pick and the spade and the metal detector has joined the probing rod. Falling barriers to communication, whether physical or political, have also facilitated access to even the remotest of areas and enabled the articulation of an international market. The result is a disaster for the world's archaeological heritage as sites are emptied of their contents which are sold on the booming antiquities market of Europe and North America to wealthy museums and individuals.

It is easy to see why archaeologists are concerned about the trade in illicit antiquities as holes in the ground do not preserve much information about past societies. But law enforcement agencies are also concerned as the trade is a criminal enterprise. Antiquities are smuggled across national borders and it encourages the spread of corruption as documents are faked and officials are bribed.

In south and south-east Asia the situation is made more serious by the despoliation and pillage of historical or religious monuments – the Hindu temples and Buddhist monasteries – many of which are still sacred. So in these areas not only is the plunder illegal, not only does it blight our understanding of the past but, worse still perhaps, it is an act of desecration.

The north-west frontier region of Pakistan and the adjacent area of Afghanistan were homeland of the sculptural and architectural style known as Gandharan, a fusion of Buddhist and earlier Hellenistic traditions. Gandharan sculpture is now in great demand in the West and sites are suffering accordingly. A survey of the Charsadda district of Pakistan showed that of 75 sacred sites – Buddhist stupas, shrines and monasteries – 35 had been badly damaged or destroyed by illegal excavation. In the neighbouring Swabi district 15 out of 32 sacred sites had been damaged (Ali & Coningham 1998).

For Nepal we can turn to the work of Jürgen Schick who, in his book *The Gods are Leaving the Country*, has provided a photographic record of the theft and defacement of the country's Buddhist and Hindu sculpture. Schick worked from 1981-1993 and concentrated on stone sculpture. Most bronzes, he thinks, had already been smuggled out of Nepal during the 1960s and 70s. The first, German edition of his book was published in 1989, followed by the enlarged English edition in 1997. It contains over 150 photographs of threatened, stolen or vandalised pieces. In 1996 all of his original slides were stolen from the office of his publisher in Bangkok.

In Thailand prehistoric sites of the Neolithic and Bronze Age seem simply to be disappearing. In the Bangkok area whole sites are washed through for their beads and other small items. The damage caused is beyond quantification but can be gauged from the observations of archaeologists who work there. In one excavation of a cemetery containing 126 burials they found 25 agate pendants, yet similar pendants are on sale by the bucketful in Bangkok shops. The scale of destruction is such that it might now be impossible to investigate properly the prehistory of Thailand (Thosarat 1999).

Historical sites in Thailand are reasonably well protected but across the border in Cambodia the great sites of the Angkor period are under constant attack. At Banteay Srei dating to the 10th century, faces have been hacked out of many of the sculptures. Early in 1999 renegade units of the Cambodian army moved into the 12th century palace of Banteay Chmar with heavy equipment and removed 500 square feet of relief. Parts of this temple are now in danger of collapse.

On the ground looting is often carried out by local villagers or farmers and the money gained from the sale of antiquities is a useful supplement to the family income. But it is a paradox that when public order breaks down then looting becomes more organised and, in the presence of well armed soldiers, more destructive. The money gained goes to replenish depleted warchests. Afghanistan has suffered badly through the 1990s and Kabul Museum has lost about 70% of its holdings. In 1993 in Cambodia 300 well armed bandits blasted their way into the Angkor Conservation Centre using a rocket to demolish the main entrance. Material isn't destroyed during fighting, it is stolen. It disappears. Particularly the more saleable pieces. The market exacerbates the war damage.

It is hard to estimate the scale of the traffic in illicit antiquities, or to assign it any kind of monetary value, but in one month alone of this year – July – material worth at least \$20 million was recovered. On an airstrip near Peshawar in Pakistan 6 metal boxes were impounded and found to contain objects ranging in size from statues to small coins. Two of the boxes were addressed to a London art shipping company but a spokesman for company denied any knowledge of the shipment. Meanwhile during a crackdown in Bangkok over 150 Thai and Cambodian objects – Buddhist and Hindu – were seized. If, in one month, a few seizures can recover material worth at least \$20 million how much more is moved and sold undetected in a year? It is a billion dollar trade.

The Thai seizures also draw attention to another aspect of the illicit trade – fakes. 342 pieces were discovered in a pond behind the workshop of a professional sculptor, who had at one time worked as a restorer for the Fine Arts Department. It is not clear if the pieces were genuine, or replicas being stored submerged to age them, or, most likely, a mixture of both. Fakes continue to filter onto the market through illicit channels. Without a properly documented findspot it is often not possible to distinguish the authentic from the inauthentic.

All means of land, air and sea transport are used to move looted material, which can be described on cargo manifests as "handicrafts". Diplomatic bags too are often mentioned, a sign that the corrupting influence of the trade reaches out beyond poorly paid local officials to the somewhat better paid diplomats. And the term "bag" should not be taken too literally. A dealer in India using such a method could ship out a container load of antiquities when a diplomat was moving house (Watson 1997: 271).

Once in Europe or North America smuggled material is sold without provenance quite openly by so-called "reputable" auction houses or dealers. There is little chance that a victim country will recognise antiquities, be able to identify them conclusively as stolen, or even be able to afford the cost of a court action for recovery. Material can be "laundered" through a Civil Code country where a good faith purchase confers title. When challenged about the provenance of a piece a dealer will usually reply that it comes from an old established collection, preferably a Swiss one, and it is difficult to prove otherwise.

But are antiquities dealers innocent? Are they naive? Or are they complicit? Do dealers know what they are selling? A description in a 1998 catalogue of Gandharan material was quite clear. It said: "The following eight friezes were not acquired as a group but most probably can be attributed to the same site". Quite obviously the provenance of these eight pieces was not known. If the provenance was not known then, given the scale of the looting on the Afghanistan-Pakistan border, it seems a fair bet they were illicit. But this had not deterred their acquisition, display or sale.

Collectors and museums also must often know the true nature of the material they purchase. In 1993 the International Council of Museums published a book entitled *Looting in Angkor*. In it were listed 100 objects known to have been stolen from the Angkor Conservation Centre, together with photographs. Six objects were subsequently identified, two in museums (The Metropolitan Museum of Art in New York and the Honolulu Academy of Arts). The ICOM book should be quite well known, by those who collect Khmer material at least, yet only six objects were identified. The owners of only six pieces came forward. The owners of the remainder, we must assume, just didn't care. They must have recognised objects in their collection as stolen, but decided to keep quiet, and keep possession. This is a sad comment on the morality of the collecting community.

The Metropolitan Museum returned the Khmer piece. In 1999 it also returned a Buddhist sculpture to India, which they had bought in 1988. These actions are laudable but it is in order to ask how many unprovenanced Asian pieces the Metropolitan has bought over the past ten years which will never be shown to be illicit, and which will never be returned. Why did they buy the pieces in the first place?

The Code of Ethics of the International Council of Museums states quite clearly that museums should recognise the relationship between the marketplace and the initial and often destructive taking of an object for the commercial market. It states that any museum should not acquire any object that may have been exported from its country of origin in violation of that country's laws, or where the museum had good reason to suspect that their recovery involved the intentional destruction or damage of ancient monuments or archaeological sites.

Many, if not most, museums adhere to these ethical guidelines. But some don't. Yet there is surely good reason to suspect that the initial recovery of any object from south Asia appearing on the market without a provenance was both illegal and destructive and yet some museums continue to acquire them for their collections of "Asian Art".

Museums set a moral tone. While they continue to purchase and collect material which might be illicit they condone the market, and as museums are often the final repositories of private collections, they also underwrite the market

But museums also have a duty to collect and display the achievements of ancient cultures and civilisations. There is nothing wrong with this. The problem is then, how can a museum which wishes to build up its collection ensure that anything bought or acquired is legitimate? It is naive to expect that an object removed from an unexcavated site or undocumented monument will appear on a database of stolen art. It is worthwhile to check such databases, just in case, but the fact that an object isn't listed doesn't give it a clean bill of health. Experience shows that, similarly, buying from a major auction house or reputable dealer is no guarantee of an objects good pedigree.

It is clear that any potential purchaser of a piece should demand documentation. For a legal purchase this should be an export certificate or evidence that a piece had left its country of origin at a time predating any patrimony statute. A less stringent ethical position is emerging that any object that had left its country of origin sometime before 1970, the date that UNESCO adopted the *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property*, is also a legitimate purchase.

If documentation of original provenance is not forthcoming then the purchase should be avoided. If the object is from south-east Asia it is an odds-on bet that it was looted.