

Fig. 2. Search results show a list of catalog records found with brief descriptions and image thumbnails.



Fig. 3. User clicks on object title to view a higher resolution image and additional catalog record details.



action in the hands of Colonel Jefferson Davis's First Mississippi Volunteer Infantry Regiment during the Mexican War.

How can a museum protect sensitive or unedited catalog details from being displayed to the public?

The institution displays only a selected subset of the data. The institution can determine which fields are shown and which records are displayed. The staff can edit records with public viewing in mind and make those edited records available. The public then sees only the appropriate portions of the selected records on the web site.

Summary

As Internet facilities improve in speed and become available to more and more people

around the world, this new forum will become increasingly important as a way to interpret collections and educate the public. For today, images and text are still the only practical visual media for most Internet users. However, in the near future, sound and video presentations will become more common. As museums automate collections and describe them in images and text, they must always keep in mind their public audience. It is likely that what they write today will be read by the world tomorrow!

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The International Pillage of Cultural Property

This year marks the 30th anniversary of UNESCO's Convention on the Means of Prohibiting the Illicit Import, Export and Transfer of Ownership of Cultural Property. Adopted in 1970, this treaty forms the largest and longest standing framework for international cooperation in the ongoing effort to reduce the incentive for further pillage of archeological sites and of ethnological objects important to the traditional practices of indigenous and cultural groups around the world. So far, 91 countries

have become party to the Convention, including the United States. Countries differ in their implementation of the Convention, the United States having perhaps the most unique approach as set forth in the 1983 Convention on Cultural Property Implementation Act. The administrative apparatus for this U.S. government effort originally resided at the former U.S. Information Agency, but since October 1, 1999, is the domain of the U.S. Department of State where the president has delegated his decision-making responsibilities. The enforcement function

remains with the U.S. Customs Service of the Department of the Treasury. The review and recommendation functions under the 1983 Act are vested in the Cultural Property Advisory Committee, which is appointed by the president and administered by the Department of State.

The U.S. implementing legislation is a means of responding to petitions from other countries seeking U.S. import restrictions on archeological or ethnological material, the pillage of which places their cultural patrimony in jeopardy. As perhaps the world's largest art market, the U.S. is a significant destination for cultural property pillaged from other countries. Therefore, the U.S. effort under the 1970 Convention as implemented by the Cultural Property Implementation Act, is to reduce the incentive for further pillage of archeological or ethnological materials. However, when Congress considered UNESCO Convention implementing legislation it viewed the problem of pillage through a domestic lens as well, and concluded that "the interest of the United States in this matter extends beyond our import market and our interest in fostering careful study of foreign cultures. In recent years, the increasing interest in Native American, Hawaiian, and Alaskan artifacts concomitantly has spurred the pillaging of U.S. historic sites. The destruction of such sites and the disappearance of the historic record evidenced by the articles found in them has given rise to a profound national interest in joining other countries to control the trafficking of such articles in international commerce."

It is worth noting that the first country to request assistance from the U.S. under the Convention and the U.S. Cultural Property Implementation Act was Canada, a country with which we share not only a long open border, but also a rich Native and non-Native heritage. Mindful of the precedential nature of this request, as the first to be considered under the Act, significant time and attention were devoted to the issue of appropriate statutory interpretation. Toward that end, the U.S. government sought a legal opinion from the Department of Justice and carefully considered the views offered by sectors of the interested public before rendering a determination. Finally, in 1997, the two countries entered into a bilateral cultural property agreement that imposes U.S. import restrictions on certain categories of archeological and ethnological material representing the following cultural

groups: Inuit, Subarctic Indian, Northwest Coast Indian, Plateau Indian, Plains Indian, and Woodlands Indian. It also covers archeological material (at least 250 years old) from historic shipwrecks and other underwater historic sites. A reciprocal provision in the agreement, drafted in consultation with the National Park Service, recognizes the existence of U.S. laws that protect archeological resources and Native American cultural objects as well as historic shipwrecks, and offers Canada's pledge to cooperate with the U.S. government in recovering objects that have entered Canada illicitly.

As is the case with all import restrictions imposed by the U.S., on a country-by-country basis, those objects that represent categories designated as restricted may not enter the U.S. after the effective date of the import restriction unless accompanied by an export certificate issued by the country of origin. This designated list is published in the *Federal Register* by the U.S. Customs Service. If restricted objects arrive in the U.S. without an export certificate or verifiable documentation showing that the object left the country of origin prior to the import restriction, then it may be returned to the country of origin. A designated list is representative and formulated from knowledge about documented materials in public and private collections. What is already out of the ground, such as Maya polychrome terra cottas, Djenne clay figures, or gold Moche jewelry, assists us in knowing what may still remain in context until, hopefully, systematic archeological excavations are undertaken.

The paramount importance of documentation with respect to the movement of cultural objects is evident to museum curators and others whose task it is to care for them. But documentation is anathema to those who wish to perpetuate an illicit trade in artifacts, for it is the large supply of pillaged archeological and ethnological material that is undocumented that feeds the clandestine trade—an activity with few risks balanced against the likelihood of high gain. By reducing the appearance in the U.S. of illicitly traded material, opportunities are then created to explore access to this material under legal and safe circumstances for educational, scientific and cultural purposes—a goal that is envisioned in the Cultural Property Implementation Act.

To promote the importance of documentation, it is generally the practice of the U.S. to encourage countries with which it enters into

bilateral cultural property agreements that impose import restrictions, to register objects already in public and private collections. Increasingly, new national patrimony laws mandate this practice while forbidding the further expansion of private collections. But to implement such a mandate requires a clearly defined framework, trained personnel, and support mechanisms that are not readily available in most source countries. The challenge is to find ways to support countries needing to fulfill the documentation requirements of their laws. Such documentation would include the recording of looted material, of course, but for the sake of beginning to draw the net around private collections of looted objects, as most source countries wish to do, it is a prudent course.

With the recent development of Object ID, there seems little excuse today for allowing cultural objects to go undocumented. Object ID is the result of years of careful research, consultation, and analysis conducted by the then Getty Information Institute (now in the hands of the Council on the Prevention of Art Theft [COPAT] in London) in collaboration with museums, cultural heritage organizations, the art trade, insurance companies and appraisers, and police and customs organizations. It is an international standard for recording unique identifying information about a particular object of art or antiquity. Primarily developed as a means of identifying and recovering stolen cultural objects, Object ID is a simple tool based on a common sense approach to recording data about a particular object. Available in many languages and widely adopted already, it can be implemented with pencil and paper or through the use of the most sophisticated database.

Object ID is even useful in the description of classes of objects as opposed to individual objects that comprise a particular collection. For example, it is incorporated in the image database developed by the Cultural Property office of the Department of State to provide museums, collectors, law enforcement entities, and others with information about the classes of objects that are restricted from entry into the U.S. This database is part of a comprehensive web site <<http://exchanges.state.gov/education/culprop>> about U.S. implementation of the 1970 UNESCO Convention. Information can be found on this site about U.S. emergency import restrictions and bilateral agreements with coun-

tries like Cyprus, Cambodia, Canada, Peru, Guatemala, El Salvador, and Mali. An agreement is pending with Nicaragua, and requests from Italy and Bolivia are being processed.

As the ultimate repository for most movable cultural property, museums can influence more scrupulous trading and collecting practices by adopting stronger acquisitions policies that require verifiable documentation associated with their purchases or gifts. Shortly after the UNESCO Convention was first adopted, numerous university museums embraced policies that do not permit the acquisition of objects that left the country of origin prior to 1970. Others adopted similar policies at the time the U.S. implementing legislation went into effect in 1983. Such policies, as that of the Smithsonian Institution, reflect the spirit of the 1970 UNESCO Convention. By exceeding the legal threshold they demonstrate a strong ethical stance against any collecting practice that would promote further looting. This posture promotes a licit trade in documented material, an activity the U.S. Cultural Property Act supports.

But most private museums in the U.S. that are inclined to collect antiquities do not have such policies. One, the J. Paul Getty Museum, stands out as a relatively new exception. In 1995, the Getty Museum revised its acquisitions policy with a provision on “documented provenance” that establishes 1995 as its threshold year. It reads, “proposed acquisitions must come from established, well-documented (i.e., published) collections. Publication must precede the date of adoption of these revisions, November 1995.” Thus, the Getty profoundly altered its collecting practice and has created a net through which recently looted antiquities will not pass.

Of the codes of ethics crafted by professional organizations, that of the International Council of Museums (ICOM) seems to set the highest threshold of professional and institutional responsibility. “Museums should recognize the relationship between the marketplace and the initial and often destructive taking of an object for the commercial market, and must recognize that it is highly unethical for a museum to support in any way, whether directly or indirectly, that illicit market.” The code also provides that a museum should not acquire an object that may have been exported from its country of origin “in violation of that country’s export laws.” In practice, it is believed that European museums are

more likely to adhere to the ICOM policy than museums in the U.S. which follow the less stringent codes set by the American Association of Museums and the Association of Art Museum Directors.

ICOM has become highly activist in the international fight against illicit trafficking in cultural property by producing a series of handbooks on looting in Africa, Latin America, and Cambodia (Angkor). Entitled “One Hundred Missing Objects,” these handbooks have been directly responsible for the recovery of numerous objects that had been stolen or pillaged from their countries of origin. At least one has been located in an American museum and voluntarily returned. Another recent step ICOM has taken in this fight is the signing of memoranda of understanding with the World Customs Organization and INTERPOL. These agreements will strengthen cooperation between museum professionals and law enforcement with respect to training and the sharing of information. The latest move on the part of ICOM is a new web site known as the “Red List” (<<http://www.icom.org/redlist/>>), which posts categories of African archeological objects that are vulnerable to looting today. Recognizing that heightened awareness is a major tool in the struggle to reduce pillage, the “Red List” is intended to inform art dealers, auction houses, museums, police, and customs officials worldwide about looting in Africa and the types of objects being illicitly taken from context and entered onto the market.

Technological advances, such as the Internet; developments, such as Object ID; heightened public awareness; and a more engaged and knowledgeable law enforcement community, are all new and effective tools in combating pillage. Institutions and individuals alike are challenged to act responsibly as stewards in the care of the world’s cultural heritage, for as we all know, this heritage is composed of unique and irreplaceable representations of humankind. Stewardship obligates us, in whatever part of the world we occupy, to document for posterity, essential information drawn from the undisturbed context of these non-renewable resources. The Aymara Indians of Coroma, Bolivia, whose ancient ceremonial textiles were systematically removed from their bundles under clandestine circumstances and entered onto the U.S. and

Canadian markets, have now documented their remaining textiles and placed them in safekeeping. They have done this for the sake of centuries of tradition, which they wish to preserve and perpetuate for generations to follow.

The local residents of the renowned archeological region of Sipan in Peru, once the looters, are now stewards of the royal Moche tombs found there. They now understand the long-term benefit to having a scientifically unearthed site and local museum to house the documented treasures of their ancestor, the Lord of Sipan. The Malians of Djenné, through cultural missions assigned there by the National Museum in Bamako, have discovered not only the intrinsic value of objects representing their heritage, but also the long-term value of protecting and recording their cultural heritage so that its testimony is not rendered mute because of looting. El Salvador now has a new National Museum—only a few years ago it had none—and is engaged in the long task of documenting its collection.

These are some of the benefits that accrue to those nations with which the United States engages in cultural property protection within the framework of the 1970 UNESCO Convention. Emboldened by U.S. willingness to cooperate in protecting their heritage, countries quickly realize they are the stakeholders and have embraced the opportunity to pursue sustainable strategies for safeguarding their national patrimony together with stepped-up legal measures. It is a slow but steady, country by country progression, as is the participation in the 1970 Convention by other major art-importing countries. In that regard, the dynamic is shifting in favor of wider participation now that France has entered the Convention and implementing legislation is being prepared by Switzerland and Japan. It must be noted, too, that the United Kingdom is holding public hearings on this matter this spring. As more market countries are added to the framework, perhaps opportunities will open up for the U.S. to recover its pillaged cultural property abroad, for, as noted earlier, “...the increasing interest in Native American, Hawaiian, and Alaskan artifacts...has spurred the pillaging of U.S. historic sites.”

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