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JUST SAY SHAME

EXCISING THE ROT OF CULTURAL GENOCIDE

RODERICK J. MCINTOSH



Just how should an archaeologist respond to the truly horrific destruction of historical and scientific data? Just how bad must things become before one resorts to personal violence, or the discipline rises up into collective violence? What other, more constructive steps can be taken? The illicit commerce in African art and antiquities is, increasingly, horror in the making. One of the contributors to this volume, Michel Brent, has exposed the particularly nightmarish case of the looted ancient terra-cotta and metal arts of the Middle Niger of Mali (Brent 1993, 1994a, 1994b). This essay¹ will focus on recent events in the commerce in Malian antiquities as illustrative of some of the problems—and reasons for cautious hope—that are just now appearing in other domains of African art and antiquities.

Five years ago there was very little cause for optimism. The looting of sites providing these terra-cottas and the growth of the international market in which these pieces circulated appeared to continue on the geometric if not exponential course they had assumed since the late 1960s or early 1970s. However, a series of shaming episodes (and a good deal of steady effort by academics and others resolved to take action) has checked if not reversed this pessimism.

One of these shaming episodes has come to be called the Dutch chainsaw massacre. This episode has affected almost every tier of the looting network and so helps in understanding the structure of that network. Most importantly, this episode shows the effects of exposure to public scorn on the complicitous. The purpose of this contribution is not to make yet another restatement of the academic argument that pillaged pieces, even if later displayed in museums for scholars to study, are by the very act of removal from archaeological sites rendered of negligible knowledge value. I take it as a given, with Paul Bator, that

an antiquity without a provenance—even if perfectly preserved—is of limited historical significance; if we do not know where it came from, it can provide only limited scientific knowledge of the past. The preservation of archaeological evidence thus requires not only that objects as such be protected from destruction or mutilation, but, further, an opportunity to study and record exactly where and how each object was buried and how it related to other objects. (Bator 1983:25)

I take this statement as a point of departure for the true purpose of what follows here: to argue that collectors' and traffickers' protestations that their actions save art from destruction from the elements and contribute to spreading widely the knowledge of other peoples are just so much cynical camouflage for a conspiracy to pillage a country's heritage for profit.

Similarly, I will not review the history of Western collectors' interest in African art (see, among others, Steiner 1994:4-7), nor of intellectual fashions in the analysis of that art (Steiner 1994:11-144). Rather, you will see my reason for guarded optimism as we trace the responses and ramifications that broke like ripples over the smooth pond of complicitous silence in the collecting and art scholarship world following the television showing of a single shaming documentary film. You will see why I feel that all those of good faith who are truly horrified by this insult to science and to national heritage can coordinate in effective action—armed with the trowel, the pen, or even the chain saw—under the banner of "JUST SAY SHAME."

The title, of course, is a play on the failed anti-drug slogan of the Reagan-Bush years. The international structure of the illicit art trade and the illicit drug trade are remarkably similar (McIntosh, Togola, and McIntosh 1996). But the "Just Say No" campaign was destined to fail because far too many drug consumers and drug traffickers lived so wretchedly that they had nothing to lose if caught by the authorities. In the case of the art market, consumers and those who service the traffic have a great deal to lose—vast sums of money and their good names. Sidibé (this volume) speaks to the heart of the argument of using public exposure to shame to diminish the illicit traffic in antiquities. He quite correctly states that such commerce is built upon a foundation of secretive trust (and of warped honor) among thieves. Shame erodes trust, which is why the behavior of almost every actor in the present market can be changed by shaming arguments—and by shame's obverse, pride.

But before moving on to the Dutch chainsaw massacre, I will relate how bad the Middle Niger cultural genocide had become—so bad that I almost resorted to violence.

A CLOSE CALL FOR ENTWISTLE'S WINDOWS

Before 1977, scores, hundreds, perhaps even thousands of terra-cottas had been looted from archaeological sites near the historic Malian town of Jenne. Not one had come from a scientifically excavated and dated context. Art historical studies of style, vague oral traditions, and a series of some 240 highly problematic thermoluminescence dates generated some consensus among art historians that these objects dated largely from the fifteenth through eighteenth centuries; few, if any, came from earlier than the fourteen century (de Grunne 1980:26-27, 52; Nesmith 1984:64; Stoneham 1980:282).

Susan Keesh McIntosh and I conducted the first excavations at the site of Jenne-jeno in 1977 (McIntosh and McIntosh 1979, 1980). In a unit named Mound 2, a terra-cotta and a suite of associated ceramics had been built into the floor of a

structure. The walls of this house or place of ceremony were purposefully collapsed and the building abandoned. Charcoal, probably from a short-lived shrub, was incorporated into the floor nearby and was radiocarbon dated to between the eleventh and late thirteenth centuries. We realized the importance of having a Middle Niger terra-cotta in dated, controlled context, so we published the find in *African Arts* (McIntosh and McIntosh 1979) before the site report appeared. The radiocarbon dates for the site had not yet been published or communicated in any form, but when my complimentary copy of the journal arrived, the back cover bore an advertisement for a Middle Niger terra-cotta, offered by Entwistle's gallery in London. The piece for sale was described as follows: "This important twelfth-century terra-cotta sculpture of an ancestral couple was excavated in the Djenne district of Mali, West Africa."

I was enraged by the implications that would be clear to anyone with even passing interest in this art. Readers would think that either we had colluded with the London dealer to boost the value of the advertised piece (and there was some correspondence on this point in a later issue of *African Arts*),² or the journal editors had divulged this information to one of their long-standing advertisers. I believe the latter was the case. I was so enraged that I cycled to the Cambridge railway station, bought a ticket for London, and was halfway there before my resolve to throw a brick through Entwistle's shop window wavered.

TERRA-COTTAS AND THE ANCIENT MIDDLE NIGER SOCIETIES

For some time after this incident I could not abide the thought of art historians. In my mind, and quite unfairly, art historians were little better than the journals, such as *African Arts*, in which they published. Furthermore, Mali was doing very little to stop the looting of archaeological sites. The wife of then President Musa Traoré and her brother, the head of Douane, were deeply implicated by rumor in the export of this art out of the country (Leveau 1994:78). Art dealers in Brussels, Paris, and New York and auction houses such as Sotheby's were openly dealing in this art. Prices rose incredibly: by rumor, a piece that would have fetched \$7,000 to \$8,000 in the mid-1970s could command a price in the low hundreds of thousands by the mid-1980s. It seemed that no one in Mali or in the West cared about the situation except for a few apologetic archaeologists. The situation was one of abiding pessimism. But I realize now that, already, things were beginning to change in Mali, within the discipline of art history, and within the very structure of the art market. To understand how these changes have become the source, now, of my guarded optimism, let me briefly digress to the historical and archaeological processes that gave birth to these Middle Niger terra-cottas (McIntosh 1989, 1992; McIntosh and McIntosh 1986, 1988; S. K. McIntosh 1995).

Until the later 1970s, we were utterly ignorant of the context and dates of this art. We were ignorant also of the communities that produced it. We now realize that long-distance trade and urbanism began a thousand years earlier than previous historical wisdom had accepted. Indeed, the floodplain of the Middle Niger is now considered home to one of the world's great, indigenous, and undervalued

urban civilizations. One of these cities, Jenne (including ancestral Jenne-jeno), is on the UNESCO list of major World Heritage sites.

The terra-cottas have been important to understanding the social and political evolution of this extinct Middle Niger society. The art has given society three dimensions. We as yet do not know much about the rituals, religion, and belief system in which the terra-cottas functioned.³ That information will come as the context of more pieces is discovered. But the very variety of forms and locations of the terra-cottas suggests that the religion was not a monolithic state cult with a restricted pantheon of gods and in which production of sacred art was jealously guarded by a despot.

Theories about the origins of preindustrial cities in the Old World predict the presence of just such a despot and just such a state cult (McIntosh 1991a). The city is not so much a place as a revolution. In this view, the city is an appendage of a coercive state, itself the culmination of a long evolution of centralized political control over a highly stratified population. The city is home to the elite. But what about Middle Niger cities, where there is as yet little evidence of a stratification by wealth or prestige and less still of despotic control mechanisms? Jenne-jeno had a stable settlement (prospering for a millennium and a half) with a large population (probably between fifteen and fifty thousand), providing services and manufacturing for an economically integrated hinterland. Jenne-jeno satisfies the classic definition of a preindustrial city—less the despot.

We must, of course, create an alternative hypothesis to the vertical-control, coercive model. Art joins a cluster of other archaeological evidence, all circumstantial, to be sure. These data suggest that the Middle Niger urban population was highly stratified horizontally but not under the thumb of a despot. By A.D. 800 (to take an arbitrary date) multiple craft and production groups or corporations had evolved over almost a millennium. Burial practices exploded, reinforcing the impression of a highly complex society. The cities themselves lack temples, citadels, palaces—those monuments to an ideology of permanency of an entrenched elite. The cities are clusters of mounds that most likely housed separate occupation specialists. Art in its variety of contexts and forms reinforces the view of urban heterogeneity.

In fact, art constitutes a major prop for the hypothesis that urbanism at places like Jenne-jeno represents a long, indigenous history of specialization and segmentation of a population with multiple, competing, overlapping, and in some senses mutually overriding claims to authority. But dates and contexts are known for just a fraction of the terra-cottas claimed to have a Middle Niger provenance.

When the whole corpus of Middle Niger terra-cottas is inserted into the equation of social and political evolution, the conclusion of explosive social variability is almost inescapable. The Middle Niger terra-cottas appear to assist social cohesion and consensus-making in ways similar to those found by Hays (1993:81, 89), who looks cross-culturally at explosions of art in societies undergoing dramatic aggregation and horizontal complexity but remaining bereft of vertical-control hierarchies. This art apparently burgeoned at about the time Islam penetrated the Sahel. Does this represent a reaction of traditionalists against an intrusive, exclusionary religion that would prohibit not just representations of humans but of the

very gods these terra-cottas may depict? Or, as was the case in several West African masking traditions, did the initial days of syncretistic Islam stimulate a wealth of representational art? Do the horsemen, which some art historians claim date to the end of this tradition, depict a cavalry-bred elite coincident with the great second millennium imperial states of Mali and Songhai (Bahily 1989; Brooks 1993)?

And what of geographical variability? The majority of the looted pieces are claimed to be from the Jenne-Mopti region and, indeed, most documented looting has taken place there. But looted pieces in related styles are reported from the Macina (near Ténékou) and the Guinbala (Erg de Bara, north of Lake Débo). Some have come from the habitation mounds and tumuli of the lakes region, including many bronzes in a parallel style (Nesmith 1984). How were these objects related to the terra-cottas in the aesthetic and belief systems? There is a wealth of other painted symbols in pots, art in appliqué, and even phalli. Without the context that allows the relation of these pieces to the terra-cottas in time and space, we just do not know their connection. That relationship is presumably the key to an eventual interpretation of the beliefs about the sacred world and codes of aesthetics of this extinct society.

The ring of questions could expand almost infinitely. What about the similarities of this art with that of the so-called Sao region of the southern Lake Chad plain, contemporaneous but fifteen hundred kilometers to the east? And what of the similarities of some pieces from Jenne-jeno with Nok heads—in this case at a very great temporal remove? As long as the only source of this art is butchered sites, we will never know. True, there are those who still offer the bankrupt argument that looted, context-bereft art can still provide knowledge to scholars. But this argument becomes significantly less defensible with the evidence from the more voluminous market in pre-Columbian antiquities that scholarly use of illicit art means tacitly justifying the means by which the pieces are obtained and demonstrably contributes to acts of thievery (see Alexander 1990; Coe 1993).

As long as antiquities are removed for profit, with no regard for the knowledge about the producing society that they can provide, these questions cannot be answered. The problem is gargantuan. The best pieces fetch obscene prices. Vast sums change hands at the upper (import country) tiers of the market. Yet only derisory sums trickle into the local economy in exchange for this massive destruction of local and national heritage. The danger for archaeology is immediate. Once a site has been looted, the original context cannot be reconstructed, even that of the data (such as animal bones, potsherds, hearths, and house walls) left behind. In some areas of the Middle Niger, as Sidibe estimates (this volume), 80 to 90 percent of the sites have some evidence of looting.⁴ There is immediate danger of losing primary data concerning this original urban civilization before really even beginning to investigate it.

Even for the most callous academic art historian (who otherwise could not be bothered with the animal bones, or the political life of the artists), the art available on the market must be viewed as a miserable sample of ancient Middle Niger art. (Surely even that art historian feels a responsibility to the society's aesthetic corpus as a whole.) The looted art on display in museums or in touring private

collections represents a cull of the "best." But who is doing the culling? The majority of legitimate archaeological pieces from sites such as Jenne-jeno are headless or separated heads. Yet museums and private collectors are filled with whole statues. These tend to be better made and probably conform to someone else's standards of high art—or perhaps to standards of salable art (for a discussion of how dealers and collectors manipulate the aesthetic and commodity value of African art, see Steiner 1994:13, 158–64). One can imagine dealers' difficulties when they try to unload onto most European or American collectors some of the crude, seemingly haphazardly made, and fifti-covered statues that serve important ritual purposes in Malian ethnographic situations, such as the *bofi* of Bamana Komo cults. I suspect that animals, indeterminate subjects, and geometric and abstract symbols are underrepresented in terra-cotta.

THE DUTCH CHAINSAW MASSACRE

Even the best, museum-quality pieces are culled so that a controlled number circulate through the market in a manipulated flow, thus maintaining demand and even increasing that demand, and hence prices. The view that dealers and collectors have constructed a market for profit and that all other values are expendable is a basic premise of *The African King* (1990).

"Massacre" is the academic community's (griefful) verdict on the international fallout from the documentary film *The African King*, by the Utrecht social anthropologist Walter Van Beek, which was shown on British and Dutch television to devastating effect. This film is not a unique instance of action taken against the illicit art trade—indeed, it is just one of several—but it bloodied several tiers of the market and, therefore, is useful in understanding the structure of the market and the vulnerability to shame of those who occupy those various tiers.

Van Beek contrasts the self-satisfied, naked acquisitiveness of the cultural elite from the nations that import objects with the pillage of Jenne-region archaeological sites, repositories of a national heritage. The European apologists for the trade recorded on this film, the collectors and dealers, the museum directors and laboratory scientists, are interchangeable with their American or Japanese counterparts. The art really could just as easily be pieces looted from Bali, Copan, or the Agora.

In keeping with the chainsaw imagery, the art market might be seen as a tree. Healthy, this tree would represent the vial cultural heritage of the people of Mali. Ancient art is integral to the structure of that tree, because knowledge by the peoples of Mali of their artistic heritage serves, in Bator's terms, as a mirror of their inner consciousness, "intimately tied to the existence and awareness of a sense of community" (1983:28). This splendid corpus of ancient art enables Malians to demonstrate that they are the inheritors of an urban civilization on a par with those of contemporary Mesoamerica or the early first millennium B.C. Aegean.

However, the tree is rotting in several places. Figure 4-1 shows the places of infestation, indicating the participants in the illicit commerce in Malian antiquities.⁵

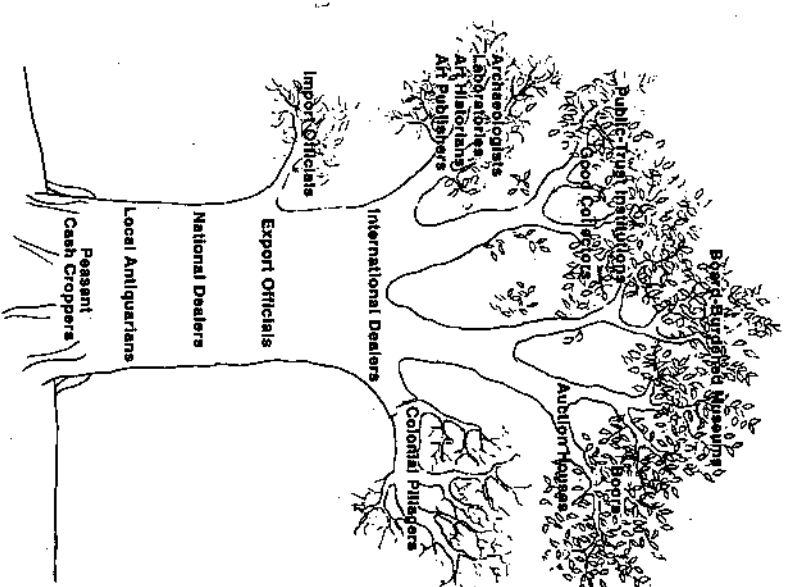


Figure 4-1. The "Tree of Shame," a representation of the rot that has infested the illicit commerce in Malian artifacts. Each infestation is labeled with the names of participants in the illicit trade.

Whether their role is direct or indirect, all participants in the antiquities market take part in cultural genocide. Each was exposed, in one form or another, by *The African King*. With characteristic good humor, Van Beek has kindly consented to his depiction as a wood nymph who will eradicate the disease.

The film shows how rot infests the entire tree. Where that art should be most visible and accessible to the public, the tree wears a crown of withered leaves. The pollution is caused by museums swayed from their public-trust mission by manipulated boards and, especially, by the collectors-for-profit and power whom Jaime Livrak King devastatingly describes as "destructive, snobbish, tax-haven-seeking boors" (1989:207). Let there be no doubt about the fundamental values of the boors. Collecting art in the international arena has always involved showing power—personal and national—over others. Many self-justificatory statements by the collectors and Western dealers in *The African King* show this indisputably to be the case. It will come as no surprise that a major collector, Michel Leveau of the Dapper Foundation in Paris, uses rank nationalism to justify buying certifi-

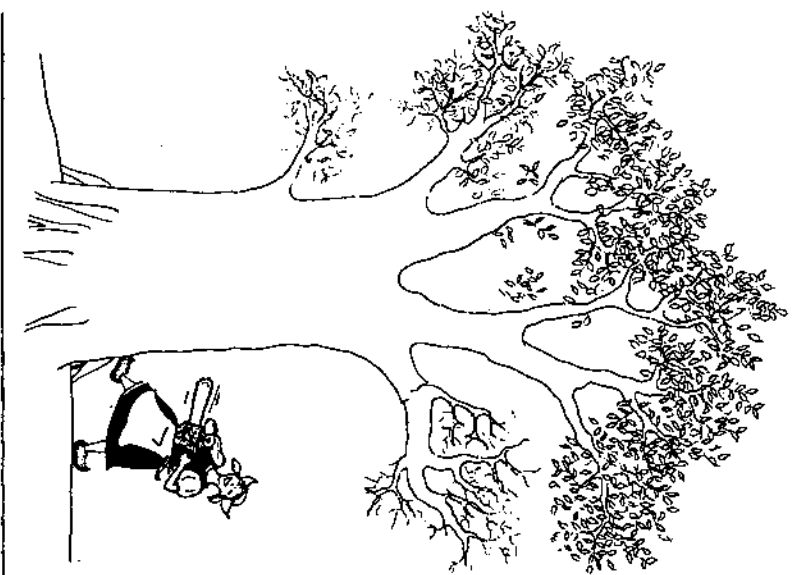


Figure 4-2. The wood nymph (Professor Van Beek, who produced the film *The African King*) cutting down the "Tree of Shame."

ably looted Malian (ex-Afrique Occidentale Française) antiquities, "Pour éviter que cette collection ne parte, elle aussi, pour les Etats-Unis"⁸ (1994:78). This is a variation on the theme of "we stole it, so it belongs to us."⁹ Those collectors are serviced by the rotten boughs of the art market, the international auction houses and the international dealers, particularly those fronted by private galleries in Brussels, Paris, and London. The rotten boughs prop up one another: one of the most prominent collectors, Count Baudouin de Gruune of Belgium, is the father of the former director of the tribal arts division of Sotheby's, Bernard de Gruune. But that very interconnectedness makes these players in the sad drama of Mali's looted heritage that much more vulnerable to tarnished reputation, leading to loss of prestige and credibility when one of their coconspirators is shown to have engaged in shameful behavior.

The film devastates the other supports to the trade: the scientist adding value to looted pieces by dating or authenticating them, import and export country officials who allow the trade to flourish under their noses, and the dealers and antiquarians at the source. *The African King*, as a vehicle of shame, and other recent

shaming incidents have in a very real sense begun to excise the rot. The lesson is twofold. First, the rot is so pervasive and the tree's boughs are so interwoven that anyone having any contact with the pillaged art, however fleeting or disinterested, must be aware that his or her actions may have unintended consequences. Second, all those profiting and gaining power from art are legally and morally vulnerable. Shame has already had an effect that I never would have predicted, even five years ago.

ROI AT ALL TIERS

Middle Niger terra-cottas have been removed to Europe in quantity for many decades. Indeed, oral tradition in Jenne claims that the process began at the first moment of colonial penetration in 1893.⁹ According to oral tradition, the first official decree of the commander of the French forces, Col. Archinard, was to gather together all the town's elders in front of the mosque. They were required to surrender all terra-cotta statuettes in their families' possession—and the figures promptly disappeared. Apocryphal or not, the story shows that, in the minds of locals, the looting is not a recent phenomenon and that it is indubitably associated with the Western presence in their town. Indeed, hundreds of statuettes probably traveled to Europe as colonial perks, hence the depiction of a branch called colonial pillagers. This branch is withered and atrophied due to the end of colonialism. It has not fallen off entirely because of the repatriations claims outstanding for much African art exported during the colonial period.

This art as an inflation-proof, gilt-edged investment is a relatively recent development. This is the domain of the boors, who generally have no interest in the art as art or who may have begun with curiosity about the art but were soon perverted by the monetary inflation of their collection's worth and by the thrill of power over others (in this case, over a whole sovereign nation) by the act of acquisition. One sees a perfect illustration of this in the case of the collector de Gruune in *The African King*. His collection was the world's largest, but it began not for love of the terra-cottas but purely by chance as part of an exchange for a Cameroonian mask (see Brent 1994b:28–29). As de Gruune states during his interview in that film, "Collection is an investment."

Intimately linked with the boors are board-burdened museums. Particularly in the United States, the trash-bond decade of the 1980s saw many museums taken over by business people, who see their mission as running the museum solely as a business, with acquisitions as investments and power as their bottom line. These changes in the philosophy of running museums affected art and antiquities prices and accession policies across the board. Michael Coe's description of the pre-Columbian situation beginning in the 1960s applies perfectly to Africa. "The marketplace underwent a profound change due, on the one hand, to a quantum jump in the commercial exploitation of archaeological remains in the Maya area, and on the other, to a cabal of collectors and art appraisers who began to abuse the U.S. tax laws regarding charitable donations to educational institutions" (1993:272). To the directors of these board-burdened museums, arguments of

responsibility to the public trust or curation of world heritage are alien. In the Dutch version of the film, a director of a Dutch museum argues that he must acquire Malian terra-cottas because everyone else is doing so. In other words, commodities become inflation-proof investments when everyone wants them.

The boors and board-burdened museums are out on a limb that deserves to wither like the demuded colonial pillagers branch nearby. Since the screening of *The African King*, and, I believe, in part because of the publicity of the film, things became too hot for de Grunne père. He sold his collection to the Fondation Dapper in Paris, which has subsequently tried to justify their accession of this and other looted antiquities by claiming that their collection ethic forbids dealing in archaeological material (a patent absurdity) and which has contested Brent's reports of the profit on the sale made by de Grunne (Léveau 1994:77, 78 in response to Brent 1994a:51; see also Brent 1994b:35). The Fondation Dapper tried to reinvest the collection by publishing a glossy catalogue written by a willing academic. As of late 1995, they have been unable to find art historians willing to collaborate.

The public shame produced by journalistic exposés, coordinated moral pressure brought to bear by right-thinking officials and scholars, and the "coercive activity of prevention and deterrence" (Bator 1983:26) can affect even the most crass players in the art market. In *The African King* you can see that the boors and the international dealers who serve them are already scared. Indeed, the film concentrates on the duplicitous manipulations of information that form the fundamental strategy of the latter. They want no photos, no records of locations of finds. The art must be *introuvable* with no demonstrable origin and certainly without a date of removal from the ground or across national frontiers. As Van Beek says in the film, the boors must remain "as vague as possible about their movements, vagueness bordering on amnesia." They fear imprisonment in the source countries, prosecution and impoundment in their own countries, and evaporating profits if their art becomes too dangerous to handle in the rarefield world of the tony auction houses and dandified collector elite. Resistance will no doubt be strong; the boors and international dealers have vast sums at stake.

And the international dealers have much to dread. If anyone harbors any charitable thoughts about dealers selflessly bringing lost art to public visibility, saving it from the elements and neglect in the source countries (see also Bator 1983:21-22), the film should erase such illusions: One dealer tried to justify his actions by saying, "Napoleon brought back treasures from his conquests . . . What you really need is for [Africans] to become mature enough to set up the whole thing . . . to set a legitimate business." When Van Beek points out that the dealer is arguing that Africans should organize themselves to protect themselves against the dealers, the dealer agrees.

This kind of arrogance removes the illusion that, at base, the boorish collectors, international dealers, and, for that matter, the source-nation dealers are in the business for the art. The trade is about the power of possession and about the power that comes with wealth. Although before the overthrow of Traoré the enforcement of Mali's laws against export of these terra-cottas was terribly lax, now the threat of prison hangs over everyone involved in looting and transport. As de Grunne père says of the uneasy collusion of national dealers and local officials at

the time of the film: "It's badly organized and [there is] also a blacklist. If you don't take measures to protect yourself, you can have a lot of trouble."

Not immune to shame, also, are the auction houses, which face increasing numbers of legal challenges (Greenfield 1989:246-48). Sotheby's, Christie's, and the like trade on profits and on their good reputation. Since the screening of *The African King*, de Grunne has left his position at Sotheby's and the art scene completely and now works for a trade journal about computers. The art community view is that a monster auction he organized failed miserably. African art which he authenticated, valued, and priced failed to fetch his anticipated sums. He and Sotheby's were shamed. Despite his intimacy with his father's collection and those of his circle of friends, despite his accreditation with a Yale Ph.D. (research based in part on his father's collection), the shaming effect of publicity about the failed sale had its effect.

Here is where the international community can step in. In his thoughtful study of the art market, Bator comes to the conclusion that it would be "difficult to think of economic rewards that could plausibly be used to protect archaeological sites or other public monuments. . . . What is needed, therefore, is the coercive activity of prevention and deterrence" (1983:26). National dealers and antiquarians serve as "ratchet men for their foreign counterparts" (Jegede, this volume) in the rape of their own country. Exposure will not be straightforward, as Brent, Teréba Togola (an archaeologist with the Malian Institut des Sciences Humaines), and I found when we surprised peasant looters at work at a Middle Niger archaeological site thirty kilometers from Jenne (McIntosh 1994:33). Although frightened of prison, the looters were even more frightened of the consequences to themselves or to their families if they revealed the name of the local antiquarian who employed them. The traffic in antiquities is a mean business in which only the ruthless thrive. The international community must encourage the national government to fund the local antiquarian in that well-appointed house in Mopti, clearly identified in *The African King*, and make an example of him. Just a few prison sentences on both sides of the export-import frontier can be powerful lessons.

The African King has an explicit shaming lesson (if slightly inaccurate) for those I have called import officials and an implicit criticism of the Malian export officials. In the first case we have good news, and in the latter, excellent news. I include as an import official everyone involved in the formulation of policy and implementation of laws concerning the import of illegally obtained art. The film is incorrect in saying that no Western nations have ratified the 1970 UNESCO conventions; in March 1983 President Ronald Reagan signed the ratification papers. The United States joins only Italy, Argentina, Canada, and Australia among the developed world nations (Brent 1994b:27-28). But implementation on a country-by-country basis (except for a few emergency cases, including the 1993 U.S.-Mali ban on Niger Valley imports) has previously been stalled by powerful interests.

The logjam has been jostled, if not completely freed, by a formal request by the Malian government for a sweeping bilateral agreement between the United States and Mali. As this is the very first request from Africa and the first from any country to treat antiquities and ethnographic pieces expansively, the process was undertaken deliberately. The implications of this accord shall constitute the closing

optimism of this chapter. It is important to recognize that this is a 180 degree turn from the Malian government's position before the 1991 overthrow of the despot Traoré. Mali's action will incite other African nations to make analogous requests. Serious action by the United States (including increasing customs and police training) must surely eventually shame our Western and Japanese counterparts to reform national legislation, to ratify the 1970 UNESCO convention, and to rain import officials at all levels from embassy staffs to customs police. Similar efforts must be made to change attitudes among all levels of export officialdom to conform to the moral example presented by Malian President Konaré, an archaeologist. The first step must begin with those local officials, judges, heads of gendarmerie posts, and civil administrators (préfets and sous-préfets) who turn a blind eye to the trade to avoid offending local antiquarians, who are often the wealthiest, most influential members of their communities.

To match the potential of pressure on the import officials, the international community can strengthen the resolve of public-trust institutions (as opposed to the board-burdened museums) to resist purchases of illegally exported art. Some, such as the University Museum of the University of Pennsylvania, have had, since the early 1970s, explicit accession policies excluding such material. Good collectors, who truly love and respect the art and who see themselves as part of a joint enterprise with archaeologists, art historians, and historians, can increase our knowledge and appreciation of extinct societies. What museum wants the bad publicity of a Euphronius Krater (Meyer 1973:87-93) or Lydian treasure (Greenfield 1989:301-05)? Surely the J. Paul Getty Museum wishes it had never bought the now infamous Getty Kouros (Bianchi 1994; Elia 1994.) Most collectors see their purpose as noble. Education, persistent reminders, and a dedication to bring these consumers into a community of action with scholars and art devotees can indeed change the mission of these public-trust institutions from collecting to preserving (Papageorge Kouroupas, this volume). As Maria Papageorge Kouroupas correctly states, preservation occurs through aggressive canons of accession, including insistence upon documentation of origin and legality of export, before acquisition. After all, these public-trust institutions and collectors willing to share their fortune with the public are the players who can perhaps educate the greatest numbers of the Western public to the issues of art and antiquities as national and global heritage and to issues of national heritage as a fundamental human right. These institutions, then, are the import-side counterparts of national museums in export countries that are properly dedicated to preservation, local public education, and presentation of national history to the rest of the world (Wilson and Omar, this volume).

Education, pride of one's place in history, and a sense of a common purpose with one's compatriots can demonstrably affect the peasant cash croppers exploited for their labor by the local antiquarians. In *The African King*, the Mopti antiquarian had a stable of sixteen Dogon working for food and for a commission on individual pieces (see also Brent 1994a:50). In a Sahelian sector of a struggling nation like Mali, who can fault a local farmer for needing help to feed his family? Around Jenne, the archaeological mounds are considered to be monuments to a

pre-Islamic past, before the excavations at Jenne-jeno, the occupants of modern Jenne cared little about the site.

However, *The African King* tells only part of the story of looting in the Jenne region. To be sure, all sites in the region are under threat. Jenne-jeno itself had been badly pillaged well before the first excavations in 1977 and that pillaging continued, somewhat abated, before our return in 1981. By that date, however, we had begun to publish in French in popular journals (such as *Geo-France*, *Topic*, *UNESCO Courier*, *Afrique Histoire*, and *Jenne Afrique*) and to send those articles to friends and members of the citizens' preservation organization, *Les Amis de Jenne*. By the time of our next visit to Jenne, in 1986, the increase of looting at Jenne-jeno had effectively ceased and preservation of the site has continued throughout the rapacious early 1990s (except, curiously, for a narrow slice of the northwestern periphery of the mound). There is general agreement in Jenne and at the Institut des Sciences Humaines that this preservation of Jenne-jeno has resulted entirely from vigilance by Jenneans.² Although the problem may simply have been pushed into the hinterland, this success proves that local pride can, with proper education, be turned to preservation. In Jenne, the government is planning to establish a local museum and to control the flow of tourists to Jenne-jeno (for two views on using a nation's past as a tourist draw, see Kusimba, this volume, and King 1989).

Short of major ongoing excavations funded by international agencies, the monetary situation of the peasant cash croppers remains unaddressed. Perhaps this is not the concern of the archaeological, museum, and art communities, but what if all those diggers turned to the fabrication of statuettes? Surely a significant number could make fair copies. That would then satisfy the market of occasional tourists who would simply like a souvenir of their pleasant stay in Mali. If, however, all those who serviced the market by authenticating, valuing, and dating the art refused to provide those services for pieces lacking export licenses, a major industry of fakes could potentially knock the bottom right out of the market in terracottas. As Coe describes the pre-Columbian situation, "There is hardly a public or private collection in the world without fakes. Faking is to collecting what weeds are to gardening, with similar destructive effects: I know of cases in art evaluation where detection of forgery has turned Olmec objects valued at more than \$20,000 into \$20 souvenir items" (1993:275). Even now, dealers in Malian terra-cottas are falling out among themselves and claiming many famous pieces to have been forgeries (Brent 1994b:31). There are rumors that forgers even irradiate their pieces to artificially increase the age of terra-cottas to be dated by thermoluminescence (Samuel Sidibé, pers. comm., 1992). Such are the rumors that can rend the gossamer web of confidence linking the providers and consumers of looted antiquities.

This then leads to our last players in the market, those who service the trade even though they have heard all the counterarguments. *The African King* ends with a shameful interview with a director of one of the art-market servicing laboratories, Professor Michaal Tife of the Oxford University Research Laboratory for Archaeology and the History of Art. Tife makes the baldest justification for running thermoluminescence dates without question, arguing the strangling effects on science of Thatcherite economics and proposing business in the service of

academic research. The film appeared on British television soon after the Society of Africanist Archaeologists, at its 1990 Gainesville meeting, passed a resolution to ban the thermoluminescence dating of illicitly exported pieces (McIntosh 1991b). The public airing of the film initiated a letter-writing campaign by archaeologists, coordinated by Ray Inskeep of Oxford and Chris Chippindale, editor of *Antiquity*, to shame the Oxford University Committee for Archaeology into action (Chippindale 1991:6-8; 1992:827-28; Dembélé and Van der Waals 1991; Inskeep 1992). The timing was perfect. The University Committee for Archaeology passed a resolution prohibiting the lab from treating West African objects without export papers. Dating and authentication will no longer be undertaken for private individuals or commercial salesrooms and galleries.

This incident represents one victory against mercenary science; two more triumphs have occurred on the art historical front. The longtime editor of *African Arts* reflected and helped to set the moral standard for a generation of art historians who treated art as masterpieces rather than as social documents. Such scholars believed that knowledge of art derives from a kind of cultured empathy (*zerstehen*, in historicist terms—McIntosh 1992; see Coe 1993:272-73), rather than from analysis, a separate but integrated branch of social history. There has recently been a sea change in Africanist art history and a passing of the reins of the discipline to a newer generation. One of the newer generation, Henry Drewal, writes in this volume about a joint archaeological-art historical foundation to support investigation, preservation, academic publication, and public education regarding African sites and monuments. Earlier generations would not have taken such initiative.

The art historical sea change has swept over *African Arts*, as it has over many other art publishers. The membership list of the editorial consulting board is a who's-who of the new generation. The journal now publishes articles on the nature of the art market, on the authentication of African art, and on the very definition of art.²⁰ Now we can hope the *African Arts* board will debate their policy for accepting advertising. A previous generation of art publishers would never sacrifice its splendid art photographs, even if printing of those plates had to be funded by the acceptance of advertising for looted pieces. The new generation has few delusions about the complicitousness of that stance.

Archaeologists have not traditionally been less willing to service the trade by making the self-deluding argument that "objects coming through the market were worthy of scholarly study" (Coe 1993:288). Prehistoric archaeology is enduring a decade of intense introspection about the manipulation of the past. Even before the 1980s, there has been a sense of collective shame about the actions of the disciplinary fathers, such as Schliemann and Layard, or of the contemporary brother Africanist Duncan Mathewson in the treasure-hunting employ of Mel Fischer. Shame and a real effort at collective awareness have not always led to consensus on practical action.

In *The African King*, the Dutch archaeologist Van der Waals says, "One could say that Jenne-jeno has been virtually a disaster for archaeology—because it was only after the dig at Jenne-jeno that statuettes became objects of prestige and, therefore, sought after by European collectors and it threatens all the sites here." Yet not

much later he co-authors the statement "Désormais, autour de Djenné par exemple, les populations ne sont plus indifférentes aux pillages perpétrés à côté de leurs villages: c'est le cas de Djenné-Djeno pour laquelle la menace actuelle est plutôt l'érosion"²¹ (Dembélé, Schmidt, and Van der Waals 1993:231). The statement in the film is a bit disingenuous, because the looting and export were voluminous long before the first season at Jenne-jeno, 1977. That year Jacqueline Evrard published a massive dissertation on Middle Niger terra-cottas in various Belgian collections. The bulk of the de Grunne collection was assembled before then. During a visit in 1973, Merrick Posnansky encountered local antiquarians, who identified themselves as agents of de Grunne and were collecting statuettes at Jenne.²²

Rather Steiner (1994:7) presents the more plausible explanation that inflation in prices for all African art and antiquities (not just the Middle Niger terra-cottas) and expansion in looting are linked to the growing dearth of authentic pieces on the market after the heavy exodus of masks and ritual objects from the continent in the 1960s and 1970s. In a variation on this explanation, other Africanist art historians with an intimate knowledge of the museum scene believe that demand for African art was a wagon hitched to the engine of demand for fine collectible investment art of that period and the 1980s (Kate Ezra and Philip Ravenhill, pers. comm.). I know of no art historian who believes that legitimate publication causes looting, although it may identify pieces later to be stolen from local museums.

Publication of the Jenne-jeno statuettes found in radiocarbon-datable contexts fits Prot's injunction (this volume): publish to protect. Should we not dig? Should we not publish? Drewal (this volume) also argues that publishing safeguards the art and archaeology. Doing so breaks the chain of enforced ignorance about the date and place of the find and about its travels from original context to some sterile glass cage. The answer by all Malian and Senegalese who have seen *The African King* is that we must do both—more excavation, more publication. Without excavation and the archaeological discovery of the unwritten accomplishments of Africa's past, Western paternalism can continue to pass off the prehistory of the continent as a pale reflection, a derived and secondary aping of processes and developments that took place in other, more paramount parts of the globe. From research at Jenne-jeno, Dia, Timbuktu, from several years of Dutch research around Mopti and Diakharé (Dembélé, Schmidt, and Van der Waals 1993), and recent work by students in the Ména (Togola 1993), it is now known that the southern Middle Niger was the seat of an early, original, and undervalued urban civilization. Must the under-appreciation of the African past be perpetuated to save its antiquities from plunder?

Or is there another way? What is to be done by an archaeologist who wants simultaneously to add to knowledge through research and to take steps against the illicit art market? The Society of Africanist Archaeologists has recommended that new sites be inventoried and published without identifying their exact location. This solution is difficult because many of the models and paradigms employed to demonstrate the urban character of a city depend upon the geometry of site hierarchies in the central site's hinterland. Without maps of those hierarchies, the argument is weakened. Wilson and Omar (this volume) explain the importance of

site inventories for complete and appropriate preservation legislation. There are, however, ways to abstract and modify those maps and models.

I close with two final points of optimism. At the request of Mali, the U.S. Information Agency has recently drafted a bilateral agreement for the protection of a broad spectrum of archaeological materials from the Middle Niger and Dogon country (Kaufman 1994; Papageorge Kouroupas, this volume; U.S. Information Agency 1992). This import ban goes far beyond previous limited region- or class-of-artifact-specific agreements with El Salvador, Bolivia, Peru, and Guatemala. Second, the United States and thirty-three other member states of the International Institute for the Unification of Private Law have redrafted a treaty to improve co-operation among countries seeking the return of illegally exported and excavated objects ("U.S., Other Nations Redraft Policy" 1994). Shame is one weapon against the felons. Legal measures are needed also. As in the story of the Benin objects imported to Switzerland recounted by LaGanuna in this volume, well-meaning individuals such as art historians and embassy personnel often simply lacked guidance and precedents to help their efforts to right obvious wrongs. The international community is slowly coming around. Let us hope the example of the Malian-U.S. bilateral agreement shames more European countries and Japan into ratifying the 1970 UNESCO convention.

Let us hope the implementation legislation is promulgated speedily and that it has real teeth. Let us hope that the judicial powers will prosecute high-visibility cases. The rot that infects the appreciation of the archaeological and aesthetic accomplishments of Africa's past can only thrive in the shadows. When the prime actors in the sad drama of the commerce in Africa's heritage, and their base philosophy, greed, and contempt for Africans are exposed to the light of shame, they and their corrupting games will wither away.

NOTES

1. My title is taken from Brent 1994a:50.
2. Letter from Michael A. Coronel, *African Arts* 12 (August 1976), 6.
3. Unfortunately, the one major attempt by an art historian to divine the rituals in which the terra-cottas were used, Grunne 1987, has serious flaws. See the critique in McIntosh 1992:147-48.
4. A Dutch team of archaeologists (Project Togué) mapping sites in a two thousand square kilometer region north and east of Jenne found that 45 percent of the sites had evidence of pillaging and 2 percent were disfigured over 70 percent or more of their surface area (Dembélé, Schmidt, and Van der Waals 1993:231).
5. This figure is an amplification of an anatomy of the illicit antiquities network published in McIntosh and McIntosh 1986: fig. 48. See also Coe 1993: fig. 1.
6. "To ensure that this collection, too, does not slip away to the United States." (My translation.)
7. The author hopes that these and other nationalistic ejaculations are the product of individuals feeling themselves besieged and under pressure to find any argument to justify participation in the looting network. What better demonstration that possession of art is power and that the movement of stolen art across national frontiers maps the relative power of nations (McIntosh, McIntosh, and Togola 1989:75)?

8. Oral traditions collected by the author, Susan Keech McIntosh, and Hanna Bocourm from several sources in Jenne in 1977.

9. Consensus reached at the February 1994 meeting of Les Amis de Jenne, called by Bourcarer Diabe, head of the ISH Mission Culturelle à Djammé.
10. See the autumn 1995 issue of *African Arts*, in which the 1993 U.S.-Mali accord is debated.
11. "However, around Jenne for example, the local populations do not act with indifference toward the pillage perpetrated next to their villages; that is the case for Jenne-Jeno, for which the menace now is erosion, rather than looting." (My translation.)
12. A statement made during the question period after this paper was read at the Gainesville conference.

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5

A VIEW INSIDE THE ILLICIT
TRADE IN AFRICAN ANTIQUITIES

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TRANSLATION: BRUNO CASSIERS AND KATE GORF

What follows is a rather personalized report of evidence collected during a six-month investigation for the Belgian newsweekly for which I work, *Le Vif/L'Express* (for other results of this investigation see Brent 1993). This investigation led me to discover the darker sides of the clandestine trade in works of art. During the investigation, I came into contact with major collectors of African art, specialized art merchants, museum directors, art restorers, and dealers. I hardly need to point out that in this field—the illicit trade of African antiquities—there are no statistics whatsoever, no verifiable figures, and few trustworthy scientific studies. Every piece of information one gathers must be considered as a piece of a puzzle; however, these pieces of information can, of course, be checked against one another.

True investigatory journalism would necessarily begin with several questions about how this trade is organized and driven. Who takes part in it? When did it originate? How do these objects leave Africa? How do they arrive in Europe and America? Who are the intermediaries? Just who profits from this traffic? And can we assess its real extent?

I do not think it is possible to answer these questions with any real degree of accuracy. The vast network that has worked so actively to plunder the African heritage during the past twenty-five years and even before operates in such a secret way that no definitive statement can be made concerning the real extent of this trade and responsibility cannot be apportioned fairly among the parties that have a hand in it. It is quite clear, however, that these appalling practices deserve to be condemned, that these underground networks should be penetrated by the authorities, and that the international community should strive to dismantle them. At any rate, it became clear to me, doing this research, that many people—scientists, merchants, art critics, experts, crafts people, and dealers—do know what is going on, but they are not prepared to talk about the trade or about their contribution to the networks by which the art leaves Africa, at least not if they think they will go on record.

Since it is difficult, perhaps impossible, to draw a good overall portrait of the situation, I prefer to illustrate the problems with specific cases before attempting to draw any conclusions. Each of these case stories, in its own way, reveals a great deal about the prevailing manner in which this illicit trade is conducted.

The first case situation occurred in Holland. In July 1992 customs officers in the port of Rotterdam inspected a container that had just arrived from Ghana. Why did they choose to inspect that particular container when hundreds of them travel through the port each day? They did so simply because there was a flagrant discrepancy between the declared value (5,000 guilder, or 2,650 U.S. dollars) and the size of the container. The customs officers opened the container and discovered two hundred terra-cotta statuettes carefully packed in straw. As they were incapable of assessing the value of these objects themselves, they made the excellent decision to call the director of the Leiden Rijksmuseum voor Volkenkunde, Rogier Bedaux, to conduct an evaluation. On examining the cargo, Bedaux discovered that among the two hundred statuettes destined for the tourist trade, there were eighty-four objects of Koma (northern Ghana) origin, probably dating from the seventeenth century. Each of these Koma statuettes could be worth approximately \$10,000, which brings the total value of the haul to \$840,000. The police seized the statuettes, but the Dutch Ministry of Justice could do very little from that point on because Holland had not ratified the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property. The best the authorities could do was to fine the importer, a Utrecht antiques dealer, on the grounds that he had submitted a false declaration of value. If the Ghanaian government had not intervened, the dealer would have been able to retrieve his booty after having simply paid the fine.

The dealer failed because Rogier Bedaux contacted the Ghanaian embassy in Brussels immediately after he identified the eighty-four statuettes. Robert Badu, the Ghanaian consul, himself quite aware of the kind of traffic that occurs, telephoned the Dutch Ministry of Justice. Badu urged the ministry to retain the objects long enough for him to introduce a civil lawsuit against the antiques dealer. In fact, this was the only course of action still open to the consul in his attempt to retrieve the statuettes.

In the end, the affair was resolved by the lawyers for the two parties, who reached a bizarre compromise. To recover the works of art and repossess a part of its heritage stolen from the country, Ghana gave the Utrecht dealer written assurance that he would still be able to travel to Ghana and would not, once there, be prosecuted for the illegal export of objects of art. This assurance was given, of course, on the condition that the antiques dealer would not resume his illegal trading activities. In a 1992 interview Badu told me that the Ghanaian authorities estimate the value of the clandestine export of antiquities to be several million dollars each year. He also told me that during the Komaland statuettes affair, he had asked Interpol in Holland for help but never received any response. He also told me that the Utrecht antiques dealer had already returned to Ghana on two occasions—as a simple tourist, of course! As to the Komaland terra-cottas, they have been returned to Ghana.

I chose this particular story as an introduction to the illegal traffic in art objects because it reveals several of the major problems faced by African authorities in their attempt to eradicate this traffic. First, is it not shocking, indeed humiliating, for a government official to be forced to accept a compromise in which the guilty

party is declared free to enter and leave that country at will after having broken its laws? The humiliation is doubled because this accommodation with a criminal is made in order to retrieve objects of deep cultural significance to the official's country. Ultimately, such humiliations abound because European states have not bothered in the past twenty-five years to ratify the 1970 UNESCO convention that concerns the preservation of humanity's heritage.

This particular example of the stolen Komaland statuettes is revealing on two further points: First, if antique dealers import African objects by the container, there is little doubt that business is booming. Second, in spite of the measures taken by some African authorities to stop this traffic, it is still possible (through bribes, for example) to circumvent many African customs controls.

The second case I will describe underlines another difficulty faced by those many African officials who take seriously their charge to stop this cultural hemorrhage: African geography. The territories are immense, the network of roads is precarious, and borders are easily permeated. All these factors favor the development and expansion of clandestine digs and make control of such criminal excavation particularly difficult, if not impossible.

In December 1989, Samuel Sidibé (interview, January 7, 1993), director of the National Museum of Mali, was told of a clandestine excavation in which more than two hundred people were working and camping on a permanent basis. This dig was at Thal, a village located near Tenenkou, in the Middle Niger some three hundred miles north of Bamako. When, a few weeks later, he traveled to the site himself (mission report no. 0336/DNAC rédigé en date du 24 mai 1990 par Mamadi Dembele, chef de mission) he realized the extent of the damage being done. More than two acres had been excavated. Huge pits had been dug, and side galleries had been tunneled in which at least one man died because they were not shored up. The extent of the work indicated that it had been going on for months, and it could be presumed that any work of art found there had already left the country. Indeed, Sidibé learned a few days later that a few terra-cotta objects from the Tenenkou site had already made their way to Paris and were being sold for an average price of \$5,300 each. In this case, as in the previous one, the African authorities took steps. They arrested some of the suspects and convinced the local villagers that it would be in their own interest to keep works of art in the country and have nothing to do with the dealers.

Sidibé told me that the whole affair had begun with the chance discovery by a farmer of a terra-cotta statuette probably dating back to the sixteenth century. This find had provoked a rush of antique dealers from Mopti to the site. Sidibé hoped that measures already taken would stem the flow of objects, but he also pointed out how difficult it is to control a territory covering half a million square miles.

For several reasons, I would like to comment a little further on the case of the Tenenkou terra-cottas. First, this is probably one of the few cases for which we have firsthand information concerning an entire clandestine network, from the villagers at the dig, through the export network, all the way to the great museums. Second,

we know the identity of the dealers and the collectors implicated in this traffic. One can see clearly in this case (as in all instances of looting of cultural heritage) that they are at the origin of the boom in the trade in terra-cotta statues. Third, we know how the objects were removed from Mali, and we know what financial gains have been made and by whom. Finally, some significant people have been prepared to talk about this case, and, as a result, a few journalists have been able to investigate it in some depth.

Discovered in the 1930s (Veillard 1940), the Malian terra-cottas began to be studied by a handful of scientists, chiefly Roderick and Susan McIntosh, who worked at the Jenne-jeno site in 1977, 1981, and 1984. Several years before these legitimate excavations began, a Belgian collector of primitive art, Count Baudouin de Gruenne, bought a small series of these terra-cottas from a friend, Willy Messdagh, who was also the owner of a large collection of African art. This was to be the beginning of the world's most important collection of African terra-cotta statues, now known as the de Gruenne collection. How did de Gruenne know from which dealers in Mali to purchase new statues even before legitimate excavations began at these sites? How did this man, the mayor of one of Brussels's communes, manage to acquire so many items when laws were already in force in Mali prohibiting the export of antiquities? De Gruenne—who has probably never even asked himself what damage he was doing to Mali's heritage—answered the question when he was interviewed in 1990 by a Dutch social anthropologist, Walter Van Beek, for the making of the film *The African King*.² According to information de Gruenne freely gave Van Beek, several dealers, among them Philippe Guimiot, Emile Delattalle, and Alain de Monbrison, established links with antique dealers in Mopti during their frequent trips to Mali. The Mopti dealers would inform the Europeans of any interesting finds and the objects could then be shipped to Europe or the United States. Thus began this network. According to one of my sources, who asked not to be named, the gang pretended to be in the mango business to avoid arousing suspicion with their frequent trips to Mali.

But how did the items leave Mali? One of the Mopti dealers was later interviewed by Van Beek, who posed as a potential buyer while concealing a tape recorder. This so-called antiquarian told Van Beek there would be no problem at all with customs, as the officers were his friends. By this, I believe he meant that the customs officials were bribed. They would inspect his hand luggage but would not even open his suitcases. And how did the Mopti dealer get hold of the terra-cottas? Simply by employing a few Dogon villagers. At the time of the interview (which took place in 1990), the dealer said he employed sixteen villagers. He fed them for free. He instructed them systematically to search a few given areas and sneak into selected excavation sites. Thanks to the investigations of Van Beek's team, which bought an item from the Mopti dealer and later gave it to the Mali National Museum, we also have an idea of the kind of prices asked. My own subsequent investigations have enabled me to verify these prices. A beautiful terra-cotta statuette purchased for U.S. \$5,000 in Mopti could easily be sold in Europe for between \$100,000 and \$150,000! I learned of this rate of markup with no particular surprise. Having lived in Indonesia from 1975 to 1978, I had already observed that at that time Belgian antique dealers would buy, for example, a Batak

sculpture for U.S. \$500 or \$600 and then sell it in Belgium, after having exported it illegally, at ten times the price or more.

As a conclusion to the story of the de Gruenne collection, I should add that the Belgian count sold his terra-cottas in the fall of 1990 to the Dapper Foundation in Paris for a sum estimated by some experts to have been around U.S. \$10 million. To avoid questions about the origin of the items and the way in which they had been taken out of Africa, Michel Lèveau, director of the Dapper Foundation, and Christiane Falgouty, head of the Dapper Museum, have decided to keep the collection locked in a secret place, without any exhibition planned in the foreseeable future. This contradicts Falgouty's 1993 announcement to directors of African museums on a visit to Europe that the de Gruenne collection would be accessible to all.

I will briefly comment later on the way prices in the art market are driven up. For the moment it will suffice to point out that once the Malian terra-cottas had been, so to speak, "launched" in the eighties, a whole organization grew around their trade. Antique dealers went to meet the collectors, be they American or European. They contacted art gallery owners and the directors of the greatest museums. Some collectors, never short of ready cash, even published some glossy books, pseudo-scholarly or otherwise. Exhibitions were organized, as were sales at auctions. In other words, an entire machine was set in motion—and it has not stopped running.

Before looking into the ramifications of the illegal trade in Europe, I would like to remain a little longer in Africa to look more carefully at the clandestine methods used to obtain the works of art in the field. Their acquisition is not always as simple as the case I mentioned in Mali. First, times change. Twenty or thirty years ago dealers in ethnographic art would organize full-size expeditions into remote parts of Africa, and many of the people who were involved in the trade at that time recall light aircraft landing as close as possible to the sites, and later leaving packed full.³ In those days, adventure was part and parcel of the endeavor. There was a kind of Indiana Jones touch to that traffic. It was not unusual to see some dealers wearing a suit and tie like prosperous businessmen when in Europe but pretending to be penniless travelers only seeking to flee city life when they were in Africa. They would ingratiate themselves with the locals, in the process laying on every flattery or favor that seemed useful. The newfound friends spent their time taking drugs together, living on the beach, getting a tan, and learning to climb the palm trees to pick coconuts and only later would the subject of antiquities arise. This strategy would often result in some nocturnal rendezvous at the crossing of two roads. The young Africans who had been persuaded to steal valuable objects, often from their own families, were rewarded in cash. People in the Dogon country still remember (probably vividly) one German antique dealer who, as soon as he arrived in a village, would open his car and show a trunk full of brand-new Fr 500 bills (about U.S. \$100), letting everyone know they would be exchanged for ancient artworks.

Nowadays, works of art are obtained by means that are less devious and more profitable. In Zaïre, for instance, entire groups comb the country in search of

goods. They have well-defined territories and would not dare venture into a rival gang's territory for fear of reprisal. Woe betide the Western dealer who would try to acquire goods without employing their services! The hub of the central African antiquities trade, at least the one centered on the Congo basin, has moved from Kinshasa to Bujumbura in Burundi because the dealers of Zaïre have become too greedy. Some European merchants have had serious problems with these Zaïrian local dealers—not with the state—and would not dare go back to Zaïre for fear of losing their lives. In some instances, the threats reached such extremes that the families of European dealers were being menaced in their own countries.

During much of my investigations, I had the initial feeling that a number of European traders were officially considered *persona non grata* in Zaïre. This, in fact, turned out not to be the case. They were indeed unwelcomed in the country, although not because of a March 1971 law that bans the exportation of antiquities. All one need do to take an object out of Zaïre is to go to the Ministry of Culture and pay a tax of between 5 and 10 percent of the supposed value, depending on the mood of the official in charge.

When one talks off the record with people involved in this illicit trade, they often use the word *theft*. The antique dealers retrace themselves behind the notion that it is chiefly the Africans themselves who pillage and sell off their own heritage. Clearly, the European and African dealers have yet to establish a relationship of warm mutual respect! However, one of the best-known dealers in Seward (a village located about seven miles from Mopti), Boubou Diarra, named one of his sons Emile, to honor Emile Deletaille, one of the Belgian dealers with whom he had done excellent business.

I have been told the following story by three separate off-the-record sources.⁴ As I have been unable to check its authenticity, I will repeat it without vouching for its truth. Some African museums are rumored to have organized thefts from their own collections. The thief brings the stolen goods to a European antiquities dealer, and a few weeks later the museum lodges a complaint with Interpol. That report is accompanied by the necessary proof of ownership as well as by the name of the antique shop that has these items in its stock. In such circumstances (when the authorities have the proof of ownership, which was not the case in the Koma-land story) the intervention of the police always results in a speedy return of the stolen items to the museum, without any financial compensation to the purchaser. Thus, one can easily see that if the same operation is repeated three or four times in different European countries, substantial profits can be made.

There is no doubt that theft of cultural objects does take place in Africa (as in most other places, needless to add). The incredible appetite that European merchants demonstrated for African art obviously encouraged their counterparts in Africa to join in the adventure. On October 16, 1991, a team from the Direction Nationale des Arts et de la Culture of Bamako went to Nianou, near Bougouni, to investigate the theft of a sacred spear, the Spear of Nienou. This object, representing a horse and rider, dates from the first half of the eighteenth century. It was used each year in the context of the Komo secret-society ceremonies. Upon their arrival, the officials learned that the crime had been committed by the Odiouma

Kone gang and that the leader of this gang was the son of the very man appointed by the village to be the guardian of the spear. Without the report that resulted from this investigation (Dioura 1991), it would be difficult to understand the importance of the theft for those who were its victims. "According to the local population" wrote the chief investigator, Bouna Boukary Dioura (Dioura 1991), "the disappearance of this object will surely cause the death of the person who was appointed its guardian, and bring misfortune on his family. Because of its historical significance and its magic and religious attribute, the spear had become the symbol of the cultural identity of the village and of the union of the two communities to which it belonged." The locals affirm with great insistence that they would never have given up the Nienou spear to anyone, no matter how high the price offered for it.

If the Guimot-Deletaille-de Grunne cartel and fellow consorts had not plunged into an unbounded and quite focused search for Malian terra-cottas, it is quite possible that the Jenne-jeno culture, for instance, would not have been plundered to near extinction. If there had not been such a craze for primitive art in the 1970s in northern Europe, the Dundo Museum in Angola, for instance (which was founded forty years earlier), would not be almost empty, as it is today (interview with Marie-Louise Bastin). In March 1992 a Luvale mask valued at about \$40,000 was shown on the cover of a catalog for an auction at the Mon Steyaert Gallery in Brussels. The staff of the African Museum in Tervuren discovered that it was, in fact, an item stolen a few weeks earlier from the Livingstone Museum in Zambia (interview with Viviane Baeke). I could go on recounting numerous examples of similar robberies, but I will stop here as I believe theft is far from being the main source of supply for this traffic.

There is also talk of diplomatic pouches being used to carry things which cannot in any way be described as official documents or embassy mail. An archaeologist, who asked to remain anonymous, once told me, "You only need walk around the more affluent neighborhoods of African cities to perceive the extent of the traffic that goes on." But how can such rumor and presumption of criminality be verified? I must say I had largely discounted the rumor until a meeting with the director of the Tervuren Museum in the context of these investigations (interview with Van Den Audenaerde). With its 450,000 accessioned objects, this museum probably holds the finest collection of African art in the world. I did not even need to mention the rumor about diplomatic pouches. The director spontaneously told me that a few months earlier, a minister in the Zaïre government who claimed to be the descendant of high-ranking tribal chiefs requested an appointment with him. The minister began with a description of all the hardships of being a politician and then asked the museum director if he would be interested in buying a few antiquities that, he insisted, had been family property for generations. He swore he had not the slightest intention of siphoning out parts of his country's heritage. His sole aim was to be able to meet the costs of his frequent trips to Europe and to represent his own country while abroad, in a dignified manner. When I asked the director if he ever bought objects in such circumstances, he said that these practices may not be frequent but they do happen, and under the *bona fide* principle, as it is

understood in the profession, a museum director does not refuse to buy a work of art if he considers it to be a good one and if the price is right.⁵ The temptation to buy an object regardless of the source will be that much greater if it is an object that will complete a collection the museum holds already.

To develop a classification of the ways in which antiquities are illegally obtained, I would like to make a few more observations. Please remember that there are no statistics on the subject. Any quantification below is only an estimate based on my inquiry, which included interviews with more than fifty persons.

The European antique dealers still go out to the field themselves to some extent to buy directly from the firsthand purveyors, but this practice seems to be less widespread now than it was ten or fifteen years ago. The figures I was given by dealers in Germany, France, and Belgium point toward the following kind of breakdown: 20 percent of their purchases are through the public auctions, 20 percent in the countries of origin, 10 percent from private African citizens who bring objects to Europe, 10 percent from fellow dealers, and 40 percent from former colonialists. None of these channels can claim to be an entirely ethical method of acquiring works of art, even if some are legal, strictly speaking. Another point on which my sources seem to agree is the link that exists between the quality of an object and its present location. For one thing, truly fine African objects seem to have become quite rare. Nowadays they are more likely to be found in Europe, at a dealer's or with a collector, than in their place of origin.

Another channel of acquisition remains quite open these days: African freelancers who commute between Europe, the United States, and their own countries, bringing items on each of their trips. This trade is, of course, just as illicit as the more classical examples. Moreover, it has the reputation of being unreliable: about 50 percent of the goods are said to be fakes.⁶

Four months into my investigations, I sought to locate one of these free-lance traffickers. I knew there were several coming in and out of Brussels, and I needed an interview with one of them. I had gone to see an antique dealer in a small town in Belgium, whom the police authorities had described as a perfectly honest trader. I was sitting with him in his shop when an African man arrived with a large parcel. The shop owner later told me this was one of the regular commuters, and he gave me the name of a hotel in Brussels where these small-time traffickers stay. The place was rather disreputable: a run-down hotel near a railway station in the red-light district of town. It was only through some careful negotiations and quite a bit of caution that I managed to convince the hotel owner to let me get in touch with a few of his clients. I was, of course, posing as a potential buyer. Thus, I learned that all the major cities in Europe, mainly in Germany, Belgium, and France, are regularly visited. Each trafficker has a resident informer, also an African, in most cases a university student or a young graduate in need of pocket money. The latter contacts the city's antique dealers and art galleries but must, above all, make sure that the network remains secret and impenetrable.

I have not been able to assess the size of this network, but to provide some idea I can tell you that on each of the nine or ten occasions I went to the hotel in question I found African dealers who had goods to offer. The deals are done African

style, chatting over glasses of beer, talking about anything under the sun or perhaps about the hardships of life, all in rather jolly spirits. When confidence is established, the bargaining session can begin. An object which was first offered at U.S. \$4,000 might well, with a bit of bargaining, come down to \$700 or \$800, which indicates to me that these commuters are not really professionals.

I have mentioned earlier the way in which traffickers obtain their goods in the countries of origin. I should add that when one of these countries becomes too dangerous, for example because the bribery of customs officers no longer works in a reliable way, the traffickers merely take their goods by road to a neighboring country from which artifacts can be flown to Europe. Thus, Zaïre has acquired a reputation as being the preferred port of exit for works of art coming from a variety of other African countries—much in the same way as Belgium is the preferred port of entry into Europe. Not only do Belgium's judicial authorities point out the country's lamentable reputation: it is confirmed by eminent British experts.⁷

The illicit trade in the hands of the aforementioned African "commuters" could not take place if not for a rather large pool of customers to sustain it. However, this does not mean that the demand is purely European. In the United States, too, there are operating networks. On November 27, 1991, a cargo of art objects from Bamako was seized by the U.S. customs authorities in New Orleans; the examination of this cargo by a specialist revealed that it consisted of eighteenth-century objects of great value and that it transgressed the Mali law of 1985 forbidding the exportation of antiquities. This affair was very serious, first because it was a flagrant violation of a country's laws and because this kind of plundering was formally denounced by the United States—not a trivial state of affairs in the matter of clandestine traffic. Second, the protagonists in this transaction are well known: Samba Kaniassoko, a Mali antique dealer who had already been imprisoned for illegal traffic in art objects, and Charles Davis, owner of the Davis Gallery, one of the most important commercial galleries dealing in primitive art in the United States.

Something even more unusual happened in this affair: I was able to obtain the documents⁸ detailing the inventory and the estimated value of these illegally exported objects. The contents of the container were as follows: twenty-two locks at \$85 apiece; five walking sticks at \$680 apiece (and who can say the Nienou spear had not, in the meantime, become a single walking stick for the expediency of the customs document and that it was not among the contents of this shipment—the dates, at any rate, matched); three Bambara doors at \$1,300 apiece; a Dogon door valued at \$5,000; a puppet valued at \$40,000; two masks at \$2,500 apiece; and finally a Bambara figure in iron valued at \$8,300. The invoice totaled \$67,000. Two months after the interception, on January 22, 1992, a letter⁹ signed by Clark W. Setles, the U.S. customs officer charged with this dossier, was sent to the Mali ambassador in Washington, Mohammed Alhousseyni Toure. The letter informed the diplomat that, given the fact that no infraction had been perpetrated under U.S. law, the pieces could not remain much longer under seizure and that if measures were not taken rapidly by Mali to recover these objects they would have to be returned to the antique dealer in New Orleans. A few weeks later, Charles Davis and Samba Kaniassoko were happy men indeed: Once again, illegally exported objects had legally entered the United States.

Davis had previously been implicated in such illegal traffic. On November 20, 1991, the celebrated auction house of Sotheby's put up for sale African art objects from the Kuhn collection in New York. This lot included ten Mali antiquities, including a superb animal in baked clay, probably a sheep and probably originating from the inland delta of the Niger River. This unique piece figured on the cover of the catalog as the key piece in the sale, with the following commentary: "A highly important Inland Niger Delta zoomorphic figure, standing on apodal, thick flaring legs, with elongated waisted body, a cylindrical naval projecting on the underbelly. . . eroded pinkish-brown patina. Length 31 inches; height 31 1/4 inches."¹⁰ The catalog adds that the results of thermoluminescent analysis, carried out by the Daybreak Nuclear Company and Medical System, Inc., indicate that this ceramic is between 570 and 1000 years old. It was sold for the phenomenal sum of \$275,000. Like a Dogon object and a Senoufo statuette that were also part of the sale, this piece had been sold to the Kuhns by Davis and was also exported from Mali without authorization. It should also be noted that on November 20 the ambassador from Mali had been negotiating for two weeks with Marjorie Stone, the general counsel for Sotheby's, to report this sale. Affirming that the object had been illegally exported from Mali, Toure claimed that it should be withdrawn from the sale. Sotheby's staff responded—with all the hypocrisy that such an attitude implies—that there was no proof that the object of art left Mali after 1985, the year in which the law formally forbidding the exportation of antiquities came into effect. And what is more, it had been imported into the United States legally.

So far, I have presented concrete case stories to give an overview of the trade, I think we should also turn to the prime factors that have created such a demand for these objects in northern Europe. I need not bring up the dominant role played by important artistic figures early this century, such as Guillaume Apollinaire, Georges Braque, and Pablo Picasso; great collectors such as the Barbier-Mullers; and galleries specializing in "Art Nègre" (to use the terminology of the time) that first opened in Paris around the beginning of this century. They all contributed to bringing tribal arts to world attention. That, in itself, was laudable, but they indirectly encouraged European expatriates in Africa during those colonial days to start collecting objects. Only in the 1970s did the market find its present structure, however: The early twentieth century was the heyday for dealers traveling to the countries of origin, combining and pillaging entire sites. Museums were then building up or completing their collections, and, of course, private collectors were buying either for their own sake, or quite often, as a form of speculative investment. For instance, in the case of the de Gruenne collection of terra-cottas, because I knew at what price, on average, the Count had bought his items, I could infer that his end benefit over a twenty-year period must have been about \$7 million.

Just to show how widespread the responsibility is for this plundering of African heritage, I would like to turn once more to the Tervuren Museum (interviews with Van Den Audenaerde). I must mention here that in Belgian museums are state owned and are therefore financed by the taxpayer. The Museum of Tervuren has all the outward appearances of a most venerable institution. Yet, if you

look into the ways in which it has acquired African works of art in the past twenty years, links with the illicit trade become evident.

In the 1970s, the Tervuren Museum already had an extensive collection of African art, thanks to the trade links that had existed during a hundred years of historical ties between Belgium and the former Belgian Congo. But the museum lacked somewhat in its collection of West African art. To correct this gap, the directors had two options: They could buy, or they could organize expeditions to West Africa and collect in the field. They chose the first option, contacted antique dealers, art collectors, and former residents of what had been the West African colonies. The Brussels dealers saw a golden opportunity. They knew that such a prestigious museum could do much more for them than just be a good customer.

Let me describe the plot. I do not know if such is the case in the United States, but in Europe, at any rate, many museums have a kind of sister institution, a non-profit organization called friends of the museum. Its official purpose is to develop the museum's cultural activities, to promote its image, to organize temporary exhibitions, and such. In the case of the Tervuren Museum, the members of this body are art collectors, influential people from the world of politics or business, as well as antique dealers. As if by coincidence, some of the names I have mentioned earlier (in connection with the wholesale purchase of terra-cotta statuettes from Mali) were members of this organization's board until relatively recently. In addition, their organization runs a small shop within the museum buildings—mostly selling books and a number of fairly insignificant items of interest to visitors. What is significant, on the other hand, is that the so-called arrangement stipulates that in exchange for the right to run the shop the organization should make gifts in kind to the museum. Herein lies the golden opportunity. The dealers and collectors, who were in a position to choose what was to be given, could pick, within their stock, items that are, so to speak, part of a series (as is often the case with African art). The rest of the series, for sale in their own galleries, could then be valued at a much higher level. That parts of the series were in one of the world's most prestigious museums could be considered proof of the high quality of these objects.

That this cozy arrangement has worked for twenty-odd years is largely thanks to the approval of the head of the museum's ethnography department, Hugnette Van Geluwe. She, among others, convinced the director to opt for buying rather than collecting in the field. Thanks to her, a privileged dealer, Emile Deletaille, became the museum's main supplier. Van Geluwe gave her approval to the choice of gifts in the arrangement I have described. In a similar arrangement, she ensured that the museum took on loan a number of items belonging to her merchant friend—also to increase their value. This story demonstrates that the head of a department in the world's largest museum of African art deliberately closed her eyes as to whether or not the objects she received had been obtained in a legitimate manner. What her share of responsibility is in the plundering of Africa, I leave for you to judge. When I interviewed the museum's director in 1992, he confirmed that whenever Van Geluwe would show him a new object on offer, it was difficult for him to tell if there was already a similar one among the museum's 450,000 objects. He also told me that he decided two years ago that, as a matter of policy, the

museum should no longer buy any objects that lacked a legal certificate of exportation. But this paperwork presumably was not demanded in the case of the Zaïre politician I mentioned earlier, who was selling what he described as family goods.

It may sound like I am critical of the very existence of museums, but this is not my purpose. I am well aware they should not be tarred with the same brush that some private dealers and collectors deserve. What goes into a museum becomes accessible to the public and is available for research, while inclusion in a private collection is quite often equivalent to consigning works of art to oblivion. But the unfortunate fact remains that, to some extent, the museums themselves have contributed to the expansion of this illicit trade. For in fact the traders have made use of a kind of organic link with these institutions to give their trade an aura of respectability and renown which was essential in its development.

During the course of my inquiries, I spoke with Sylvia Williams, director of the National Museum of African Art, to check on information concerning the sale, in the mid-1970s, of a batch of African objects that had until then been in the hands of a Brussels antique dealer of dubious reputation. Williams was at first extremely guarded and asked repeatedly why I needed to have this information. (I have often noticed, during this investigation, a kind of secret-society behavior whenever the conversation touches on the illicit side of the trade.) Eventually, when she understood that I already had key pieces of information, she admitted that the Smithsonian had bought "a few" items from the Belgian dealer. Once more, the dealer involved was one of the members of the group I have mentioned before, so there is little doubt that the objects purchased from him had been exported illegally. In other words, the Smithsonian does not always check whether the objects it buys have a legal certificate of exportation, in spite of the U.S. Information Agency's efforts to encourage American museums not to import looted objects.¹² I have already mentioned a similar example of moral laxity in the case of the Terwuren Museum. In spite of a code of ethics published by the International Council of Museums in 1990, I believe such practices may still be widespread in all domains of art and in museums around the world.

Before summing up, I would like to consider recent trends in Europe that have appeared as a result of this illicit trade and that are causing archaeologists serious concern. Knowing that the patterns of the trade are bound to change with time (because of the exposure of some networks or because of the decreasing availability of new objects), the traders of today are planning ahead for years to come. In this respect, their best investment is to establish and maintain good contacts with the people who in the future will have influence within the field—art history students, future archaeologists, and ethnologists.

The antique dealers know very well that it is the ambition of most students in these fields to go out in the field as soon as possible and develop a subject for their thesis. They also know that scholarships do not abound, and that many parents are reluctant or unable to finance a stay of a few months in the bush for a son or daughter who has chosen what is not, after all, a very lucrative profession. Traders can therefore take on the guise of providential patrons, sometimes through pseudocultural foundations created for that purpose. But the grants are not, as you

may guess, without strings attached. The donor asks to be rewarded in objects or with photographs and information about sites where it still is possible to find objects. There was a time when the dealers, some of whom had become persona non grata in Africa, would send their restorers or an employee to do the dirty work. Now they have turned to buying the services of young scientists and scholars, which is less risky and less costly. Sadly, when I interviewed a few such students and asked them if they feared the possibility of being sucked into a corrupt spiral, they told me, in very down-to-earth manner, that the illegal aspect of the trade was not their problem.

Another trend that seems to be growing is that some merchants now behave as if they were scholars of art. They publish articles, magazines, and books about a given tribe or about a given aspect of African art. Why have so many books about the arts of Tanzania appeared on the market in recent years? Traders have recently found a new source of objects in that country, and publication proves to be the best way of advertising their wares and pushing up their value. All this occurs, of course, very much to the indignation of the real scientists. They see such practices as a danger to their profession as well as a quite unacceptable usurpation and distortion of scientific methods.

What I have discussed here amounts to only a few snapshots illustrating the nature of this trade. There are many more very real questions to be addressed. Why, for instance, are 99 percent of the countries that have ratified the UNESCO convention of 1970 non-European? Why is it that in twenty-fives years of this convention's existence only two countries in the industrialized Northern Hemisphere—the United States and Canada—have confirmed their ratification with a set of specific laws? There is no doubt that if this illicit trade continues on the European side of the Atlantic without being disturbed, it is largely thanks to a kind of legal black hole. The exportation of works of art may be forbidden in Africa, but their importation into Europe is not forbidden. Add to this the fact that in Belgium the possession of a stolen object can be redressed by law only if a complaint is lodged within three years of the date of the theft and you will understand why the country has become—with Switzerland—the hub of the illicit trade in African objects as well as many other classes of art. Legislation would perhaps not halt the traffic, but there is little doubt it would do much toward diminishing it.

It has to be said, however, that police authorities in northern countries make genuine efforts in connection with their African counterparts. Let me recall the impounding by New Orleans customs of a shipment of items that Charles Davis had bought from Samba Kamissoko. Recently, an Italian dealer was arrested in Las Palmas, Canary Islands: He had with him a large batch of Dogon items, all of them ancient and illegally exported from Mali. He was transferred to Madrid for questioning and was released a few hours later, but his loot was confiscated. And in September 1993 a general meeting of police authorities from around the world took place in Lyons, France, under great secrecy, with the illegal trade in works of art as its sole theme.

As for other questions that can be raised, one should only do so with the greatest care because this situation is both complex and ambiguous. To what extent, for

instance, can we say that the thermoluminescence dating by the archaeology laboratory at Oxford University has held out a helping hand to the traffickers (McIntosh 1992)? For years, merchants of art have relied on this process to date their terra-cotta objects. When asked about this, the director of the lab said he knew perfectly well that most of the objects had been obtained illegally but that he had to run his lab as a business concern in order to finance his other research.¹³ What are we to think of such an attitude? It just goes to show that we all stand on shaky ethical ground as long as we allow such practices and attitudes to go on unchallenged.

Here, then, is the dilemma: Is there a strong ethical reason for preventing an African family or ethnic group from selling things that are their own property if they wish to do so? Should we feel indignant that museums go on buying objects that lack the proper export authorization? Or should we, on the contrary, be thankful that these objects do not end up hidden away in private collections or in bank vaults? How should we define a cultural heritage, and how exclusive should that definition be? Should it include every single small object from the past?

These questions and many others are pertinent to the ongoing controversy about the restitution of museum pieces demanded by some countries. But is it reasonable to imagine that museums the world over should begin shipping back their entire contents to the countries of origin? To raise one question on ethical grounds means having to raise another connected question. But one clear observation remains: A small but powerful section of European society has focused its attention on African art and put into action every means at its disposal, in terms of both influence and money, to take possession of it. Their greed-driven definition of ownership is generated more by status and financial gain than by sincere admiration for art itself. Thus, we arrive at such ironic junctures as this one: The great-grandsons of great African artists whose creations are now selling for hundreds of thousands of dollars and enriching the elites of distant lands are today living in dire poverty. Is it not frightening for so-called civilized people to witness that it is precisely at the moment when the African peoples have begun to acquire their independence—during the 1960s and 1970s—and thus begun to hold their heads high, to hope in the future, that this clandestine traffic of antique objects developed and took on such huge proportions? And is it not also terrible to realize that after having stripped Africa of every culturally significant artifact to be found on its surface we are now stripping that continent of the patrimony that lies buried underground? But the greatest damage that comes out of all this is that entire cultures are being sucked into oblivion. Entire chapters of humanity's history may disappear or be out of reach for future research. And how long will it be before the nations of Europe understand that Africa faces not just a troubled present and an uncertain future but also the disappearance of its past?

ACKNOWLEDGMENT

I would like to take this opportunity, both in my own name and on behalf of all those in Europe who are preoccupied with this problem, to thank the organizers

and sponsors of the 1993 Carter Lecture Series entitled "Africa's Disappearing Past: The Erasure of Cultural Heritage" for the opportunity to bring the results of my investigation before an academic audience. Wide distribution of such knowledge is the best way to raise the awareness of African and Western governments, to encourage the international community to take action to eradicate a despicable trade, and to restore the dignity of our African friends that this traffic has so badly damaged.

NOTES

1. At the 1993 Carter Lecture Series, Merrick Posnansky told the audience that during a trip through Mopti in 1973 he met dealers buying looted terra-cottas for major European collectors.
2. For more on this film and its impact on the trade in Mali on terra-cottas, see the chapter by Roderick J. McIntosh in this volume.
3. In this type of investigation, it is obvious that some informers only agree to talk to a journalist on the condition that the source will remain anonymous. This information was given to me by sources who all requested not to be named.
4. For more details about some famous thefts, and notably that of the *Afo-a-Kom* figure, see Paul Nkw'i's chapter in this volume.
5. The bona fide principle on which European laws are based is as follows: If an owner who sells a work of art declares that he originally purchased it from a trustworthy source, without suspicion of theft or illegal importation, the courts will usually consider that he is the rightful owner of the item. As can be seen, this principle is vague and full of potential loopholes. See Prott, this volume.
6. This figure is given by a number of African art dealers established in the Sablon quarter, Brussels.
7. Malcolm Billings of the British Broadcasting Corporation and Philip Saunders of *Trace* magazine interviewed in December 1992 by Valerie Cohn, my colleague at *Le Vif/Le Express*, who investigated with me the illicit art trade worldwide.
8. Shipping document: Air Cargo Manifest, #142-95704803, dated November 24, 1991.
9. The list of objects was attached to a letter of January 27, 1992 (Reference: ENF-1-VES:INO ST No08PR2No001), sent by Clark W. Settle, Special Agent in charge of Department of the Treasury, U.S. Customs Service, New Orleans to Mohammed Alhousseyni Toure, Mali's ambassador to the United States.
10. Catalog: The Kutun Collection of African Art, Auction, Wednesday, November 20, 1991 (at 10:15 A.M.), Sotheby's.
11. This is an unwritten contract for gifts in kind given by the friends that make up for the lack of proper rent for the shop.
12. For more details about these efforts, see the chapter by Maria Papageorge Kouropas in this volume.
13. Interview with Michael The, by W. Van Beeck, recorded in the film *The African King*.

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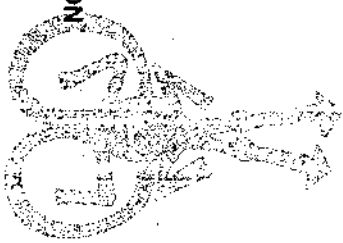
Sylvia Williams, December, 1992.

6

THE FIGHT AGAINST THE PLUNDERING OF MALIAN CULTURAL HERITAGE AND ILLICIT EXPORTATION

NATIONAL EFFORTS AND INTERNATIONAL COOPERATION

SAMUEL SIDIBÉ



Malian cultural heritage has, for several decades, undergone a massive transfer toward Europe and the United States. Analyzing the phenomenon in its universality, it seems very clearly to be the translation of an unequal relation between poor (weak) and wealthy (powerful) nations. The cultural assets of poor nations are being exported to rich nations. Examples to the contrary do not exist.

The conditions under which this transfer occurs pose problems of legitimacy, of law, and of ethics. Many of the nations of the world have enacted laws protecting their heritage from illicit exportation. Moreover, the international community has, through the 1970 UNESCO convention, of which Mali is a signatory, been mobilized against the illicit transfer or exportation of cultural heritage. In spite of national and international efforts, the plundering of the cultural heritage of the Third World still continues, justifying the fact that the scientific and international communities are mobilized anew to research means adequate to deal with the situation of persistent plundering.

MALIAN CULTURAL EXPLOITATION: FROM COLONIAL APPROPRIATION TO THE INTERNATIONAL MARKET

The transfer of Malian cultural heritage to Europe—to France in particular—goes back to the colonial era: it first took place in the shadow of conquest. The treasures of conquered monarchs were seized and exported to the colonizing country. So it was during the conquest of Ségou. It was also the case with Amadou Tall, the Tukulor monarch, and Babemba Traoré, king of KénéDougou at the time of the conquest of Sikasso in May 1898.

On the other hand, the needs of colonial policy, the development of ethnology (how does one separate the ethnographic practice of that time from its colonial context?), a taste for exoticism led the colonial administration to engage in object-collection campaigns. Several missions were organized across the continent. For the Western Sudan, one can cite the Gauthier and Chudeau mission of 1904-05, the missions of Frobenius in 1910, and Giroucourt's mission of 1914-18. The Dakar to Djibouti mission led by Marcel Graille from May 1931 to February 1933 is, however, the most important, because of the number of objects collected as well as

because of the methods used by the ethnographer. Patronized by French public instruction ministers, ministers of colonies, of agriculture, of the French Institute, of the University of Paris, and of the natural history museum, the mission went from West to East Africa, from Dakar to Djibouti, passing through fifteen countries. Michel Leiris, the mission's archive secretary, recounts in *L'Afrique Fantôme* (1981:104) how in 1931 Gréaule and other mission members took away the *kono* of a Bamana village by trickery and by betraying the trust of the village and its inhabitants, committing a sacrilegious act. Leiris concludes, "The 10 francs are given to the chief and we leave in haste, in the midst of general astonishment, adorned with an aura of demons, of particularly powerful and daring bastards." Leiris's book is full of recollections of such behavior: violation of sanctuaries, requisitions, thefts, and so forth. The essential collections by this mission went to the Musée de l'Homme.

Parallel to these missions organized from France, administrators serving in Sudan organized archaeological excavations whose results were exported. Such is the case with Théodore Monod, Lieutenant Desplagnes, who excavated certain tumuli at Kelli, especially that of El Oualadij in 1903-07, and with Henri Clérisse, the journalist who ultimately mutilated the megalithic site of Tondidaru. The excavated materials of Desplagnes and some megaliths of Tondidaru are preserved at the Musée de l'Homme.

The creation of the French Institute of Black Africa (IFAN) in Dakar in 1936 did not considerably modify the policy of bleeding cultural heritage. Although a section of the Institut Français d'Afrique Noire existed in Mali, at Bamako (this section was the origin of today's national museum), the collections and results of archaeological researches conducted by IFAN were dispatched to Dakar or to France. IFAN collections are thus rich in the steles of Gao Sané, the results of excavations done by Théodore Monod, founder of IFAN, of Raymond Mauny, and of many others. Only with the coming of independence did colonial expropriation come substantially to an end.

AFRICAN ART AND THE INTERNATIONAL MARKET

From the beginning of the twentieth century, with the help of the cubist movement and of Pablo Picasso in particular, certain objects acquired the status of works of art. African sculpture did not become widely recognized by the art lovers in the general public until the second half of the century, at which time African art found its place in art museums beside works of European or Asian tradition. This success reduced African art to the status of merchandise, thus leading to the development of one of the most scandalous forms of international trade in our time.

In 1957 Gérard Brasseur, the director of the Western Sudanese museum, expressed his anguish in the face of the considerable leakage of Malian objects of art: "With the development of air transport, many Djoulas got involved in the international trade of these objects, not only with Paris and Europe, but also with the United States." Despite attempts to arrest this trafficking of Malian cultural heri-

tage (establishment of export authorization, adoption of a decree that dates back to January 25, 1944, that extended to the L'Afrique Occidentale Française the law of December 31, 1913, concerning the protection of historical monuments and provided, among other things, for the regulation of excavations and forbade the exportation of classified objects), the exportation of heritage continued.

During this period, trade occurred primarily in wooden objects, masks, and statues. Antique dealers traveled all over the country to buy or steal such objects or plunder places of worship. The caves in the cliffs of Bandiagara were largely emptied. A dealer in antiques with whom we met remembered the time when entire containers were filled up and exported to Europe and the United States. The discovery of terra-cotta statuettes at archaeological sites of the interior delta of the Niger redirected the market toward this type of object. The phenomenon of plundering was henceforth extended to archaeological sites.

THE PLUNDERING OF ARCHAEOLOGICAL SITES

For many years, the plundering of archaeological sites had affected the regions where budding archaeology had brought terra-cotta statuettes into the limelight. Plundering occurs primarily in the Inland Niger Delta, the region of Djenné in particular, where in 1941 the first statue was discovered. Next, plundering affected the south of Mali, following the discovery of the statues known on commercial markets as Bankoni style. Timid at first, the plundering of archaeological sites has increased brutally in the last two decades, partially because of the degradation of the living conditions of rural populations following severe periods of drought experienced in West Africa since 1974. But it has also escalated because of an increasing interest by museums and galleries for such objects as well as the demand of European, French, Belgian, and American collectors for ancient Malian arts.

This increase was characterized by a geographical extension of the plundering, by a greater diversification of choice objects, and by a systematization in how pillage was conducted. Today, all the areas where commercially valued objects can be found have been altered by looting. The phenomenon has become so dramatic that our knowledge of ancient artifacts is more strongly linked to pillage than to archaeological research. Archaeologists trail behind the looters.

Beyond its increased geographical scope, plundering is characterized by its systematic execution. In the Inland Niger Delta, for example, or in the lacustrine zone where an inventory of sites has been carried out in the last five decades by the Institut des Sciences Humaines (Institute of Human Sciences), it seems that 80 to 90 percent of the sites have been affected by pillage. This systematization is accompanied by a more destructive pillage: from area collection to the superficial erasure characteristic of individual peasant pillage is added an organized (or acting partner) pillage that disturbs sites on a large scale.

Mamadi Dembélé and J. Diderik van de Waals (1991) describe the organization of this looting in the Inland Niger Delta by distinguishing two forms: an

independent pillage, in which groups organized in local teams operating by themselves designate one of their members as the leader, responsible for selling the result of their looting to antique dealers on the weekly market days at Sofara, Djenné, and Mopti; an acting partner pillage, in which groups are recruited and supported by an antique dealer who supplies the tools for the pillage and food for the campaign. The fruit of the pillage belongs to the investor, who compensates the workers in proportion to the harvest.

According to evidence revealed from research in the Djenné region within the framework of the Togué project financed by the Netherlands international aid program, 17 percent of 834 inventoried sites have been affected by large-scale pillage, and 2 percent are totally disfigured by large and deep trenches covering the site. Some examples: In 1989, the Togué of Kanéy Boro, near Djenné, was disemboweled by a large trench thirty meters long, six meters wide, and eighty centimeters deep. The area plundered was about six hundred square meters. In 1990, the Togué of Hana Djani, near Sofara, was totally disfigured by several teams of looters that came to settle the sites during the rainy season. That same year, the Natamabo site near Thial village in the Tenenkou circle was plundered by the inhabitants of the surrounding villages following the accidental discovery of a terra-cotta statuette. About ten contiguous wells between two and four meters deep transformed the site into a veritable pit. The looters are generally Bozo and Dogon farmers, riverine populations of the Inland Niger Delta who traditionally emigrate seasonally in the flood-prone zone, where they serve as laborers for rice harvesting. Taking climatic pejoration into account (due to the weakness of the annual flood, rice production has decreased significantly), these populations seem to have found a new source of revenue in plundering.

In the northern region of Mali, intensive plundering is above all the work of the Moorish populations. The Gao Sané site has been for more than six years the object of a systematic pillage by Moorish groups living on the site. In 1990, we were able to visit this site, which looks rather like a gigantic Swiss cheese. Hundreds of methodically placed wells (holes) are dug into the natural soil with galleries linking them together. This site, which dates to the ancient Songhai empire, can be considered irreparably lost. It is certainly not the only plundered site in this region.

One could multiply examples from other areas where one encounters evidence of ancient civilization. Although terra-cotta statuettes are still the most valued objects, the market has also integrated beads, vases, beautiful coated bottles from the Timbuktoo and Gao regions, and bronze figurines. Arrowheads and other Neolithic tools of the Sahara also appear on the market.

ILLCIT TRADE

I will not belabor the negative impact of pillage on the knowledge of the history of ancient cultures and societies. It is more important for us to understand the mechanisms of trafficking so that we can wage war on this plague.

Who are the protagonists? Our knowledge of the network enables us to advance the following points:

1) At the top of the process of revitalization of the market is a multitude of contributors: local farmers, individual plunderers, or a network of pillagers organized by antique dealers or operating on their own. In Northern Mali, where the pillaging is carried out by Moors coming generally from Mauritania, the network appears to be less structured, at least in relation to the international market. Looters look mainly for beads, which are sold in the Mauritanian market. Léré was in times past considered the center of this trafficking.

2) At the intermediary level are the antique dealers. They are located in the important suburbs at Bamako, at Mopti, and at Djenné. These antique dealers sometimes have collectors settled in secondary suburbs. These collectors rarely have access to the international market, although they sometimes run basic shops. An investigation carried out by the Bougouni police showed that these intermediaries can be implicated in other illicit activities. For the antique dealers of Bamako, Mopti, or Djenné to have access to the international market depends on financial capability and the existence of a network of "friends" in Europe, the United States, and perhaps in Mali.

No matter how powerful they are in the network, the antique dealers maintain a local market in Mali, frequented mainly by tourists and European and American expatriates, officials, and diplomats. This market presents secondary and false pieces (copies, one might say), whereas the major pieces are hidden in the backyards or in the back of bedrooms, to be sold to collectors who can buy them at exorbitant prices. We have acquired for the National Museum of Mali a piece of this kind by posing as American collectors living in France. We quickly convinced the antique dealers of our interest by making a distinction between copies and old pieces with assurance. By so doing we were led by the antique dealer to his house and shown the pieces "which he dared not display at the market because the National Museum could make trouble for them."

3) At the third level are the European and American markets: sales galleries, collectors, and museums. The relationships between African antique dealers and the international market are not well known. It seems, if one is inclined to believe a survey carried out by one of the antique dealers from Mopti, that the market functions on the basis of a network of correspondents, which explains the relative specialization of antique dealers as to the destination of their consignment. Some are more oriented toward the United States, others toward Belgium or France. The illicit trade in art implies trust.

Taking into consideration the risks that the European traders could run, it seems that they are making fewer and fewer trips to Mali. More and more Malian antique dealers undertake the journey to Europe.

Besides moving by air routes, a significant portion of the objects is illicitly exported by road or by rail to the Côte d'Ivoire and Senegal. These two neighboring countries have sales galleries operated by internationally recognized Lebanese dealers. In these galleries one can see archaeological objects from Malian archaeological sites. It is certain that these antique dealers play an important role in the illicit trafficking to Europe and the United States.

The level of demand has led to the creation of an industry to produce fakes. A number of antique dealers specialize in this industry, although this does not

prevent them from engaging in plundering. The counterfeit industry, moreover, serves as a cover for illicit activities. The techniques to produce fakes have been refined considerably in the last few years. The results are sometimes so remarkable that it is difficult to distinguish between genuine and fake ancient objects. It is at this juncture where the role of some scientists, archaeologists, art historians, archaeometric laboratories, editors, and museums stands out clearly in the support that they give the illicit trafficking. By authenticating the works of art of collectors or traders without giving any thought to the legitimacy of exportation of the work, laboratories make a major contribution to the pillaging of sites. "Business is business," proudly said an Oxford thermoluminescence laboratory analyst several years ago. Some museums justify purchase of dubious objects by saying that if they do not buy the object, other museums will do so.

By posing the problem in these terms, there is no doubt that museum professionals do not put themselves in a position to contribute to the battle against plundering and to conserving knowledge of ancient cultures. As we know, objects from pillaging are without origin or known context. Exhibiting them in museums uniquely enhances their aesthetic and market value. I will not dwell on this question, which has been developed considerably by Roderick J. McIntosh and Susan Keech McIntosh (1986). It will suffice to affirm that the battle against pillage has not addressed the elaboration of an adequate code of ethics acceptable to all scientists.

Some voices are arising to suggest that the commercialization of objects could help finance research. It is important to note that those who make this suggestion are not archaeologists but rather are people whose prime aim is to acquire objects. It is evident that it is better to acquire them when one has minimum information. But must archaeology feed the market? Archaeologists know that is not their objective.

FIGHTING THE ILLICIT TRADE

I will turn from the analysis of pillaging and of illicit trafficking to examine what Mali is doing to fight this phenomenon and to suggest how new actions can be developed on both internal and international levels.

At the national level, there has been recent adoption of legislation aimed to meet the needs of the battle:

Law no. 85-40/AN—RM of July 26, 1985, relating to the protection and the promotion of national cultural heritage;

Decree no. 275/PG—RM of November 4, 1985, regulating archaeological excavations;

Law no. 86-61/AN—RM of July 26, 1986, relating to the profession of the traders in cultural possessions;

Decree no. 999/PG—RM of September 19, 1986, relating to the commercialization of cultural possessions.

This legislation constitutes an appreciable link in an action-designed policy to challenge pillaging and illicit exportation. The measures contained in these texts

concern the battle against illicit transfer, by controls on exportation; against clandestine excavations, through regulating archaeological excavations; and against the commercialization of cultural possessions, through the organization of the profession of traders in cultural objects.

The adoption of laws has provided a framework of regulation concerning protection, but the application of these measures encounters important difficulties. Regarding the protection of sites and the war against looting, it is very difficult to implicate populations in processes of protection. Despite the creation by the state of local commissions to safeguard heritage, there is no real mobilization around the objectives of the battle against plundering.

Two kinds of exploration can be proffered for this situation: First, the texts of the laws are not sufficiently disseminated; second, the notion of heritage as it is developed around archaeological sites does not correspond to a reality experienced by the population. People do not seem to understand the ban placed on pillaging or exploitation of sites to remove marketable products, especially since the economic situation is dire at present. Prohibition is perceived as the state's will to have a monopoly. In this context, archaeology is seen as exploitation of treasures.

Administrative authorities responsible for control and repression of pillaging and trafficking are not sufficiently sensitive or technically competent to assume their mission. As we fight for efficacy against pillaging and illicit trafficking, we must also define methods of action that will enhance common values. In this perspective, it is necessary to develop educational policies on heritage through exhibitions, popular publications, conferences, films on archaeology. Thus, the meaning of this discipline and the interest in archaeological sites will be understood. For example, in 1993 the Malian government installed, on an experimental basis, cultural missions on three sites classified as having national and world patrimony (Timbuktu, Djenné, and Bandiagara) with the objective of sensitizing populations to the protection of their heritage. People's attitudes are appreciably different when it comes to living patrimony. Groups still practicing traditional religions fiercely defend their objects of worship against robbers.

The creation of local museums and eco-museums can also help to involve populations in the management of their heritage. Alas, the still extant tendency to preserve everything at the capital constitutes a handicap for the development of a real safeguard policy of heritage. It is essential today to integrate into curricula an education on heritage and the history of populations. The efforts of the National Museum of Mali through its educational programs could find here a decisive support.

To put such a policy to work supposes the development of the knowledge of the past. Archaeological research remains timid and always oriented toward academic perspectives, whereas the extension of pillaging ought to push toward the development of an archaeology of rescue. The battle against pillaging and illicit trafficking also necessitates the formulation of policies of inventory both within and outside the country. Museum professionals from Europe and America could help with this inventory, which, furthermore, can serve as the basis of an international and fruitful cooperation.

At the international and regional levels Mali is a signatory of the 1970 UNESCO convention. With this status and scope, the government of Mali submitted to the U.S. government a request to fight pillaging and illicit trafficking. That request resulted, in September of 1993, in the first ever bilateral agreement to ban the import of broadly inclusive classes of antiquities (see McIntosh, this volume). The international partnership represented by this agreement marks a substantial contribution to the battle against the pillaging of Malian heritage and has helped Mali in its efforts at the national level.

The extension of the trafficking network to neighboring countries in West Africa should inspire us also to seek an efficacious collaboration at the regional level. A regional workshop on illicit exportation, planned by UNESCO and held in Bamako in October 1994, had as its objectives, among other things, to harmonize legislation and to put in place a regional mechanism capable of checking pillaging and illicit trafficking. The degree of goodwill shared by the delegates—museum and antiquities service professionals, heads of national Interpol bureaus, archaeologists, and UNESCO representatives—and their dedication to stopping the illicit trade in art and antiquities out of Africa were truly inspiring. We now begin to have reason to hope for a new day of international cooperation in the fight against the plundering of Malian cultural heritage.

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7 U.S. EFFORTS IN THE PROTECTION OF CULTURAL PROPERTY

IMPLEMENTATION OF THE 1970 UNESCO CONVENTION

MARIA PAPAGEORGE KOUROUFAS

Eight-one countries have become party to the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property since its adoption by UNESCO in 1970. The convention establishes a framework for international cooperation to reduce the incentive for pillaging by restricting the illicit movement of archaeological and ethnographic material. With U.S. implementation of the convention, which began in 1983, this framework has become operational—operational, that is, from the point of view of art-rich nations that have suffered vast losses to their national cultural patrimony through looting and unauthorized trade.

The United States remains the only major art-importing country to ratify the convention. Its enabling legislation, the Convention on Cultural Property Implementation Act, authorizes the president to receive requests from other parties to the convention seeking U.S. import controls on certain archaeological or ethnographic material. These requests include documentation that the national cultural patrimony is in jeopardy from the pillage of this material; that internal protective measures are in place; that the United States is a market for the material; that U.S. action would be in the interest of the general public for educational, scientific, and cultural purposes; and, if applicable, that certain emergency conditions obtain.

Each request is evaluated through an advisory and decision-making process that addresses the matter of looting and illicit trade on a country-by-country basis. Except in instances of the theft of articles of cultural property that are accounted for in museum inventories or other records, the U.S. enabling legislation offers no automatic protection to other countries. It is therefore incumbent on an individual state party to the convention to submit a request seeking the protection of U.S. import controls on archaeological material that may yet be unearthed or ethnographic material that remains in its societal context. Enforcement of such controls by the United States is significant, for it essentially removes a major art-consuming nation from the marketplace for specific material and has the effect of enforcing the export controls of the requesting country.

Protection under the act is prospective; U.S. implementation of the convention emphasizes not the recovery of past losses but rather the protection of cultural

property that remains *in situ* in the country of origin, the undocumented material that, stripped of its provenance, feeds a large clandestine trade bringing high yield with little risk to the participants in this trade. Most vulnerable are those countries where there is a large universe of unexcavated sites, where the cultural patrimony is provided little in the way of financial resources and skilled personnel to preserve it, and where protective measures may be inadequate, not enforced, or unenforceable. Since U.S. protection under the act is prospective, it is in the best interest of an art-losing country to be expeditious in submitting a request for U.S. sanctions.

The United States is also prepared to implement the 1970 UNESCO convention where applicable by working with other signatories to the convention to minimize the problems of pillage and illicit export. This readiness is underpinned in a statement issued by the U.S. Department of State at the time of ratification of the convention:

U.S. foreign policy supports the restoration of stolen cultural objects to their countries of origin. There has been an expanding trade in archaeological and [ethnographic] artifacts deriving from clandestine activities and excavations that result in the mutilation of ancient centers of civilization. The appearance in the U.S. of important art objects of suspicious origin has often given rise to outcries and urgent requests for return. The U.S. considers that on grounds of good foreign relations it should render assistance. In following this policy, we are motivated also by ethical and moral principles . . . [that] the U.S. should not become a thieves' haven.

U.S. ACTION UNDER THE CULTURAL PROPERTY IMPLEMENTATION ACT

The U.S. Information Agency (USIA) has the lion's share of the responsibility for implementing U.S. participation in the 1970 UNESCO convention. It not only administers the Cultural Property Advisory Committee but also carries out most of the president's executive responsibilities under the Cultural Property Act. By late 1995, the director of the agency, on behalf of the president, had received seven state party requests for import controls—from Canada, El Salvador, Bolivia, Peru, Guatemala, and Mali.¹ Mali has the distinction of being the first African country to submit a cultural property request under the convention and the first outside the Western Hemisphere to do so.²

All of these requests were reviewed by the Cultural Property Advisory Committee, comprised of eleven members, including archaeologists, anthropologists, ethnologists, experts in the international sale of art, representatives of museums, and the general public. The committee's recommendations on these requests were submitted to the president's designee, who, in turn, rendered favorable decisions with respect to the Salvadoran, Bolivian, Peruvian, Guatemalan, and Malian requests. A decision on the Canadian request has yet to be announced.

Most of these requests have been treated under the emergency provision of the Cultural Property Act, which enables a U.S. response to clearly circumscribed

situations of pillage. El Salvador, for example, needed protection of pre-Hispanic material originating in a well-defined archaeological zone where an estimated five thousand looters' pits had already been dug, posing a serious threat to any scientific archaeology. This material is prohibited from entry into the United States unless accompanied by a Salvadoran export permit. In 1995, the U.S.-El Salvador agreement was revised to confer renewable, five-year protection to all classes of pre-Columbian antiquities from the entire country.

Bolivia needed U.S. import protection on unique antique textiles belonging to Corona, a small Andean community visited by art dealers and middlemen who, it is alleged, arranged for the systematic removal of the textiles from their ceremonial bundles. The textiles subsequently began to appear on the U.S. commercial market, and some were mounted in a traveling exhibition sponsored by a major American museum, a move that likely enhanced their value as commodities. These textiles are not considered commodities by the villagers of Corona, however, because they are integral for political, social, and religious practices. Handed down through generations, the textiles are the single most vital link in the past, present, and future of Coronans. But their unique stylistic characteristics made them a desirable commodity on the art market. It is now illegal to transport this material into the U.S. without an export license issued by Bolivia.

Peru sought protection of newly discovered Moche material—mostly gold, silver, and copper objects—found on its northern coast at the site of Sipan. It is claimed that this site has yielded the richest intact tomb yet found in the Western Hemisphere. The site had already been partially looted before armed guards were brought in to protect it, and some of the looted material had quickly made its way to California, England, and supposedly elsewhere in Europe as well. It is now illegal to bring this material into the United States without a Peruvian export certificate. Guatemala, too, petitioned the United States for an emergency import ban on all Mayan artifacts originating in the Peten region. Guatemala's petition explained how "this magnificent cultural legacy, in which all Guatemalans take pride, and which foreigners admire, has been greatly damaged and diminished by pillage and theft." Effective April 15, 1991, this material may not be imported into the United States. Of the actions taken to date, this is the one that may affect the greatest number of American museums. The Canadian request seeks an agreement with the United States that imposes import controls on both archaeological and ethnographic material, making it broader in scope than most other requests.

A distinguishing feature of Canada's request is that it comes from a Western industrialized country with which the U.S. shares a long border and a common heritage. It demonstrates that even a country with sufficient resources to protect, conserve, house, and exhibit its cultural and artistic heritage may itself be a victim of pillage. In the United States, knowledgeable sources frequently report the loss of vast amounts of Native American artifacts to the international art market. Foreign financing, it is said, supports much of the clandestine looting of Indian sites in the Southwest.

THE AFRICAN REGION

Of the eighty-one countries that have become state parties to the 1970 convention, twenty are in Africa: Algeria, Angola, Burkina Faso, Cameroon, Central African Republic, Côte d'Ivoire, Egypt, Guinea, Libya, Madagascar, Mali, Mauritania, Mauritius, Niger, Nigeria, Senegal, Tanzania, Tunisia, Zaïre, and Zambia. Africans and Africanists know intimately the extent to which the cultural resources of sub-Saharan countries in particular are being exploited to satisfy market demands outside the continent. But of the African countries that are party to the UNESCO convention, Mali is the first and only one to submit an official request to the U.S. government for protection of its cultural patrimony.

Perhaps others will follow suit. Perhaps a country such as Ghana, which is not a signatory to the convention, would find it advantageous to ratify it, thus becoming eligible to request U.S. import controls on the gold regalia of the Akan peoples. Similar to the Corona textiles of Bolivia, these regalia are used for ceremonial purposes and are passed on to subsequent generations. Although purportedly held in common trust, like the textiles, these pieces too are finding their way to the international art market.

"Lost Heritage: The Destruction of African Art," an article by Andrew Decker that appeared in the September 1990 issue of *Artforum*, exposes the extent of degradation and neglect suffered by the cultural heritage of West African nations: "Hundreds of thousands of objects in African museums, many of them undocumented, are disappearing—rotting or being eaten away. The magnitude of the destruction is immense," wrote Decker, who visited Africa and interviewed numerous cultural officers there. Added to the catastrophic effects of the environment and the general lack of basic conservation skills and equipment is an ineffective law enforcement apparatus. It seems that the cultural heritage of Africa, if not in a state of irreversible decay, is subject to theft or illegal export. These problems are by no means unique to the African continent.

A further complicating factor is the inherent African view that such objects are more important for their functional attributes than for their aesthetic qualities. Reconciling this view with the need for effective national cultural policies and adequate museum infrastructures is not a small task for the few but an undertaking for dedicated professionals within the African cultural community.

AMELIORATIVE TRENDS

Decker wrote that "the problems are so vast and so widespread that the African cultural heritage is in danger of being lost entirely." This bleak forecast is not without some hope, however. One of the most promising developments involves the International Centre for the Study of the Preservation and the Restoration of Cultural Property in Rome (ICCROM), which has launched a long-term conservation training program for African museum personnel. Basic principles of preventive conservation are taught in an annual eleven-month course in Rome that is

augmented with on-site training seminars in Africa. One such seminar was partially supported by the USIA. A major goal of the ICCROM program is to build a cadre of trained Africans so that in a few years 90 percent of the teaching staff in the Rome course is African.

The West African Museums Project based in Dakar is another positive sign. Founded in 1982, this program, supported primarily by the Ford Foundation, offers grants and professional assistance to museums in West Africa.

There are many Western anthropologists and archaeologists working throughout the continent who are struggling to find ways to support their African colleagues and cultural officials, who continue to make small but steady gains in implementing the policies that will sustain those institutions necessary to protect and manage what remains of Africa's cultural resources. A proactive stance was taken by members of the Society of Africanist Archaeologists, who, in their biennial meeting in 1990, endorsed a resolution condemning the illicit market in African antiquities and pledging the society's efforts to undermine this trade through ethical practices and by searching for reasonable alternatives to the trade.

Other developments deserve mention. For example, in 1987 the International Council of Museums (ICOM) adopted a code of professional ethics (translated into eighteen languages) urging museums to "recognize the relationship between the marketplace and the initial and often destructive taking of an object for the commercial market, and recognize that it is highly unethical for a museum to support in any way, whether directly or indirectly, that illicit market." In addition, in recent years curator and conservator groups have taken steps to modify their own codes of ethics to offer guiding principles in handling objects without provenance, objects that may have been acquired outside prevailing legal and ethical parameters.

Numerous museums in the United States have adopted stricter acquisitions policies. For example, the acquisitions policy of the University of Pennsylvania Museum takes a very high road, indeed. It states that the museum's board and staff "will not knowingly acquire, . . . any materials known or suspected to have been exported from their countries of origin since 1970 in contravention of the UNESCO Convention of that year" to which the museum fully subscribes. The museum will not knowingly support this illegal trade by authenticating or offering opinions concerning such material. "Objects offered to the museum in the United States prior to the adoption of the UNESCO Convention of 1970 will be considered in the light of the laws in place in their countries of origin at the time of their documented appearance in the United States."

In May 1973, the Smithsonian Institution adopted a policy that prohibits the acquisition and/or display of material that has been unethically acquired, unscientifically excavated, or illegally removed from its country of origin after the date on which the policy went into force (see Brent, this volume).

Yet another interesting development, albeit subtle, is illustrated in the March-April 1990 issue of *Museum News* in an article by Stephan E. Weil, deputy director of the Hirshhorn Museum and Sculpture Garden. Weil writes about a new set of basic museum functions that emerges from the paradigm of five tasks that has served museum operations over the past twenty years or so. The original five

essential functions (to collect, to conserve, to study, to interpret, and to exhibit) are evolving into three (to preserve, to study, and to communicate). Perhaps it is no accident that, in an atmosphere of growing sensitivity to cultural property issues and to the relationship of museums to those issues, the collecting function is being subsumed by the preservation function. This emphasis on preservation also strengthens the responsibilities of museum stewardship by urging museums to preserve humanity's artistic and cultural heritage through more prudent collecting practices consistent with international standards and regulations affecting the movement of cultural property.

These changes suggest a developing dynamic that, in time, could foreclose on the collecting practices of old and encourage the pursuit of new avenues of access to protected material. The U.S. Cultural Property Act seeks to ensure such access and explicitly provides "that the application of import restrictions . . . is consistent with the general interest of the international community in the interchange of cultural property among nations for scientific, cultural, and educational purposes" [(Section 303(a)(1)(D))].

CONCLUSION

The lion's share of responsibility under the Cultural Property Implementation Act rests with the USIA, an independent agency of the executive branch that is responsible for the overseas information and cultural programs of the U.S. government. The agency's foreign service officers work alongside their state department colleagues in U.S. embassies and consulates throughout the world—there are more than two hundred such posts in one hundred thirty countries. These officers, a vital link with leading citizens of their host country, utilize the agency's programs and services in advancing the agency's overall mission to "increase mutual understanding between the people of the United States and the people of other countries." The USIA is the major source for servicing the program needs of our posts abroad. It is the agency that supports the academic exchanges of the Fulbright program, sponsors hundreds of international professional exchange programs, and supports United States Information Service library services abroad.

These officers are also the information link between the USIA's cultural property staff and cultural officials in UNESCO signatory countries that are eligible to submit requests for U.S. protection. As a result of the efforts of these officers, the United States expects to receive requests from art-losing countries in Asia and Europe as well as from Latin American countries.

The USIA recently undertook an initiative to sponsor a regional symposium on cultural heritage preservation—policy development and implementation—in South Asia and the Pacific. The symposium examined how land use, tourist development, the environment, and other factors such as looting combine to threaten both movable and immovable cultural heritage and how efforts to deal with these threats must be integrated for coherence and maximum effectiveness. A similar symposium on the protection of cultural property for Arabic-speaking countries in the Middle East and North Africa was held in Cairo in November 1993.

It becomes increasingly clear that laws, while of absolute importance, represent neither the only nor the ultimate answer to the problem of pillage and illicit trade. Although they must have a prominent and enforceable presence, laws are most effective in an integrated partnership with the policies and infrastructures that support the viability of museums and other cultural institutions in achieving the effective management of cultural resources. The USIA supports programs concerned with worldwide conservation and preservation needs, museum training needs, inventories of cultural and artistic resources, systematic archaeology, site management, collections management, and so forth. Such program opportunities, combined with the USIA's statutory responsibilities under the Cultural Property Act, not only place the agency at the forefront of international legal efforts to curb illicit trade, but also define the agency as an important catalyst in advancing worldwide efforts to mitigate the loss of our irreplaceable cultural heritage.

NOTES

1. Of the seven state party requests received by the United States through mid 1995, the seventh, from El Salvador, sought a bilateral agreement with the United States for protection of all its pre-Hispanic cultural resources. The bilateral agreement, the first ever under the Cultural Property Implementation Act, was signed on March 8, 1995.
2. Effective September 23, 1993, archaeological material from the region of the Niger River Valley and Bandiagara Escarpment of Mali is restricted from importation into the United States. This emergency action is taken under article 9 of the 1970 UNESCO convention as implemented by the U.S. Convention on Cultural Property Implementation Act. USA arranged two international television interactives as follow-up to this action. One was between Washington, Mali, and other West African countries; the other, between Washington, Bamaka, and Paris. The Paris-based audience and participants included French government officials, media representatives, and representatives of international organizations. The *Art Newspaper* and other publications and radio broadcasts in Europe carried news of U.S. action to protect Mali's cultural heritage.