

THE DEVELOPING WORLD: PRESERVATION, EXPORT AND LOOTING

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GERSTENBLITH: Yesterday, during the Socratic dialogue, Dr. Susan McIntosh pointed out that we all see the world through cultural lenses. We acquire those lenses early in life, and it affects our assumptions about the world and about our own place in the world's hierarchy. It is education and indeed culture that helps us recognize that those lenses are there. We take them off occasionally so that we can get a clearer view of the world's reality, and, even more occasionally, to see the world through someone else's cultural lenses.

We in the United States are not that different from other nations in how we treat the category of cultural property that we call "archaeological materials." We have an extensive system of regulations, started in 1906, at the federal level, and also subsequently at the state level. We heard this morning about NAG-

PRA, and you will hear early this afternoon about the United States' implementation of the UNESCO Convention.

As with other countries, we also have looting of sites, particularly in the southwest and western parts of the United States. What perhaps makes us different from other nations is that we don't have general export restrictions, except indirectly through other legislation which protects our cultural materials. We turn now to look at some other parts of the world.

KING: Our Latin-American culture defines art differently than many people here do. Art and cultural property can be many things. It can be pleasure. It can be status. It can be history, and a tool for the teaching of history. It can be politics. Or it can be the use of its resources in economic ways. Cultural property is in danger even in developed countries. When you go to countries that are underdeveloped, that are just reaching out to join the world, this is something that is in many ways more complicated.

In the first place, art is being destroyed by looting, there's no question about it. It is being very seriously damaged because many of these countries do not have the chance, the possibility, the structure, the know-how, the custom, of how to deal with it. When changes occur within the country, that makes the country go more into development. Urbanization, industrialization, the building of roads, the building of dams, the building of power lines—all these are damaging cultural property in many ways. It is more apparent in archaeology, but it is the case with many disciplines.

Archaeology and cultural patrimony are also being affected by the fact that the definition of cultural property is not updated in many countries. The usual stuff—archaeology, colonial history, art in Latin America—should not

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be added to things like industrial archaeology, historical objects, monuments, buildings, sites and documents that are not being perfected at all. Another very important aspect is the lack of a scientific structure and the lack of scientific capability, which prevents those objects from being examined and published and given as knowledge to the rest of the world.

The main danger is, very clearly, from looting. Looting depends on a market of people who collect pieces that are looted. Looting is tremendously destructive, because to get at one piece, you make a big hole and you destroy tens and hundreds of other pieces, and you also destroy the context in which that piece was found. And whether that piece was found as part of a burial or as trash, or whether it was used as part of the hose of a house or an industrial pipe or whatever, we will never know.

Money is also connected with a tremendous problem in underdeveloped countries: the fact that you can bribe the local police, you can store and export pots and get a phony export license—the same kind of corruption that is one of the big plagues in the developed world. Education needs to be related to the conservation of those pieces. If you start thinking about why those pieces are being looted and why they're being exported, you have to realize that grade-school and high-school curricula are not devoting enough time to the understanding of historical and artistic processes. That should not be news to people who know how high school operates in the United States, but it is in many other places.

Collecting is the other side of the coin. Collecting has to be linked to looting simply because collecting operates like a market: There is a demand for that, there is a supply for that, and therefore, there is looting.

I will give you an example of the relation between looting and wars, looting and

demand. Some years ago, a Mexican television company decided to become cultural. And the company said, “The first thing that we're going to do is build a museum.” To create an archaeological museum, they sent somebody to Amsterdam, where you find a lot of looted archaeological objects. They bought the whole museum and brought it to Mexico City, where it opened with great success, until they called a few archaeologists to put together the catalog. And the first report from the archaeologists was that at least 80 percent of the pieces were clear fakes.

Looting, collecting and forgery are the links. But they are not the only links. Remember, we're talking about an underdeveloped world. There are solutions. If private initiative is so interested in art and archaeologists, then private initiatives should back and support and endow foundations and units that can do good research, as indeed there are. Let's face it, restoration throughout the world is endowed by Getty and a private foundation.

Solutions, of course, have to do with laws and police. But they also have to do with the support of the people that are interested in the scientific knowledge of art, and they require the backing of efforts to establish the scientific structure in the underdeveloped world, of efforts to do work that will adequately examine and date and see things in context. This has been done in the European community. It is not exactly new.

Another solution is the development of adequate databases, which computers now make rather easy, that can give information about things. Computer CD-ROMs can now show art and archaeology in ways that did not exist a few years ago. The more art, archaeology, and religious education show in the culture of the average man, the more it will be protected, and the more it can be used constructively in societies like ours.

COGGINS: The 1954 Hague Convention, still not ratified by the United States, has been described as the origin of the current view of national cultural property as an international responsibility. The Convention, a memorial to the catastrophic destruction of World War II a decade earlier, addressed this by requiring that, in time of war, the cultural property of all nations must be protected; “cultural property” meant “movable or immovable property of great importance to the cultural heritage of every people.” However, the Hague Convention has not proven effective, even for those countries that have ratified it; it did not prove a deterrent to the recent destruction of monumental art in Dubrovnik and Sarajevo, for instance.

In the heat of war, respect for the past, especially the enemy’s past, is seldom high priority. In fact, its very destruction may be the goal—a situation that presents us with an example of viewing with radically different lenses. The ideal of valuing the cultural property of all people is itself highly culturally bound. It is western, secular, based within property law—and dare I say imperialistic? As interpreted by many international lawyers, appreciating and protecting the art of all should entail equal access and equal possibilities for ownership. Everyone should be able to look at everything. This is the founding principle of the encyclopedic American museums like the Metropolitan Museum of Art and the Boston Museum of Fine Arts. In Western European civilization this may make sense. In most other parts of the world it does not. Those countries, in Africa, Latin America and the Pacific, that are struggling to protect their ancient and ethnographic heritage, they do not have encyclopedic museums filled with Roman sarcophagi, German Madonnas and French Impressionist paintings, and only the most westernized would want them. Instead, in the capital city, they may have a thin, unrepresentative collection of their own patrimony which never approaches the richness of

those Western museums and private collections that “appreciated” and acquired that culture first.

In Latin America, where I work with ancient Mesoamerican and Andean cultures, the steadily worsening destruction of archaeological sites and the loss of ethnographic materials have led to bilateral agreements between El Salvador, Peru, Guatemala, Bolivia and the United States under the UNESCO Convention, in which the U.S. has agreed to prohibit the importation of protected materials designated by the country of origin. These bilateral agreements are proving effective, but they are slow, and may be most immediately effective in the publicity they generate, and in the protective measures and education they mandate in the country of origin.

An instructive recent example illustrates how difficult it is to enforce the spirit of such new legislation and to change the goals and values of our civilization and its repositories in the United States. This involves the Boston Museum of Fine Arts and its changing priorities. Established over a century ago, the Boston Museum of Fine Arts, like many such American compendia of art, was founded with lofty educational aims, and a large collection of plaster casts. The museum eventually became famous for its Classical, Egyptian, and Asian collections, as well as fine collections of western art. Through the years, the museum mounted an occasional exhibition of non-western art, but saw no need to expand into what was generally viewed as “primitive”—specifically African, Oceanic, Native American, and pre-Columbian Art (although the latter was not viewed as exactly primitive, since it had been made by the higher ancient civilizations of the New World, and was collected by a few museum members who hoped eventually to give their collections to the museum). Small permanent exhibits with pre-Columbian loans appeared in a hallway of the museum in the 1970s, without much notice or comment. At

about this same time, it became widely known in the press that the looting of ancient sites in Latin America was a serious problem that was growing in response to a lively new market in antiquities of all kinds.

The UNESCO Convention of 1970 had very recently been created to deal with such newly threatening cultural-property crises, and the United States had signed this in 1972, signifying U.S. acknowledgment of the gravity of the international situation. The U.S. also passed legislation in 1972 that would prevent the importation of ancient monumental architecture, sculpture and painting from archaeologically rich Latin American countries. This law was surprisingly effective in both positive and negative ways. It deterred the influx of monumental sculpture from Guatemala and Mexico, but it encouraged a compensatory traffic in smaller objects, chiefly from burials, which involved much more physical destruction of a site. In 1983 the U.S. finally ratified the UNESCO convention and in 1989 signed an agreement with Guatemala to prohibit the importation of ancient Maya objects from the northern part of that country. In the decade between signing and ratifying the Convention, the collections of illegally exported portable objects had continued to grow in the United States; this burgeoning collecting paralleled the growth of a worldwide awareness of the fragility, irreplaceability, and ultimate loss of both archaeological remains and ethnographic evidence, which everywhere were increasingly degraded and dispersed before they were known or recorded. This was not the time for the great encyclopedic museums to decide they had better add “primitive art” before it was too late. It was already too late.

Around 1980, a large collection of Mayan polychrome vessels was assembled by the off-shore November Corporation which was created to assemble a collection of fine, unknown Mayan antiquities. Named after the corporation, the resulting “November

Collection” included more than 100 fine “new” polychrome vessels, whose existence implied the destruction and abandonment of dozens of burials; the burials that were rewarding as well as all those that lacked salable objects. Each object in the collection—and they are spectacular—stripped of its historical identity and significance, as the unknown site of origin was forever deprived of the complex and informative burials of its ruling family. The November Collection was exhibited at a number of museums that were not concerned about its origins, and thus acquired a legitimizing track record of catalogs. However, no one bought it until 1988, when it was acquired for \$1 million by a member of the Boston Museum of Fine Arts. He donated it to the museum, which until that time had only the few pre-Columbian loans and gifts on exhibit. At the time of the acquisition, the museum was questioned about the legality of the acquisition, since the collection could not have left Guatemala legally. The museum opted to avoid the question, and for nine years nothing further was heard or seen of the acquisition. In 1997, with a new director and the renewed enthusiasm of the pre-Columbian collector and of a collector of African and Oceanic art, the Boston Museum of Fine Arts announced with fanfare that it was about to open a new department of pre-Columbian, African and Oceanic Art, with a new permanent installation. Guatemala promptly requested the return of their objects, and Mali requested the return of theirs. These requests were rejected. The two prominent new exhibition halls are popular, and have become emblematic of the new broom at the Boston Museum of Fine Arts which has swept out curators in a successful drive for more admissions, more members, and more agreeable exhibitions. There is no curator for any of the parts of the world represented by this new department—in fact African, and presumably Oceanic, arts have been placed under the jurisdiction of the Asian department, and pre-Columbian under American Art, along with

Paul Revere silver and Louis Morris paintings. In this case, informed scholarship and international codes and models appear to have lost out to a winning philosophy of showmanship and merchandising.

We speak of different lenses, and of the eye of the beholder. In this single case there are many beholders, many lenses: the collector, the museum director, the curator, the scholar, the antiquities dealer, the fence, the looter; all of these points of view—or interests, as the law often terms them—have traditionally worked toward a single goal in museums—building the collections. Notice that the museum-goer is not a factor. In recent years, a new set of lenses has been focused on the acquisition of ancient and ethnographic objects for collections. These lenses are more corporate, and thus impersonal; they belong to the source cultures, the countries of origin, their laws, enforcement agencies, and scholarly and educational institutions. The first group of interests is, in this light, a sequence of individuals arrayed against faceless bureaucracies, and this may be one reason there has been such resistance to museum reform in the United States. On the one hand, there is the dedicated, often self-made collector or art dealer. On the other, there is the faceless government of a country. This consideration of the assortment of interests has not touched on the various lenses within each country of origin, where ideological, ethnic, and political scenarios are always more prominent than in the United States, where the arguments tend more to the libertarian versus the conservationist.

GERSTENBLITH: A point of clarification on the Hague Convention: The U.S. signed the Hague Convention in 1954, but we have not ratified it. The main part of the convention itself does deal with sites and monuments, but the first protocol deals with movable objects. The Convention imposes on occupying countries the obligation not to disturb sites and monuments in occupied territo-

ries, and upon third-party countries to return movable objects removed from occupied territory. So it does protect movable objects.

The part that President Clinton sent to the Senate for ratification does not include that first protocol, because of a concern that it would obstruct quick ratification of the main part of the Convention. The conference that has just been completed has promulgated a second protocol, which is aimed at strengthening all the different parts.

MELIKIAN: We have heard a lot about the wonderful job that collectors and Western institutions do in protecting works of art that the hapless countries lumped together under the meaningless phrase “the developing world” happen to have. I would like to give you examples of total destruction that happens when objects from a distant culture are handled by people who are alien to the culture.

I will begin with something all of you may have heard about, if you haven’t seen some of them, the so-called Persian Miniatures. The word “miniatures,” of course, conveys a reality that doesn’t exist. The word does not exist in Persian. It is essentially a Western notion of pretty images unconsciously compared with the book paintings of Western medieval manuscripts, which are indeed illustrations on the seam, and can be considered to be complete works of art in themselves, to be looked at, up to a point, as you might look at an easel picture from the Renaissance onwards.

Not so your so-called Persian miniatures. The link with the written word is intimate. It begins with the faces that are archetypal faces, determined by a literary canon that remained unread until the 19th century. It goes along with the very composition, which is worked out according to very complex rules, following set proportions based on modular units, and that modular unit itself is drawn from the calligraphy. It is the diagonal of a square dot on a letter.

The position of the central characters in any of these paintings will be such that the line of poetry that is written will relate to the central character in a special way. The composition of one page is balanced by another page, the organization of the entire manuscript—the resin, the paste—is determined as a whole. Cutting it up destroys it completely, and cutting out the image from a page is even worse. It's like chopping off the head of a bas-relief, or the arch of a Romanesque church because you think it's nicer just to look at by itself.

In 1959, an American bibliophile of great distinction, Arthur A. Halton, Jr., who eventually became president of the Metropolitan Museum, bought from Baron Edmund Rothschild, a huge manuscript of the Shah-nama, the Book of Kings, a long, stylized history of the world, versified in the 10th century, which remained a model of perception of the whole world, to Iranian society and to the other Islamic societies which came under Iranian influence.

In 1962, pages began to be removed from the manuscript to be exhibited at a gallery in New York City. In 1970, a magnificent donation of 78 miniatures (read: pages ripped from the manuscript) was made to the Metropolitan Museum. Imagine what would happen in this country if somebody started tearing up the Torah. Imagine what would happen if somebody took the Book of Hours, or took the Book of Kells in Ireland, and started selling off the images one by one. . . .

There are revetment tiles that were made around 1281 and 1282, as part of a very large revetment frieze which ran at about shoulder height in an Iranian palace. Based on detailed information from sources in Arabic and in Persian, the palace can be shown to have been the most important shrine of the Iranian world until the Islamic period. The extraordinary thing about it is that it was symbolically rebuilt at the behest of one of the Iranian literati in the

employ of the Mongol rulers ruling Iran in the middle of the 13th century.

The man who ordered that was a minister and historian who makes extensive use of the verses of the Shah-nama in his historical work describing the conquest of Iran and central Asia by Genghis Khan, and quotes certain verses which are found precisely on these tiles. Moreover, he makes use of the Shah-nama to address the Mongol emperor verses which, in the Book of Kings, are in the third-person singular, suddenly changed to the second-person singular to sound as if they were addressing the resident of the palace, i.e., the Mongol ruler.

You had in the palace, both calligraphic friezes with excerpts of the Shah-nama, and figural tiles which related to themes of the Shah-nama, in a way that was probably defined as it would be in a manuscript. But that we no longer know, because all the tiles were ripped off from that palace. They are all, with one exception, scattered in private collections and in Western museums where virtually none of them are on view, and access to them is an absolutely hellish problem, as I experienced when I traced 29 of these tiles. Since then I've found six more in my endeavors.

There is a fragment of a different type of frieze, horizontal, which again reproduces a verse of the Shah-nama. This was published by a very distinguished American scholar as a fragment from Enmeirah, which implied that it carries Koranic verses. In fact, it carries a fragment of a verse from the Shah-nama, which translates into: "He who is the hero of the world does not remain hidden in the midst of his troops." I find it fantastic that this fragment, which is not on view, which I had great difficulty accessing at the Victoria and Albert Museum, which was acquired in 1888, was published so foolishly as a monument of scholarship. And I could give you dozens of examples of the same. . . .

I hasten to add that not everything that is published in the West is of that caliber. When it deals with literature, metaphysics, it is sometimes excellent. Mysteriously, the very good specialists of Persian literature or of Iranian metaphysics that exist in the West do not seem to have matches in art history. As we say in Persian, the book is finished, and peace be to you.

HASKETT: I'm going to tell you a story about my visit to the Metropolitan Museum's exhibit of Tibetan art. I was with a Tibetan friend, an exile from the Eastern province of Ando, and we walked through the exhibit and looked at these fantastic paintings with minute detail, fabulous colors of Bodhisattva's Buddhas and enlightened beings. People are really looking at them very closely.

I looked over at my friend Tashi, and she's got her hands clasped together and it was strikingly clear to me that these were not works of art for her, but representations of sacred enlightened beings that are of paramount importance.

If I can impress nothing else upon you, it's that these works are, for Tibetans, not art. A tanka painting is not a creative exercise. It's not a study of color and composition. It's a record of a meditative vision. These are rooted in the experiences of Buddhas. When you see this painting, it's not what somebody thought up. It's what they actually saw, and they believed that these tantric deities were real. Also, these items retain a functionality in day-to-day use, which is that they're objects of ritual devotion, and the tanka paintings are used as aids in meditative visualization. Most importantly, they are of the highest value, a value that transcends artistic and aesthetic value, and certainly transcends material and economic value.

Because the Tibetans are deeply religious people and their religion is the binding, central force of their culture, to treat these as mere art-

works is to discount the entire idea of culture and cultural property. I would even go so far as to propose that to call these works "Tibetan art" is dangerous at worst and an insufficient misnomer. They don't exist at that level.

I am neither an authority on cultural property nor on Tibetan art. I am a scholar and still very much a student of Tibetan language and culture and Tibetan Buddhism. It should be of interest to all those who are interested in cultural property, however, because it represents a unique set of circumstances which can effectively problematize many of the issues at hand. I know problemization doesn't lead us to many definitive conclusions, but that's not what we in the study of religion are in the business of.

I will start with a brief historical overview. Tibet was intentionally buddhisized in about the 7th to 9th century A.D. The emperor married several princesses from surrounding areas, and they brought with them icons and paintings, manuscripts, Buddhist practices. By the 12th century A.D., Tibet was 99 percent Buddhist.

But in 1950 you had millions of Communist Chinese troops coming in to "liberate" Tibet, and Tibet was forcibly taken over. There was mass bloodshed, massacres. Tibet is not, and was not, and really never will be part of China, despite China's insistence to the contrary. The Chinese vigorously claim this, and they insisted on trying to incorporate it into the mainland China both politically and culturally. Much of this effort focused on the eradication of Buddhism. And so by the end of the 1960s, you had approximately 6,000 monasteries, temples, shrines destroyed, razed to the ground. Their manuscripts were burned and the artwork in them, hundreds of thousands of pieces of what we would call artwork, were lost.

Tibet remains occupied to this day, and their culture really is imperiled. The Chinese are

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trying to eradicate it. So several of the normal cultural property scenarios are actually reversed. First, the standard desire to keep items within the geographical confines of the source country is contraindicated by the presence of forces which are really inimical to their continued well-being. Secondly, these are not items of antiquity, but items of ritual devotion which are, or at least would be, used frequently in the course of Buddhist worship and practice, inasmuch as it exists in Tibet today. In the last 10 years since his holiness Dalai Lama was awarded the Nobel Peace Prize, we have seen a heightened appreciation for the Tibetan people's plight, and an increasingly vocal Tibet freedom movement in the United States.

It's culminating in what I call (to revise the term coined by Edward Said in his landmark 1979 work) a reverse neo-Orientalism. We've got a rising fascination with all things Tibetan, which sees Tibet as the land of snows, in dramatic opposition to a highly materialistic Tibetan culture. It romanticizes Tibet as this holy spiritual realm where everyone is Buddhist and pure of heart and action, there is no violence, and the environment is preserved, and it's just a beautiful, wonderful, mysterious place. This mentality also casts the Chinese as the great, evil oppressors, which is unfortunately not that far off the mark, but such a starkly stereotypical casting of polar opposites obscures an already-difficult situation.

This fascination with Tibet has, ironically, a deleterious effect on Tibetan cultural property. Because first of all, the Western obsession with Tibet is now what drives the market for Tibetan artworks. And secondly, because we have this idea that there are these otherworldly spiritual values, these works have an even greater inflated value. And finally, with the supposedly lunatic Chinese, collectors can justify bringing these works out of Tibet with the excuse that they are in jeopardy in Chinese Tibet right now, and they're holding them for safekeeping, of course, until such time as they

can be safely returned. So really, they're just doing the Tibetans a favor, right?

It's not quite so simple. While the Chinese did destroy thousands of monasteries, these demolitions were not insane. The Chinese are not very nice people, but they're not stupid. They would go in before destroying each monastery, and teams of expert appraisers would remove items of value, whether they were precious metals and gems or actual statues and paintings, and these were extricated into China. They weren't just left to be demolished. And then, the monasteries would be demolished. Some of these statues would be melted down for raw materials, but some have been warehoused in China. The items that we're seeing on the Tibetan market right now are largely bronze, copper, valuable statues, things that are of obvious economic value, and presumably—although there's really no way to be certain—they could be coming from Chinese forces. I think that to the extent that one considers China to be illegitimately occupying Tibet, you have to consider these items as being stolen from their rightful owners. And because of that, we need to consider whether those who are purchasing these pieces realize this, and need to consider if their eventual return is going to be assured. I'm not entirely convinced on either account.

Another seemingly unknown fact is that by 1976, monasteries were no longer being destroyed in Tibet. There were only 13 monasteries left. They survive to this day. Four have been dismantled in the last couple of years, but mostly because there are no monks left to live in them. They've also been phased out. This further problematizes the issue of preservation and restoration, because scholars and collectors have this idea that the artifacts in Tibet are in danger, and those that are outside cannot be returned. This is not true. The Chinese are not continuing to destroy Tibetan religious artifacts. What's more, items can be, have been, and are being returned to Tibet

safely. It's happened within the last two years. Scholars at Columbia have been important factors in having this done.

So the real threat to the safety within Tibet, I think, is theft of Western markets. It certainly is happening now. This brings me to the issue of ownership, and the theme of this conference, "Who owns culture?" When sovereignty is already questionable, and there's the additional idea of those who are Tibetans outside Tibet, do they, by virtue of their Tibetan-ness, have the right to determine the future of items that are not legitimately theirs? These items are the property of localized monasteries that aren't part of a larger whole.

The ownership of Tibetan art makes its eventual sale so ethically circumspect as to merit—I don't want to make definitive statements, but—an indefinite moratorium until there's a definitive, reliable method of determining ownership. There are legitimately salable items, but there doesn't seem to be a definitive method of proving what and where they're coming from. Many Western curators and collectors say that the Dalai Lama has authorized sale and acquisition of Tibetan art on the aforementioned grounds of its tenuous position inside Tibetan borders. And here, things are extremely tricky. His Holiness is the spiritual and temporal head of the Tibetan exile government, but he's not the owner of Tibet. Similarly, President Clinton can't say it's open season on our homes. That does not exist. And these negotiations tend to take place behind closed doors. I don't know of any public statement by the Dalai Lama saying he endorses indiscriminate collecting of all Tibetan artifacts.

Finally, the inflated market in Tibetan goods has a real toll in human lives. The Himalayas are a drastically impoverished zone. The current gross domestic product of Tibet is about \$297 million. By contrast, Columbia University's annual operating budget is \$1.3

billion. There's really no money at all. And when you've got statues that are bringing close to \$1 million a piece, you've got a market incentive for theft. The monasteries are already understaffed. There are very few monks there. When you have gangs coming across the border from Nepal, forcibly entering monasteries and killing monks to get these items, this is a dangerous situation. And this is not an innate reality. It's been brought about by an inflated market in Tibetan goods.

This is much like Tibetan studies. Tibetan studies is a really depressing and frustrating area. It seems everybody can offer criticism, and there is really very precious little hope as to what can be done. I want to stress that there are places like Tibet House, both here and in New Delhi, that have massive repatriation efforts that legitimately hold these goods for return.

But I want to conclude with what I consider to be a success story and a model for ethical restoration and preservation of cultural property in Tibet. It seems that all Buddhist countries are subject to the whim of Communist dictators and Communist overthrows. But there are Tibetan Buddhist monasteries throughout southern Russia and Mongolia. When the Communist government of the U.S.S.R. came to power, before the revolution in the 1920s when there were still czars, thousands of texts were confiscated. They were stockpiled and they were also hidden throughout Mongolia. And until 10 years ago, it was thought that the manuscripts that we're losing in Tibet were the only existing artifacts, the only existing records of the original sayings of the Buddha from 2,100 years ago. It was thought that the rest of them had been lost. And over the last 10 years, actually in the last two and three years, we've discovered about 60,000 new texts in Mongolia, and thousands of texts, which the librarian in St. Petersburg protected with his life through hell and high water. They have been uncataloged.

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Through a project of the Asian Classics Institute, these texts are now being inputted by Tibetan refugees, who are trained in computer technology and paid well. The project now supports about 2,000 Tibetan refugees throughout India. The refugees gain marketable skills, which they then use to support themselves and their families after the project. And more importantly, the first 2,700 texts have just been made available to the general public for a cost of \$6 a CD-ROM, or you can access them on the Internet for free. Most importantly, when you have a Tibetan manuscript, first, it's covered in a wood block—most of the wood blocks are gone—but the first page will have a picture on it. And these are sales that come from individual monasteries. And by consulting with Tibetan experts and Mongolian Buddhist experts, we can determine where these manuscripts are coming from. Once they have been inputted into the computer database, they've been assured that these manuscripts are being returned to the monasteries they come from.

This, I think, represents the highest form of appreciation of the property of another culture. It's one that empowers the people of a source nation respectfully, without motive of profit, but to truly appreciate the Tibetan culture for what it is. I too love these works of art that we talked about today, and I would love to see more of them.

However, I would not do so at the expense of their rightful owners, the Tibetans. I look forward to the day when Tashi and I can go back to Tibet and stand in the great halls in Lhasa and admire the end product of 1,200 years of Buddhist culture. But I don't think that day will come if we do not begin today to examine, carefully and selflessly, our treatment of Tibetan cultural property.

GERSTENBLITH: I'm struck by the parallels between the description of the situation in Tibet and other examples, including the

Native Americans. We tend, in international law and national law, to use the territorial principle that the claimant tends to be the nation. What do you do, however, when the nation is not the appropriate representative of a particular cultural group? That happens most clearly when people have been forcibly displaced from their geographical heritage. The Tibetan people are one example.

Certainly, Native American groups—who have been forced to leave areas of the eastern coast of the United States and moved into reservations—also face that problem, whether it's protecting grave sites or reclaiming their cultural heritage. It's much more difficult for them to establish what they need to under our laws, because they were forcibly moved from those areas.

AUDIENCE QUESTION: In line with what our moderator just suggested—that a claimant should be a nation—I'm wondering, Professor Coggins, if Guatemala has been successful in getting these items from the Boston Museum of Fine Arts? To whom do they really belong, these Mayan objects? Are they from Guatemala, Mexico, Belize, Honduras, or from the Mayan people?

COGGINS: From the point of view of U.S. courts, ownership depends on each country's legislation. If a country has explicitly declared not just jurisdiction over, but ownership of all its cultural property, then the U.S., since the McClain decision of 1979, has been able to seize that material under the United States National Stolen Property Law when it crosses the U.S. border, if it is worth more than \$5,000. There are other Guatemalan objects on view at the Museum of Fine Arts that are not part of the November Collection, including huge jaguar censers from the Quiché highlands, while from Mexico there are Olmec jades, and Teotihuacan objects, among others. The first (pre-Columbian) hall also includes textiles and other objects from Peru, and gold from Colombia, Panama and Costa Rica.

Most of the latter have been out of their countries for decades. The West African and Oceanic materials are displayed in the next hall. Guatemala and Mali are the only countries that have requested returns.

SUSAN MCINTOSH: There are many different situations for antiquities from different countries that have ethical implications. Sacred art—a part of a living, worshipping tradition in the case of Nepal, but the case of Africa, particularly those source nations along the Niger river, such as Nigeria, Niger, Mali—is very important. The different context of sacred art needs to be taken into consideration.

But there are two reasons that the loss of African heritage through the destruction of archaeological sites is extraordinarily distressing. One is that the Africans have a historical situation in which their European occupiers and colonizers denied them any attribution of dynamism and history to their cultures. And for a long time, they lived with and learned, in the European schools that were set up in Africa, that they had no culture of their own.

In French-speaking West Africa, they learned “Our ancestors, the Gauls.” And through the destruction of their indigenous systems of transmission of oral history, they have archaeology as one of the remaining ways in which they will find out what dynamism existed within their cultures. My work has been dedicated to showing the presence of a great urban civilization—the presence that could never have been surmised from the statuettes alone, the statuettes that are so prized, and that are the heart of the looting activity that goes on.

But there’s a second issue: The future of areas of West Africa in which I work, the looting that goes on, robs them of a sustainable economic future. The secret to that future is their past, and they view it very much that way.

The ethical considerations for this part of Africa are those two things. They need a history to understand who they are today—and this is recognized as a human right by the Universal Declaration of Human Rights. And they need a past to make a sustainable economic future for the people in this remote region.