

CONFERENCE REPORTS

Rogues, Robbers and Researchers: Robbery of Antiquities and Archaeology under the Present Legal Situation (Frankfurt am Main, Germany, May 5, 2007)

Kurt Siehr*

The Institute for Archaeological Studies of the Johann Wolfgang Goethe-University of Frankfurt am Main, Germany, organized a conference on legal issues concerning archaeology and theft of antiquities. This meeting was stimulated by the German statute (Kulturgüterrückgabegesetz version of May 18, 2007) implementing the UNESCO convention of November 14, 1970, the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.¹ Archaeologists are afraid that the new legal regime might encourage thieves and art dealers to localize their activities in Germany. Michael Müller-Karpe of the Roman-Germanic Central Museum in Mainz, Germany, articulated these fears. Five reports on tomb robbery in Africa (Peter Breunig), Europe (Rüdiger Krause), Mediterranean countries (Hans-Markus von Kaenel, Wulf Raeck), and the Near East (Jan-Waalke Meyer) gave a bleak picture of contemporary dangers to archaeological sites and archaeological objects. Kurt Siehr gave the paper, “Legal Aspects of the Protection of Cultural Property,”² stressing that the ratification and implementation of the 1970 UNESCO convention will improve the protection of cultural property in Germany. However, he also emphasized that the implementing statute could have provided stronger measures: Germany should ratify the UN-IDROIT Convention of June 24, 1995, on Stolen or Illegally Exported Cultural Objects³ as already urged by most German archaeologists and museums.

Andreas Scholl of the Collection of Classical Antiquities in Berlin reported his experiences with antiquities trade from the museum perspective. He reminded the audience of the Berlin Declaration of 1988 on Loans and Acquisitions of Archaeological Objects by Museums⁴ and the Berlin Resolution of 2003⁵ affirming the 1988 declaration. The Berlin museums do not acquire by sale, donation, or loan

*University of Zurich Faculty of Law, Max-Planck-Institute, Hamburg. Email: siehr@mpipriv.de

any antiquities without impeccable provenance and rely on loans exchanged with several source countries by mutual arrangements. Daniel Graepler of Göttingen discussed the Italian special police as the protection of cultural heritage (Comando Carabinieri Tutela Patrimonio Culturale) with its center in Rome, Piazza Sant'Ignazio, and 13 branches in Italian provinces. This is an efficient unit but short of enough sources to protect all sites in Italy. Despite these shortcomings the Comando Carabinieri seems to be the best unit of this kind in Europe, if not worldwide.

Two papers by Egon Schallmayer (Wiesbaden) and Eckhard Laufer (Usingen) dealt with the problem of hobby archaeologists looking for treasures with detectors and caring neither for the archaeological context nor for proper documentation. Such persons should be persuaded to exercise their hobby under the supervision of archaeologists or state officers responsible for the protection of monuments. Friedrich Lüth of the Roman-Germanic Commission of the German Archaeological Institute in Frankfurt closed the conference with his paper on the less optimistic aspects of "Black Archaeology: A European Perspective."

ENDNOTES

1. 823 *United Nations Treaty Series* 231.
2. Published now in *Archäologisches Nachrichtenblatt* 12 (2007): 326–41.
3. Compare *International Journal of Cultural Property* 5 (1996): 15.
4. German Archaeology Institute: The Berlin Declaration 1988, *International Journal of Cultural Property* 2 (1993): 157.
5. Berlin Resolution 2003: http://www.smb.museum/pdf/ANT/ANT_Resolution_2003.pdf (accessed November 20, 2008).