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## The Plunder of Iraq's Archaeological Heritage, 1991–2005, and the London Antiquities Trade

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### FROM THE 1991 GULF WAR TO THE 2003 IRAQ WAR

Before the 1991 Gulf War, Iraq's archaeological heritage was under the supervision and protection of a large, well-organized and professional Department of Antiquities and remained relatively free from theft and vandalism (Gibson 1997). In the aftermath of that war, however, as the country descended into chaos, between 1991 and 1994 eleven regional museums were broken into and approximately 3,000 artifacts and 484 manuscripts were stolen, of which only fifty-four items have been recovered (Lawler 2001a: 34; Schipper 2005: 252; Symposium 1994). By the mid-1990s, the organizational capabilities of the Department of Antiquities were deteriorating, and the focus of destruction shifted from museums to archaeological sites. Many Iraqis were reduced to destitution as massive inflation took hold in the wake of UN-imposed trade sanctions, and robbing archaeological sites became an attractive and viable economic option. Much of the looting appears to have been orchestrated by Saddam Hussein's brother-in-law Arshad Yasin (Garen 2004: 30).

In the north, Assyrian palaces at Nineveh and Nimrud were attacked. At least fourteen relief slabs from Sennacherib's palace at Nineveh were broken up, and pieces were discovered on the market (Russell 1997a, 1997b). Often these fragments had been reworked to alter the original design orientation, or roughly squared off, both strategies intended to disguise their origin and make it harder for them to be recognized. The storeroom at Nimrud was broken into and bas-reliefs from the palaces of Ashurnasirpal II and Tiglathpileser III were stolen (Paley 2003; Russell 1997a, 1997b). In the south, tell sites were targeted—for example, it was reported that hundreds of armed looters had descended on Umma and dug up a cuneiform archive (Symposium 1994). During this chaotic period, at least one guard and one looter were shot dead.

In response to this plunder, British, U.S., and Japanese academics prepared three fascicles of *Lost Heritage: Antiquities Stolen from Iraq's Regional Museums*, listing objects taken from regional museums, with an illustration, description,

and Iraq Museum (IM) number provided for each object (Baker et al. 1993; Fujii and Oguchi 1996; Gibson and McMahon 1992). These fascicles are now available on-line and can be downloaded from the University of Chicago's Oriental Institute.<sup>1</sup>

Things improved toward the end of the 1990s when Saddam Hussein began to take a personal interest in Iraq's archaeology and formed a new State Board of Antiquities with an increased budget and better-paid staff to replace the by then ineffective Department of Antiquities. Official excavations started again at several sites around the country, and foreign archaeologists were encouraged to return (Lawler 2001b, 2001c). Harsh penalties were introduced for those caught digging illegally (Lawler 2001a: 35), although the vicious face of this new regime was revealed in 1997 when ten people were executed for stealing the head from a human-headed bull at Khorsabad.

Despite the fact that under the 1990 UN Security Council Resolution (UNSCR) 661 trade in cultural material from Iraq was illegal, the plunder of archaeological sites and museums attracted little or no media attention or political action in Europe or North America. In 2001, Andrew Lawler felt it necessary to write in *Science* that an "extensive crisis has been unfolding for the past decade with barely a murmur of protest from the international community" (Lawler 2001a: 32). The international community was about to be rudely awakened.

#### APRIL 2003

By early 2003, it was clear that another war was imminent. U.S. forces had been criticized after the 1991 Gulf War for damaging archaeological sites in Iraq (Zimansky and Stone 1992), and so on January 24, 2003, McGuire Gibson of the Oriental Institute at the University of Chicago accompanied a delegation from the American Council for Cultural Policy to the Department of Defense and provided the locations of four thousand (later increased to five thousand) archaeological sites that should be protected from military action in the event of war.<sup>2</sup> He also emphasized that looting would probably break out afterward (Gibson 2003a: 109; Lawler 2003: 583). Similar moves were afoot in the United Kingdom (Renfrew 2003; Stone 2005). The Department of Defense stressed that U.S. troops were already under orders not to damage archaeological and other cultural sites, and according to Gibson they made an effort not to do so (Gibson 2003b: 20), but the Department of Defense also maintained that stopping Iraqi civilians from looting was not their business. Nevertheless, by March 2003 the National Museum of Iraq was in second place behind the Central Bank on a list compiled by the Pentagon's Office of Reconstruction and Humanitarian Assistance of places to be secured by U.S. forces to forestall looting,

although this list was for guidance only and had no command function (Lawler 2003: 583; Renfrew 2003: 323).

In the event, looting was widespread. No sooner had the fighting reached Baghdad in April 2003 than many of Iraq's cultural institutions, including the Iraq National Library and Archives, the National Museum, the Museum of Fine Art, and the Saddam House of Manuscripts (now the Iraq House of Manuscripts) were ransacked and in some cases burned. Initial reports were confusing, and damage assessments were nothing more than guesses. In the weeks and months that followed, Iraqi and U.S. investigators endeavored to discover what had happened, and two officially sanctioned reports were prepared (Bogdanos 2005; Deeb et al. 2003).

The Central Library of the Ministry of Endowments and Religious Affairs (Awqaf Library) is the oldest cultural institution in Iraq, and before the 2003 war it contained about 6,500 manuscripts and almost 60,000 books (al-Naqshbandi 2004). It was attacked on April 14 and burned to the ground. Journalist Robert Fisk alerted U.S. forces to the attack but there was no response. About 5,000 manuscripts had been moved to secure storage before war began, and are safe, but the remainder were stolen by the arsonists. Most of the books perished in the flames (al-Naqshbandi 2004; al-Tikriti 2003).

The National Library and Archives was burned and looted twice in April, with upward of 1,200,000 books destroyed (Bouchenaki 2003: 133; Gibson 2003a: 108, 110). In June 2004, a U.S. investigation reported that most of what had been lost had been archives relating to post-1977 Iraq and that the fires had been deliberately started to destroy records of Saddam Hussein's regime. All microfilms of newspapers and other archival sources were also destroyed (Deeb et al. 2003). Between attacks, about 200,000 items of the library's holdings were removed to a local mosque for protection, and these have since been returned intact to the library. Another 40,000 books and documents, many pertaining to the British colonial, Hashemite, and Ottoman periods, taken for safekeeping to the basement of the State Board of Tourism, also survived the looting but were then inundated in July 2003 when the basement flooded. The documents were moved to a dry environment above ground, but by the time they were taken to the Senior Officers' Club in October they were badly affected by mold and needed to be placed in freezers to prevent further damage. The documents were still frozen in June 2004, waiting for allocation of the resources and expertise necessary to thaw and conserve them (al-Tikriti 2003; Bahrani 2004; Deeb et al. 2003).

The collection of the Saddam House of Manuscripts, about 50,000 items in total, was removed to a climate-controlled bomb shelter before war broke out. The bunker was protected by local residents, who repeatedly chased off looters,

and the collection is safe (al-Tikriti 2003; Deeb et al. 2003).<sup>3</sup> Although the damage caused to libraries and archives was serious, most public and professional outrage was directed toward the ransacking of the National Museum. The Iraq National Museum was founded in 1923 and moved to its present location in 1966. It was enlarged in 1986. Before the 1991 Gulf War, close to 10,000 artifacts from prehistoric through Islamic periods were on display, though this constituted less than 5 percent of the museum's total holdings (Ghaidan and Peolini 2003: 98). The National Museum and its collections survived the Gulf War intact, although the building suffered some damage from nearby bomb impacts. Unfortunately, flooding damaged many objects that had been packed away at that time for safekeeping in vaults of the Central Bank. When the museum reopened in April 2000, water damage was apparent on hundreds of objects, particularly ivories (Bailey 2004; Ghaidan and Peolini 2003: 99). By this time, the National Museum also contained material that had been moved there for safekeeping from the more vulnerable regional museums (Schipper 2005: 253). In March 2003, the museum closed once more to prepare for the imminent war.

Once it became clear that war was unavoidable, museum staff moved to offer the collections what protection they could. Some material was still in storage at the Central Bank, where it had been since 1991. A further 8,366 objects were moved from display cabinets to a secret underground storage facility, and large or fragile pieces that could not be moved were protected by foam-rubber padding and sand bags. Padding was also placed in front of Assyrian stone reliefs and on the floors of storerooms (al-Radi 2003: 103; Bogdanos 2003; Gibson 2003a: 110). Eventually, as the fighting closed in on Baghdad, staff were forced to evacuate the museum on April 8, 2003, when Iraqi soldiers moved in and took up positions in the museum compound.

The Iraqis soon became embroiled in heavy fighting with advancing U.S. troops, during which time the museum was left unprotected. The first break-in occurred on Thursday, April 10, and looters had the run of the museum until returning museum staff chased them off on April 12 (by which time the Iraqi troops had left). Staff repeatedly asked U.S. forces on the ground to provide some protection for the museum, but the local commander was not prepared to detach any troops or tanks without orders. On April 12 the then director of research at the museum, Donny George, visited the U.S. Marines' headquarters and was promised help, but none materialized. It was not until April 16 that four tanks finally arrived (Atwood 2003a; Lawler 2003: 584; Tubb 2003: 23).

The first journalists and television crews managed to arrive at the museum on April 11, five days before the tanks, and the tanks' late arrival has proved to be controversial. The reluctance of U.S. troops on the ground to move without



orders while fighting continued is understandable, but what is harder for many Iraqis to understand is why it took so long for orders to be issued. It is conceivable that orders were not forthcoming because the situation was confused, or because there were more urgent military priorities, and in any case the dangers of urban warfare should not be underestimated (Bogdanos 2005: 503–7). Nevertheless, to some, it smacks of a high-level conspiracy designed to leave the museum unguarded for the purpose of allowing looters to fulfil “orders” placed by rich U.S. collectors and, at first, helped sour relations between the museum’s staff and U.S. authorities. One immediate effect of this breakdown in trust, and one that was to have regrettable consequences, was that museum staff kept secret from U.S. forces and foreign journalists that they had moved 8,366 displayed objects into safe storage several weeks earlier. This fact was not discovered until early June 2003, and in the meantime the items were presumed stolen (Bogdanos 2005: 490).

In the immediate aftermath of the museum’s looting, the world’s media demanded facts and figures, but in the confusion there were few forthcoming. Wild estimates began to circulate of how many artifacts might have been stolen, anything up to 170,000, and although this figure of 170,000 seems to have been conjured up by an ex-employee of the museum with no direct knowledge of the situation, it was seized upon by many reporters as an actual fact. Once staff and military investigators gained access to the museum more sober assessments of the damage began to circulate, but unfortunately by then a reaction to the early sensationalist reporting had set in, as Kathryn Tubb reports in chapter 16. At a press briefing on May 20, U.S. Secretary of Defense Donald Rumsfeld—keen to downplay U.S. culpability—announced that the theft at the National Museum was probably an inside job and that only an estimated thirty-eight objects were confirmed as missing (U.S. Department of Defense 2003).

The most reliable assessment of what really happened at the National Museum has been provided by Colonel Matthew Bogdanos, a U.S. Marine reservist and New York City district attorney, who led the official U.S. government investigation into the plunder. Bogdanos and his team arrived on April 21. He immediately declared a local amnesty for anyone returning objects and later discovered that the 8,366 artifacts hidden by staff but feared missing were in fact safe. At a U.S. Defense Department briefing on September 10, 2003, he revealed that at least 13,515 objects had been stolen, of which 3,500 had been recovered—over 1,700 returned under the amnesty and 900 through raids within Iraq. A further 750 had been recovered abroad. He also presented a detailed summary of his team’s findings and discussed the nature of the looting (Bogdanos 2003). His final report was published in 2005, by which time he estimated that as of January 2005, more than 13,864 objects had been stolen, with 1,935

returned under amnesty and 3,424 seized in Iraq and abroad (Bogdanos 2005: 515).

The museum offices and laboratories were thoroughly ransacked, with equipment stolen or destroyed and safes emptied. Computers, cameras, telephones, air conditioners and office furniture were taken, together with a fleet of about forty cars (Tubb 2003). Files had been scattered but were recoverable. Abandoned ammunition and army uniforms confirmed that Iraqi fighters had taken positions in the museum during the fighting (Bogdanos 2003).

Forty good quality objects were stolen from the exhibition galleries and a further sixteen were damaged. There are indications that the thieves were knowledgeable, as only the most valuable objects were stolen—copies and less valuable pieces were left untouched. Perhaps the thieves came armed with a copy of Basmachi's 1976 catalogue *Treasures of the Iraq Museum*, as they ignored a stela not listed there (al-Gailani 2004: 13). Fifteen of these display pieces had been recovered by January 2005, including the 3000 B.C. white alabaster Warka vase (IM19606), which was returned voluntarily in June 2003 under the amnesty. Later, in September 2003, the 3000 B.C. white marble Warka head (IM45434) was found buried in a field, and in November the 2200 B.C. bronze Bassetki statue base and lower torso was discovered smeared in grease in a cesspit.

A minimum of 3,138 objects were stolen from restoration and above-ground storage rooms, of which 3,037 had been recovered by January 2004. In these rooms genuine objects had sometimes been ignored and copies were taken by mistake, which suggests that the thieves had no real knowledge of what they were taking. Most pieces were handed back soon afterward as part of the local amnesty program, and the looting in this part of the museum seems to have been by local people acting opportunistically.

Thieves also broke into a small storage room in the basement. The museum basement consists of four rooms; the intruders left three rooms untouched but entered the fourth. It contained collections of small and valuable—and thus portable and saleable—cylinder seals, coins, and jewelry. Investigators discovered the keys to thirty storage cabinets in this room; the keys had been dropped by looters and lost in the dark, leaving the cabinets' contents safe. However, 103 small plastic storage boxes had been emptied and 10,686 pieces stolen, including 5,144 cylinder seals. By January 2005, 2,307 pieces had been recovered. This part of the break-in was obviously planned with the open market in mind. It was carried out by thieves who knew in advance what material was easy to move and sell and where it was stored. They had even taken the time to locate a set of keys. Bogdanos (2005: 511) suggests that it might have been an "inside job."

The cylinder seals that were stolen are particularly important as most were derived from archaeological excavations, unlike collections in many other

museums that have been bought on the market (Biggs 2003). Thus they have good documented contexts and are guaranteed to be free of fakes (Muscarella 2000: 28, n. 12). Cylinder seals are also quite valuable. At an auction held at Christie's London on May 13, 2003, one month after the break-in at the National Museum, twenty-one cylinder seals were sold (obviously none from the museum), with prices ranging from about U.S. \$400 up to \$4,000, on average about \$1,000. At the same time, seals were being offered on the Internet for an average price of \$700. Trade sources suggest lower prices, between \$200 and \$500 each (Eisenberg 2004a), but even if the stolen cylinder seals appeared on the London or New York markets at the rock-bottom price of \$200 apiece, the haul of 5,144 cylinder seals removed from the museum basement would fetch more than \$1 million, and potentially much more.

Although at first there was suspicion in some quarters that Iraqi staff had been involved in at least some of the incidents, most have since been exonerated of all blame. It is now clear that the staff of the museums and libraries acted throughout the crisis in a highly professional manner, despite the very difficult and sometimes life-threatening circumstances. Without their foresight and initiative, the damage caused to the museums and libraries would have been far greater.

#### FROM MAY 2003 TO MAY 2005

In the immediate aftermath of the 2003 war, surveys of archaeological sites and cultural institutions in Iraq were carried out by the National Geographic in May (Wright et al. 2003) and UNESCO in June (UNESCO 2003), and some individual sites were visited by reporters.

In northern Iraq, the Mosul Museum was looted at the same time as the Baghdad institutions. At least thirty-four objects were taken from the main display galleries and two storage rooms were broken into, although most important objects had already been moved out of the museum to Baghdad before the war started (Atwood 2003b). Twenty books were stolen from the museum's library, which was otherwise left intact. The books stolen were the most valuable in the library's collection, which again argues that someone with knowledge of the market had deliberately targeted them. The overall situation in the north was that archaeological sites had suffered minimal war damage or were threatened by urban or agricultural development, but although there had been some thefts and illegal excavation, looting was not severe. At Nimrud, for example, two stone reliefs had been stolen, and the site had suffered some damage during a gun battle that had broken out between site guards and looters. U.S. troops arrived to guard the site in May 2003 (Atwood 2003c; Paley 2003).



In the south of the country, looting was widespread, though patchy, but in some cases quite severe. A few large sites seemed to have escaped reasonably lightly. Coalition military camps were established at large, well-known sites such as Ur, Babylon, and Hatra to frighten off would-be looters, though defensive foxholes and heavy traffic caused some damage. Uruk was safe under the protection of a local Bedouin family (Schwartz 2003). At some other sites, the position was dire. There had been extensive recent looting at Larsa, and hundreds of looters were reported at work at Adab, Umma, and Isin; other sites, too, had been badly damaged. U.S. marines arrested one hundred looters at Umma in May 2003, and it was estimated that 30–50 percent of Isin had been destroyed by illicit digging; there were holes 2–3 meters in diameter and 5–7 meters deep. The situation had obviously deteriorated in the time between the National Geographic and UNESCO surveys. Thus in mid-May the National Geographic team reported that although there were some looters' holes at Nippur, guards were present and the site was secure. By the time the UNESCO team arrived in early July, however, there was no longer a guard at the site, and looting had started in earnest. The team observed fifty to a hundred recent holes.

As the security situation in Iraq deteriorated through into 2004, media attention drifted away from archaeology. It has, in consequence, become harder to obtain reliable information, but eyewitnesses report massive looting still in the south, on a scale much larger than during the 1990s. In April 2004 heavily armed gangs chased Iraqi archaeologists off Umma (Garen 2004: 31), while similar gangs moving in all-terrain vehicles were working at other southern sites (Banerjee and Garen 2004).

Coalition patrolling of archaeological sites seems to have been sporadic and largely ineffective, with the exception of Italian *carabinieri* based in the area of Nasiriya since autumn 2003. The carabinieri are trained to deal with looting on sites in Italy and were patrolling the area by helicopter and on the ground (Garen 2004: 28–29), but their activities were curtailed toward the end of 2003 as fighting escalated between the local Shiite militia and coalition troops (Farchakh 2004). Twelve carabinieri were killed in November 2003 (Bogdanos 2005: 501). By the end of 2004 the State Board of Antiquities had 1,750 recruits for its newly constituted Facilities Protection Service to patrol and to guard archaeological sites, but the service was still not fully outfitted with vehicles, weapons, and communication equipment (Kaufman 2005).

At Babylon, the U.S. company Kellogg Brown and Root, a subsidiary of Halliburton, badly damaged the site of Babylon while extending a military base there, and coalition forces subsequently relocated in January 2005 (Bahrani 2004; Bailey 2005; Curtis 2005).

By April 2005, four thousand objects had been returned to the National Mu-

seum from within Iraq, and a few thousand more had been seized in countries around the world and were awaiting return. Major hauls were just over a thousand in Jordan and more than six hundred in the United States. Material had also been seized in Italy, Kuwait, Saudi Arabia, Syria, and Turkey (Bogdanos 2005: 514).

At the outbreak of the 2003 Iraq War neither the United States nor Britain had ratified the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict or its two protocols, but an alternative protective strategy emerged when UN trade sanctions were targeted specifically at cultural heritage. Trade sanctions had originally been placed on Iraq in August 1990 by UNSCR 661, which banned any country from importing commodities exported from Iraq after that date. It did not make special provision for cultural heritage, which was subsumed within the term "commodities." On May 22, 2003, UNSCR 1483 lifted general trade sanctions. The resolution specified that states should take appropriate steps to facilitate the return of all cultural objects illegally removed from Iraq since the date of UNSCR 661 (August 6, 1990) and that trade in Iraqi cultural objects should be prohibited when there is reasonable suspicion that they have been illegally removed.

The United States responded to UNSCR 1483 by lifting general sanctions but leaving them in place for cultural objects, and then in December 2004, as noted by Patty Gerstenblith in chapter 3, a new law was passed empowering the president to impose import restrictions unilaterally on archaeological material of Iraqi origin, although by April 2005 this had not happened.

In the United Kingdom, UNSCR 1483 was implemented in June 2003 by Statutory Instrument 1519, *The Iraq (United Nations Sanctions) Order* (SI 1519). This legislation has proved controversial, as it is not necessary to prove guilty intent, which inverts the burden of proof that normally applies in a criminal prosecution. Whereas UNSCR 1483 asks that trade in objects should be prohibited when there is reasonable suspicion that they have been illegally removed, SI 1519 prohibits trade unless it is known that the objects left Iraq before August 1990. In effect, under SI 1519, an object is not treated as "innocent" until proven "guilty," as is usual, but "guilty" if there is nothing to indicate otherwise. This interpretation of UNSCR 1483 has been criticized as contravening the European Convention on Human Rights, which enshrines the principle of "innocent until proven guilty" (Chamberlain 2003: 361).

### THE LONDON ANTIQUITIES MARKET

Throughout the 1990s there were persistent rumors that Iraqi material was being moved through Jordan to Amman and thence to London. In 1994 the Brit-

ish Department of Customs and Excise intercepted a shipment of Iraqi antiquities at Heathrow airport addressed to a Jordanian woman living in London. The shipment of four boxes contained cuneiform tablets, pottery, and some Aramaic incantation bowls, but the woman to whom it was addressed claimed that it was an unsolicited delivery and she could not, therefore, be prosecuted (Hunter 1997). In 1996 a department of University College London obtained on loan from the Norwegian collector Martin Schøyen 650 Aramaic incantation bowls that, by the department's own admission, had been "collected" from archaeological sites (Geller n.d.), probably in Iraq and exported through Jordan (Alberge 2005).<sup>4</sup> By 1997 it was reported that enough antiquities had been seized at Iraq's border with Jordan to form an exhibition at Baghdad's National Museum (Gibson 1997: 7), and cuneiform tablets, cylinder seals, and other small antiquities were on open sale in London ("Short Notes" 1997: 22; Gibson 1997: 7). Two years later in 1999, a further thousand artifacts were returned to Iraq by Jordan (Doole 1999: 8).

In 2001 two significant pieces of stone relief sculpture were returned to Iraq from London. The first was a stone relief head from Hatra, which had been smuggled out through Jordan and seized by Scotland Yard from a London antiquities dealer (Doole 2001: 15); the second was a fragment from the Sennacherib palace that the London collector Shlomo Moussaieff had bought in good faith in 1994 in Geneva Freeport from the Brussels-based Lebanese dealer Nabil Asfar (Gottlieb and Meier 2003). Since then, there have been two other seizures in London: a relief from the Nimrud palace of Ashurnasirpal II in 2002, and in 2003 an eleventh-century A.D. book that had been stolen in 1995 from the Awqaf Library in Mosul was brought to Christie's London auction house, which handed it over to the police. In September 2003 it was reported that the first seizures of material stolen from the National Museum had been made in New York and Rome, after having first passed through London (Bailey 2003: 1). The most important recovery was of just over six hundred small objects at a New York airport, including many cylinder seals stolen from the National Museum's basement storeroom in April 2003.

Further insights into the London market for Iraqi antiquities are provided by the analysis of a diachronic series of auction sales. Figures 10.1 and 10.2 show the numbers of Mesopotamian cylinder seals offered for sale each year at the major London auction houses from 1980 to 2005. Although some cylinder seals may be found in countries adjacent to Iraq, and some have been found as far afield as Greece, the vast majority are recovered from archaeological sites in Iraq itself. There is no real evidence that the UN trade sanctions introduced in August 1990 by UNSCR 661 made any impact on sales, despite cautionary notices that were included at that time in auction catalogues. Figures 10.1 and 10.2 also

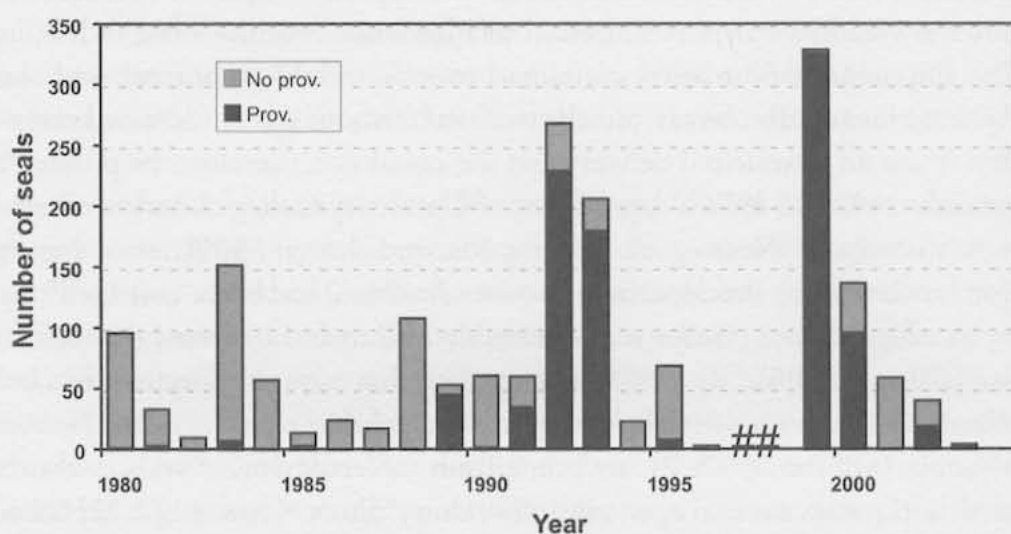


Figure 10.1. Number of cylinder seals offered for sale annually in London at Sotheby's (1980–96) and Bonhams (1999–2004) excluding single-owner sales. (## = no data available.)

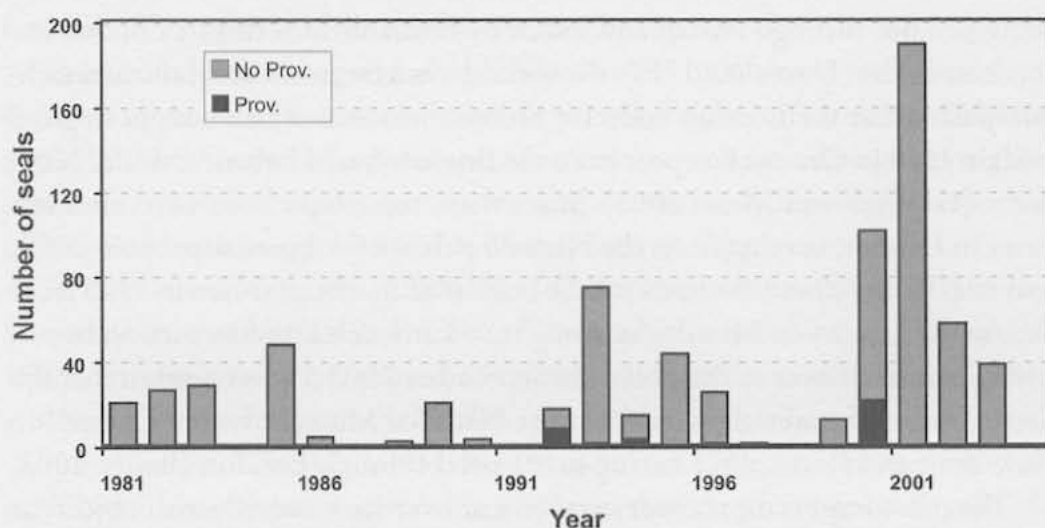


Figure 10.2. Number of cylinder seals offered for sale annually in London at Christie's (1981–2004) excluding single-owner sales.

show, however, that the major auction houses were not selling increased quantities of unprovenanced material through the 1990s into the 2000s, as might have been expected in the presence of the Amman-London nexus. But, as Watson (chapter 4) and Hollowell (chapter 5) point out, auction data cannot be taken at face value as an indicator of market shape or size. In the long term, the number of seals offered each year for auction has remained within certain limits, probably because the auction houses themselves have an interest in not selling too many at any one time for fear of causing a glut in the market and then losing commission on the falling prices that would ensue.



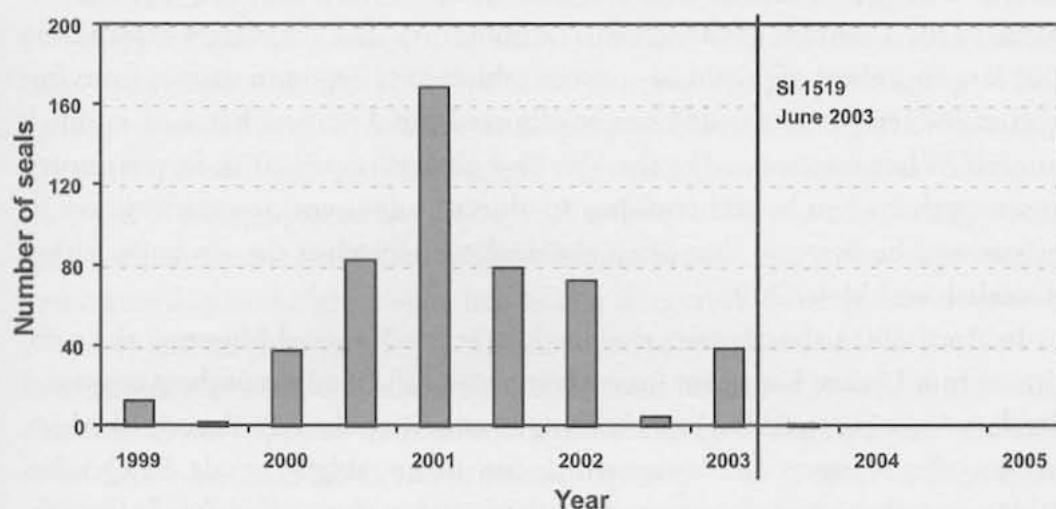


Figure 10.3. Combined number of unprovenanced cylinder seals offered in London at Christie's and Bonhams spring and fall sales. The vertical black line marks the U.K. implementation of SI 1519 in June 2003 and shows the complete fall-off in seals offered after that date.

However, the questionable character of the unprovenanced seals sold at auction remains an issue. There are no indications of ownership history provided for them in auction catalogue descriptions, which leaves open the possibility that they had been moved only recently out of Iraq. On the other hand, it might equally suggest that the consignors wished to remain anonymous. It is surely significant, though, that the quantities of unprovenanced seals offered for auction dropped off to nothing immediately after the implementation of SI 1519. An obvious explanation for this plummet, which is shown in figure 10.3, is that it is not possible to demonstrate with any degree of certainty what unprovenanced seals may have moved out of Iraq since August 1990, and either the auction houses will not handle them or vendors are not consigning them for fear of contravening SI 1519. This explanation seems to be confirmed by a report from Christie's London that far fewer cylinder seals and cuneiform tablets without provenance have been offered to them since April 2003 than they would normally expect (Eisenberg 2004a), and this implies that many of the unprovenanced seals previously offered for sale by auction really were of unknown pedigree and may therefore have been moved out of Iraq illegally.

Another independent line of evidence strongly suggests that many, if not most, unprovenanced antiquities from Iraq that appear on the market have only recently been dug up. Large numbers of cuneiform tablets and other objects have been offered for sale over the past ten years or so with a certificate of authenticity and translation provided by Wilfred Lambert, emeritus professor of Assyriology at Britain's Birmingham University. Presumably, if a tablet needs

authenticating and translating in this way, it is because it has not previously come to the attention of the scholarly community. The alternative explanation that large numbers of previously unseen tablets have begun to surface from forgotten collections is possible but hardly credible. Lambert has said as much himself. When interviewed by the *New York Times* in April 2003, he was quoted as saying that when he authenticates an object he does not necessarily know its origin, and he suspects that often the dealers themselves do not know either (Gottlieb and Meier 2003).

In April 2003, shortly after the break-in at the National Museum, the websites of four United Kingdom-based companies, all members of the Antiquities Dealers Association (ADA), or claiming to adhere to the ADA's code of ethics, had on offer between them twenty-nine cuneiform tablets for sale. By October 2003 one website had disappeared, while the other three offered only five tablets. By August 2004 the missing website had reappeared, and on all four sites together there were four cuneiform tablets for sale. Three of the companies had on offer in total only four antiquities that might have been Iraqi in origin (although there were suspiciously large quantities of "Sassanian" material or items "from Iran" available). However, the fourth company had something like sixty-four objects on sale that might have come from Iraq, including eleven cylinder seals. None of the seals had any provenance; five had been authenticated by Wilfred Lambert and a further five by "a former curator of Egyptian and Near Eastern Art" at the Boston Museum of Fine Arts. Previously, the same company in October 2003 had offered for sale seventeen cylinder seals, again with no provenance, and with fourteen authenticated by Lambert. All but one of these seals had been sold by August 2004, so presumably more might have been offered and sold over the intervening period. All objects were priced in U.S. dollars with an eye on the export market.

Thus there is strong evidence to suggest that many if not the majority of unprovenanced Iraqi antiquities that have been traded in Britain since the Gulf War have been from illegal excavations and that this trade has dropped off sharply since the implementation of SI 1519. Yet this trade in illegally acquired antiquities through the 1990s carried on despite codes of ethics formulated by trade associations, which, they claim, are designed to guard against just such an eventuality.

For example, Article 2 of the Antiquities Dealers Association's Code of Ethics states: "The members of ADA undertake not to purchase or sell objects until they have established to the best of their ability that such objects were not stolen from excavations, architectural monuments, public institutions or private property." Article 2 of the Code of Ethics of the International Association of Dealers in Ancient Art (IADAA) is identical.

Unfortunately, the wording of this article is ambiguous and is open to at least two different interpretations. One reading appears obvious—members undertake, to the best of their ability, not to sell material that has been stolen or illegally excavated. But an alternative reading is possible and is flagged by the use of the term “private property.” British and American antiquities dealers have long objected to foreign patrimony laws—such as Iraq’s—that vest ownership of unexcavated antiquities in the state; they favor instead common law regimes that vest ownership in the landowner. In that case unexcavated antiquities are private property and can be dug up by the landowner and disposed of—sold—like any other legally owned possession. Thus it is possible to read Article 2 as stating that dealers are happy to trade in material that has been dug up by a landowner from his or her own land (i.e., not stolen from private property), even if the subsequent sale or export was illegal within the jurisdiction of the country of discovery. It is significant that there is no clear and unambiguous statement that members will not deal in stolen public property or in illegally exported cultural objects.

Antiquities dealers are not particularly open about their business, and indeed there is no legal reason why they should be. But their stance toward Iraq might be gauged from that of Jerome M. Eisenberg, who is a leading antiquities dealer with galleries in London and New York and proprietor of the trade magazine *Minerva*, through which he is able to voice his opinion. He is hardly a shady character, and cannot be accused of operating a seedy little smuggling business out of a Geneva warehouse, but would like to see himself and is regarded by others as part of the “reputable” or “legitimate” trade. As such, his published opinions and arguments deserve close scrutiny for what they may reveal about trade attitudes more generally.

The first issue of *Minerva* to appear after the National Museum was looted helpfully provided illustrations of three hundred objects, which at the time were thought to be missing (Eisenberg 2003a). In the editorial of the same issue, however, Eisenberg lost no time in castigating the “usual cadre of posturing, often ‘born-again,’ academics” (Eisenberg 2003b: 2) for making exaggerated claims about the size of the antiquities trade, and their propensity to “finger unscrupulous dealers as being at the heart of the world’s ills.” It was time for “cooler hearts and wiser heads” to prevail and to consider the truth. At that time, while noting the uncertainties that still prevailed, the truth for Eisenberg was that thirty-eight valuable pieces were officially listed as stolen, with another 2,000–3,000 objects missing. Curiously, the editorial then went on to accuse the academics responsible for the compilation and production of the three fascicles of *Lost Heritage: Antiquities Stolen from Iraq's Regional Museums* after the 1991 Gulf War of “ineptitude” for not ensuring that they reached the appropri-

ate dealers and academics: "*Minerva* was unaware of the series until recently and finally obtained copies (the originals are long out of print) only in the past few weeks. Certainly, if made aware of these publications, *Minerva* would have allocated ample space to publicising the losses" (Eisenberg 2003b: 3).

It is true that the distribution of the fascicles could have been wider; for example, the major art museum bookshops that sell *Minerva* and other glossy publications could have taken it upon themselves to stock copies. But it is not true, as Eisenberg claimed, that *Minerva* was unaware of them. In the May–June 1997 issue they had been clearly mentioned in an article by John Russell on the looting of Sennacherib's palace, in which he noted that the fascicles were available free of charge by writing to the publisher of each, and he provided addresses (Russell 1997a: 19–20). Russell mentioned the fascicles again in a similar article published in the first issue of *Culture without Context*, also in 1997 (Russell 1997b). This issue of *Culture without Context* received a full-page review from Eisenberg, who had obviously read it carefully, though not carefully enough, it seems, to have noticed the existence of the fascicles. Of Russell's article, he asked: "Is this repetition really necessary?" (Eisenberg 1998: 6). Clearly, in Eisenberg's case, it was necessary but a waste of time.

*Minerva's* September–October 2003 editorial, written in light of the Bogdanos briefing and National Geographic report, gave a balanced overview of the situation in Iraq though the writer still felt the need to lash out at academics (Eisenberg 2003c). Unfortunately, this balance was undermined by another piece in the same issue reviewing the spring 2003 antiquities auctions, the last auctions to be held in London before the implementation of SI 1519 (Eisenberg 2003d). Favorable mentions were made of record prices fetched by a first-millennium B.C. Egyptian wooden coffin sold at Christie's and a silver cup from Iran sold at Bonhams, before the review ended on an upbeat note that "the antiquities market is unusually robust in times of economic uncertainties" (Eisenberg 2003d: 33). Eisenberg lost his opportunity to take a last look at unprovenanced objects appearing for sale before SI 1519 hit home. He might have questioned, for example, the histories of at least sixteen lots of probable Iraqi origin that Christie's had offered without provenance, including cuneiform tablets and cylinder seals, and an unusual inscribed stone door socket dating to about 2000 B.C. from the site of Isin. Offered with an estimate of U.S. \$4,075 to \$5,705 it sold for U.S. \$22,983 (Christie's 2003: 31, lot 46).

The January–February 2004 issue of *Minerva* again presented a balanced report on what was missing and recovered from the National Museum, based largely on Bogdanos, but passed over in silence the ongoing site looting (Eisenberg 2004b). Finally, in the July–August 2004 issue, Eisenberg published a



historical review of the trade in Iraqi antiquities (Eisenberg 2004c). Mention was made of early twentieth-century collectors and dealers, notably the American Edgar J. Banks, and of sales by auction of known collections through the 1980s and 1990s. No explanation was offered for the continuing sale of unprovenanced objects over the same period, nor was there any discussion of major new collectors—Jonathan Rosen, for example, who is rumored to have accumulated thousands of cuneiform tablets and cylinder seals over the last couple of decades, many of which he has donated to educational institutions within the United States (D'Arcy 2003).

Eisenberg also noted that since April 2003 most antiquities dealers have stopped trading in unprovenanced material from Iraq (Eisenberg 2004c: 43), which is in accord with evidence provided here. After this highly selective review he stated that "it seems apparent, therefore, that if any quantity of material has been smuggled out of Iraq since 1990, little if any has surfaced on the legitimate market" (Eisenberg 2004c: 43), although he had offered no evidence to substantiate this view. He went on to recommend that there was little need to send any cuneiform tablets or cylinder seals back to Iraq unless they were demonstrably stolen from a museum, because in its present state Iraq's National Museum would not be able to cope with the necessary conservation and recording.

Eisenberg's strategy is clear. Any adverse information about antiquities trading and collecting that is already in the public domain is deployed in such a way as to hide what is not public, or at least to veil information that is not well known. If an episode of antiquities looting or theft is firmly established, beyond doubt, it is denounced loudly; if not, no notice is given. Thus in 1997 the looting of Sennacherib's palace was highlighted and denounced because it was by then well known. The fascicles of *Lost Heritage*, which could have received equal publicity, were quietly overlooked, despite later protestations of ignorance. Similarly, the April 2003 ransack of the National Museum was headlined and condemned, but although the ongoing plunder of archaeological sites was noted when it was first reported by the National Geographic, since then it has not been mentioned. Early twentieth-century dealers and collectors are openly discussed, but the sources of contemporary collections are not considered. While it is interesting to know that from 1915 to the mid-1930s Edgar J. Banks is said to have brought into the United States a minimum of 11,000 cuneiform tablets, and possibly many more, it would be more useful to learn about the pedigree of Rosen's collection. It is encouraging to be told that the trade in Iraqi antiquities has gone dead since April 2003, but it is disappointing not to hear why it did not happen thirteen years earlier when United Nations

sanctions were first imposed. This strategy of argumentation is duplicitous, and while it might convince *Minerva* readers, it raises serious doubts about the sincerity of the self-styled "legitimate" trade.

It is impossible for an outsider to penetrate the inner workings of the antiquities trade, and antiquities dealers are not inclined to help. Yet from the scattered clues gathered together here a consistent picture begins to emerge. Behind the rhetoric, Eisenberg's reporting on the thefts from the National Museum has been consistent, honest, and in accordance with Article 2 of the ADA/IADAA Code of Ethics, which calls on dealers not to sell objects that have been stolen from excavations or public institutions. He has been much quieter about the looting of archaeological sites, perhaps due to a belief consistent with the reading of Article 2 offered here: that publicly owned or illegally exported property should not be subject to trade restrictions. This seems to be a belief adhered to by other parts of the London trade, at least during the 1990s, although it is counter to U.S. and U.K. criminal law, as the convictions of Frederick Schultz and Jonathan Tokeley-Parry have now confirmed. But perhaps this explanation is too elaborate, and perhaps dealers have simply disregarded their own ethical codes. Either way, there is a problem. Codes of ethics constitute the trade's mechanism of self-regulation, and if they are ignored, self-regulation has failed. But equally, if ethical codes are weaker than the law, then self-regulation does not exist. The only real ameliorating effect exerted on the London trade in Iraqi antiquities has been the statutory one of SI 1519 and its threat of criminal prosecution. If (when) it is repealed, the trade will no doubt bounce back with a vengeance.

## NOTES

The report of the official U.S. investigation into the sack of the National Museum was published while this chapter was in press (Bogdanos 2005). It was not possible to take full account of the report, but it was used to ensure factual accuracy. There are several sources of information on the Internet that are continually updated and that should be consulted for news of more recent developments. The Oriental Institute of the University of Chicago hosts a web resource entitled Lost Treasures from Iraq at <<http://oi.uchicago.edu/OI/IRAQ/iraq.html>>. It contains an illustrated and searchable database of the National Museum collections (still under construction), bibliographies documenting the contents of Iraq's museums and libraries, the archives of the IraqCrisis moderated Internet discussion list, and images and descriptions of archaeological sites damaged by looting. The Oriental Institute also hosts the website of the Middle East Librarians Association, which contains links and information concerning Iraq's libraries and manuscript collections, at <<http://oi.uchicago.edu/OI/IRAQ/mela/melairaq.html>>. The site also contains an on-

line copy of Nabil al-Tikriti's (2003) report on Iraq's libraries and archives. The website of archaeologist Francis Deblauwe contains a complete archive of news reports from Iraq together with comment dating back to March 2003 and is continuously updated. It can be found at <<http://iwa.univie.ac.at>>.

In 2003 the International Council of Museums launched their Emergency Red List of Iraqi Antiquities at Risk. Rather than present images or descriptions of objects known to have been stolen from museums, it illustrates and describes the types of objects that are under threat of looting, noting that anything with Aramaic or cuneiform script is suspicious, and also illustrating what an IM number looks like. The Red List is available on-line in English, French, and Arabic versions at <<http://icom.museum/redlist/irak/en/index.html>>.

1. Available on-line at <<http://oi.uchicago.edu/OI/IRAQ/lh.html>>.

2. An organization representing the interests of private collectors and some museum curators.

3. The fates of other archives and libraries in Iraq are discussed by al-Tikriti (2003).

4. The department in question was not the Institute of Archaeology at University College London, which adopted a policy in 1999 adhering to the *ICOM Code of Ethics for Museums* (see Tubb 2002, 288–89, for Institute policy; and see Brodie, introduction to this volume, for the ICOM ethical code).

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