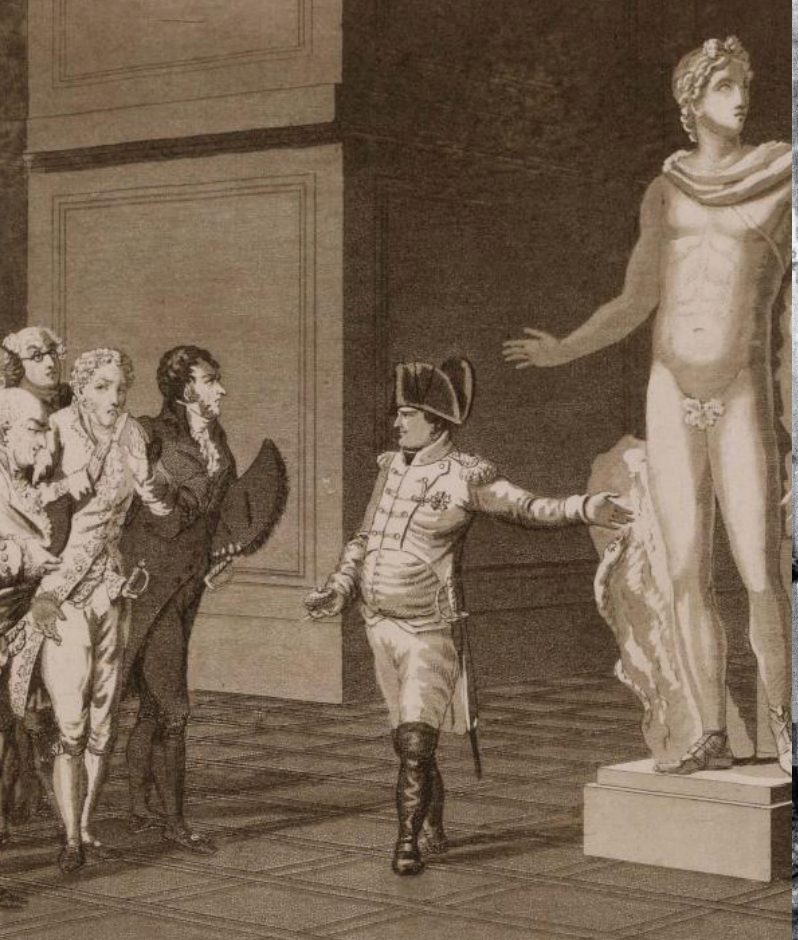




Looting & Napoleon

Looting & Napoleon Sweeping through Europe during the late eighteenth century, Napoleon Bonaparte and his armies engaged in looting on levels that wouldn't be seen again until World War II. Looting was seen as a way to raise funds to support the conquering of a continent and build a collection for the Louvre museum, known at the time as Musée Napoleon. Countless objects were shipped back to Paris from across conquered Europe and displayed at the museum, including Laocoon, the Apollo Belvedere, and the Ghent Altarpiece.

Napoleon's process for looting was rigorously regulated. His Commission of Arts and Sciences followed the invading army to conduct inventories, pack, and then ship the spoils of war. Napoleon attempted to limit looting to only officially sanctioned action, but there was little stopping officers from picking up souvenirs to build their own collections. In the case of Jean-Baptiste Wicar, one of the officials in charge of acquiring works for Napoleon, he was able to leave over 11,000 objects to the city of Lille upon his death, after already selling off the majority of his collection.

Napoleon's looting often was codified in treaties signed by the nations he conquered. In the 1796 Treaty of Tolentine, Pope Pius VI was required to give Bonaparte: "A hundred pictures, busts, vases, or statues to be selected by the commissioners and sent to Rome". The pope was also made to pay the cost of shipping the looted material back to Paris.

Following Napoleon's defeat at the Battle of Waterloo in 1815, the French government was forced to return over 5,000 looted objects to their country of origin.

Nazi Looting

In their quest to build a new German Empire, Nazi Germany engaged in widespread looting and plundering of Europe's art collections in order to build the cultural prestige of the Third Reich. Hundreds of thousands of cultural objects were stolen from museums and private collections across Europe.

Works of art were confiscated from prominent private and public collections and, after being picked through by Nazi officials, transferred to state museums or placed into storage. Working off of a master catalogue compiled by art historians, Nazis collected masterpieces as they marched through Europe. What was considered desirable was collected and what was considered degenerate was destroyed.

These stolen objects were stored in several locations around Europe including museums and, as the tide of war turned against Germany, in mine shafts and caves. After the war ended, many of these stolen works were absorbed into the permanent collections of unknowing museums around the world. The securing and repatriating of the stolen objects has been a process that commenced with the formation of the Monuments, Fine Arts, and Archives Section in 1943 and continues to present day. Despite efforts over the past seventy years to return stolen objects to their rightful owners, it is estimated that over 100,000 objects are still missing

Cultural Property Protection During Armed Conflict

The "Roerich Pact" of 1935

In 1929, Russian painter and philosopher Nicholas Roerich and Paris University international law and political science professor George Chklaver drafted an international treaty dedicated to the protection of cultural values. The intent was to create a neutrality status for cultural property paralleling the medical one previously established by the Red Cross. Roerich simultaneously proposed a distinctive emblem to identify objects protected under the treaty; a "banner of peace." The banner follows the color scheme of the Red Cross flag to provide a distinctive and highly recognizable emblem, which is reproduced below. The draft treaty accompanied by an appeal from Roerich to governments and peoples of all countries was published in 1930.



Committees supporting Roerich's proposed treaty were established in Paris, France and Bruges, Belgium, and an International Union of the Roerich Pact was founded in Bruges in 1931. Annual international conferences promoting the treaty gained momentum and in 1933, thirty-five countries recommended governments of all nations sign the Pact. Also in 1933, the Committee of the Pan-American Union passed a resolution recommending

the governments of American countries join the "Roerich Pact". The U.S. acted first and signed on in 1934. On April 15, 1935, representatives of 21 South, Central, and North American countries signed The International Pact for the Protection of Artistic and Scientific Institutions, Historic Monuments, Missions and Collections in a ceremony at the White House. On July 2 1935, the U.S. Senate ratified the "Roerich Pact" which is still binding on 11 countries in the Americas.

The Convention and Protocol on the Protection of Cultural Property in the Event of Armed Conflict, De Hague 1954 - 1999

Once the magnitude of destroyed and looted cultural property fully came to light after the Second World War, steps were implemented to improve the protection of cultural property. Taking the Roerich Pact and the Draft of the League of Nations Convention for the Protection of Historic Buildings and Works of Art into consideration, preparations for a new convention commenced. On May 14, 1954, The Convention and Protocol on the Protection of Cultural Property in the Event of Armed Conflict was adopted in the city of De Hague, Netherlands. The first Protocol was adopted at the same time and deals with cultural property in occupied territory. With 102 current state parties and one state signatory it is today considered to be one of the most important instruments to protect cultural property in times of war.

Taking the recent developments of international criminal law and international humanitarian law into account, it became clear that the 1954 Convention contained several weaknesses and needed to be improved. In 1999 the Second Additional Protocol to the Hague Convention was adopted. It entered into force on March 9, 2004.



Non Governmental Agencies Protecting Cultural Property

Blue Shield International was established in 1996 to work to protect the world's cultural heritage threatened by wars and natural disasters. Providing a cultural equivalent to the International Red Cross, its structural organization is parallel, striving to achieve its mission by working with its affiliate national committees to provide an emergency response to cultural property at risk from armed conflict. The United States Committee of the Blue Shield was formed in 2006 as nonprofit organization.

The name Blue Shield comes from the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, which specifies a blue and white shield as the symbol for marking protected cultural property.

Cultural Property Protection Outside of Armed Conflict

1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property

At the end of the 1960s, thefts of cultural and historical artifacts were increasing both in museums and at archaeological sites, particularly in the countries of the southern hemisphere. In the developed world, private collectors and museums alike, were increasingly offered objects that had been fraudulently imported or were of unidentified origin.

It is in this context, and to address such situations, that UNESCO created the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property in 1970.

The Convention requires signatory states to take action in the fields of prevention, restitution, and international cooperation. Preventive measures include developing cultural heritage inventories, regulating and monitoring trade of cultural and historical artifacts through the use of standardized export certificates, creating educational campaigns, and imposition of penal and administrative sanctions. By requiring states to create inventories, the treaty placed a significant burden of establishing cultural heritage status for individual objects on the aggrieved nation, limiting the effectiveness of the Convention. The restitution provisions call for signatory states to undertake, at the request of the state party of origin, appropriate steps to recover and return any listed cultural heritage property imported after the entry into force of the Convention in both states concerned, provided that the requesting state pays just compensation to an innocent purchaser or to a person who has valid title to that property

The Convention entered into force in 1972 and was by the end of 2013 ratified or accepted by 125 countries, with Myanmar joining on September 5th, 2013. Not surprisingly, early signatories were "victim nations"; the first major western country to adopt the Convention was Canada in 1978. The U.S. joined in 1983, France signed on in 1997, and the United Kingdom in 2002.

1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects

The 1995 UNIDROIT Convention is a complementary instrument to the 1970 UNESCO Convention and focuses on streamlining the recovery phase. Signatory states commit to a uniform treatment for restitution of stolen or illegally exported cultural objects and allow restitution claims to be processed directly through national courts. Extending protection beyond the scope of the 1970 Convention, the 1995 UNIDROIT Convention covers all stolen cultural objects, not just inventoried and declared ones, and stipulates that all such cultural property must be returned.

2003 UNESCO Declaration Concerning the Intentional Destruction of Cultural Heritage

The 2003 Declaration Concerning the Intentional Destruction of Cultural Heritage constitutes UNESCO's response to the tragic destruction of the Buddhas of Bamiyan, Afghanistan by the Taliban, giving expression to its serious concern about the growing number of acts of intentional destruction of cultural heritage. Through the Declaration, the international community recognizes the importance of the protection of cultural heritage and reaffirms its commitment to fight against its intentional destruction in any form. It urges states to take all appropriate measures to prevent, avoid, stop, and suppress act of intentional destruction of cultural heritage, wherever such heritage is located.

~~LOOTING,~~ ~~HOARDING,~~ COLLECTING... Repatriation and Museums

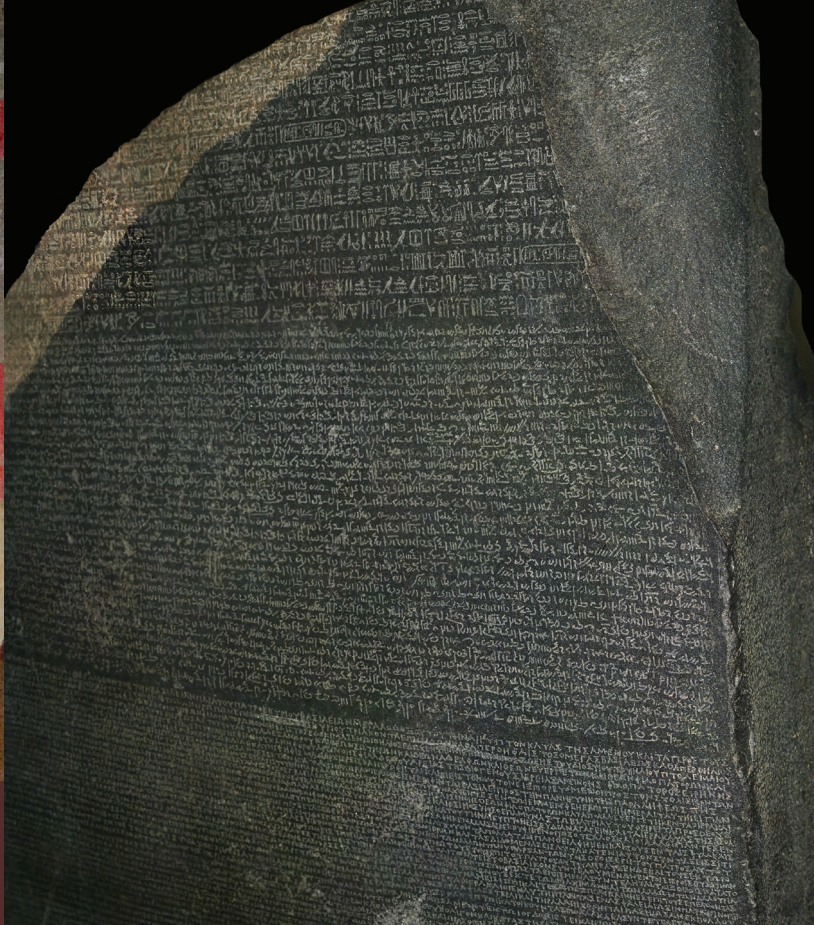


NIU ART MUSEUM
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ANTHROPOLOGY
June 27–Sept 28, 2014





Looting, Hoarding, Collecting... Repatriation and Museums

From the spoils of war, to the issues of contemporary repatriation, *Looting, Hoarding, Collecting* explores the history of cultural property conflicts, the roles played in them by museums, and their lasting implications for the museum community and its constituencies. Societal acceptance of looting and hoarding, and the collecting of looted objects by museums has changed dramatically over the past decades, often leading museums of today to consider repatriation of such artifacts.

With national and international cultural property law evolving and reforms in museum ethics and practices generating updated policies, museums are forced to look at their collections with more scrutiny. Prominent players in museum policy development today include the International Council of Museums (ICOM) and the American Alliance of Museums (AAM). Many famous museums, including the British Museum, the Metropolitan Museum of Art, and the J. Paul Getty Museum, have objects in their collections with questionable provenance.

Who is the rightful owner of these items? Is it the museum that claims to keep the objects safe from harm and available for the cultural education of the masses? Or is it the original owner or country of origin of the item that demands their cultural property be returned?



Looting, Hoarding, Repatriation Defined

Looting is defined as “to steal things from a place during a war or after destruction has been caused by fire, rioting, etc.” Looting is of particular concern to the museum community as museums house and protect cultural artifacts. When their home countries fall into a time of crisis, whether due to political or environmental issues, objects may be taken unlawfully from museums and archaeological sites.

Museums are also concerned with the collection of objects which may have been looted. Objects taken without proper provenance research and clear title can create issues for a museum. These objects may have been stolen from a person, cultural group, or other museums. Issues of ownership often arise in situations of this nature. Looting often leads to hoarding of the taken goods. Hoarding is defined as “to collect and hide a large amount of something valuable”.

Museums are considered the storehouses of culture; many institutions continuously expand their collections in an effort to convey an all-inclusive representation of cultural heritage. As a result, museums are unable to display their entire collection and about 80-90% of objects remain in storage.

Repatriation is the process of returning something, or someone, to its land and/or culture of origin. Examples include the repatriation of refugees, political prisoners, human remains from looted graves, remains of war casualties, objects of art, cultural items, and ancient artifacts looted from museums, archaeological sites, or other places.

The Return of a Looted Buddha: the 25-Year Saga

This case set a legal precedent in the United States for litigation related to the international transport of antiquities. The confiscation and repatriation of this statue was a lengthy undertaking that weaves together the involvement of a crooked art dealer, the FBI, and outstanding NIU academics refusing to give up until the Buddha made it safely home. Its return also marks the first case in which cultural property was returned to Burma through the courts of the United States. Dr. Cooler and Attorney Daulton covered the legal expenses.

THE LEGAL RESCUE

Bagan, the first royal capital of Myanmar from the 11th to 13th centuries, houses the temple Kyaukku U Min, which was the site of devastating looting in 1988. Among the five images of Buddha that were taken, a unique 1000 year old Buddha statue dating from King Kyanzittha's reign (1084–1112) was seized by unknown looters.

The Buddha statue later resurfaced in the art market in 1990 when art dealer, Richard K. Diran, illegally bought the statue in Bangkok and imported it to the U.S., later listing it for sale at auction by Sotheby's in New York on October 28, 1991. Acting on an anonymous tip, the FBI impounded the statue for further research. After three years of unsuccessful investigation, the New York State's Attorney contacted Professor Richard Cooler, Director of the Center for Burma Studies, and a specialist in the art of Burma, to establish provenance of the statue as part of the investigation.

Dr. Cooler located several photographs within his personal library of the Buddha statue that were taken when the statue was still in the temple. These images showed that the statue had been broken through the shins and confirmed that only the upper half had been listed for sale. After this breakthrough, Dr. Cooler made a request and received permission to pursue the case on behalf of the Myanmar government. His graduate student, Attorney Jack Daulton, a specialist in Art and Entertainment Law, joined cooler in his endeavor.

While Cooler traveled to Myanmar to locate the bottom half of the statue and make positive identification, Attorney Daulton began the legal proceedings against Richard Diran. Dr. Cooler tracked down the missing bottom half of the Buddha statue, allowing the case to be settled out of court due to the strength of the evidence assembled and the legal procedures employed. As a result, in 1995, the Buddha statue was recognized as a piece of cultural property of Myanmar.

In a gesture of appreciation, the Republic of the Union of Myanmar agreed to have the statue exhibited at the NIU Art Museum for a year, before its return to Burma, and the statue was placed in the custody of the Center for Burma Studies. Dr. Cooler's subsequent attempts to return the Buddha image failed due to the frayed governmental relations between the United States and Myanmar that did not improve until 2012.

RETURNING THE BUDDHA HOME

In 2004, Dr. Catherine Raymond, the new Director of the Center for Burma Studies exhibited the statue and learned that it had not been returned to Burma due to the breakdown of effective diplomatic relations between the United States and Myanmar since its state of political turmoil.

Professor Raymond had to consider alternative ways to return the statue. Using her French citizenship, she initiated discussions with the Burmese Embassy in Paris, where its Ambassador is also the Burmese representative to UNESCO, the educational, scientific, and cultural organization of the United Nations.

It was only in 2011 that the new Myanmar's Ambassador to France, U Kyaw Zwar Min succeeded in obtaining the funding of \$2,000 from the Republic of the Union of Myanmar for the statue's safe return. He designated an emissary in the U.S., U Padetha Tin, to work with Dr. Raymond and make arrangements to have the statue shipped to the Myanmar Embassy in Paris. From there the statue made its way to Yangon, where it was officially installed in early 2013 and reunited with its lower half.

Egypt's Heritage: World's Treasures?

Much of Egypt's prized cultural heritage was looted throughout the centuries by expeditions and war, with many artifacts ending up in museum collections throughout the western world. Famous pieces such as the Rosetta Stone, a bust of Nefertiti, and the zodiac ceiling of the Denderah temple have all gained notoriety throughout the museum world as stolen artifacts. Museums holding these artifacts include the British Museum, the Louvre, and the Boston Museum of Fine Arts.

The driving force behind the push for the return of Egypt's treasures is Zahi Hawass, who served as Secretary General of Egypt's Supreme Council of Antiquities from 2002 till 2011. Using his position, Hawass brought light to the injustices done to Egypt and demanded its artifacts be returned. He considers these objects Egypt's cultural heritage and as such no occupying force ever held the legal authority to sell, export, or otherwise transfer legal title allowing these objects' departure from Egypt. Awareness of the disposition of these artifacts through the media created repatriation zeal in Egypt's citizenry, eager to claim back their cultural heritage.

In response to the repatriation claims from Egypt and other countries, several major museums united together and issued a declaration in December 2002 stating that objects acquired in the past must be viewed by past policies and standards. They also claim that objects acquired in the past have to be looked at as multinational artifacts since they have been in the museum's collections for decades and museums ultimately serve visitors of all nations.

Repatriating Wounded Knee

The Wounded Knee Massacre occurred on December 29, 1890. It is considered to be one of the most controversial battles of the American Indian Wars. Its origins stem from a misconception of a sacred Native American ceremony known as the Ghost Dance. This 'dance' was intended to restore peace and prosperity to the region and return it to its rightful heirs, the Sioux.

Although the Ghost Dance was a peaceful rite performed by the Lakota Sioux, the U. S. government considered it a serious threat to its authority. As a response, soldiers were sent to neutralize this threat, setting off a chain of events that led to the brutal slayings of a large number of Lakota Sioux men, women, and children. On December 14, 1890, in an effort to suppress the Ghost Dance movement Native American police fatally shot Chief Sitting Bull during an attempt to detain him at the Standing Rock reservation.

Further tensions led to the ailing Chief Big Foot's group to flee south to seek shelter at Pine Ridge. They were intercepted and arrested by U. S. Cavalry troops. According to Sioux accounts, a deaf member of Big Foot's band did not understand the order to disarm and accidentally fired a round during a scuffle. What followed was an indiscriminately placed volley of gunfire by the U. S. troops, and at the end of the incident over 200 Lakota Sioux were killed.

In the aftermath of the battle, U. S. soldiers collected trophies from their victims before heaping them into mass graves. Some of these items were donated to the Smithsonian between 1891 and 1990, including six Ghost Dance Shirts with blood-stains and bullet-holes from the massacre. Even after passage of the National Museum of the American Indian Act and the Native American Graves Protection and Repatriation Act (NAGPRA), the Smithsonian retained the Ghost dance shirts in their collection.

In 1996 a team led by Sebastion “Bronco” LeBeau, a tribal historic preservation officer for the Sioux, requested that the Smithsonian repatriate the objects when they became aware of their whereabouts. Upon receiving them in 1998, and in accordance with Sioux customs and traditions that require the spirit to be laid to rest in order for it to rest, the tribe buried the shirts.