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September 14, 2024

Dr. Alexandra Jones, Chair, Cultural Property Advisory Committee and
Members, Cultural Property Advisory Committee
U.S. Department of State
2200 C Street, NW
Washington, DC 20037

Dear Dr. Jones and Members of the Cultural Property Advisory Committee,

The Archaeological Institute of America (AIA), with its membership of approximately 200,000 professional archaeologists, corresponding members, students, and enthusiasts united by a shared passion for archaeology and its role in furthering human knowledge, expresses its strong support of the request by the Government of the Republic of Lebanon to enter into a Memorandum of Understanding (MOU) concerning import restrictions on archaeological materials dating from the Paleolithic period (approximately 700,000 years ago) to 1774 CE including a list of materials and types of artifacts detailed in your Committee's online public announcement¹.

At the core of its mission, the AIA promotes archaeological inquiry and public understanding of the material record of the human past to foster an appreciation of diverse cultures and our shared humanity. The AIA supports archaeologists, their research and its dissemination, and ethical professional practice; educates people of all ages about the significance of archaeological discovery; and advocates for the preservation of the world's archaeological heritage.

The Society of American Archaeology (SAA) is an international organization that, since its founding in 1934, has been dedicated to research about and interpretation and protection of the archaeological heritage of the Americas. With more than 6,000 members, the SAA represents professional and avocational archaeologists, archaeology students in colleges and universities, and archaeologists working at tribal agencies, museums, government agencies, and the private sector. The SAA has members throughout the United States, as well as in many nations around the world.

The archaeological and cultural landscapes of Lebanon have a deeply rooted and well-documented history of settlement. This deeply rooted heritage is attested by a remarkably well-preserved assemblage of objects, sites, and monuments, and is a testimony to the significant history of Western Asia. Its archaeological and historical sites convey the story of a unique cultural past reflecting early global connections between West Asia and the broader Mediterranean world. For instance, the remarkable archaeology site of Nahr el-Kalb on the ancient river of Lycus, a.k.a. "the Commemorative stela of Nahr el-Kalb," located just north of Beirut, is one of the very few examples of the UNESCO Memory of the World Program sites. The site features more than 20 individual rock-cut monuments (with monumental inscriptions and rock-cut images) carved by different sovereign powers in the region from Egyptian pharaohs to Assyrian and Babylonian kings, from Roman emperors and Byzantine

¹ See <https://eca.state.gov/cultural-property-advisory-committee-meeting-Sept-24-26-2-24> (Accessed 9/14/2024).



governors all the way to Napoleon III². The well-known Phoenician port cities of Byblos, Tyre and Sidon are urban settlements with histories of the Bronze Age Canaanite and Iron Age Phoenician cultures that connected Western Asia to the Mediterranean and global networks of exchange, cultural interaction, and trade. The archaeological research of these Lebanese sites brings a wealth of information on trade, connectivity, and cultures of tolerance. Lebanese territory was also the homeland of the invention of the Phoenician alphabet, which eventually led to the development of Phrygian and Greek alphabets and writing systems, revolutionizing the widespread literary history of the Eastern Mediterranean world to transition from syllabic writing to alphabetic writing. Classical antiquity in Lebanon (Hellenistic and Roman periods) is well represented in the spectacular archaeological site of Baalbek, an inland city located east of the Litani River in the Beqaa Valley³. As archaeologists who carry out research in Lebanon testify, the people of Lebanon are also proud stewards of their cultural heritage. Both the communities and the government in Lebanon are committed to preserving and engaging with heritage. For instance, the Lebanese *Cultural Heritage and Urban Development Project*, supported by the World Bank and UNESCO, aimed at the conservation, overall protection, and management of historical and archaeological sites accompanied by economic development and the improvement of the quality of life for communities of heritage. The project included the rehabilitation and infrastructural management of the archaeological sites of Baalbek, Byblos, Sidon, Tripoli, and Tyre⁴. However, while extremely important and often unparalleled, the archaeological heritage of Lebanon remains under constant threat of the looting of archaeological sites and thefts from museum storerooms due to pressure and demand from global markets for the sale of heritage on the antiquities market.

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Here, we discuss archaeology and the preservation of cultural heritage in Lebanon within the four statutory determinations that must be fulfilled for the United States to enter into a memorandum of understanding imposing import restrictions on certain categories of stolen or illegally exported cultural property. Our comments focus on the first, second, and fourth determinations. I would also call the Committee's attention to the letter submitted by Professor Jane DeRose Evans (Chair and Professor, Tyler School of Art and Architecture, Temple University) on behalf of the American Schools of Overseas Research (ASOR) and ASOR's Cultural Heritage Committee.

The first determination requires that the cultural patrimony of the requesting State be in jeopardy from the pillage of archaeological materials. Looting of antiquities in Lebanon remains prevalent despite the genuine efforts of the Government of the Republic of Lebanon's Directorate General of Antiquities, non-governmental organizations, and local communities to safeguard archaeological sites, museums, and artifacts. During the Lebanese Civil War between 1975 and 1991, the looting of antiquities was at its peak when political factions and local militias controlled certain territorial sectors, which included museums and archaeological sites, and the infrastructure of preserving archaeological sites collapsed⁵. In 2017, the Metropolitan Museum returned a Bull

² See <https://en.unesco.org/silkroad/silk-road-themes/documentary-heritage/commemorative-stela-nahr-el-kalb-mount-lebanon> and <https://www.unesco.org/en/memory-world/commemorative-stela-nahr-el-kalb-mount-lebanon?hub=1081> (Accessed 9/14/2024).

³ See Jeanine Abdul Massih, "The Archaeological Heritage Lebanon" *Near Eastern Archaeology* 73 (2/3) (2010) 68-72.

⁴ See Massih 2010: 70 (Note 4).

⁵ Mark Milligan, "Lebanon's archaeological crisis & status on antiquities" *Heritage Daily* January 5, 2022.

<https://www.heritagedaily.com/2022/01/lebanons-archaeological-crisis-status-on-antiquities> On the case study of a Roman settlement



Head, looted from the site of Eshmun in southern Lebanon; the head was in the collection of the New York collector Michael Steinhardt⁶. More recent news reports of confiscated antiquities from Lebanon and their eventual return to Lebanon are a great testimony to the ongoing threat to cultural heritage in the country caused by market demand, particularly in the United States. In September 2023, a dozen antiquities were returned to Lebanon, following seizures during interventions to multiple international smuggling rings. These artifacts included the classical marble statuettes of Castor and Pollux (mythological figures), which were seized from the Metropolitan Museum of Art⁷. Finally, the current economic collapse in Lebanon, which we hear frequently from our academic colleagues who work and live in Lebanon, is dramatically increasing the vulnerability of archaeological sites and monuments. Despite all the efforts of the government institutions of Lebanon as well as the NGOs and the local communities, and despite the existing legislation to protect sites and minimize the impact of war and/or civil unrest, the archaeological heritage of Lebanon remains under major threat⁸.

The second determination requires that a requesting State have “taken measures consistent with the 1970 UNESCO Convention to protect its own cultural patrimony.” Such measures include the adoption and enforcement of legal provisions to protect cultural patrimony; the creation of a national inventory of protected cultural property; the establishment of an antiquities service (or similar government agency); the establishment of scientific and technical institutions such as museums and universities; taking public educational measures; and organizing the supervision of archaeological excavations. There are six inscribed UNESCO World Heritage sites in Lebanon. These impressive sites and landscapes include the famous Phoenician cities of Byblos⁹, Tyre¹⁰, and Baalbek¹¹, all three of which were inscribed in 1984; the Umayyad foundation of the city of Anjar, founded by Caliph Walid I at the beginning of the 8th century¹², Ouadi Qadisha (the Holy Valley) and the Forest of the Cedars of God (Horsh Arz el-Rab), a fascinating early Christian monastic settlement in a mountainous landscape near Lebanon’s famous cedar forests; and finally an architectural heritage, the Rachid Karami International Fair of Tripoli, designed by the Brazilian architect Oscar Niemeyer in 1962 on a 70-hectare site located between the historic center of Tripoli and the Al Mina port. As discussed earlier, additionally, the Nahr al Kalb rock cut commemorative monuments and the Phoenician alphabet are registered as the very rare Memory of the World entities, both of which were inscribed in 2005¹³. Lebanon is a Party to several key international legal agreements pertaining to the protection of cultural property, including the 1954 Hague Convention for the Protection of

and temples at Hosn Niha in the Biqa’ Valley, severely damaged in the 1980s during the civil war, see Paul Newson and Ruth Young, “[The archaeology of conflict-damaged sites: Hosn Niha in the Biqa’ Valley, Lebanon](#)” *Antiquity* 89 (344)(2015).

⁶ See <https://en.thevalue.com/articles/new-york-the-met-loot-bull-head-marble-lebanon-temple-of-eshmun-2017-aug> (Accessed 9/15/2024).

⁷ See <https://www.nytimes.com/2023/09/07/arts/looted-artifacts-lebanon.html> (Accessed 9/14/2024).

⁸ See Lina G. Tahan “Trafficked Lebanese Antiquities: Can They Be Repatriated from European Museums?” *Journal of Eastern Mediterranean Archaeology & Heritage Studies* Vol. 5, No. 1 (2017), pp. 27-35.

⁹ See <https://whc.unesco.org/en/list/295/> on the city of Byblos.

¹⁰ See <https://whc.unesco.org/en/list/299/> on the city of Tyre.

¹¹ See <https://whc.unesco.org/en/list/294/> on the city of Baalbek.

¹² See <https://whc.unesco.org/en/list/293/> on the city of Anjar.

¹³ For the Lebanese Memory of the World international register, see <https://www.unesco.org/en/memory-world>. UNESCO’s Memory of the Program aims to facilitate the preservation of the world’s documentary heritage, particularly in areas affected by conflict and/or natural disasters.



Cultural Property in the Event of Armed Conflict (Signed 25 May 1954)¹⁴, the Hague Convention 1957 First Protocol (Ratified 31 May 1960) as well as the 1999 Second Protocol (Ratified 10 August 2020)¹⁵ and 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property (Ratified 14 March 1974)¹⁶. The “UNESCO Multisectoral Regional Office in Beirut implements programs and provides support at the country level for Lebanon and Syria”¹⁷.

The Lebanese government has been committed to the safeguarding and preservation of archaeological, architectural, ecological, and other forms of heritage since the country’s independence when it was declared in 1946. That’s the time when a new Directorate General of Antiquities (DGA or *Mudīrīyah al-‘Āmmah lil-Āthār*, a.k.a *La Direction Générale des Antiquités et des Musées*) was established to initiate and support archaeological excavations and to develop nationwide efforts devoted to research and restoration¹⁸. This is the technical unit and government body responsible for the protection, promotion and excavation activities in all sites of national heritage. In 2003, the Lebanese government partnered with The World Bank and bilateral agencies to implement what is known as the Cultural Heritage and Urban Reconstruction Project (CHUD) “to help conserve and restore the country’s cultural heritage in five of its historic cities: Baalbek, Byblos, Saida, Tripoli, and Tyre.”¹⁹ The Lebanese government has amply demonstrated its desire to protect the country’s patrimony in its governmental organization, international collaborations, and its support of archaeological research. Some of the more recent preservation projects of the DAGA include the conservation of ancient Roman and Byzantine monuments at Qalaat Faqra²⁰, the conservation of mosaics at the 7th-Century BC Eshmun Site in Saida²¹, and the conservation of the 13th-Century Crusader Sea Castle at Saida²². The Lebanese government also supports the National Museum of Beirut (*Maḥaf Bayrūt al-waṭanī*), which is the principal archaeological museum in the country. The collection of the museum goes back to World War I; however, the museum was officially opened in 1942. The National Museum’s collections total about 100,000 objects. Most of these archaeological finds come from excavations undertaken by the Directorate General of Antiquities. The Archaeological Museum of the American University of Beirut is also one of the oldest research institutions in the region. The museum was involved in the excavations at Tell el-Ghassil in the Beqaa Valley, an agrarian site with levels dating from 1800 to 600 BC.

The fourth determination looks to whether import restrictions are “consistent with the general interest of the international community in the interchange of cultural property among nations for scientific, cultural, and

¹⁴ <https://www.unesco.org/en/legal-affairs/convention-protection-cultural-property-event-armed-conflict-regulations-execution-convention#item-4> (Accessed 9/14/2024)

¹⁵ See <https://ihl-databases.icrc.org/en/ihl-treaties/hague-prot-1999/state-parties?activeTab=> (Accessed 9/14/2024).

¹⁶ <https://www.unesco.org/en/legal-affairs/convention-means-prohibiting-and-preventing-illicit-import-export-and-transfer-ownership-cultural> (Accessed 5/25/2024).

¹⁷ See <https://www.unesco.org/en/fieldoffice/beirut/about?hub=802> (Accessed 9/14/2024)

¹⁸ See Jeanine Abdul Massih, “The Archaeological Heritage Lebanon” *Near Eastern Archaeology* 73 (2/3) (2010) 69.

¹⁹ For the Project Performance Assessment Report for “Lebanon - Cultural Heritage and Urban Development Project” see https://ieg.worldbankgroup.org/sites/default/files/Data/reports/ppar_lebanoncultural.pdf (Accessed 9/14/2024).

²⁰ See <https://cultureincrisis.org/projects/conservation-of-ancient-roman-and-byzantine-monuments-at-qalaat-faqra> (Accessed 9/15/2024).

²¹ See <https://cultureincrisis.org/projects/conservation-of-mosaics-at-the-7th-century-bc-eshmun-site-in-saida> (Accessed 9/15/2024).

²² See <https://cultureincrisis.org/projects/conservation-of-the-13th-century-crusader-sea-castle-at-saida> (Accessed 9/15/2024).



educational purposes.” Among other criteria, this determination considers whether a requesting State is receptive to collaboration with foreign, especially American, researchers and whether it is willing to lend cultural objects to foreign, particularly American, institutions. There is a substantial tradition of foreign archaeological projects operating in Lebanon. The archaeological excavations at Tyre have been a joint Lebanese, Spanish and Polish research project since 1997 triggered by the construction of an agricultural production plant in the area of the site²³. Likewise, since 2016, the Kübbā Coastal Survey Project in Lebanon has been directed by Jennie Bradbury (Bryn Mawr College)²⁴. The project documents heritage in a very vulnerable coastal region, the north Lebanese coast, from Madfoun in the south to the tip of the Shikā plateau in the north, which has relatively well-preserved archaeological remains. Similarly, the other regional survey projects, Nahr al-Jawz Survey and Jabal Moussa Archaeological Survey, document the deep history of settlement in riverine and upland landscapes. Important in all of these archaeological projects is the collaboration with the Lebanese Directorate General of Antiquities in promoting best practices in methods of scientific excavation, approaches to interpretation, and site conservation for future generations.

The safeguarding of archaeological sites from looting, the development of site museums, and the presentation of archaeological collections in Lebanon’s museums are of great interest to the international community of archaeologists and enthusiasts alike, and will potentially contribute to informal educational opportunities for lifelong learners, who are a core constituency of the AIA and its societies. Import restrictions, which are intended to decrease looting by denying traffickers access to legitimate antiquities markets, support this effort by reducing the incentive to pillage archaeological sites that otherwise contribute to public education.

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In light of the ongoing situation of both internal and external armed conflict and civil unrest, the AIA suggests that the Committee consider recommending that the United States impose import restrictions on an emergency basis, pending the conclusion of a bilateral agreement. The AIA believes that the current situation satisfies two of the requirements for emergency import restrictions in that the archaeological or ethnological materials from Lebanon are “identifiable as coming from any site recognized to be of high cultural significance if such site is in jeopardy from pillage, dismantling, dispersal, or fragmentation which is, or threatens to be, of crisis proportions” or that “a part of the remains of a particular culture or civilization, the record of which is in jeopardy from pillage, dismantling, dispersal, or fragmentation which is, or threatens to be, of crisis proportions.”

In consideration of the above, we respectfully ask that the Committee recommend support of the request by the Government of the Republic of Lebanon to enter into a memorandum of understanding that protects its cultural patrimony from pillage. AIA and SAA strongly support the Lebanese government’s proposal that the MOU should include archaeological materials. Additionally, the AIA also would support a recommendation by the Committee to impose import restrictions immediately. We are grateful for the opportunity to comment.

Sincerely,

²³ See María Eugenia Aubet, Francisco J. Núñez and Ali Badawi, “The Archaeology of Tyre: The Joint Lebanese, Spanish and Polish Excavations in the Phoenician Homeland” *Near Eastern Archaeology* 87/3 (2024) 168-177.

²⁴ See Kübbā Coastal Survey Project <https://eamena.org/kubba-coastal-survey>.



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