



April 18, 2022

Cultural Heritage Center (ECA/P/C)
SA-5 Floor C2
U.S. Department of State
2200 C Street NW
Washington, D.C. 20522-05C2

Dear Members of the Cultural Property Advisory Committee:

Together, 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, and the **Society for American Archaeology (SAA)**, with more than 5,500 members representing professional archaeologists in colleges and universities, museums, government agencies, and the private sector in all 50 states as well as many other nations around the world, express their strong support of the request by the Government of the Islamic Republic of Pakistan that the United States impose import restrictions on archaeological and ethnological material representing Pakistan's cultural patrimony under Article 9 of the UNESCO Convention (1970) and the Convention on Cultural Property Implementation Act (1983).

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 SAA is an international organization that, since its founding in 1934, has been dedicated to the research, interpretation, and protection of archaeological heritage.

Here, we provide comments within the framework of the four statutory determinations that must be fulfilled to renew a memorandum of understanding imposing import restrictions on certain classes of undocumented archaeological and ethnological materials. Our observations focus on the first, second, and fourth determinations.

The first determination requires that the cultural patrimony of the requesting State be in jeopardy from the pillage of cultural property. The pillage of archaeological and ethnographic material is a significant problem in Pakistan. A 2009 report noted that in Peshawar, Dir, and Chitral, the looting of Gandharan material was serious and entrenched—and that looters were versed and aware in the category of saleable Gandharan art.¹ Even major sites, such as Amluk-dara in the Swat Valley, have been targeted on a vast scale.² Additional evidence for archaeological site looting in Pakistan comes from the repatriation of seized cultural property. In 2021, the Manhattan District Attorney's Office repatriated 104 smuggled antiquities to Pakistan (which also illustrates an American market).³ In 2019, French authorities returned

¹ Ruth Young, "Representation within the Landscape of Northern Pakistan: The Meanings of Gandhara," *South Asian Studies* 25, no. 1 (2009): 25.

² Luca M. Olivieri et al., "ACT Archaeological Fieldwork in Swat (2012)," *Ancient Pakistan* 23 (2012): 1.

³ David Klein, "U.S. Returns Trove of Looted Antiquities to Pakistan," *Organized Crime and Corruption Reporting Project*, 31 August 2021, accessed at <https://www.occrp.org/en/daily/15087-u-s-returns-trove-of-looted-antiquities-to-pakistan>.

over 400 objects, including ancient busts, vases, urns, bowls, and goblets.⁴ There is widespread consensus that Pakistan is a conduit for the illicit antiquities trade coming from Afghanistan; however, because in demand ancient material, such as Gandharan art, originates from both sides of present-day border, it is often difficult to pinpoint the precise country of origin.

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, creation of a national inventory of protected cultural property, establishment of an antiquities service (or similar government agency), establishment of scientific and technical institutions such as museums, taking educational measures, and organizing the supervision of archaeological excavations.⁵ A new governance structure to protect the country’s patrimony was established after 1947, when ties with the Archaeological Survey of India were severed.⁶ The Department of Archaeology and Museums (DOAM) was established to be the custodian of the country’s cultural patrimony and to implement the country’s Antiquities Act (1975) and Archaeological Excavation Rules (1978). All foreign missions are issued licenses for excavation and research by the DOAM with the concurrence of the Ministry of the Interior through the National History and Literary Heritage Division, which exercises control over archaeological excavations. Pakistan has a decentralized structure for the protection of sites and monuments, and the responsibility for protection is located at the provincial level. While security of geographically remote and politically unstable regions in Pakistan’s north remains challenging, there have been concrete efforts to stop looting activities. Police action, for example, protected the major site at Amluk-dara.⁷ There have also been important efforts in recent years to make museums more accessible to public audience, including youth-driven curation at the Lahore Museum as part of the *Inheriting Harappa Project*⁸ and new community engagement and social inclusion programs at the State Bank of Pakistan Museum and Art Gallery.⁹ Altogether, these actions contribute toward “measures consistent with the 1970 UNESCO Convention,” as required by the second determination.

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 educational purposes.” Among other criteria, this determination looks to 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. Among the longest-lasting U.S.-Pakistan archaeological collaborations have been the excavations at Harappa in Punjab Province, Pakistan, launched by George F. Dales (University of California-Berkeley) and J. Mark Kenoyer (University of Wisconsin-Madison) in 1986. In 1992, the original University of California-Berkeley project was transformed into the Harappa Archaeological Research Project, co-directed by R. H. Meadow (Harvard University), J. Mark Kenoyer (University of Wisconsin-Madison) and Rita P. Wright (New York University). William Taylor (University of Colorado-Boulder) has partnered with Pakistani colleague

⁴ Forrest Crellin, “France Returns Stolen Ancient Artifacts to Pakistan,” *Reuters*, 2 July, 2019, accessed at <https://www.reuters.com/article/us-france-pakistan-artifacts/france-returns-stolen-ancient-artifacts-to-pakistan-idUSKCN1TX2EA>

⁵ This list is based on Article 5 of the UNESCO Convention (1970). It illustrates those measures that the Convention expects States to take and is the basis for the second determination under the Convention on Cultural Property Implementation Act.

⁶ Andrew Lawler, “Pakistani Archaeology Faces Old and New Issues,” *Science* 320, no. 5881 (2008): 1285.

⁷ Olivieri et al., “ACT Archaeological Fieldwork in Swat,” 1

⁸ Tehnyat Majeed, “Harappa and Cultural Ownership: The *Inheriting Harappa* Internship Programme at the Lahore Museum,” *Journal of Community Archaeology & Heritage* 9, no. 1 (2022): 44-56.

⁹ Asma Ibrahim, “The Role of Museums, Design Accessibility, and Community Concerns: A Case Study of the Bank of Pakistan Museum & Art Gallery,” *Journal of Community Archaeology & Heritage* 9, no. 1 (2022): 57-67.

Muhammad Zahir (Hazara University) to document and preserve artifacts melting from mountain ice in northern Pakistan and western Mongolia in order to study the earliest prehistory of pastoral societies across Inner Asia. Uzma Rizvi (Pratt Institute) is the principal investigator of the Laboratory for Integrated Archaeological Visualization and Heritage, which is currently leading a data-integration project about the site of Mohenjo-Daro.

Pakistan has demonstrated its receptivity to museum loans in recent years. *Art of the First Cities: The Third Millennium B.C. from the Mediterranean to the Indus* (2003) included individual loans from Pakistan to the Metropolitan Museum of Art. *The Buddhist Heritage of Pakistan: Art of Gandhara* (2011) was a major retrospective at the Asia Society. Pakistan has also loaned major ethnographic material to France (2018-2019); as well as Gandharan material to South Korea (2017) and Switzerland (2018). A memorandum of understanding between the United States and Pakistan can act as an important incentive for increasing exhibition loans, provided there is interest among American museums and there is a willingness by the United States to issue courier visas to Pakistani museum professionals (a challenge which delayed the Asia Society exhibition). In all cases, AIA members are enthusiastic about including heritage from Pakistan in future museum exhibitions.

In consideration of the above, we respectfully ask that the committee recommend support of the request by the Government of the Islamic Republic of Pakistan to enter into a memorandum of understanding that protects its cultural patrimony from pillage. Although we support the right of States to define cultural property according to the provisions of the 1970 Convention, the Convention on Cultural Property Implementation Act defines objects of archaeological interest as “at least two hundred and fifty years old;” for this reason, we note that the category will need to be narrowed in a final memorandum of understanding. We are grateful for the opportunity to comment.

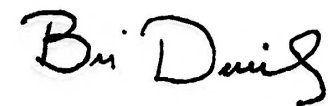
Sincerely,




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