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Dear Members of the Cultural Property Advisory Committee:

I am writing, on behalf of myself and the Society for American Archaeology, in support of the proposed extension of the Memorandum of Understanding (MOU) between the Government of the United States of America and the Government of the People's Republic of China concerning the Imposition of Import Restrictions on Categories of Archaeological Material.

I am an academic archaeologist based in the United States who has worked for nearly 25 years conducting archaeological research in the People's Republic of China, first as a graduate student and since 2004 as a faculty member of the Department of Anthropology at Harvard University. I feel that I am well positioned to discuss several issues of relevance to the committee. First, I can support the statement that China's cultural patrimony continues to be threatened in China. My support for this is based on both anecdotal evidence that I have witnessed up through 2019 (which is when I was last able to travel to China) and through numerous reports both published and described to me by my Chinese colleagues that looting continues to be a problem in China. A significant factor that encourages this looting is the international market for antiquities, and I feel that the current MOU is an important tool that helps control the market for these illicit goods. Second, I can speak to some of the measures taken by the Chinese government to protect cultural patrimony. Perhaps most important from recent observations is the aggressive attempts to expand the field of archaeology within China through hiring at both universities and in research institutes in recent years. Finally, I can speak extensively to the recent state of cultural exchange with China involving archaeological research. My knowledge of this cultural exchange includes examples of foreign archaeologists working in China and the permit process involved in conducting such research, as well as familiarity with the numerous and diverse opportunities that Chinese archaeologists and cultural heritage scholars have recently had abroad.

When I last wrote to this committee in 2013, I stated that there was some evidence to suggest that the problem of looting had reduced over time, but that it was nevertheless still a significant problem. Looting of archaeological sites destroys the context that connects artifacts to one another and to the features in which they were finally deposited. It is this context, not the artifacts themselves, that tells us most about the lives of people who made, consumed, and discarded artifacts. Context therefore is among the most important attributes of any archaeological find, whether it be a mundane fragment of pottery or stone or a magnificent bronze or jade artifact that was created as a symbol of high status and prestige. The amount we would know about the tomb of the first emperor of Qin, for example, would be incalculably

smaller if the famous terracotta soldiers were known, one by one, from the art market instead of understood in the context of the massive mausoleum around which they stand guard. Similarly, the earliest inscriptions in China, writing scratched on turtle shells and cattle bones, were not nearly as informative when they were first identified as writing in the earliest twentieth century as they later became in the 1920s–1930s when it became known that they were buried in a vast corpus at the last capital of the Shang Dynasty. We can only understand most of China’s history through artifacts, and we can only understand these artifacts when their context is understood.

Archaeologists across China are confronted by evidence for looting all the time. From 2012 to 2019 I helped lead an archaeological survey and excavation project in the Tao River valley of Gansu Province in collaboration with the Gansu Provincial Institute of Archaeology. The project employed information compiled as part of a massive and thorough catalog of all known cultural heritage sites in China that was conducted over several years in the late 2000s. This “Third National Cultural Register” (2007–2011) was an aggressive response to the original MOU expectation in Article 2, Section 3 that the PRC create a national register of archaeological sites—although it is important to note that it was not the first such attempt, with previous efforts to conduct National Registers occurring in 1956 (first) and 1981–1989 (second). The Third National Survey recorded 760,000 immovable cultural heritage locations. As reported in the *People’s Daily* in January of this year, there is currently a plan for a fourth National Survey starting this year. During our work in Gansu, we evaluated a list of 531 known sites in our survey zone and visited scores of them to assess their suitability for further research. Eventually we selected 20 sites for additional work. At one of the first sites we visited, a small, flat mesa known as Huizuiwa, where previous research had identified archaeological remains from the Xindian culture (mid to late second millennium BC), we found fragments of painted pottery strewn across the surface of the site and on the path leading up to the mesa. Although this confirmed for us the rich archaeological material that was present at the location, the scattered artifacts were unfortunately evidence of recent illicit digging into the hillside, presumably in attempts to discover complete painted vessels that are an object of interest on the art market. Several of the sites we visited at the time exhibited signs of deliberate looting or of accidental destruction during the process of construction, or during agricultural practices. The latter concern, although less relevant to the particular concerns of this committee, contributes to the need for growth in the professional archaeological community, and we see recent commitment by the Chinese government to do just this.

In fact, it is remote places like the Tao River valley where looting continues to be a particular problem that requires additional vigilance. During the last couple of weeks I have reached out to colleagues in China to ask about recent conditions on the ground. I received a number of responses with examples of looting that have been identified and reported in the media, or otherwise are known to archaeologists. Here are some examples: from several colleagues and a published news article I learned that in 2021, in Jiangsu province, a cemetery at a site called Sanzhuang in Siyang was looted by a group of 30 individuals who disinterred 1,500 artifacts from the Springs and Autumns and Han periods.¹ In this case the individuals were identified and prosecuted. This is an example of a successful investigation of a cultural heritage crime. Another example is the site of the tomb of Qian Liu, in Hangzhou, where the burial place of a king of Wuyue of the Five Dynasties period (built in CE 932) was robbed in 2020.² Investigation of this looting eventually led to the arrest of 39 subjects in the case (including those

¹ [盗掘、倒卖 1500 多件国宝、文物 26 人特大盗墓团伙成员全部落网获刑 \(jstv.com\)](http://jstv.com).

² [杭州通报吴越国王钱镠墓被盗案：抓获 39 人，追回 175 件被盗文物 \(baidu.com\)](http://baidu.com).

who were involved in looting in other locations) and recovery of all 175 of the looted objects from the tomb, which had been brought to Guangzhou and were intended to be sold, perhaps to buyers abroad. One unusual aspect of this case was the fact that the location is not remote, but instead quite close to the seat of the local government and not far from the urban center of Hangzhou.

Other reported examples from the past five to seven years include three locations whose looting resulted in subsequent archaeological work that was recognized as being among the “top 10 archaeological discoveries” in Chinese archaeology. One example, from Northwest China close to where I have been working in Gansu, is the site of Xuewei in Dulan, Qinghai, which was looted in 2017 and then recognized as a top 10 discovery in 2020.³ This site contains more than 300 burials dating to the era of the Sui and Tang Dynasties. Previous work, in 1996, recognized the historical importance of the site, and it was identified as an important part of the ancient Silk Road–related archaeological sites in the region. Despite this recognition (or maybe because of it), looters extracted hundreds of artifacts from one of the largest tombs in the cemetery in November 2017. This resulted in an investigation and an attempt to strengthen protections at the site. Eventually 23 individuals were arrested, and more than 600 top-ranked cultural relics were recovered, including gold plaques and other objects that were taken as potential items to sell on the antiquities market.

Two other similar examples include the Jiuwutou cemetery in Wenxi, Shanxi,⁴ a Shang dynasty cemetery where tombs and horse pits were excavated in 2017 after looting in 2014–2015 brought the need for additional protection and research to the attention of the local public security bureau and cultural relics. The site was celebrated as a top 10 discovery in 2018; and Liujiawa, a cemetery in Chengcheng, Shaanxi,⁵ where grave robbery was interrupted in 2016 leading to the investigation of the cemetery and sites in the surrounding region. These excavations unearthed a series of elaborate, elite tombs from the Springs and Autumns period containing artifacts that, had they been looted successfully, would have been suited for the international trade in antiquities. These examples not only illustrate the continued threat to the cultural patrimony of China but also efforts by the Chinese government to address the threat and to educate the public about examples of these sorts of cultural heritage crime.

One of my students currently working in China sent me a 2017 report from the Chinese government that announced 308 known cases of looting.⁶ Similarly, a colleague from Peking University provided another report from 2020 that indicates that 4,200 such crimes were prosecuted resulting in the recovery of 93,000 artifacts. A third example of similar data was provided by another one of my students, who found a listing of the Public Security Bureau investigating 3,900 cases and recovering over 80,000 cultural relics, including over 6,000 “ranked” objects. These data are supported by province-by-province accounting of efforts to protect cultural relics in recent years.⁷ Admittedly, these are published reports, rather than

³ [青海热水墓群特大盗墓案：A级通缉两嫌犯，追缴文物六百余件 \(baidu.com\).](#)

⁴ [盗掘古墓葬后，每人分到了20件青铜器，剩余器物以430万元卖出…… \(eastday.com\).](#)

⁵ [盗墓现场，两名民警在搏斗中负伤！刘家洼芮国大墓考古解密！ 墓葬 墓地 勘探 \(sohu.com\).](#)

⁶ [2017年中国发生盗掘古文化遗址古墓葬案件308起 \(baidu.com\).](#)

⁷ Examples include Shaanxi 陕西: between 2012 and 2022, Shaanxi cleared 4,115 cases of cultural heritage crimes and recovered over 28,000 objects (<https://baijiahao.baidu.com/s?id=1733353184327466135&wfr=spider&for=pc>); Shanxi 山西: between 2018 and 2020, Shanxi cleared 1,527 cases and recovered over 49,399 objects (<https://baijiahao.baidu.com/s?id=1684876658342411287&wfr=spider&for=pc>); Henan 河南: between 2017 and 2021, Henan cleared 421 cases and recovered 5,442 objects

examples about which I have firsthand knowledge, but there are important developments being put into place that suggest a continued vigilance by the Chinese government concerning these issues. In addition to the initiation of a fourth National Survey of cultural heritage in 2023, the Wenwuju (State Administration of Cultural Heritage) issued a “special work plan” for the next two years (2023–2025) that will focus on combatting and preventing cultural relics crimes.⁸ Official legislation concerning the protection of antiquities also includes a new regulation passed by the Ministry of Public Security and the National Cultural Heritage Administration called the “关于办理妨害文物管理等刑事案件若干问题的意见” [Opinion on Several Issues Concerning the Handling of Criminal Cases of Obstructing the Management of Cultural Relics],⁹ which emphasizes the importance of punishing and preventing crimes related to cultural relics and requires the protection of cultural properties. Furthermore, the National Cultural Heritage Administration has established a database called the “Stolen (Lost) Cultural Relics Information Publishing Platform of China (中国被盗(丢失)文物信息发布平台),”¹⁰ ostensibly to aid in the publication and investigation of artifacts that have been illicitly removed from known contexts. I am not certain the degree to which this database is fully effective, and I have only recently come to learn about it, but it provides additional evidence that there is a wide variety of efforts being put in place by China to safeguard its heritage and educate the public widely about the importance of cultural heritage and the loss of objects to illicit trade.

In general, in my own experience and that of my archaeological colleagues, there is evidence that looting of archaeological sites specifically to address a demand driven by the international art market remains a problem in China, but that the 2009 MOU and its subsequent renewals have had a measurable effect on this problem. Unfortunately, one of the effects of internal, domestic measures taken to protect cultural property has been that archaeological materials in more remote regions may continue to be more threatened than before. We should encourage additional measures to help protect these parts of China’s cultural heritage.

One additional measure that Chinese officials have taken in cultural heritage management was a concerted effort to reorganize and grow the field in recent years. In response to the interest taken by President Xi Jinping in the field of archaeology, many universities have decided to expand their faculty and their enrollments. Furthermore, many institutes have expanded their professional staff. One example is the Chinese Academy of Social Sciences Institute of

(<https://baijiahao.baidu.com/s?id=1705408756025724652&wfr=spider&for=pc>); and Gansu 甘肃: between 2020 and 2021, Gansu cleared 117 and recovered over 8,513 objects (<http://www.scio.gov.cn/xwfbh/gssxwfbh/xwfbh/gansu/Document/1714422/1714422.htm>).

⁸ According to the source I consulted for this, the Special Work Plan consists of the following: it puts forward 17 key tasks, covering five aspects: (1) persistence in cracking down the criminal activities of legal persons such as theft of ancient cultural sites and ancient tombs, theft of stone carvings of cave temples, theft of ancient buildings and their components, theft of museum memorials and stone carvings of monuments, as well as illegal acts of legal persons such as destroying and damaging cultural relics themselves and their appearance; (2) establishing and improving the mechanisms of joint construction, strengthening the construction of prevention forces and facilities, jointly carrying out public security inspections, and weaving a dense public security prevention and control network; (3) supervising the implementation of the main responsibility of the government, the responsibility of department supervision, and the direct responsibility of safety management, carrying out law enforcement supervision and safety inspection; (4) strengthening safety protection facilities, improving the safety standard system, and improving the security capacity and level of museums; and (5) improving the collaborative work mechanism and supporting the work of combating and preventing cultural relics crimes in a joint-working mechanism.

⁹ [最高人民法院 最高人民检察院 公安部 国家文物局关于办理妨害文物管理等刑事案件若干问题的意见_国务院部门文件_中国政府网 \(www.gov.cn\)](#).

¹⁰ [Homepage-Publication Areas of Stolen \(Lost\) Cultural Relics \(ncha.gov.cn\)](#).

Archaeology, which has created a whole new division of prehistoric archaeology that will primarily focus on the Pleistocene and early Holocene and thereby overlap considerably with the traditional strength of paleolithic archaeology in the Institute for Vertebrate Paleontology and Paleoanthropology. They plan to hire more than 20 new researchers as soon as they can identify a sufficient number of qualified scholars. This is not a unique example, and the consequence of this expansion of the field should be a more robust ability across the country to respond to threats to cultural heritage with high-quality scientific research. Furthermore, in provincial institutes they have been hiring many people. For example, in Zhejiang Provincial Institute, they have recently posted 20 (2023) positions, and there were 328 applicants, and the previous year there were 26 posted positions.¹¹ The Henan provincial institute posted 40 excavation positions and 70 total positions in heritage management last year.¹² In Shaanxi there were 100 positions to be hired over three years, and the Gansu Provincial Institute posted 14 positions in 2022.¹³ Similarly there has been considerable growth in university contexts, although to some extent there the emphasis has been on postdoctoral fellowships. For example, in 2016 Xibei Daxue [Northwest University] had about 50 faculty and postdocs in archaeology. Now, in 2023, only seven years later, now there are about 100.

In addition to the issue of looting, I think it is important to discuss the numerous examples of cultural exchange that exist concerning cultural heritage in China and to discuss both how these exchanges are facilitated by the current MOU and how they may be improved and further encouraged by possible adjustments to the existing MOU.

I've been actively engaged in archaeological fieldwork in China since 1999. Over the course of this time I have collaborated with Chinese and other foreign colleagues to conduct excavations at a deeply stratified archaeological site in the Three Gorges of Chongqing Municipality, along the Yangzi River in China; conduct a large-scale archaeological survey in the plain around the city of Chengdu in Sichuan Province; and the aforementioned collaboration at sites along the Tao River in Gansu Province. In addition, I have collaborated with a number of specialists in zooarchaeology, radiometric dating, and archaeobotany to conduct other research on excavated remains.

In each of the projects in which I have been involved, not only was there a multidisciplinary, multinational team of principal investigators who designed and discussed the research strategies employed, but we have also involved students and other researchers from across China and around the world. The survey project around Chengdu (2005–2011) and the Gansu project (2012–2019) are good examples of how this has worked. In Chengdu the project involved principal investigators from two US institutions, one Canadian institution, one institution in Taiwan, and two in the PRC. A formal permit for this project was granted by the National Bureau of Cultural Relics in 2007, which covered the project until it was completed in 2011. The first two years of the project (involving one field season) were covered under an extension of a permit granted for a project focused broadly on ancient resource use in Sichuan. In Gansu, the project was primarily a formal collaboration between one US institution and the Provincial Institute in Gansu, with collaborators from Taiwan, the United States, other parts of China, and the UK. We also received a formal international collaboration permit for this project

¹¹ http://rlsbt.zj.gov.cn/art/2022/3/18/art_1443681_58928585.html and http://rlsbt.zj.gov.cn/art/2023/4/27/art_1443681_58934302.html.

¹² https://www.hnswwkgyjy.cn/NewsView.php?News_ID=1829.

¹³ <http://wwj.gansu.gov.cn/wwj/c105442/202204/2016433.shtml>.

from the Cultural Heritage Administration that governed this work for five years after the initial two years of preliminary work under the oversight of the Provincial Institute.

In both cases, we conducted the work with international teams of between 10 and 40 individuals per year, many of whom were students from universities in the PRC, Taiwan, the United States, Canada, the UK, and in other places. As is always the case in archaeological projects in China, the fieldwork was conducted entirely by professional archaeologists, students, and some paid local villagers who assisted us with artifact cleaning and digging geological cores that we used to examine whether artifacts were buried in a particular place. Among the students, many graduate students took part in these two projects. At least four US-based PhD students used data from these projects as a primary part of PhD dissertations, and these students all have tenure-track jobs in the discipline. Additionally, other US-based students have used these projects to produce data that have been published in journal articles or book chapters.

It is worth noting here that in every case where I have recently inquired about research opportunities for Harvard students, my Chinese colleagues were extremely generous in providing access to collections, laboratory facilities, and logistical support. One Harvard PhD student, for example, has recently been conducting analysis of animal remains from a site in Qinghai for his dissertation work, another is working on stone tools from Shang period sites in Hubei, and a third recently finished a PhD working on animal remains from a series of sites in Anhui province along the Huai River. In addition to my own advisees, I know of many other US institutions where students have been able to work on Chinese materials with the support of Chinese colleagues, and there have been jobs available to recent PhDs from abroad in Chinese institutions. I am happy to innumerate many examples of this if that would be of help.

I know of many other examples of successful collaborations and cultural exchanges through archaeology in recent years—really too many to count. Practically every academic department of archaeology in China has had productive exchanges with foreign archaeologists in recent years, and many have sent students abroad for short- or long-term training. In addition, at least one significant international field school was running in China up through 2019. That field school was operating at the site of Yanggouzhai in Shaanxi and involved a collaboration between Northwestern University of Xi'an (Xibei Daxue) and the University of California, Los Angeles. Credits for the field school were provided through Connecticut College as part of the programs run by the Los Angeles-based nonprofit Institute for Field Research—an organization for which I sit on the board of directors. This program ran successfully for eight or nine years and has trained more than 80 students from China and abroad.

Admittedly, the situation has changed since 2019 due, in large part, to the major disruptions caused by the international COVID pandemic. Most scholars based outside of China have not been able to return to the field until 2023, and many existing collaborations have been on hiatus. The project I had going in Gansu was already at a pause in 2019 as we were working to finish publications before applying for a renewed permit. Now the status of future work is a bit unclear. The aforementioned Yanggouzhai field school was canceled in 2020 and has not been reestablished. Many field-oriented collaborations will require time to restart, and it should be said that the permitting process for international collaborations, and for sample analyses within these projects, should be made more transparent and uniform. We were finding that requests for collaborative analyses were very slow to be processed and our Chinese collaborators not always clear as to how to proceed even before the pandemic. According to a document that was provided to me by colleagues at the Chinese Academy of Social Sciences Institute of Archaeology, there are two international collaborative field projects that are currently working

with active permissions. I say with some pride that both of these are run by former students of mine. One is a collaboration in the Jiuzhaigou National Park in Sichuan involving a collaboration between the University of California, San Diego, Washington State University, Sichuan Provincial Institute of Archaeology, Aha Tibetan and Qiang Autonomous Region Cultural Relics Management Institute, and Oxford University. The second is a collaboration between Haifa University and Hebrew University in Israel, involving US-trained archaeologists in collaboration with scholars from Shandong Provincial Institute of Archaeology, Shandong University, and Shanghai University.

Furthermore, it is increasingly difficult (and this trend predates the onset of the pandemic) for scholars conducting international collaborations in fields of archaeological science to effectively conduct analytical work that might involve laboratory facilities outside of China. I am very supportive of the need for capacity building in Chinese archaeology and also of the authority that the PRC government has (and should have) over the ownership of cultural materials. I understand therefore the impetus to encourage analytical work to be done in China when possible. However, there is so much interesting work that can be done that it exceeds the capacity of labs in China, and there is a great deal of eagerness on the part of international researchers to work in genuinely collaborative ways on the studies of heritage materials. Furthermore, in some cases there are methodological developments that would occur outside of China that would benefit the study of Chinese archaeological materials if they could be brought to bear on Chinese samples in the contexts of truly collaborative research. I would strongly recommend that the CPAC stress the importance of scholarly collaborations in the renewal of the MOU and encourage the cultural heritage bureau to actively support both the analysis of Chinese materials in labs outside of China and the examination of non-Chinese samples in Chinese labs.

Returning to the example of the international field school, I hope that there can be resurgence of this sort of opportunity in the near future as well. I think there are many Chinese institutions capable of mounting field schools for international students and hope that the cultural heritage administration will support this sort of international engagement going forward. There are exciting opportunities to further internationalize the field if scholarly flow of people and materials can be encouraged.

There is a recent pause, associated with the pandemic, in travel by Chinese scholars to conferences and research collaborations abroad. This has also already started to change, however, and I believe the elimination of most travel restrictions and the resumption of more frequent and more direct flights between the PRC and the United States will further encourage a resumption of high levels of exchange. We were lucky at my own institution to have had a steady stream of yearlong visitors from the PRC over the years working on archaeological topics. During 2022–2023 we had two such visitors, and in both 2023 and 2024 I already know of several planned visitors. In general, the PRC government has been very supportive of international travel and educational opportunities for archaeologists and other scholars of cultural heritage, and I hope that will continue to be the case.

To reiterate some of these points, I will close by saying that although there are many ways that the current MOU benefits cultural exchange and benefits American students and scholars, there are several ways that the understanding between the United States and PRC can be improved to further these goals.

First, although it has been possible to get permits for international collaboration to conduct fieldwork in China, the process by which permission is granted is not transparent, and I know of examples of excellent collaborative projects that have not been granted permits in the

past. Given the effects of the pandemic, it is difficult to say precisely what the current state of things is, but I strongly hope that the transparency of the process can be improved further from the state of affairs in 2019. At that time, not only was the process not transparent to foreign nationals who wish to collaborate with Chinese researchers but also many Chinese researchers were not clear on the processes they should use to obtain permission, and some are discouraged by what seems to be an overly cumbersome process. I feel strongly that the PRC should be encouraging international collaborations from the highest level, and while standards of scholarship and collaboration must be met, the process should be a welcoming rather than a discouraging one.

Related to this, and reiterating a previous point, within the context of collaborative projects it would enhance cultural exchange and collaboration if it could be recognized that exporting some materials for analysis (with the understanding that they would be returned to Chinese collaborating institutions) is a necessary part of working together in the interest of cultural heritage. Even now it is possible to take some materials abroad for research, but to do so requires a cumbersome permissions process that is not guaranteed of success, is very opaque, and is not equally known to scholars across the field within China. I feel it should be the expectation that all artifacts recovered during collaborative projects are the property of the PRC and will ultimately reside in the Chinese collaborating institution, but that during the process of research and analysis, the export of material for active analysis should be normal. Currently the easiest way for foreign students to conduct primary research on materials in China, even in the case of analysis of materials within the context of a permitted collaborative project, is to register as a visiting student at a Chinese institution or to matriculate at a Chinese institution. There should be means by which degree students at US institutions involved in collaborations can easily conduct research on materials from those collaborations without resorting to such measures and in labs that are well set up to do the work, even if those labs are outside the PRC.

The MOU being considered for renewal by CPAC is a tool that is having a positive effect on looting in the PRC. This is the primary object of the MOU, and for this reason alone, it should be renewed. In addition, it is important that the MOU benefits cultural heritage management in China more broadly by encouraging cultural exchange. PRC policies are currently quite conducive to cultural exchange, to the benefit of archaeologists in China and the United States. More can be done, however, to improve the process of collaboration. China should be encouraged to make the permitting process for collaborative archaeological research more transparent, and collaborations should involve assumptions of analysis by all parties involved.

Sincerely,

A handwritten signature in black ink, appearing to read 'R Flad', written in a cursive style.

Rowan Flad
John E. Hudson Professor of Anthropology