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Cultural Property Advisory Committee
U.S. Department of State
2200 C Street, N.W.
Washington, D.C. 20522

Dear Prof. Sabloff and Members of the Committee,

I am writing to urge the Committee to recommend that the United States should into a *Memorandum of Understanding Between the Government of the Hashemite Kingdom of Jordan and the Government of the United States of America Concerning the Imposition of Import Restrictions on Archaeological Material from Jordan from the Paleolithic through the Ottoman Periods*.

I submit these comments in my personal capacity, I am Associate Professor of Anthropology and Director of the Museum Studies Minor at DePaul University in Chicago. I am also an elected Academic Trustee of the Archaeological Institute of America [AIA] and a member of the International Government Affairs Committee of the Society of American Archaeology [SAA]. It is my privilege to have conducted archaeological research on prehistoric sites in Jordan since 1992. In 2002¹ I began my PhD (University of Cambridge 2006) research on the legal and illegal trade in archaeological material from Israel, Jordan, and Palestinian Territories. Through archaeological field work and ethnographic interviews², I continue to investigate the movement of artifacts from this region. During my PhD work, I recorded a distinct corpus of Early Bronze Age [EBA] (3600-2000 BCE) ceramic vessels, which are unique to a series of sites along the Dead Sea Plain in Jordan, for sale in the legal market in Israel. The pots are purchased primarily by tourists from the U.S.³ I wondered how and why these Jordanian pots were available for purchase in the Israeli market. A 2007 post-doctoral fellowship from the Council of American Overseas Research Centers [CAORC] allowed me to expand my lens of inquiry to study Jordan in greater depth. In 2011, with collaborator Dr. Meredith Chesson of the University of Notre Dame, we initiated the Wenner-Gren funded *Follow the Pots Project* [FTP] (<http://followthepotsproject.org/>) in order to track the movement of EBA vessels from the ground

¹ Between 2000 and 2003, I was a private contractor with the Cultural Heritage Center at the U.S. Department of State. In that capacity I administered the Ambassador's Fund for Cultural Preservation and in a limited way provided support to the CPAC, then chaired by Prof. Martin Sullivan.

² Interviews are conducted after receiving Institutional Review Approval from the Ethics Review Board at DePaul University (2010– present). Interviewees agreed to participate on the condition of anonymity and were each assigned aliases (i.e., Looter 7, Dealer 19, Tourist 95). Any direct citations are in quotes and attributed to that alias.

³ See M.M. Kersel. (2019). Itinerant Objects. The Legal Lives of Levantine Artifacts in A. Yasur-Landau, E.H Cline, and Y.M. Rowan (eds.) *The Social Archaeology of the Levant*. Pp. 594-612. Cambridge, UK: Cambridge University Press.

to the consumer. In 2013, a second element of FTP was launched with Dr. Austin (Chad) Hill of Dartmouth College. In cooperation with the Jordanian Department of Antiquities [DoA], the *Landscapes of the Dead* Research Project [LOD] is using Unpiloted Aerial Vehicles [UAVs] to study the scale and pace of natural and cultural landscape modification at the Early Bronze Age mortuary landscapes at Fīfa and Bab adh-Dhra’.

The integrated approach of the LOD project combines pedestrian survey, low elevation aerial photography and the resultant spatial data for digital mapping, with oral interviews with the multiple constituents who interact with the site and its objects. This innovative interdisciplinary and collaborative endeavor provides a comprehensive change-over-time examination of the effects of looting and landscape modification on the archaeological record, while at the same time assessing the impact of the Jordanian DoA protection initiatives anti-looting campaigns, national laws, and local community outreach programs, and the impact of Petra National Trust [PNT] educational programming. In the following I use data gathered as a result of these various research projects to demonstrate the need for a cultural property agreement between the United States and Jordan.

My previous professional experience and my academic background make me very familiar with the cultural property agreement request process. I will focus my comments on the Jordanian request under the *Convention on Cultural Property Implementation Act (CCPIA)* to the criteria with which I have the most personal experience and on which I can provide relevant and important data.

(I) The cultural patrimony of Jordan is in jeopardy from the pillage of archaeological materials.

There is extensive scholarship on the desire for archaeological artifacts related to the people and places of the bible. This ongoing demand has resulted in the pillage of archaeological sites from the region. Five sites from the Early Bronze Age (3600-2000 BCE) along the east side of the Dead Sea have been identified by some as the “Cities of the Plain” mentioned in Genesis 13:12. One of the sites, Bab adh-Dhra’, a townsite with an associated cemetery, is considered by some to be biblical Sodom; “everyone wants a pot from the city of sin” as one informant (Tourist 23) told me. This site has been the focus of looting and subsequent site protection strategies as early as the 1920s. At the Dead Sea sites during the EBA ancient ancestors are buried with a fairly standard mortuary toolkit, which includes ceramic vessels. These pots are highly desirable as they meet the anthropological tourism model of Prof. Nelson Graburn of “cheap, portable, dustable, and understandable”⁴. According to collected data, it is the biblical associations that make artifacts from the Dead Sea Plain sites desirable. Dealers (6, 8, 23, 37, and 41) interviewed during the summers of 2016 and 2017 indicated that they were already seeing a rise in demand for objects (including EBA pots) with connections to the Holy Land. As my research⁵ has demonstrated not only are the pots highly desirable, they travel with ease from the site to the legal market in Israel, passing through many hands, crossing an international border, undergoing a transformation from illegal to legal, eventually legitimately available for sale, purchased predominantly by tourists from the U.S.⁶ Once illegally imported in to Israel, the looted artifacts from the Dead Sea Plain in Jordan are laundered using an

⁴ See N.H.H. Graburn (1976). *Ethnic and Tourist Arts: Cultural Expressions from the Fourth World*. Berkeley: University of California Press.

⁵ See Kersel 2019; M.M. Kersel. (2014). The Lure of the Artefact? The Effects of Acquiring Eastern Mediterranean Material Culture. In A.B. Knapp and P. van Dommelen (eds.) *The Cambridge Prehistory of the Bronze and Iron Age Mediterranean*. Pp. 367-378. New York: Cambridge University Press; and M.M. Kersel and M.S. Chesson. (2013). Looting Matters Early Bronze Age Cemeteries of Jordan’s southeast Dead Sea Plain in the Past and Present. In S. Tarlow and L. Nilsson Stutz (eds.) *The Oxford Handbook of the Archaeology of Death and Burial*, pp. 677-694. Oxford: Oxford University Press.

⁶ See Kersel 2019.

exchange of registry numbers, assigned in the legal market in Israel, where they are sold to unsuspecting tourists in Israeli government sanctioned shops. This phenomenon is documented thoroughly in my PhD research.

In an effort to understand how the artifacts from Jordan are moving from sites Dr. Hill and I are using aerial and pedestrian survey to monitor the Dead Sea EBA sites. There are a number of important results of site monitoring with UAVs (drones) at Fifa over four seasons of investigation. First, despite the continued efforts of the DoA and local programs of the Petra National Trust [PNT], looting persists. The individual reasons behind looting vary but in the final analyses of the trade in undocumented antiquities, the driving force is demand: institutional and individual demand for ceramic vessels from the Early Bronze Age results in the looting at Fifa⁷. Demand is for the ceramic vessels alone, not the other associated grave goods from the cist tombs⁸. There is compelling evidence that demand by American tourists to Israel is driving the destruction of this (and other) landscapes⁹. Ethnographic interviews with various actors (dealers, looters, tourists, collectors, and intermediaries) provides an increased understanding of the component elements in the illegal trade in Early Bronze Age material from the Dead Sea Plain in Jordan, thus supplying complementary data to the UAV flyovers.

There are some general observations¹⁰, which are apparent from the four seasons of drone flyovers. Initially, we recorded over 3700 looters' pits at the site of Fifa. Comparisons between annual Digital Elevation Models [DEMs], indicate discernable modifications to the landscape in the form of new holes as well as new positive change in elevation due to the creation of spoil heaps. Also visible in the orthophotographs is fresh (moist) dirt from new looting episodes. Since 2013, analyses of the maps in conjunction with pedestrian survey indicate 61 new holes at Fifa. We know from the systematic excavations by R. Thomas Schaub and Walter Rast (1989) and Mohammad Najjar (2001) that each grave has between 6 and 30 pots and each pot might sell (on average) for between \$30 and \$150 USD in the U.S. market, thus 61 new holes have the potential to realize a total financial gain from end-market sales in the United States in the range of \$10,980 to \$274,500 USD (see Table 1).

Year	# New looted graves	# Range of vendible pots	Low estimate for market sale price USD	High estimate for market sale price USD
2013-2014	34	204-1020	\$6,120	\$153,000
2014-2015	3	18-90	\$540	\$13,500
2015-2016	24	144-720	\$4,320	\$108,000
TOTAL	61	366-1830	\$10,980	\$274,500

Table 1: Potential income generated from the looted holes at Fifa

These figures do not factor in how many hands the artifacts pass through in the associated financial transactions leading to the eventual purchasers, only the number of potential looted pots and the final

⁷ See Kersel 2014.

⁸ See Kersel 2019.

⁹ For more detail on the relation between demand and the destruction of the Dead Sea landscape see Kersel 2014; Kersel 2019; Kersel and Chesson 2013.

¹⁰ See M.M. Kersel and A.C. Hill (in press) The (W)Hole Picture: Responses to a Looted Landscape. *International Journal of Cultural Property*.

sales price to the buyer. The antiquities market is convoluted with illegal Jordanian artifacts legitimately available for the willing consumer in Israel, on EBay, and in other markets¹¹. The U.S. demand for EBA pots in the legal Israeli market results in the pillaging of archaeological sites in Jordan, as the drone and pedestrian surveys demonstrate.

(II) Jordan has taken measures to protect its cultural patrimony.

Governmental Response

Over the decades the Jordanian Government, the DoA, and local law enforcement tried different strategies to combat illegal excavation at the sites along the Dead Sea Plain, but with limited success. In 1976, Jordan's legislature passed a law (Antiquities Provisional Law No. 12) banning the legal trade in antiquities. When Jordan enacted this law, various authorities charged with the protection and monitoring of archaeological objects, sites, and monuments hoped that prohibiting the trade would stop looting. Sadly, in the post Antiquities Provisional Law No. 12 era artifacts from this area continue to find their way into local, regional, and international collections through an intricate network of looters, intermediaries, dealers, and buyers¹².

As a local response to the ongoing looting at the site of Bab adh-Dhra', the police force in the Dead Sea area, in collaboration with the regional office of the DoA, placed a fence and guards at the site of Bab adh-Dhra'. Overnight the fence was stolen, and the guards proved to be ineffectual in the face of a great number of looters and the size of the site. The local DoA inspectorate in cooperation with the police force attempts to monitor the Dead Sea sites on a routine basis, but limited governmental resources, ongoing demand, and extremely effective national and international trade networks allow for a persistent business in the sale of EBA material from the Dead Sea Plain. It is impossible to guard all of the sites all of the time, but the authorities in Jordan are making a valiant and sustained effort towards this end.

In a 2014 incident at Fifa, Dr. Hill and I encountered two looters actively illegally removing artifacts from a cist tomb at Fifa. Our colleague, Jehad Darwesh, from the Jordanian DoA, had the looters arrested, they spent the night in jail and paid a fine for their activities. Three intact pots were recovered from this incident and deposited in the *Museum at the Lowest Place on Earth*, the regional museum for the Ghor es-Safi area¹³. We recorded the location of the cist grave and provided the details and coordinates to the local inspectorate and in the national Mega-Jordan database.

Recognizing that artifacts from Jordan are moving illegally into other areas of the region, in 2015 Egypt and Jordan signed a bilateral agreement regarding the *Protection and Return of Illicitly Removed Cultural Objects to their Country of Origin* (<https://en.unesco.org/cultnatlaws/list>). Authorities from Jordan and Israel have worked cooperatively on some recent smuggling attempts across the King Hussein Bridge¹⁴.

Non-Governmental Response

FTP worked with the Petra National Trust [PNT], a non-governmental cultural heritage agency, to develop a module for their Petra Junior Rangers and the Youth Engagement Petra programs

¹¹ Kersel 2006; Kersel 2014; Kersel 2019.

¹² See Kersel 2019.

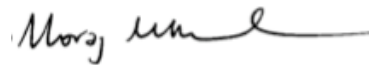
¹³ See Kersel 2019.

¹⁴ <https://www.timesofisrael.com/norway-launches-probe-after-driver-busted-smuggling-artifacts-from-jordan/>; <https://www.jewishpress.com/news/archaeology-news/palestinian-arab-caught-attempting-to-smuggling-ancient-coins-from-jordan-into-israel/2018/11/05/>; <https://en.royanews.tv/news/16200/Israel-apprehends-woman-attempting-to-smuggle-ancient-artifacts-from-Jordan-into-Israel>.

on the illegal excavation of artifacts and the trade in antiquities. *Looting Stops Us Learning* is a series of workshops targeted at Jordanian youth, aged 12 to 18¹⁵. The workshops are aimed specifically at raising an awareness of one of the most destructive forces that threaten Jordan's archaeological sites – the looting at archaeological sites in order to find objects to meet the demand for undocumented artifacts, which results in the devastation of archaeological sites. Over the course of a day-long workshop, students¹⁶ move through a heritage site (e.g. the Citadel in Amman, Petra, Umm el-Jimal, Umm Qais), the site museum, and the visitor center completing a series of directed activities that focus on looting, the sale of antiquities, and the destruction of heritage sites. Understanding the connection between looting and a loss of knowledge about Jordan's past is another of the main goals of this educational program. The PNT hopes that individual interest in cultural heritage protection will be an indirect outcome of workshops aimed at increasing esteem for the past, clarifying the connection between tourism and site preservation, and implementing anti-looting programs in Jordan. The PNT practicums on looting and site protection are an excellent first step in introducing the topic to a younger generation of Jordanians; undoubtedly there are future collectors and looters in the participant pool who may be deterred through this educational effort.

I believe that a bilateral agreement between the U.S. and Jordan will raise the profile of cultural heritage protection in the consciousness of the Jordanian Parliament, which in turn may result in an allocation of greater resources to the Department of Antiquities. I also believe that U.S. import restrictions would help to deter a serious situation of pillage in Jordan. I am happy to provide additional information on this issue if requested. I thank the Committee members for their work on behalf of the cultural heritage of Jordan and for their consideration of this request.

Sincerely,



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¹⁵ See M.M. Kersel (2016). "Go, Do Good! Responsibility and the Future of Cultural Heritage in the Eastern Mediterranean in the 21st Century." *ALA Heritage, Conservation, and Archaeology Series*.
<https://www.archaeological.org/news/sitepreservationhcaspecialpubs/21700#sthash.eFXP5Ub2.92bBBcGX.dpuf>

¹⁶ The PNT partners with the Jordanian Ministry of Education and the local schools in the selection of the participants.