
Forum

The Contemporary Plundering of Africa's Past

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Editor's Introduction. In a lecture to the Royal African Society on May 16, 1996, Professor Thurstan Shaw demonstrated the extent of the contemporary plundering of Africa's archaeological heritage by showing some 90 slides of objects recently stolen, illegally exported, or clandestinely excavated from 14 countries in Africa (see also *Cents Objdets Disparus: Pillage en Afrique*, ICOM, 1994). His observations on what is going on and recommendations for attempting to combat this depredation follow.

INTRODUCTION

Why is all this plundering and pillaging of African cultural objects taking place at the present time on such a colossal scale? Part of the answer is that it is but one manifestation of the continuing exploitation by the rich Northern and Western world of the poorer, more vulnerable Third World of the South. The whole thing is bound up with the current practices of insufficiently restrained capitalism and popular theories about the sanctity of the market, which must be regarded as sacred.

It is natural that an impoverished African carver or brass-caster should wish to sell his products to the highest bidder, and if that bidder is a European tourist, there is nothing wrong in that. Airports make good markets for such wares. But there is a different, clandestine market for rare objects of a cultural nature, ethnographic objects of a kind no longer made, archaeological objects, and objects coveted as works of art. There is nothing wrong with collecting *per se*, but in the last 20 years, in the course of changing fashions in the art world, wealthy European and American collectors have increasingly moved in on the African field and have been prepared to pay fantastic sums for the things they lust after. In some cases their

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prime motivation is a genuine aesthetic appetite, even if, to use Muensterberger's (1994) phrase, their collecting is "an unruly passion." However, for others, such has become the market value of these objects in an inflationary world that they are seen as investments. (£1m for a Benin brass head, £40,000 for an Ife terra cotta). This international trade has even been caught up with the world of the drug barons, who see it as a profitable area of diversification and as a means of laundering ill-gotten money. UNESCO estimates the value of the trade in contraband art at between £2 bn and £6 bn.

Most of the African objects which move around in this clandestine market cannot be bought and sold openly, because until comparatively recently they were either kept in museums or other local repositories or were in the ground. To get their hands on them, therefore, the dealers servicing the collectors have to make it worthwhile for their agents to steal from museums or organize illicit quarrying in archaeological sites. And this is what is happening. There is so much money involved at the selling end that the shares of the agents and middlemen along the way are sufficient to represent great wealth in local terms and is well nigh irresistible. The naira, the cedi, and the CFA franc cannot resist the power of the dollar, the pound, the French franc, the German mark, and the Dutch guilder.

African countries have also been plundered in recent years because they have become even more vulnerable to this type of cultural exploitation than before as a result of their own weakness—due to political instability, economic collapse, horrendous inflation, the breakdown of law and order, the rupture of communications, and corruption at all levels. These conditions make a happy hunting ground for the unscrupulous prepared to take risks in order to win rich pickings. Much of the evidence concerning thefts from Nigerian museums points to the work, or at any rate the collaboration, of insiders. However, such has become the scale and the blatancy of the thieves that in a recent attempt at the University of Ibadan to break through a steel door, oxyacetylene equipment was used, and the robbers even left their gas cylinder behind.

HOW THE SYSTEM WORKS

We have had a glimpse of how the system works. The driving force is the money of European and American collectors, who are serviced by dealers employing agents, perhaps at two or three removes, to organize thefts from museums and through illegal excavations. The objects are smuggled out of the African countries of origin against the laws of those countries; importation into this country is not against the law because the United King-

dom has not signed the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import Export and Transfer of Ownership of Cultural Property. African cultural objects are widely advertised for sale in African Arts and other art magazines and dealers hawk their services to known and likely customers. I know of a potential customer of African art who was rung up by an anonymous voice offering to obtain anything he wanted out of the Lagos Museum.

Most museums (but not all) are careful nowadays not to take part in the system, and many will not acquire anything which does not have a pedigree of its provenance and, if necessary, an accompanying export license from the country of origin. Not all institutions, however, are as scrupulous, and the British Museum had to exert pressure on the Royal Academy not to exhibit in its recent exhibition, "Africa: The Art of a Continent," certain known-to-be-looted objects, and in general the Academy demonstrated that it had little conscience of its own in the matter, in spite of publicly declared protestations of innocence (see review by Shaw and MacDonald, 1995).

Historians of African art are in a peculiarly difficult position. Their opinions are often solicited by dealers and collectors on the age, provenance, or genuineness of specimens put before them. Such scholars often want to keep track of objects moving around in the clandestine trade, for the benefit of their own knowledge and expertise—yet, sometimes unwittingly, sometimes not realizing they are supporting a nefarious trade, their valuation can greatly enhance the market value of the specimens. The Oxford Research Laboratory for Art and Archaeology performed this function for a number of years in running thermoluminescent age determinations on looted West African terracottas and were well paid for the service by the dealers, until a number of us brought pressure to bear upon the laboratory to stop the practice.

Of course, many museums subscribe to the ICOM Code of Ethics, although, like all "codes of practice," it is taken notice of more in the breach than in the observance, and dealers and private collectors do not have to subscribe to it or respect its principles.

ETHICS

There are two things which are morally wrong with the system I have been describing. First, it is stealing—and stealing is particularly repulsive when the financially and politically strong are using their strength to steal from the weak.

Second, the destruction of knowledge is wrong. For me as an archaeologist, this is the greater immorality. I cannot attach a great deal of blame to the villagers who dig into archaeological sites in return for the modest sums they get from traders or local businessmen: they regard themselves simply as laborers engaged in a particular form of mining. The dealers in the system know that they are disapproved of by archaeologists and stuffy academics but they don't care—they are operators in an entrepreneurial system which a majority of those in their society approve—although they know they have to be careful not to fall foul of the law in the way they handle stolen goods. Collectors may be divided into the innocent and the guilty. The innocent are those who buy something in genuine ignorance that what they buy may have a tainted history and that their purchase may be contributing not only to the loss of part of another country's heritage, but also to the destruction of historical knowledge. The guilty collectors are those whose consistent passion for a certain class of object leads them to give the dealers large sums of money for the objects of their desire. They very often know that their money is partly paying for the costs of theft and smuggling but choose to turn a blind eye to this and pay up to the dealer with no questions asked. They are buying an object which satisfies their aesthetic appetite, and whose possession also often inflates their ego and enhances their tax-free financial reserves. They are not much interested in the historic associations and context of the object. In this system, these become separated from the object. These accompanying circumstances are what I, as an archaeologist, am interested in, as they are vehicles for unique pieces of history. It is these contextual data which make the object a bearer of important information. I sometimes have an impossible wish that we could separate these two things. It is unfortunate for scholarship that any archaeological object commonly has aesthetic appeal as well as archaeological significance, for it is this aesthetic value that makes the predators descend upon it and violate it, destroying forever its potential for historical enlightenment. How can we combat all this rapacious looting?

Legal Means

(a) Getting the United Kingdom to sign the 1970 UNESCO Convention would make illegal and subject to prosecution under British law, which it is not at present, the import of cultural objects illegally exported from another member country. (The United States and Belgium have recently signed.)

(b) The difficulty in trying to provide legal protection stems from the fact that what is illegal in one country is legal in another. Different coun-

tries have different legal systems; e.g., in criminal accusations in England you are presumed innocent until proved guilty, whereas in many continental countries it is the other way around. Similarly, in Britain you are presumed to have a good title to your possessions until it is proved otherwise, and the onus is on any other claimant to demonstrate this. "Possession is nine-tenths of the law." In some countries it is the other way around, and the onus is on the possessor to substantiate his ownership. In the interwar period a group of Italian lawyers took the initiative in setting up an international organization called UNIDROIT to try to overcome some of these legal difficulties in the administration of law across national boundaries. Recently, this organization drafted a convention to try to unify the law concerning stolen and illegally exported cultural objects. By November 1995 it had been ratified by 11 countries, including France and Italy. The British Government refuses to sign—and this reveals how hard the art and antiques world has leaned on them to dissuade them from doing so and demonstrates how powerful the art and antiques world is. At the last meeting of the Archaeology Section of the British Academy, a working party was set up to try to produce a document which the Academy would endorse to make representations to the government on this matter.

Over the years a number of conferences have been held of parties concerned about the damage being done by this illicit trade in antiquities, but while they have provided a forum for participants to express their indignation, they do not seem to have resulted in any diminution of the traffic. Doubt has indeed been expressed whether it can be lessened by legal means or, at any rate, by existing or proposed legal structures (Norman, 1995).

There is also a powerful international dealers organization, of which the British Antique Dealers Association is a member, called the Confederation Internationale des Negociants en Ouvres d'Art (CINOA). One of the aims of this association is stated as "to promote the abolition of restriction on the import and export of works of art, and of collections, pictures, etc."

Action Within Existing Law

(a) Museums should keep photographic and other records of the specimens in their care. These records should be standardized according to the format proposed by the Getty Art History Information Program.

(b) Any thefts or losses should be reported immediately, not only to local police and INTERPOL, but also to the Art Loss Register. This may help to frighten off unscrupulous dealers.

The trouble with this is that neither of these methods is of any help in the case of objects from illegal excavations. How can you report a theft when you have never seen the object until it surfaces in a dealer's gallery or catalog, or in a private collection?

(c) Methods of preemption include (i) museums not offering payment, which presents the danger of stimulating illegal excavation, and (ii) proper excavation and documentation.

Education

(a) Education in African countries should play up the cultural value of the country's archaeological heritage including collections in museums, monuments, certain buildings, shrines, and local repositories. Authorized excavations should have a display board explaining what it is all about and why the objects excavated have real value only if dug out by experts.

(b) Outside Africa, education should aim to change the climate of public opinion, so that it is no longer prestigious to display your collection of unprovenanced archaeological objects from Africa, and so that this becomes socially unacceptable. This change in attitude is probably a necessary preliminary to getting satisfactory legislation passed. Compare the change which has come about in the attitude to stuffed wild animals. Formerly such collections brought kudos to an owner, and he proudly displayed his trophies. Now no longer. I would conclude by appealing to the Royal African Society to consider this problem seriously—to take it on board and give some attention to seeing whether the society can use its influence in working out remedies.

CONCLUSION

The plundering of Africa goes on unabated, robbing Africans and humanity of a cultural heritage that has not yet been fully explored. The loss is enormous, and as collectors vie for the possession of the so-called "tribal art" in an ever-inflating market (Barker and Stewart, 1996), the loss is becoming disastrous. I have outlined above some of the means by which we can halt or slow down the ruthless plundering of Africa's past, and hope that we may begin to see Africa's great heritage not simply as outstanding art, as it is often displayed in museums and exhibits, but, more importantly, as a legacy of rich, vibrant social and spiritual traditions and as an irreplaceable vehicle of historical knowledge about those traditions.

REFERENCES

- Barker, G., and Stewart, L. (1996). Loot from the steaming swamps. *The Daily Telegraph* Jan. 29: 6.
- Muensterberger, W. (1994). *Collecting, an Unruly Passion: Psychological Perspectives*, Princeton University Press, Carthage (NI).
- Norman, G. (1995). Bad laws are made to be broken. In Tubb, K. W. (ed.) *Antiquities Trade or Betrayed. Legal, Ethical and Conservation Issues*, Archetype, London, pp. 131-142.
- Shaw, T., and MacDonald, K. (1995). Out of Africa and out of context. *Antiquity* 69: 1036-1039.

Editor's Note. Plundering Africa's Past, edited by Peter R. Schmidt and Roderick J. McIntosh (1996), Indiana University Press, Bloomington & Indianapolis, has just been published. The book is the outcome of a Carter Lecture Series organized in 1993. The contributors, surveying the plundering of Africa's past, present a testimony to the widespread destruction and pillaging of sites and artifacts in many African countries. In this book, Lyndel V. Prott provides a history of the UNESCO 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property, a viable legal international document on this issue.

Illicit Traffic in Cultural Property: Museums against Pillage, edited by Harrie Leyten (1995), jointly published by the Royal Tropical Institute, The Netherlands, and the Musée National du Mali, Bamako, discusses the role of museums in the fight to save Africa's threatened heritage and the International Council of Museums (ICOM) and the UNESCO policies on illicit traffic. Jan Pronk, Dutch Minister for Development Cooperation, argues that the safeguarding of cultural property cannot be separated from the fight against poverty. The contributors also emphasize the need for collaboration between museums in the South and those in the North and for uniform international policies. Museums are requested to apply the ICOM Code of Ethics and provide facilities and exchange documentation. The book also gives the full text of the Draft UNIDROIT Convention and reports from two workshops, held in Arusha, Tanzania, in 1993 and Bamako, Mali, in 1994.