

**Trafficking and the Circulation of Stolen Antiquities and
Documentary Heritage in Afghanistan
and its Neighboring Countries:
How to Better Understand New Challenges
and Opportunities for Interdiction and Cooperation**

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1. Executive Summary

The prevention of looting requires international cooperation for several reasons. First, it is necessary for borders to be secured and policed, through coordination of the respective nations. Customs officials worldwide must be aware of the issue and remain on the lookout for smuggled or otherwise illicitly acquired objects. Museums, libraries, archives, and other institutions must commit to thoroughly checking the provenance of any item they own or plan to acquire. Consequently, many countries have passed laws prohibiting looting and strictly defining the circumstances under which national historic items can be sold or even lent to persons and institutions in other countries. For example, Egypt has signed seven bilateral agreements with other countries including Jordan, Cuba, and Switzerland, and has numerous laws at the sub-state level protecting antiquities and cultural heritage. Additionally, there are international conventions intended to foster cross-border cooperation. The 1970 UNESCO Convention (“UNESCO,” 1970), to which Afghanistan is a signatory, is considered the first and broadest international framework for the prevention of illicit trade in antiquities.

However, there have been significant limits to its impact. One set of limitations is bureaucratic. International agreements provide the countries of origin with the right to demand the return of “their” illicitly obtained items, but they must prove that these belonged to them. This is somewhat easier if the items were stolen or sold from a museum, although even then, not all museums in all countries keep exact inventories and even if they do, these may be lost or destroyed in the course of a conflict. But it becomes still more complicated if the item has been illegally scavenged from an archaeological dig or through unauthorized amateur digging, i.e. from underground – as is the case with many of Afghanistan’s artifacts. Then, of course, there is no inventory or record of it. While the exact percentage of illicitly trafficked items that fall into

this category is not known, it's safe to assume that it is far from insignificant. It would be worthwhile to develop improved modalities for determining origin, based on forensic and new technological means. Also, the intent of the 1970 UNESCO Convention was to concentrate on prevention; however, it has mostly been successful in restitutions. This is not surprising. It is very difficult for countries, even if they are sincerely determined to do so, to police and prevent the excavation, sale and export of valuable historic items. Large and well-established criminal networks continuously find ways to evade supervision and prevention. Also, these international accords are made at the level of state institutions. They then attempt to also include NGO's and civil society. But there are few mechanisms for involving and affecting the truly key components that keep this trade alive: the looters, and the collectors.

The "enterprise" of looters begins with the individual farmer, peasant or other impoverished local person who sees his ability to find or dig out ancient, buried objects as a welcome way to get added income. At the far end of the spectrum, the wealthy collectors either do not care about the laws, and/or they believe that they are in fact performing a positive service by "rescuing" precious objects from war zones, preserving them properly and appreciating them more than their benighted owners ever would.

The current acting Deputy Minister of Culture of Afghanistan has highlighted the necessity of educating and persuading local communities about the value of keeping and protecting their heritage sites and items and has explained that he regularly visits outlying provinces to spread this message. A change of mindset is indeed the critical variable, combined with a plausible and persuasive message that participating in this theft is not the best or only way to feed yourself and your family. A near-term realistic prospect of legal livelihoods, combined with a vision for future prosperity in which a well-developed and preserved cultural heritage that attracts visitors and tourists is a part, and some sanctions for violating the rules, must be put forward if you expect local individuals to cooperate with heritage protection. No law or international resolution will be truly effective without that.

To consider the Taliban, who committed one of the most shocking acts of cultural heritage destruction in recent memory, as partners in the heritage protection effort, is a startling notion for many. But one of the consoling aspects of human history is that things indeed can change. Former adversaries can become allies and can even form new, joint political entities – such as France and Germany, at war across the centuries, now together in the EU. Insurgent groups can become acting governments and eventually, normal members of the international community. It is too early to come to any conclusions about Afghanistan and their current de facto government. Regarding their stance on cultural heritage, there are signs of hope, as well as signals of warning.

The signs of hope include their announced plan to rebuild the historic bazaar in Bamiyan, and to add tourism facilities and hostels. (Many heritage professionals are less than thrilled by this plan,

it must be noted, because they fear that lack of experience and lack of awareness about the rules surrounding World Heritage Sites will cause inadvertent damage to this treasured locale. We see this as an argument for the urgency of ongoing dialogue and engagement). Another sign of hope is the vigorous urban clean-up and urban beautification campaign currently underway in Kabul and other cities. Under Taliban auspices, streets are swept, garbage is collected, and new roundabouts are being ornamented with various decorative elements. (Many will question the aesthetics of these roundabouts – one of them, for example, features a globe on which Afghanistan is represented at many multiples of its actual size – but the intent of urban beautification is clear and can be counted as a positive).

The signals of warning include their backtracking to their former problematic ways on issues of major importance such as the education of girls and women and women's right to employment. This shows that they are fully capable of going back on assurances previously given to the international community and their own citizens.

In this report, we describe the challenges of heritage protection and the discouragement of the illicit trade in antiquities, in Afghanistan, with some reference to the broader region where appropriate. We review the resources available, some newly emerging additional tools, and the limitations inherent in this effort. Some international pioneering efforts are introduced. We attempt an assessment of the current Afghan circumstances and conclude with recommended steps for the future.

2. Introduction

Near the end of 2019, when it became evident that this time, the U.S. intention to withdraw its forces from Afghanistan was serious and would not be forestalled or reversed as in the past, a corollary conclusion was also clear: in some manner and to some degree, the Taliban would be part of whatever new government emerged at the conclusion of the proposed “intra-Afghan dialogue”. That dialogue was supposed to overlap or at the very least, follow the U.S.-Taliban talks about the terms of the U.S. withdrawal, but for manifold reasons that exceed the scope of this paper, it never took place.¹

In the light of the Taliban’s prior conduct when they held power, the prospect of their return to governance elicited panic in many quarters. The modernized elites, women, international diplomats, anyone who had worked for the U.S. or coalition military or a Western embassy, investors, entrepreneurs, and anyone associated with the previous government, became fearful of the consequences to the country and to themselves. And these fears extended to the global cultural heritage community. A worst-case scenario was not just included in their thoughts – it was assumed to be a near-certainty.

So far, and with emphasis on the preliminary nature of that observation, these fears have not been realized in regard to cultural heritage. This may be because it is low on the list of Taliban

¹ In brief, the Afghan government side was unable for an extended period of time to assemble a negotiating team, as the various stakeholders all jockeyed for a position in that process. Whereas the Taliban put forward a proposal for an agenda and discussion points, the Afghan government struggled to do the same. At the end, when the U.S. negotiated a last-ditch effort to find a formula for power sharing, to which the Taliban had agreed, President Ghani precipitously fled the country with key supporters and with that, there was no longer an Afghan government to negotiate with.

priorities, or because so far, the moderates on this issue have prevailed, or it may be that their attitude genuinely has changed. They may not wish to add yet another handicap to their ability to get funding, support and recognition from the outside world, after already marginalizing themselves with their ban – excused by them as a “pause” while they plan some not-further-specified logistics – on girls’ access to middle and high school education.

Regardless of which reason is the correct one, the result is an opportunity: to talk, exchange views, elicit opinions, and seek common ground on the matter of heritage protection.

The Context

From the point of view of looting, Afghanistan has long represented “the perfect storm” – combining all the conditions that provide motive and opportunity. There is a rich supply. The local population is poor and uneducated, and so more likely to care about the immediate prospects of income versus the lofty abstract value of preserving their historic heritage. There are long traditions of organized illicit activities and trade in weapons and drugs that can readily be transposed to the transport and dealing in antiquities. The reach of the central government has generally been incomplete at best, and its authorities have been prone to accepting bribes. The borders to the neighboring countries were often porous, with significant regular cross border movement of nomads, traders and refugees. In the words of Sam Hardy, a criminologist and expert on trafficking networks, “Everyone who has been in control (in Afghanistan) has been involved in the illegal antiquities trade in some way or another. Either the antiquities were looted by the people in power, or the local criminals were being taxed by them. That’s been the case under the Soviets, the Communists, the Mujahedeen, the Northern Alliance, and the Taliban” (Klein, 2022).

Episodically, an already permissive situation became still more anarchic through upticks in conflict. Meanwhile, on the receiving side, institutions and collectors provided ongoing demand. Also, it is only relatively recently that the practice of simply packing up and carting away the most interesting antiquities of a Third World country for purposes of study, display, or to gather them up for personal gratification, has been seen as wrong and made illegal. As recently as 1978, it was still routine for representatives of major European museums to go on “collecting trips” to the region, including Afghanistan, to scout for treasures (Aikins, 2021).

In a 180-degree reversal, at present the U.S. has banned entirely the import of any Afghan art or antiquities on the assumption that the current unstable conditions in the country are favorable to looting. The thought behind the ban is that the prohibition against bringing such items into the U.S. will “reduce the incentive for pillage of Afghanistan’s cultural heritage and combat profit from the sale of these cultural objects by terrorists and criminal organizations” (Klein, 2022).

Subsequently, art and antiques dealer organizations in seven countries signed a pledge to prevent illicitly obtained artefacts from Afghanistan from being sold in the West (Seymour, 2021).

These are good actions, but it remains to be seen whether they will affect the illicit trade, which has an ample clientele in Asia and the Middle East. The topic of looting is rife with ironies, one of them being that museums are actually the better destination for looted artifacts, since the chance of discovery and restitution is much higher than in the case of private collectors, where the treasures are far less likely ever to be found.

At any rate, for much of the modern era all the involved parties – those who excavated the items, those who transported and sold them, and those who bought them – were in collusion with each other, while the authorities on both sides either saw nothing problematic, or colluded as well, or were unable to effectively interdict.

In the words of St. John Simpson, senior curator at the British Museum, “Medieval towns, Greek cities, and Bronze Age cemeteries were methodically dug over – not just the work of amateurs with a shovel, but hundreds of workmen being managed and working for the trade” (Wendle, 2013).

It is difficult to say what is more damaging. Organized looting amounts to losses on a grander scale. On the other hand, at least these “workers” generally know what they are doing, so the items at least survive their kidnapping in more intact condition. The amateurs, by contrast, are content to hack off a Buddha head and leave the mangled body behind, ruining it for anyone but the private collector in Beirut who will spear it on a metal pike and display it on an acrylic base.

The Taliban Era

There was widespread alarm in the cultural heritage community – first when the Doha Talks made it clear that the Taliban would be part of a post-U.S.-withdrawal compromise Afghan government, and even more so when the Taliban marched unimpeded across the country and took Kabul. The concerns were not unfounded.

As the perpetrators of one of modern history’s most egregious acts of cultural destruction – the dynamiting of the iconic Buddhas of Bamiyan – the Taliban had become eponymous with a contemporary blight, the purposeful attack on historic heritage sites and artifacts deemed to be non-, pre- or anti-Islamic. It was a category that encompassed everything from Indian movies (dancing, romance, women showing their arms and bare waists) to music and art and archaeological treasures. Among the most prominent practitioners of this erasure of pre-Islamic history and non-Islamic intangible cultural content have been the Taliban, al-Qaeda and Daesh, along with various local and regional spin-off groups in the Middle East and Africa.

But deliberate destruction is not the only peril faced by cultural heritage. It can also be erased through neglect, looting and the illicit trafficking of antiquities. Those three problems have been endemic in Afghanistan, pre-dating the Taliban.

The Khanaka in Balkh which is believed to be the place where Maulana Jalaluddin Balkhi, known in the West as Rumi, was born and spent his early childhood, is now just a worn-down mud shell in the vague dome-shape of its former self, and the cause was abandonment, time, and weather. A similar fate befell the tomb of one of Afghanistan's most legendary and beloved poets, Rabia Balkhi.

A Change in the Taliban's Posture Towards Cultural Heritage?

The expectations of likely Taliban behavior towards cultural heritage were uniformly negative on the part of leading international NGO's and heritage organizations. It is too soon to come to a definitive judgment, but let us start by attempting a list of pros and cons.

Regarding the protection of cultural heritage and historic properties, the current de facto government of Afghanistan – which terms itself the Islamic Emirate of Afghanistan but is commonly referred to as the Taliban government by the outside world – has some prospective strengths and some detrimental features.

On the plus side:

- They have a reputation for harsh enforcement of the rules and of shariah, under which theft falls.
- During the final stages of the war and the initial phase of their governance, they issued several direct orders for the protection of heritage sites, the Kabul Museum, and instructing their commanders to prevent looting.
- Thus far, trusted NGO's such as Aga Khan and Turquoise Mountain have been able to continue project work, and deliberate heritage damage has not been reported.

On the negative side:

- Their attitude towards pre-Islamic and non-Islamic cultural heritage is ambivalent, and in the past has been distinctly disapproving. The destruction of the Bamiyan Buddhas was undertaken on their premise that idolatrous sites and objects should be eliminated. So far, there have been no reported repetitions of such conduct or formally expressed opinions by the leadership. However, overall there has been a

detectable backslide from an initially more tolerant posture during the first months, to recent more restrictive rulings, an obvious example being the rulings on girls' schools above grade 6, and on women's dress and right to employment.

- They are dealing with a great many major challenges including terrorist attacks by an increasingly bold ISIS, economic fragility, sanctions, and absence of diplomatic recognition. Even if they care about it, one cannot assume that the illicit trade in antiquities is of high priority.
- It has also been a perennial disadvantage that the portfolio for this issue, in Afghanistan historically, is with a "Ministry of Information and Culture." Given the dramatic events often occurring – terrorist attacks, bombings, issues of premier importance to the international community such as girls' schools, earthquakes, political turmoil - and the necessity of dealing with clamoring journalists and putting out statements, "Information" inevitably takes precedence over the Culture portfolio.
- State control is anything but solid or country-wide and borders remain permeable. The Taliban were a relatively small fighting force, specialized in insurgency. It is not known to what extent the pre-existing police and some subset of soldiers may have joined the new regime and be available for policing and security functions.
- The temptation for ordinary people and officials to engage in illicit antiquities dealing is surely significant, given the high demand for these commodities, and the modest nature of the legal economy.

From the perspective of August 2021, the future was uncertain, and several worrisome scenarios seemed possible including a renewal of civil war, increased attacks by ISIS, a failed state, rule by the hardliners, and more. Certainly, it made sense for responsible international institutions and organizations to think about contingencies and emergency plans for the protection of cultural heritage. The avenues for action however were limited, consisting of:

1. Negotiation and engagement.

This approach seeks to communicate with the powers-that-be based on the insight that their heritage represents a precious and irreplaceable resource of their country and its population and that protecting it is a shared goal. As best we could ascertain, it was mostly the smaller NGO's who attempted this approach; ours was one of them. ARCH asked the Taliban negotiating team to add cultural heritage protection to the agenda for what was, at the end of 2020, thought to be the forthcoming series of intra-Afghan dialogue meetings. ARCH also asked them to protect heritage sites in areas under their control. Upon their ascension to power, the country representative of ARCH contacted their newly appointed Minister of Information and Culture, introducing the organization and offering any desired help. We also were able to facilitate contact between the Taliban

administration and Kabul Museum, which resulted in guards being dispatched to the museum, their own guards having fled. Also at our introduction, Taliban officials visited the Museum and reassured the Director of his safety and that of his collection.

Other organizations, with track records of work in-country, similarly were in touch with the new administration. They explained the work they were doing and its merits. Officials visited several of their worksites and expressed approval, highlighting especially the fact that these projects were ensuring jobs for local workers and artisans. In discussions amongst NGO's the conclusion was reached that the Taliban were positive towards artisanal work and crafts, and towards job-creation programs.

2. Evacuation and salvage.

There were some programs underway to secure, conceal, and potentially remove to safe countries, some of the more valuable artifacts and items. Ultimately, time was too short to realize these plans.

3. Documentation.

Fortunately, over the decades, several international scholars, photographers, museum departments and other scholarly institutions have engaged in archaeological, curatorial and academic work about Afghanistan's historic heritage. While not as comprehensive or as coordinated as might be wished, nonetheless these represent a significant repository of knowledge and documentation about monuments, sites, art and other cultural achievements.

4. Observation and protest.

During the first weeks of Taliban rule, ARCH established a WhatsApp consortium of heritage organizations that shared a history of working in or about Afghanistan. The purpose was to have a platform for sharing on a confidential basis, any observations including rumors regarding the safety of cultural heritage workers and sites. This led, in February 2022, to verification of the reports of alleged digging in and near the site of the Bamiyan Buddhas, followed by a coordinated protest. Depending on their respective connections and abilities, the groups reached out to journalists, contacted the Taliban in Kabul, connected with associates in Bamiyan for fact-checking and eventually were able to ensure that the Kabul Ministry successfully ordered the Governor of Bamiyan to cease his illegal excavating.

In other cases, some rumors were not confirmed, which is almost equally important since "crying wolf" damages our collective credibility.

In our opinion, a combination of documentation, monitoring and engagement is the most promising approach. But this avenue was made more difficult by the preemptive negativity of many in the cultural heritage community. The strong assumption was that the Taliban would once again commence to destroy cultural heritage sites, items of art, and repress music and cultural expression, and that one needed to go immediately into rescue mode and attempt to remove, conceal and shut down as many places and items as possible. The assumption was not unwarranted, and with irreplaceable value at stake, this reflexive posture was understandable.

From the place of Spring 2023, we can now summarize as follows: no significant damage to cultural heritage sites or items appears to have been inflicted. Projects by Turquoise Mountain, Aga Khan Foundation and others have been able to continue. Music and contemporary art along with their human practitioners have indeed been restricted. Dialogue with Taliban authorities has been possible and in some instances has produced positive results, such as, the “central government” of the Taliban i.e. their authorities in Kabul, did in fact intervene with their governor in Bamiyan when outside journalists and heritage organizations became aware that the site of the colossal Buddha had been fenced off and digging was going on, presumably in a search for buried treasures and as far as could be ascertained, at the behest of said governor. Kabul Taliban ordered him to cease, and after brief protest he did (Proctor, 2022). The Taliban appear to have reached the conclusion that cultural heritage sites have economic potential for them. In Bamiyan, they started to design a “tourism zone” near the Buddhas to include guest accommodations for visitors. That this plan violates the archaeological zone as declared by UNESCO and that outside experts fear that inexpert construction may endanger the site, is another matter, and merely illustrates the importance of establishing lines of communication between the heritage community and the Taliban authorities to whatever extent possible.

And the possibility does exist. Officials from the Taliban Ministry of Culture, and other ministries, accept invitations and attend bilateral and international gatherings when invited. One possibility of course is to shun them, in hopes of conveying the message that their posture on a number of important issues is unacceptable to the international community. This stance is often coupled with the hope that if they cannot be pressured into changing their stance, they can perhaps at some date in the near or mid-term future be replaced by some other political entity. We have not been able to identify a plausible scenario for such a regime change.

The other possibility is to seek continued communication with them, looking for areas where the respective goals and views align and then attempting to expand from there. For example, our own organization, ARCH International, has been in contact with them since the time of the Doha U.S.-Taliban negotiations. During that period, they accommodated us twice: first by agreeing with our suggestion that cultural heritage protection should be added to the agenda of the intra-Afghan peace talks (that ultimately were overtaken by events and never took place) and

secondly, by stationing guards in front of Kabul Museum when we conveyed the urgent request for protection against looters made by Museum Director Fahim. They have also pro-actively expressed interest in cultural heritage protection. When we learned that the negotiations for a mining contract at Mes Aynak had resumed, we sent to the Ministry of Culture an Expert Study we had earlier drafted for the prior Afghan government, in which a panel of international mining experts described the various technical options for copper mining at that location and highlighted that some of these approaches would allow for the preservation of a good portion of the Buddhist archaeological site co-located there. The report further described the dangers to ground water and the environment if specific oversight measures were not taken. A year later, we were contacted by the Taliban Ministry of Mines, stating that they had heard of this report from someone in the Ministry of Information and Culture, and asking us to re-send it to them. These are positive signs that, in our view, deserve to be pursued, especially since there is at this point in time, no realistic alternative that we can see.

3. The Current Situation

When the Taliban first went into Kabul, ARCH and similar other concerned heritage organizations and individuals from museums and the larger field of cultural organizations working in Afghanistan established an informal consortium so we could exchange news, rumors, and ideas on WhatsApp, as we all have different contacts inside the country. In the first months we did not detect any real threat to cultural sites or institutions.

The Taliban advance was too rapid to allow for the concealment or removal of collections from inside the country, as had previously been done with the Bactrian Gold in the 1990's during the Afghan Civil War. There had also been some concealment of imperiled cultural items during the first Taliban era. Most of the content of the Kabul Art Museum was spirited away to various hiding places, and the video archive was bricked up to hide the cassettes behind what appeared to be a solid wall. But this time, the Taliban advanced across the country and into Kabul with unanticipated speed. Cultural treasures could not be effectively hidden, let alone transported out of the country.

Kabul Museum and municipal museums have been allowed to operate unimpeded, though they face other challenges such as disruptions in electricity supply and heating and lack of funds.

Some “fake news” also was reported after the Taliban takeover, for example in one tweet from August 23, 2021 (Haidar, 2021). It looked like a historic gate in Ghazni Province was bulldozed by the Taliban but this later it turned out to be an older video and that the structure had to be removed because it was close to collapse and posed a hazard. It is important to follow up on any information and reports, but spreading unfounded rumors or failing to retract incorrect reporting

is harmful. For example, the publication Live Science wrote that the Taliban were “hunting” the Bactrian Gold treasure and it was in imminent danger. In fact, its location was known to the Taliban from the start, and it was fully in their control from the moment they took control of Kabul. It was in the Presidential Palace and no harm came to it; understanding its enormous value, the Taliban took immediate measures to guard it (Jarus, 2021).

So far, the worst fears of the international community and heritage specialists have not been realized. Opportunities to encourage the continuation of this apparent restraint should be sought. What has been more difficult to analyze is what is and has been going on in the rural provinces, and smaller municipal archives, libraries and museums. By now, the Ministry of Culture and Information has appointed a director/representative for each province. We include these contacts in the appendix. This means there is, at the least, a point of contact now in each of Afghanistan’s provinces in regard to cultural heritage matters.

In not so good news, there were extremely credible reports in February of 2022, that the governor of Bamiyan province, Mullah Abdullah Sarhadi, was engaged in looting as he believed there was a vast treasure buried under or around the ruins of the Buddhas (Proctor, 2022; O’Donnell, 2022). He closed off the site – which in October 2021 had been opened to visitors - and digging began. This was reported to ARCH International. We fact-checked as best we could by talking to our counterparts on the ground and they confirmed. ARCH and other NGOs reached out to the Ministry of Culture and other Taliban contacts. They sent a delegation to Bamiyan, and the governor refused them access to the site. The matter was escalated within the Taliban and the governor was ordered to stop. There have been no new reports of illicit digging activity since then.

Before these troubling reports came to the fore, the Bamiyan Buddhas were actually being run under Taliban auspices as a functioning tourist site, “with visitors being charged US\$5 to wander around the site” (Lam, 2021). In October 2021, Ariana Television Network (ATN) produced a long reportage sending one of their journalists to Bamiyan to interview domestic tourists. ARCH published a Pashto version (voiceover) of the reportage on YouTube (November 2021) (ARCH International, 2022; Ariana Television Network, 2021) in the hope that more Afghans, including the illiterate, might be informed about one of their most cherished cultural heritage sites. What the ATN report laments is the lack of local tour operators to guide visitors, given the curiosity and appreciation of the site shown by visitors.²

Apart from the Bamiyan incident, the overall picture, so far, has shown that the Taliban have been quite good about issuing orders to protect cultural heritage sites. As Ariana News reports:

² Interestingly, there seem to be different motivations behind the tourist flow to Bamiyan, one report states that, “while not a member of the Taliban government, one supporter who visited the wrecked Buddhas told NBC News: “I was young when these were destroyed, about 7 years old, and since then it has been a dream to come and see what happened here [...] I’m happy it was destroyed. I’m here to see the ruins actually” (Lam, 2021).

“The Taliban said [on February 21, 2021] it has instructed all its members including its “military units” to protect and preserve Afghanistan’s heritage sites and artifacts and to refrain from excavating and selling relics either in the country or internationally (Ariana News, 2021). In a statement published on the group’s website, the Taliban stated it has instructed: “all officials, commissions/departments chiefs, provincial and district governors, military unit and group commanders, the Mujahideen and all compatriots” to adhere to the order. The group continued to state: “as Afghanistan is a country replete with ancient artifacts and antiquity, and that such relics form a part of our country’s history, identity and rich culture, therefore all have an obligation to robustly protect, monitor and preserve these artifacts.” Further, according to the same statement, no one may excavate, transport or sell, and all Taliban members “must prevent the excavation of antiquities and preserve all historic sites like old fortresses, minarets, towers and other similar sites so as to safeguard them from damage, destruction, and decay.” The Taliban added that its Commission for Cultural Affairs is tasked with the duty of guarding and preserving ancient artifacts, and that all other branches of the group including their “military commission, governors and other Mujahideen must coordinate and cooperate with the Cultural Commission in protecting these artifacts,” and that all trade, contracts, and transport of artifacts are forbidden with immediate effect. “No one should try to disturb such sites or think about using them for profit,” the order stated (Islamic Emirate of Afghanistan, 2021).

Our concern is that there is clearly a doctrinal split within the Taliban with at least three identifiable subsets: theological hardliners including some with idiosyncratic interpretations of Islam; those who follow a more contemporary interpretation of Islamic rules and values; and those who are pragmatic. Careful, subtle and judicious efforts to strengthen the latter two segments will likely determine the success or failure of the Taliban regime. On heritage protection and preservation specifically, there is clearly an awareness that this contributes to national unity and pride, as well as holding potential for the national economy.

Deputy Minister of Culture, Mawlawi Atiqullah Azizi, emphasized in a phone meeting on September 18, 2022, with ARCH International that he is concerned that the main reason for local community members participating in looting activities is a lack of education and awareness. As he explains, many understand archeological excavations sites to be similar to mining sites, “they think we need to sell both to make money.” He explained further that first efforts to reach out and also the issuing of several different regulations and decrees have made it more clear to people that protecting cultural heritage is their responsibility, so one avenue seems to be to heighten a sense of ownership but he also highlighted the role of the government in enforcing laws, holding people accountable and the efforts of the Taliban that focus on punishing the ones who engage in illegal activities. The Minister said technical and financial support is needed to continue these efforts but he also emphasized that most locals are cooperating as soon as they understand the issue, and that some have since come forward with objects, including manuscripts, from personal collections, asking the government to buy the artifacts from them,

but that at this point (as of September 2022) there are no policies in place in regard to how to deal with the situation (Azizi, 2022).

The renewed negotiations around the use of Mes Aynak as a mine, for example, demonstrate the economic and material value that governments and international companies often pursue in heritage sites. The Ministry of Mining of Afghanistan has been interested in ARCH's research concerning a sustainable long-term approach to the management of Mes Aynak as both a mine and a future tourist site, but it is too early to say if any of the recommendations ARCH has developed together with an expert team from the Colorado School of Mining will be taken into account. The Taliban effort to build a tourism infrastructure in Bamiyan, as cited above, is a good example for approaching a cultural heritage site as an irreplaceable asset for a country and its people. One might be surprised to learn that a Buddhist heritage site in a majority Hazara province has been one of the most visited destinations for domestic tourists, with the Band-e Amir Lakes close by the region is an example for a shared past and natural beauty that unites people to this day and it might even lead to the rebuilding of the Buddha figures in the future. However, the situation remains volatile at best, and an abrupt change in policies cannot be ruled out.

4. Spotlight on Afghanistan

The people of Afghanistan suffered deliberate destruction of monuments, museums, manuscript archives, and artifact collections during the wars over the last decades. During wars and conflicts cultural heritage is not just collaterally damaged in the course of fighting, it is specifically endangered. It is either targeted by one ethnic or religious group to decimate the other side's history, identity and cultural wealth or it is looted specifically for economic purposes, to finance ongoing fighting or on a more basic level to support livelihoods.

Afghanistan has an immense number of archeological sites. The Afghan Heritage Mapping Partnership examined 44 search zones and, as of June 2021, has identified 11,996 sites and 16,423 qanat irrigation systems, for a total cleaned dataset of 28,419 significant ancient heritage sites. In 6 years, the program has covered 245,153 km², about 37 percent of the area of Afghanistan (Stein, 2021, 20). Many of these sites, over the decades, have been pillaged by domestic and foreign looters, who sell their findings to traffickers who are smuggling artifacts out of the country. "Objects of all types and materials, from prehistoric times to the Indo-Greek, Buddhist and Islamic periods are being lost. Sculptures, architectural elements, ancient manuscripts, bronzes, wooden objects and ceramics are being illegally exported at an unrelenting rate" (ICOM, 2008).

One Afghan site particularly at risk is Mes Aynak, located in the east outside Kabul, close to the Pakistan border. When French archaeologists arrived in 2004, they found that "a large and highly organized team of art looters, probably from Pakistan, had systematically plundered the mounds [at the site] [...] [and must have] found large quantities of highly valuable Gandharan Buddha images" (Dalrymple, 2013). Trenches were scattered across the site and filled with the items tossed aside by looters, and guards were later placed at the site for protection. The first two

officers assigned to the site, however, killed one another in a shoot-out, revealing to archaeologists that “profitable looting was [likely] continuing long after the site had passed into Afghan government control” (Dalrymple, 2013). Up until 2004, the locals in the surrounding villages had been excavating the site and retrieving any artifacts and statues they found. The National Institute of Archaeology visited the site in 2004 and confiscated all that was illegally excavated, and by 2009 the role of locals had switched from illegal looting to being officially involved in the formal excavation of the site (Curvers, 2017, 11). This cultural heritage management strategy leads to local buy-in, a sense of participation and ownership and also provides modest salaries, with which locals can maintain their livelihoods. Mes Aynak is a site where proper management is extremely important as this vast site also lies atop one of the large aquifers supplying the urban sprawling city of Kabul with fresh water.

Some experts have called Mes Aynak a potential “Pompeii” in the sense of its draw for tourists as an intact in-situ archeological site. Salvage archeology, where items are removed from the site, is a very destructive type of excavation and should be avoided where possible. ARCH International has promoted a compromise approach where the parts of the area with the most valuable copper deposits are mined using the newest technology (causing the least damage and long-term pollution) and that a huge effort should be made to protect parts of this Bronze Age Buddhist city, located on the crossroads of the Silk Road, for future generations. Mes Aynak as an example very clearly illustrates how heritage, livelihoods, the environment, and politics are all intertwined, and how raising awareness about different aspects of this issue, be it to prevent looting, or to protect the environment from pollution, or raising awareness about the indigenous Kuchi nomads who settle in Logar Province during certain times of the year, are all benefiting each other. More awareness and education will lead to a securing of an extremely important asset of the Afghan people.

Scholar Emma Hammer published a study in 2018 titled *Remote assessments of the archaeological heritage situation in Afghanistan* detailing the presence and impact of looting in the country. According to Hammer’s research, looting is predominantly found in the northern regions of Afghanistan, where, between 2000-2017, 75% of the analyzed sites were looted and 44% of looted sites experienced an increase in looting (Hammer, 2018, 14; Map A) In the Balkh and Kunduz region “collectively 75% of all sites are looted,” and within just the Balkh region, 100% of visible sites had already been looted before 2010 (Hammer, 2018, 14). Hammer and her colleagues explain that while looting does occur across Afghanistan, this heavy concentration that they detected in the north was most likely motivated by the lack of Taliban strongholds in this area of the country. Other militia groups were able to act more freely. This indicates that the Taliban around the time of the study were not the sole perpetrators of looting and trafficking in Afghanistan, but rather were one of many actors in the looting and destruction of archaeological sites. Another contributing factor is the issue of urban development and agriculture: Locations for the expansion of agricultural activities and the construction of new buildings and

infrastructure are not being properly evaluated, or often not evaluated at all for their potential archaeological contents and cultural significance before companies start their processes and whatever is found during their construction and operation is taken to be sold or destroyed. (Hammer, 2018, 18, 8-10).

Of the total sites analyzed in Afghanistan, Hammer and her colleagues found that 47% were looted “at some point” and 42% “were looted prior to their first appearance in DigitalGlobe imagery dating 2000-2017” (Hammer, 2018, 17; Map A) Her study revealed that while looting is not the biggest threat to archaeological and heritage sites, it has still “been a much more severe and widespread threat to sites in Afghanistan over time than it has in Syria or Iraq” (Hammer, 2018, 17; Map B). Additionally, Hammer and her colleagues underscored the need for better heritage management resources in Afghanistan, for there were “no sites covered by [satellite] imagery in every year within the study range (2000-2017), and only 27% of the sites were covered by imagery captured prior to 2007” (Hammer, 2018, 8).

Regarding the current looting situation, the Director of the French archaeological delegation in Afghanistan explains: “There is a common saying in northern Afghanistan that there are four seasons: an opium season, a hashish season, winter, and a fourth season for digging up antiquities” (Wendle, 2013). This situation is unfortunately likely to continue as long as there is a combination of poverty, absence of legal livelihood opportunities, international demand for the antiquities, weak ability for local enforcement, and a lack of local appreciation for the value of their own heritage and history. Improved cultural heritage education and access to resources in the region can aid in creating a form of site monitoring, an alert system where local villagers notify authorities of suspected organized and unorganized looting activities (Wendle, 2013).

Even under conditions of optimal cooperation, the black market remains challenging, with otherwise reputable individuals and high-powered business entrepreneurs seeing themselves as “collectors” who are “rescuing” heritage items that otherwise might fall victim to warfare or terrorist destruction, by keeping them safe in their own private museums and homes. The term “criminal gangs”, too, is misleading, as these are often highly sophisticated enterprises with high-tech equipment, deep links into multiple foreign government agencies via well-placed individuals who are in their pay, and well-conceived business strategies. For example, they are able to show restraint in putting their acquired items on the market, to avoid an oversupply that would bring down the prices (Marquis, 2022).

While the international community struggles to stabilize conditions in Afghanistan, it will not be able to halt the trafficking of illicit antiquities without an effective and proactive law enforcement presence in the country, targeting the first and second stages of the illicit supply chain to prevent the supply of stolen antiquities. However, targeting the third and fourth stages will prove valuable in curbing the demand side that is fueling the trade, thereby causing the

destruction of valuable cultural heritage. Taking a multifaceted approach to interdicting stage actors has a direct impact on the global art market and its operations.

One estimate of the value of the global market of illegal trade in cultural goods for the year 2021 places it at \$2-3 billion USD; a precise number is difficult to pinpoint (Antiquities Dealers Association, 2022; Campbell, 2013, 114). As a comparison, from 2013-2014 the entire *legal* market was worth 51 billion EUR (53.2 billion USD), today's estimated value is 65.1 billion USD (Reuters, 2015; Sutton, 2021; McAndrew, 2022, 14). For further context, one report states that from around 2008-2018, the plundering of heritage has been rapidly accelerating. The United Nations estimates annual illegal antiquities trade to be anywhere from USD 3.4 billion to USD 6.3 billion. Antiquities looting and trafficking "is believed to be the world's third largest illicit market, particularly in a region [Middle East] that is home to some of the world's oldest and most valuable antiquities" (Porter, 2017).

A few other patterns emerge. For example, of the 854,742 objects seized by authorities globally in 2020, including numismatic items (coins, money, or medals), paintings, sculptures, more than half were retrieved in Europe. This may be evidence of better European enforcement, rather than showing a preponderance of recipients.

The illicit global antiquities market benefits from uncoordinated international customs enforcement and multifaceted trade routes. The terrain in the Middle East and Central Asia presents transportation challenges, and because of Afghanistan's land-locked position, there are limited viable trade routes available out of the country (Map C). There are a handful of railways, roadways, and air routes throughout the northern region of the country that led into Uzbekistan, Tajikistan, and Kazakhstan, all the way through the Caucasus and Russia, which are less treacherous than the routes through Pakistan to the south or Iran to the west. A few years ago, Iran started working on a railway that travels to India, which also connected the Chabahar Port (Iran) into Afghanistan and provided one more trade route in and out of the country (Amiri, 2012).

In terms of airways in Afghanistan, there are 4 international airports, 6 domestic airports, 16 regional domestic airports, 6 military airports and 12 small local airports. Of these, each airport customs department could increase their training and vigilance against the illicit antiquities trade to help stop artifacts from leaving or traveling through Afghanistan. According to safeairspace.net, Afghanistan is currently rated a Level 1 - Do Not Fly risk. The U.S. Federal Aviation Administration (FAA) and authorities in other countries have banned air traffic over Afghanistan's airspace except on airways P500 and G500 in the far east of Kabul (OAKX/FIR, EASA) due to "direct and indirect fire targeting airports and from surface-to-air fire targeting aircraft operating at low altitudes" (Safe Airspace, 2023). As of 24/05/22, the new Taliban regime signed a deal with a UAE company (GAAC Solutions) to handle the logistics of

Afghanistan airports; however, they will not be responsible for the security of the airport, begging the question of customs enforcement and trade regulation. The memorandum was signed “by Taliban acting first deputy prime minister Abdul Ghani Baradar and Razack Aslam Mohammed Abdur Razack of GAAC Solutions... [and] covers airports in Kabul [Kabul International Airport (Khwaja Rawash Airport)], Kandahar [Ahmad Shah Baba International Airport], and Herat [Khwaja Abdullah Ansari International Airport].” (George, 2022). There is currently no functioning radar, making the insurance costs associated with the airport very high and turning away many international actors (George, 2022).

Apart from Afghanistan, some of the regional “hotspots” in the Middle East seem to be Syria, Libya, Yemen, Lebanon, Pakistan, Iraq and Turkey. In Turkey “looters have ransacked 90 percent of all known Iron Age burial mounds” and in Pakistan thieves have pillaged or destroyed 50 percent or more of the ancient Buddhist shrines and monasteries (Pringle, 2014). One very active network on the Black Market was the Rihani-Martin network, based in Iraq & Kuwait during the 1980s - 1990s (University of Oslo, 2022). There is also the Khurasan Chapter of Daesh (aka ISIS), the terrorist group that also has chapters operating in Iraq, Syria, Yemen, and Libya (Smith, Burke, de Leiu, and Jackson, 2016). The Haqqani Network has also been implicated in collecting “protection money from traffickers moving looted artifacts into Pakistan” (Pringle, 2014) and from “businesses in its control zones,” (Peters, 2010, iii) including such that smuggle precious stones, sculptures and other historic artifacts [and] pay dues to the Taliban to avoid trouble on the road” (Peters, 2010, 36-37). Another group, the Hezb-e-Islami, “protects the smuggling of lootable resources in the east, competing for business against local groups tied to al-Qa’ida” (Peters, 2010, iii).

One of the challenges of interdiction is that the “supply” usually comes from under-supervised rural archeological sites that have not been fully excavated and mapped in the first place, so that the existence of the artifacts is not even known yet. Another challenge to provenance is that the cultural heritage of the region is closely intertwined. A trafficked Buddha head could be from any of the former crossroads of the Silk Road, a large area on the map these days, encompassing multiple countries - it is not always easy to prove an item's country of origin. A lot of illegally traded artifacts land in private collections, so unless a guest to a private collector's house feels the moral urge to report his host, most such items will never be discovered.³ Also over the decades customs and border control officers are mainly trained to look for drugs and weapons

³ One example is Martin Schøyen, a Norwegian collector and scholar who inherited his father's private collection in the 1960s. Originally only Norwegian manuscripts, Schøyen has expanded the collection to include coins and antiquities from Syria, Turkey, Afghanistan, Iraq, and Iran (Schøyen Collection, 2022). The Norwegian Government and other authorities are currently investigating Schøyen's collection for suspected participation in the illicit market. Initially, Schøyen was brought to the authorities' attention because fellow researchers came forward questioning his research methods and collection publications, such as Professor Christopher Prescott at the University of Oslo. Thus far, authorities have found that almost 1,400 manuscript fragments (two confirmed) were likely “smuggled out of Afghanistan during the [previous] Taliban regime” and then sold in London (Omland and Prescott, 2003; University of Oslo, 2022, 15). The most recent seizure of part of Schøyen's collection was in August 2021, which yielded 107 cuneiform objects and 656 incantation bowls suspected to be from Iraq (University of Oslo, 2022, 1).

and other more “potent” smuggled items, so sometimes they simply do not prioritize cultural goods, especially as those are also much more difficult to identify. Drugs are drugs and a gun is a gun, but a heritage item could be a souvenir or a recent reproduction, and establishing its illicit nature is much more time-consuming. It is not illegal to transport artifacts with the correct accompanying paperwork. But this paperwork can easily be forged. In countries where the authorities and the police are not versed in the topic, cannot readily identify antiquities, may not even be fully literate and may have more pressing security concerns on their minds, they may not pay much attention to antiquities smuggling or proper documentation.

Another major challenge is the phenomenon of the so-called gray market, a market in which legal and illegal goods are mixed, leading to obfuscation. The antiquities trade happens in three stages: source, transit and destination. Antiquities may have arrived at their final stage, their destination market, by legal or illegal means, days, decades or even centuries ago. “No matter how long they have been in circulation, antiquities are usually sold with only minimum indications of previous ownership history (provenance), so that it is difficult for a discriminating collector to separate stolen or otherwise illegal property from legitimate material. This mixing of black and white has caused the antiquities trade to be characterized as a “gray” trade, neither demonstrably legal nor illegal” (Brodie et al, 2019, 6-7). Another challenge is that of laundering: Smuggled antiquities (and fakes) can be “laundered” while they pass through the transit market on their journey to the destination market. Accounts of provenance can be forged, customs declarations can be falsified, or sometimes transit countries provide legal export documents.

Another “loophole” is that laws and regulations are only valid as of the date when they went in effect. “Therefore, if someone can credibly claim that a particular antiquity was given to them by their grandparents, who acquired it well before the rules were in place, they cannot be required to provide paperwork. As the boundaries of ancient cultures often spread across the borders of several modern countries, it is usually difficult to pinpoint the country of origin for any one specific object, or to establish its date of export and determine whether the export was legal or illegal” (Brodie et al., 2019, 6-7).

To summarize, the illegal antiquities trade benefits by coexisting with a perfectly licit market. Unlike illegal drug trafficking, antiquities traffickers often work within established open and legal structures in destination countries to sell the goods. Often now, this is done through social media platforms like Facebook and WhatsApp, discussed in greater detail in Chapter 6 (Paul et al., 2020). As demonstrated throughout this chapter, the illicit antiquities trade in Afghanistan is part of a much larger problem stemming across the Middle East and North African region that further permeates through international borders around the world. Because of this, it is vital that laws and customs enforcement around the world are coordinated, intentional efforts against antiquities trafficking. Currently, there are a wide range of legal policies in place and the resources available vary greatly by country. The following chapter will discuss comparisons,

country specific challenges, and opportunities for international cooperation against the illicit antiquities trade in Afghanistan's neighboring countries.

5. Spotlight on Afghanistan’s Neighboring Countries

Afghanistan’s neighboring countries of Pakistan, Iran (“Imam Khomeini Airport City,” 2023), Uzbekistan (“State Customs Committee of the Republic of Uzbekistan,” 2023), Turkmenistan (“State Customs Service of Turkmenistan,” 2023), Tajikistan (“Customs Service Under The Government of the Republic of Tajikistan,” 2023,) and China (“General Administration of Customs, People’s Republic of China,” 2023) have various law enforcement and customs in place regarding illicit antiquities trafficking and cultural heritage.⁴ Among them Tajikistan, Turkmenistan and Uzbekistan are member countries of the E.U.-funded Border Management Program in Central Asia (BOMCA) (Border Management Programme in Central Asia, 2021). Since its launch in 2003, the various phases of the BOMCA Program have focused on capacity building and institutional development, developing trade corridors, improving border management systems and eliminating drug trafficking across the Central Asia region (BOMCA, 2021).

Additionally, China has two educational institutions dedicated to customs and customs administration. Other countries, such as Tajikistan, have limited and often outdated information available on their customs and legal policies regarding the protection of cultural heritage. Each of these neighboring countries to Afghanistan could aid in combating the illicit trade of antiquities in Afghanistan and the larger region through evaluating and expanding their cultural heritage laws and customs enforcement. As discussed in Chapter 4, the current security and logistics of Afghanistan’s airports are uncertain, making it all the more important that

⁴ See Appendix II – Laws and Treaties

neighboring countries have the proper training and resources to identify and act on illegal artifact trafficking at their borders.

More recently, in 2022, the Institute for Economics and Peace Global Terrorism Index ranked Afghanistan at the top of the list with a score of 9.109 followed by Iraq at 8.511. Pakistan is rated number 10 with a score of 7.825, moving up two rankings from 2021 (Institute for Economics and Peace, 2022, 8).⁵ The specific groups that were/are operating in Pakistan include Tehrik-i Taliban Pakistan (TTP), Jundaliah, and Lashkar-e-Jhangvi; and in Iraq the Daesh and Mukhtar Army.

One example of a country that had some success despite very limited financial resources to invest in countering trafficking in antiquities, and despite having gone through turmoil and conflict, is that of Libya: “Despite chronic shortages in operating budgets and persisting instability, Libyan authorities have made progress in countering and preventing the illicit trafficking of antiquities following the 2011 Revolution. These successes fall into three broad categories:

1. Efforts of Libyan law enforcement agencies to seize antiquities before they leave Libya and to hold those responsible for these thefts accountable.
2. Efforts of the DoA to provide additional protection for sites and collections.
3. Contributions by civil society institutions and ordinary citizens who have assisted local authorities and voluntarily returned recently discovered artifacts” (ASOR, 2020, 33).

The third category showed very promising success; citizens voluntarily stepped up and returned artifacts, even though the Department of Antiquities was unable to provide financial incentives. Raising awareness among the public was approached in a creative manner, in Tripoli, for example, DoA organized an exhibition around voluntary returns, which was well visited and in turn led to more returns. Educational programs in schools and specifically youth-targeted as well as social media platforms⁶ also played a role, in the sense of community support and a feeling of pride and reward when others reacted positively to the courage some have shown in returning antiquities: “After delivering a lecture to raise awareness about protecting Libyan cultural heritage at a forum for youth development, one of the children in attendance, Ali Saeed al Mabrouk, recognized that two large pieces of fossilized wood had been uncovered during

⁵ In the top 18 deadliest attacks of 2021, 5 of the top 10 were committed in Afghanistan. The highest-ranking attack was in Kabul on 26/8/21 when “a suicide bomber killed at least 170 people and injured at least 200 others when he detonated his explosives at Kabul International Airport. The attack was followed by another suicide bomb nearby, with reports of gunfire. Islamic State - Khorasan Province claimed responsibility for the attack” (Institute for Economics and Peace, 2022, 10-11). Afghanistan, Iraq, and Pakistan are all in the top 10 on the 2022 Global Terrorism Index (Institute for Economics and Peace, 2022, 8).

⁶ “August 2017: A citizen hoping to sell a group of antiquities approached Ms. Intisar al Arebi at the DoA Tripoli office, seeking her professional advice. Al Arebi managed to convince this individual to return the finds, including a pair of Roman-era oil lamps and fragments of a large amphora. These finds were accepted by the DoA Tripoli, and the individual was granted amnesty from prosecution. This incident, reported on Al Arebi’s personal Facebook page, inspired another individual to return a larger collection of oil lamps and small ceramic vessels, indicating that spreading the word about such civil acts can provide enough positive publicity to inspire others to follow suit even if the DoA is unable to offer financial incentives” (ASOR, 2020, 33-39).

maintenance work at his school. Since he had learned that natural historical specimens older than 100 years are protected by antiquities law, he delivered these finds to the Tripoli office of the DoA. This is a strong example of how direct outreach to citizens can inspire even young people to take direct action to protect heritage” (ASOR, 2020, 37).

Apart from actions a government can undertake within its borders, another way to counter and interdict illicit trafficking is cross-border collaboration. In our research we found a few programs focusing on cultural goods⁷, but most past and planned initiatives we came across deal with countering other forms of regional smuggling rings. In the region around Afghanistan, the main focus seems to be on drug-trafficking.^{8 9} Consequently, one strategy could be to use existing counter-drug trainings as an opportunity to include very basic antiquities training, for example, to educate about general items to look for especially during times when an increase in looting is predicted due to conflicts, or a terrorist group’s presence in certain areas. Detecting even small-scale crimes such as a few coins that are being smuggled, could function as a deterrent for others planning to do the same if these instances lead to indictments, which are then published by media and through word of mouth. Conversely, positive examples can also have an impact. When the Greek town of Neapolis decided to build an archaeological museum, townspeople contributed objects dating back to the Bronze Age that they had “found” and previously installed in their gardens as planters or for decoration. The pride of contributing to the museum – and the chance to avoid being fined for the previous theft – soon had the museum supplied with an impressive collection. It is also not unusual for archeologists themselves to hold onto items they have excavated,¹⁰ so this is a field where self-criticism is important, too.

⁷ Border Management Programme in Central Asia (BOMCA) is a framework funded by the European Union that brings international and local experts “together to address the areas of integration of risk management, Customs clearance and control, as well as progressing from overall control to risk-based control.” The current tenth phase covers five countries in Central Asia including Tajikistan, Turkmenistan, and Uzbekistan who border Afghanistan (“European Union External Action,” 2018; BOMCA, 2021).

⁸ UNODC developed a Regional Programme for the Arab States that places a regional focus on the transnational illicit drug trade (UNODC, 2010; WCO, 2022).

⁹ On June 27, 2022, Dubai customs officers reported almost one thousand narcotics seizures between January and April 2022 (Al Amir, 2022). For more on their customs enforcement methods see the article “How Dubai Customs agents foil attempts to smuggle Captagon” (Gupta, 2021).

¹⁰ In the case of Giacomo Medici, Swiss archaeologist Fiorella Angeli-Cottier and Italian archaeologist Teresa Amorelli Falconi represented Medici as defense specialists, much to the dismay of fellow archaeologists, law enforcement officials, and heritage professionals working the case (Watson et al., 2007, 50).

6. Resources to Support Afghanistan

One practical tool to curb the illegal traffic of cultural objects at risk is to utilize ICOM's Red Lists. These serve to inform law enforcement authorities, customs officials, police officers, art dealers, museums, and collectors, as well as the general public, about the categories of cultural goods most vulnerable to smuggling and illicit trafficking. "Potential buyers are advised not to purchase them unless they are accompanied by verifiable ownership and provenance documentation, and authorities are urged to take appropriate action when there is presumption of illicit provenance, pending further enquiries" (ICOM, 2008). The most recent Red List on Afghanistan is from 2008, but the categories represented remain useful. The only neighboring country with a Red List is China (ICOM, 2010).

In theory, Afghanistan has resources to protect its heritage through a broad range of means, and a partial list follows. But there are factors that limit its ability to take the required actions, which we will also touch upon.

The country does, as well, have some advantages. Several important and effective organizations and institutions have long-standing relationships with Afghanistan and familiarity with its history and heritage. They, and a number of governments, stand ready to assist Afghanistan in this effort. Information materials, programs, cooperative agreements, methodologies and other resources would certainly be made available to Afghan authorities should they be inclined to accept them, and there is no need for Afghanistan to re-invent the wheel when it comes to heritage protection.

But the country also faces disadvantages. Its overall poverty is exacerbated by international sanctions intended to bring its de-facto government into better alignment with global norms and laws. That government, meanwhile, is dealing with existentially threatening internal and external challenges. It is split into factions within, is under pressure from other domestic ethnic and political groups and must deal with an ongoing terrorist threat from Daesh/ISIS. Its leadership is new to the challenges of governance and administration, and the country lost the bulk of its educated and trained professionals when they fled the country. It is unclear to what extent they will regard the prevention of looting as a priority. However, as we will explain further in the concluding section of the report, heritage protection has the potential to be seen as a non-political topic, which aligns with some of the apparent values and goals of the Taliban regime. There is a chance that it might be a potential area for constructive engagement.

The list below is, under the present circumstances, notional:

- Targeted National Legislation (for example, China, in 2001, passed Interim Provisions on the Limitation of the Export of Works of the Famous Late Painters after 1949, and Interim Provisions on the Limitation of the Export of Works of the Famous Late Painters from 1795 to 1949, targeting specifically endangered and treasured works and protecting them by limiting their export)
- International Instruments: Convention for the Protection of Cultural Property in the Event of Armed Conflict (The Hague, 14 May 1954). UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (Paris, 14 November 1970). UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects (Rome, 24 June 1995). Geneva Convention (U.S. Committee of the Blue Shield, 2023) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field [Fourth Convention, Article 147, 1949; Protocol I, Article 48, 1977 (International Humanitarian Law Databases, 1977), Protocol II 1977] (Geneva, 12 August 1949) (Heritage for Peace, 2023). Additionally, the Article 5 of the Second Protocol (International Humanitarian Law Databases, 1999) to the Hague Convention of 1954 (the Hague, 26 March 1999) is also part of International Humanitarian Law.¹¹

¹¹ International humanitarian law “is part of public international law,” governed by the International Court of Justice. IHL “seeks...to limit the effects of armed conflict...and [regulate] the conduct of parties engaged.” (International Committee of the Red Cross, 2022, 1).

- Bilateral Agreements, i.e. signing agreements or memorandums of understanding on the prevention of stealing, excavation and illegal trafficking of cultural goods with other countries.
- Establishing dedicated offices and departments, police units, to deal with stolen/ smuggled antiquities and recover them. Monitoring of social media and other channels/platforms and creating an alert system. Developing police procedures and practices for dealing with cultural objects.
- Mapping trafficking routes; Establishing connections with other criminal activities; Identifying entry, exit and transit points most frequently used for illicit trafficking.
- Better understanding the methods and strategies used by traffickers.
- Developing national databases for stolen cultural objects.
- The INTERPOL Stolen Works or Art Database: Encouraging countries to update their INTERPOL databases and to stay up to date with Afghanistan's stolen goods. Systematically transmitting theft information to INTERPOL to facilitate international searches and to other institutions publicizing on thefts of cultural objects.
- Identifying experts who can help customs and police officers with identifying objects (originals/fakes, possible origin).
- Implementing programs to improve inventory and cataloging systems, descriptions of items, and organized digitizing of materials.
- Utilizing satellite Imagery and ground-penetrating imagery to monitor and compare a site's appearance over a period of time. Illegal diggings and excavations can thereby be detected. Previously unknown and untouched sites can be discovered. Observing illegal activity assists in black market supply predictions, depending on the area that is most likely being targeted one can alert border agents to be on the lookout for specific cultural items.
- Exchanging information between ministries, departments, cultural institutions, and museums; better coordination between archaeologists and law enforcement and the media.

- Educating the public, involving civil society (Libya example), rewarding citizens who come forward with information. Supporting grassroots and volunteer groups (Nepal example). Researching successful legal cases, court cases, investigations, and restitutions and publicizing them.
- Physically securing and protecting sites, monuments, and museums. Metal detectors remain a very popular tool amongst looters, therefore, seizing metal detectors can be an effective measure.

The mere existence of laws is not enough, they need to be enforced. Grassroots cooperation is usually best when rewarded monetarily, but even without monetary awards, ceremonies where the actions of helpful citizens are acknowledged and thanked have a ripple effect and may inspire others to come forward.

Here are two examples of steps that appear feasible to us in the near term.

1. Collaboration between government and civil society:

In Libya, another country with a wealth of historical heritage sites and artifacts, progress has been reported by a semi-governmental organization, the World Heritage Union of Five Libyan Municipalities (WHU5LM). Established in 2017, it consists of local government representatives from the municipalities that harbor the five UNESCO World Heritage sites: Sabratha, Ghadames, Ghat al Khoms, Leptis Magna and Shahat. All five were placed on the World Heritage List in Danger, and the activities undertaken by this organization have succeeded in establishing a sufficient degree of protection for the sites that UNESCO will remove them from the List in Danger (ASOR, 2020, 39).

2. New technologies:

Over the past few years, archaeologists in Syria have been using a translucent high-tech liquid to mark artifacts. Also called ‘SmartWater’ or ‘Data Water,’ this is a nanotechnology that can be applied to archaeological and cultural items with a small paint brush (Amos, 2017). Originally, SmartWater was developed and introduced in the UK during the 1990s as a technique for local police and homeowners to identify valuable and/or stolen property (Tackett, 2020). The nanotechnology behind the liquid is based on suspending small particles in water that contain tagged information. After it dries on the object’s surface the liquid is totally invisible until introduced to ultraviolet light, and it cannot be removed (Amos, 2017).

Scientists report that the tag will last for years, allowing customs officers, other law enforcement, collectors, and museums to identify stolen cultural property. Scholar Dr. Amr Al Azm has tested

the water on mosaics in Syria, stating that he believes “this [technology] is a major threat to [smugglers and ISIS militants].” He described it as his dream to dispense SmartWater by drones that would fly over archaeological sites and spray it widely (Amos, 2017). The technology is also being used in Iraq thanks to a joint campaign driven by SmartWater Foundation, Shawnee State University in the U.S., and University of Reading in the U.K. (Tackett, 2020).¹²

This technology holds real promise. Both marking and tracing the objects is low-cost, and the ability to directly identify an object and link it to its locale of origin is an important new tool. Applying SmartWater in Afghanistan would allow officials and heritage professionals to better track, monitor, and protect their cultural property through a low-cost, low-invasive/non-damaging process (Amos, 2017).

Another possible technological measure for Afghanistan is GIS mapping. Archaeologists and heritage professionals have been tapping into this resource. In 2016, GIS helped identify over 20,000 heritage sites under threat from looting and cultural conflict. Satellite imagery reveals changes in the landscape that indicate looting and man-made destruction. These satellite images can then be compiled and mapped to reveal a more detailed account of the looting within these areas (Beck, 2020). Expanded GIS mapping efforts in Afghanistan could provide heritage sites, their officials, law enforcement, and the public with an added mechanism to combat looting in the country (Map D). Using GIS maps has allowed nearby countries like Iraq, Syria, and Iran to better monitor their heritage sites and more quickly identify potential threats, and its systematic use in Afghanistan would do the same for Afghanistan’s cultural sites and antiquities.

Virtual reality is another technology of potential utility in this domain. In Afghanistan, it could be used for creating digital records of artifacts and manuscripts, and for rapidly documenting heritage sites, especially in conflict zones (Voinea, Gîrbacia, Postelnicu, Marto, 2018). The application of new technologies and the digitization of Afghanistan’s artifacts and sites could become part of pre-existing and ongoing projects, such as the Global Digital Heritage. A partnership between Global Digital Heritage and Afghanistan could focus on integrating ongoing programs, such as creating digital records of manuscripts, heritage sites, and sculptures. Using this technology and virtual rendering is a quick and effective documentation tactic compared to traditional ways of drawing that contain more room for error and are more lengthy, laborious processes. Despite these advantages, the technology is not yet conducive for general public consumption (such as an interactive feature to explore at sites).

One organization that could aid with implementing new technology in Afghanistan is Global Digital Heritage (GDH). GDH is a not-for-profit private research organization primarily based in Europe and the U.S., but approaches heritage documentation from a global perspective. They not

¹² As part of the project, two Iraqi museums were selected to pilot the technology to help trace the objects within their collections: the Iraq Museum in Baghdad and the Sulaimani Museum in Sulaimani. The project aims to address the 15,000 antiquities looted from the Iraq Museum after the arrival of US troops in 2003, for less than half of these objects have since been found. Another Iraqi Museum in Mosul, the Bosra Museum, is intended to become part of the project as SmartWater expands throughout the Middle Eastern region (Tackett, 2020).

only work directly with satellite imagery, but can also assist with GIS mapping, digitization and 3D modeling, gathering geospatial information, and provide additional open access solutions. Their mission is to “make all data freely available to the world in support of cultural heritage, heritage management, education, public access, scientific research, and to enhance the digital humanities” (GDH, 2023).

The organization offers its services for free, so long as they are permitted to publish their own research on the material recovered from the studies conducted. So far, GDH has documented over 230 artifacts and features at over 65 sites and museums in 6 different countries (including 4 sites in the UAE), creating over 475 digital models and 46,500 photographs. Services such as the digital and 3D services offered by GDH could play a role in documenting and preserving Afghanistan’s cultural heritage.

One more example is the ID-Art mobile application that INTERPOL developed and that went live in May 2021. This app makes INTERPOL’s database accessible to the public: “ID-Art has already been helping law enforcement in their cultural property crime investigations. Following a tip-off from a numismatist in London, the Spanish National Police recovered three gold coins dating from the Roman Empire. Two individuals were arrested when they sought to sell one of the coins, which had been stolen in Switzerland in 2012. Using ID-Art, investigators were able to identify the coins, worth an estimated EUR 200,000 on the black market” (Interpol, 2021).

Trafficking Online/Social Media:

The discussion around new technologies should also include a deeper understanding of the buying and selling of antiquities as conducted via social media platforms. A report from 2019 by George Mason University describes how the nature of the antiquities trade has changed over time. From 1990-2003 it was mainly conducted in auction houses, and art dealers ruled the trade. From 2003-2011 internet sales became a much bigger force, and from 2011-2018 social media platforms such as Facebook and communication apps such as WhatsApp began to play a role (Brodie et al., 2019, 11-14). Since then, with more apps enhancing their encryption services, usage of those platforms, also easily reachable via mobile phones, is likely increasing (Shelley et al., 2021). Every day, thousands of antiquities are sold online for millions of dollars, adding up to billions in annual sales.

The Antiquities Trafficking and Heritage Anthropology Research (ATHAR) Project analyzed the digital black market in antiquities from the MENA region in a 2019 report (ATHAR Project, 2019). Over two years and with a focus on Syria, they tracked 95 Facebook groups, monitored close to 2 million group Facebook group members and gathered more than 3,600 images. “Facebook offers a veritable digital toolbox for traffickers to utilize, including photo and video uploads, live streaming, disappearing ‘Stories,’ payment mechanisms, and encrypted messaging.

Facebook is the perfect platform for a one-stop-shop black market.” The study’s purpose was to understand the market better in order to develop strategies to disrupt it. ATHAR found that traffickers often find the buyers first, and then work with their criminal networks to obtain the objects. This represented an opportunity, in that “monitoring social media offers a rare opportunity for authorities to stop trafficking before an object has even left the ground.” Among the offered goods discovered in online postings, were large artifacts, including mosaics, architectural elements, and Pharaonic coffins — all still in situ. The analysis of Syrian-based Facebook groups revealed that posts from users based in conflict zones made up more than one-third of all posts in which artifacts were offered for sale. “Among the active users with locations in the Groups analyzed, 36% of posts offering artifacts have identifiable locations in conflict zones and 44% of posts offering artifacts were from countries bordering conflict zones” (ATHAR Project, 2019, 1).

But in addition to being a black-market platform, the internet can also be reclaimed and utilized by citizen activists to fight back. Roshan Mishra, director of the Taragaon Museum in Kathmandu, set up a successful project in which citizens can scour the internet in search of statues looted from Nepal. These citizen activists operate under the name Nepal Heritage Recovery Campaign” (Small, 2021).

Another option is to closely collaborate with banking institutions, who have the ability to detect unusual or suspicious activity if they leverage existing data analysis processes and internal flagging systems. Thereby, banks can be partners in detecting and preventing this illegal activity, and stronger outreach to them is advisable.

Capacity Building

Regarding the areas of existing alert & monitoring systems, other existing trainings, and valuable research, we believe the below resources could prove helpful for local authorities:

*-**Afghan Heritage Mapping Partnership** (a University of Chicago program):* From January 9–21, 2021, Dr. Pietro Calogero taught the third of a series of remote **training courses** for the Afghan Institute of Archaeology staff focused on the QGIS geospatial database—an open-source version of the standard ArcGIS geospatial database. This intensive course emphasized hands-on training in QGIS applications for cultural resource management — in this case, the identification and documentation of heritage sites threatened by the construction of the TAPI natural gas pipeline across Afghanistan” (Stein, 2022, 21-22).

*-In 2020–21 **Afghan Heritage Mapping Partnership** conducted **training workshops** for the National Museum of Afghanistan’s conservation staff and curators. The workshops focused on training in conservation and documentation skills using the Hadda sculptural fragments as the case study. Topics covered included an orientation to the site of Hadda*

and its excavations, object photography for conservation, and museological documentation. Participants also were trained in editing digital photographs using Photoshop” (Stein, 2022, 25).

-Ca’ Foscari University of Venice and the **Centre for Cultural Heritage Technology (IIT)**, in the framework of the NETCHER project, have developed specific training programs (2020) focused on cultural heritage protection (“Netcher: Social Platform for Cultural Heritage,” 2021).

-The Department for Culture, Media, and Sport (DCMS) has an Anti-Illicit Trade Program, which is a program in the UK developed in response to the widespread looting in Afghanistan and Iraq that aims to “prevent the UK from being used as a haven for the illicit traffic in cultural property” (Gaimster, 2004).

-The HIMAYA Project is a practical project suggested by library professionals to support the efforts to counter the trafficking and illegal circulation of documentary heritage in the Middle East and North Africa region and neighboring countries (“Qatar National Library and IFLA Strategic Programme Preservation and Conservation,” 2023).

-ICOM Disaster Risk Management Committee gathers museum-related professionals to help countries in need deal with cultural heritage emergencies (“ICOM Disaster Resilient Museums,” 2023).

-ICOM Red Lists (ICOM, 2023): Red Lists of Cultural Objects at Risk are practical tools to curb the illegal traffic of cultural objects. The Red List of Afghanistan Antiquities at Risk is from 2008 but our review concludes that it remains fully useful. Unfortunately, though, neither the National Museum of Afghanistan’s website nor the Ministry of Information & Culture websites link to it. ARCH learned from the museum’s director that he and his museum coordinated closely with ICOM to produce the Red List and he also said that “many smuggled objects have since returned from different countries” (Rahimi, 2022). We know that 33 antiquities were returned to Afghanistan via the New York District Attorney’s Office in 2021 and a head of a Buddhist figure from the now destroyed Hadda archeological site in 2021 by the Metropolitan Museum, as well as 47 coins from British Museum in 2018 and a silver vase from the British Museum in 2019. Making the Red List better known and available inside Afghanistan and to border countries is an easy but potentially very helpful step.

-The Intangible Cultural Heritage and Museums Project Toolkit (“Intangible Cultural Heritage and Museums Project,” 2020).

-The **International Criminal Court** issued a **Policy on Cultural Heritage** in June 2021 detailing their general policy and thorough descriptions of their regulatory framework. This handbook places antiquities trafficking alongside other heritage crimes such as genocide and examines the pillaging of antiquities as a war crime (International Criminal Court, 2021).

-The **International Observatory** is a worldwide cooperation platform to share information on and promote cooperation in the fight against illicit traffic (“ICOM International Observatory on Illicit Traffic in Cultural Goods,” 2023).

-**INTERPOL, UNESCO and ICOM** developed a guidebook on Basic Actions concerning Cultural Objects being offered for Sale over the Internet (2006)

-The **INTERPOL Stolen Works of Art Database**, which holds records of more than 52,000 objects from 134 countries, and mobile app “ID-Art” (Interpol, 2023). With data provided by 72 countries across all world regions, INTERPOL’s October 2021 report, including findings from their 2020 Assessing Crimes Against Cultural Property Survey offers an unprecedented overview on cultural property crime trends and routes (Interpol 2021).

-**Operation Pandora**, which was first launched in 2016, is an annual law enforcement operation. By early 2022 it had netted 407 arrests and resulted in the recovery of 147,050 cultural goods (Sherwood, 2022).

-**Prince Claus Fund** together with **ICCROM**, have created an innovative handbook and toolkit on First Aid to Cultural Heritage in Times of Crisis (2018).
Languages: English, French, Arabic, Portuguese, Turkish.

-**RAND Corporation** report (166 pages, 2020): “Tracking and Disrupting the Illicit Antiquities Trade with Open-Source Data” (Sargent et al., 2020).

-**UNESCO self-training toolkit**: UNESCO and the European Union have cooperated in preparing a publication entitled ‘Fighting the illicit trafficking of cultural property, a toolkit for judiciary and law enforcement’ (UNESCO, 2018). This toolkit aims to enable law enforcement officers to acquire and strengthen their knowledge of the legal framework and offers a set of practical tools to combat illicit trafficking. The kit is designed as a ‘self-help’ training tool, with hands-on exercises for individuals or groups. Including numerous case studies to enable concrete understanding of international principles, the toolkit aims to provide a range of answers to support practitioners fighting the illegal trafficking of cultural property (UNESCO, 2018).

-UNESCO Manual on The Protection Of Cultural Property - Military Manual details the importance of protecting cultural property in conflict zones and provides various frameworks for how military personnel could handle cultural heritage in the face of conflict. Furthermore, it underscores “the international legal obligations of states and individuals [...] [in] [...] the protection of cultural property in the event of armed conflict.” The manual is published in English, French, Spanish, and Arabic (International Institute of Humanitarian Law, 2022; UNESCO Committee for the Protection of Cultural Property in the Event of Armed Conflict, 2016).

-World Customs Organization Resources

-Training Handbook on the Prevention of Illicit Trafficking of Cultural Heritage (PITCH), developed in 2017, a uniquely specialized tool aimed at improving the knowledge and know-how of frontline customs officers, and going hand-in-hand with a training program. The WCO will only deliver the handbook to Members through face-to-face training which can be tailored to the needs of each region, thanks to gap analysis workshops conducted prior to the deployment of the handbook and program. The PITCH training program focuses on customs techniques, but also includes modules delivered by experts from the museum community, academia, Ministries of Culture and Police, with the objective of ensuring that all those involved in countering illicit trafficking of cultural objects adopt a consistent and harmonized approach and coordinate their actions (WCO, 2020).

-WCO also has an integrity program that was originally put in place to combat corruption in customs; “culminated in 1993 with the adoption of the WCO Arusha Declaration concerning Integrity in Customs, showing the willingness of the international customs community to comply with rules governing Integrity in order to reduce and, eventually, eliminate opportunities for corruption” (WCO, 1993).

-Cultural Heritage Programme WCO encourages “effective co-operation and partnership with other international organizations such as the International Council of Museums (ICOM), UNESCO and INTERPOL, as well as national law enforcement and security agencies, with the aim of exchanging information and [prevention]” (WCO, n.d). WCO also publishes Illicit Trade Reports, with their most recent one being from 2021¹³ and worked with UNESCO to create a model export certificate for cultural objects.

¹³ “Cultural Heritage is focused on the illicit trafficking of stolen or looted cultural objects including both archaeological objects and works of art. The COVID-19 pandemic has had a serious impact on the illicit trafficking of cultural goods in 2020 and 2021. With an increasing number of businesses going online, law enforcement agencies were faced with the increased use of e-

-The WCO **ARCHEO communication network** is “dedicated to the prevention of trafficking and theft of cultural objects by providing operational support and means to exchange information and intelligence on current investigations; open for Customs and other law enforcement professionals and experts” (UNESCO and WCO, n.d).

-WCO **Council Resolution on the Role of Customs in Preventing Illicit Trafficking of Cultural Objects**, adopted in July 2016 (WCO, 2016). The Resolution outlines a set of concrete measures aimed at assisting the global Customs community to counter illicit trafficking of cultural objects. Besides calling for more cooperation with relevant stakeholders, such as experts in the field and cultural institutions, it asks countries to conduct an analysis aimed at identifying and closing the gaps in current legislation and techniques. It also encourages the wider use by Customs authorities of export certificates for cultural objects in line with the UNESCO-WCO Model Export Certificate (WCO, 2016).

Restitution

Over the last two decades a few significant restitutions of Afghan heritage have been materialized. We list them below to illustrate how exchanges and international cooperation lead to successful cases of repatriation.

For a restitution to take place, usually an item must be marked as missing or smuggled, or extra effort must be taken around proving provenance if suspicion is raised about a certain item's legitimate place in a private or public collection. Another way of finding smuggled artifacts is through border control, i.e. when they are intercepted by customs officers. Experts must be available to analyze the item, to estimate its worth and place it in a historic context, and lastly international conventions or legally binding memoranda of understandings between countries must have been signed, diplomatic ties must exist, as well as capable legal teams need to be hired to make the case for restitution – these are the factors that usually allow the repatriation to be implemented.

- On May 23, 2005, in a ceremony at the Smithsonian Freer Gallery of Art in Washington, D.C., ICE returned to President Hamid Karzai two rare coins estimated to be more than 2,000 years old. They were believed to have been looted during unrest in Afghanistan

commerce and other online marketplaces, making the physical control of goods more difficult during the pandemic. Despite these challenges, there were a number of successful cases as well as restitutions as described in this Section. Since the dataset for Cultural Heritage was very limited in 2020 and 2021, rather than focus on data analysis, this Section will highlight some of the trends observed over the course of these years” (WCO, n.d).

following the departure of Russian forces in 1988. The coins were originally discovered during a 1971 French-led archeological excavation at Ai Khanoum (on the Oxus River in the Northeastern portion of Afghanistan). These Indo-Greek coins of Agathokles, dating between 171 and 160 B.C., were created following the reign of Alexander the Great. After Russian forces left Afghanistan, the two coins were among many artifacts stolen from the Afghan National Museum. In December 2003, the ICE's Baltimore field office recovered the coins from a Maryland coin dealer. The coins were estimated to be worth \$1,000 dollars each (U.S. Immigration and Customs Enforcement, 2023).

In a special program at the National Geographic Society in Washington, D.C., May 22, 2008, ICE officials turned over to the former Afghan national museum director, Omara Masoudi, eight items that had been illegally removed from Afghanistan and smuggled into the United States. The items, including the metal remnants of a spear, two axes, a dagger and knife blades, were authenticated by Dr. Paul Jett, lead scientist and conservator at the Smithsonian Institute, as dating to 2000 B.C., a period in Afghanistan known as the Bactrian Bronze Age. They were probably from excavations at burial sites in northern Afghanistan. The objects were the subject of a "Dateline NBC" 2005 undercover operation for the television show. "Dateline" turned them over to ICE. Unfortunately, at the time, Afghan cultural artifacts were not protected by the 1970 UNESCO Convention on Cultural Property Protection. The country signed the pact in 2007, allowing the repatriation to take place (U.S. Immigration and Customs Enforcement, 2023).

"In 2002, border officials at London's Heathrow Airport intercepted a pair of wooden crates brought into the country via a flight from Peshawar, Pakistan. Inside, they found a patchwork of 1,500-year-old clay limbs that had been crudely hacked off of sculptures that once stood in Buddhist monasteries in the ancient kingdom of Gandhāra in present-day northwestern Pakistan and northeastern Afghanistan. [...] According to a British Museum press release, the 4th-century sculptures – which include nine sculpted heads and one torso – are among a group of 843 heritage objects scheduled to be repatriated from the London institution to the National Museum of Afghanistan in Kabul. The stolen items had been seized with the help of the U.K. Border Force, the Metropolitan Police's Art and Antiquities Unit, and even several private individuals. Following their identification as Afghan artifacts they were ultimately stored at the museum for "safekeeping and recording." Speaking with the Guardian's Mark Brown, curator St. John Simpson describes the sculptural fragments, which were likely targeted during the Taliban's 2001 iconoclasm spree, as "stunning and "quite outstanding." "We've returned thousands of objects to Kabul over the years," he adds, "but this is the first time we've been able to work on Buddhist pieces." [...] As Brown writes, the sculptures speak to Buddhism's short-lived influence in what is now Afghanistan, where the religion thrived

between roughly the 4th and 8th centuries. [...] Per the museum press release, artifacts set for repatriation also include examples of the 1st-century Begram Ivories, a Buddha statue dating to the 2nd or 3rd century, Bronze Age cosmetic flasks, medieval Islamic coins, pottery, stone bowls, and “other minor items of mixed date and materials” (Solly, 2019).

“The Manhattan District Attorney announced on Monday [April 19, 2021] that 33 cultural artifacts, worth some US\$1.8 million, have been returned to Afghanistan after authorities found them among more than 2,500 looted antiquities held in the collection of notorious New York art dealer Subhash Kapoor. [...] In the past few months, the Manhattan DA has repatriated 338 items from [Subhash] Kapoors collection to their countries of origin which include India, Pakistan, Nepal, Afghanistan and Sri Lanka” (Klein, 2021).

7. Documentary Heritage

Documentary Heritage, differing from antiquities that show figures or statues etc., is a form of cultural heritage, where potentially a special opportunity exists. The Taliban seem to show special respect to printed materials, to the “written word.” This respect is engrained as well in Afghan folk tradition. Older people, including those who are illiterate, habitually pick up scraps of paper they find lying about on the road, the notion being that these might contain passages from the Quran.

Building on this posture of respect for writing and print could help spark interest in cultural heritage preservation more broadly. However, in the past this general posture did not necessarily offer protection. For example, “on 11 August 1998, the Taliban destroyed the Puli Khumri Public Library. The library contained over 55,000 books and old manuscripts; these were consigned to the fire” (Civallero, 2007). If the hardliners within the Taliban gain more power, documentary heritage again could be just as endangered as it was during the earlier period of Taliban rule. In this section, we will list important examples of ongoing initiatives in the field of documentary heritage protection, with a focus on programs that might potentially be of interest to more moderate members of the Taliban.

Historically, some of the world’s greatest libraries have been lost due to neglect or as unintended collateral damage of conflict, or a combination. The Herbarium, housed at Kabul University, is an example. These collections, even in today’s modern digital age, still consist of plants pressed and preserved in the classical manner and then stored in files. They offer invaluable knowledge about plants, climate change, healing properties and traditional medicine and more, but they are very fragile, and require proper storage and conditions. Fortunately in the case of Herbaria, the practice historically has been to create three identical collections and store them in different

countries. Consequently, a full collection of the Afghan Herbarium exists undamaged in the Museum of Natural History in Vienna, Austria.

In 2016, scholar Neil Brodie reports that “palm leaf manuscripts from Afghanistan” were reportedly for sale on the illicit market alongside “cuneiform tablets and inscribed incantation bowls from Iraq and Syria, birch bark and papyri fragments smuggled out of Egypt” (Brodie, 2016). Similarly, in 2003 the Afghan Minister of Culture reported that many Buddhist manuscripts had wrongly been taken out of Afghanistan. Many allegations have been made against Norwegian collector, Martin Schøyen, for reportedly acquiring his manuscript collection through illicit means from source countries in armed conflict, such as Afghanistan (Prescott and Omland, 2004).

One way to possibly bolster support of documentary heritage in Afghanistan is by inviting them to become a member of the International Federation of Library Associations and Institutions (IFLA) (International Federation of Library Association and Institutions, 2023). As of June 2022, Iraq has two participating libraries, Iran and Pakistan both have one member library, Qatar has five (including Qatar National Library (IFLA, 2022)), and Uzbekistan has two participating libraries. Their mission is to inspire, engage, enable and connect the global library field through “[fostering] literacy, innovation, heritage preservation and access to information for all” (International Federation of Library Associations and Institutions, 2023). By becoming members of the IFLA, Afghanistan’s libraries would have access to additional resources for preserving documentary heritage (IFLA, 2023).

In September 2021, only the Kabul Public Library and the National Archives were operational in Afghanistan out of the eleven total libraries in the country.¹⁴ Under close watch of the Taliban, many libraries across the country have been closed for months, and their fate remains uncertain. Around the world libraries are often considered a safe space to study and socialize--especially for women--in addition to being cultural and educational centers (Godfrey, 2023, 1).

Documentary heritage is particularly endangered and often under-valued as part of international programs countering illicit trafficking. The HIMAYA Project recognizes that documentary heritage faces specific dangers. It receives less public attention and fewer legislative protections despite being particularly vulnerable – the materials of which it consists of make it especially fragile, while at the same time, by being generally more portable and easier to conceal, it is more prone to being illegally transported. The HIMAYA Project proposal presents an extremely valuable framework for application in Afghanistan and its neighboring countries and indeed, Afghanistan’s cultural treasure has already benefited from HIMAYA action.¹⁵ HIMAYA is

¹⁴ The libraries in Afghanistan are Afghanistan Center at Kabul University (ACKU) library, Afghanistan Research and Evaluation Unit (AREU) Library, Amir Khusrou Balkhi Library, Kabul Public Library, Kabul University Library, Library of the National Bank, Library of the Press and Information Department, Ministry of Education Library, National Library of Afghanistan, Dehkada Library (Ghor), Nazo Annah Library.

¹⁵ Hosted a lecture series: illicit circulation of documentary heritage in the Maghreb and community of Sahelo States (IFLA, 2020).

based in Qatar. It is a joint effort between Qatar National Library and the International Federation of Library Associations and Institutions and works to stop illegal trafficking of manuscripts in the Middle East, North Africa and Central Asia. The HIMAYA project cooperated with Interpol to successfully identify artefacts trafficked to London, Paris and Amsterdam. Historians in Qatar, who are part of HIMAYA, have intervened to stop the international sale of nearly a dozen stolen manuscripts and Qurans from Afghanistan's National Archives. In 2020, Qatar National Library and their international team of experts discovered that important Quranic manuscripts from Kabul were for sale in Paris, London, Amsterdam and Iran.

One rare and beautiful Quran was on sale at Sotheby's London. The Quran was identified by Francis Richard, a preeminent scholar of Persian manuscripts who alerted Mr. Stephane Ipert, the Qatar National Library's director of special collections, to the Sotheby's sale item after having seen and catalogued it in 2016 at the National Archive of Afghanistan in Kabul. Sotheby's immediately removed the manuscript from its auction, upon being alerted by a member of HIMAYA. But Mr. Ipert says that other pieces from the collection have been appearing at auction houses around the world. His team found one at a Dutch auction house in May 2022, but it was sold before they could intervene, as was another advertised on a social media site in Iran.

The HIMAYA team found eight other stolen manuscripts in the past year. These included one discovered via an online post from people associated with the former Afghan government, advertising an ancient Quran for sale for more than a million dollars. In June and July of 2022, Taliban officials, including the Deputy Minister of Culture, Mawlawi Atiqullah Azizi, met with Qatar National Library to discuss ways of protecting manuscripts. Stephane Ipert says there is a desperate need for cataloguing and digitizing inventory at Kabul's National Archive and other important institutions in Afghanistan. Qatar National Library is currently trying to return the stolen and smuggled manuscript to Kabul. It will not be easy, because the theft was never declared by the National Archive and the actual number of stolen manuscripts is unknown (Ditmars, 2022).

Other relevant programs that deal specifically with the issue of the protection of documentary heritage:

- UNESCO Memory of the World Program, est. 1992 "aims to ensure that the world's documentary heritage is fully preserved and protected, and accessible to all without hindrance." As part of the capacity building program, "first Global Policy Forum on Preservation of Documentary Heritage for Disaster Risk Reduction and Management" was held in 2018 to raise awareness (UNESCO, 2021)
- Islamic Heritage Project (Harvard Library, 2023) - A digital collection of Islamic manuscripts, published texts, and maps from across Harvard's libraries and museums that

“includes materials dating between the 10th - 20th centuries from “Saudi Arabia, North Africa, Egypt, Syria, Lebanon, Palestine, Iran, Iraq, Turkey, and South, Southeast, and Central Asia.” Partnering Institutions: University of Southern California and McGill University. Part of Harvard’s Prince Alwaleed Bin Talal Islamic Studies Program, the Harvard University Library Open Collections Program, with financial support from Arcadia, the William and Flora Hewlett Foundation, and Prince Alwaleed Bin Talal (Harvard Worldwide, 2023).

The ‘Al-Furqān Digital Library was established in 2013 (Al-Furqan Islamic Heritage Foundation, 2023) to explore Islamic written heritage and “[make] this wealth of knowledge easily retrievable and freely accessible to the researchers across the world.” This project aimed to identify and record “undocumented Islamic manuscript collections,” and reported just over a million and a half Islamic manuscripts from just over 2,500 collections. These collections, in more than 40 languages, belong to public and private libraries in almost 1,300 cities (Al-Furqan Islamic Heritage Foundation, 2023).¹⁶

- The MAYDAN introduced a new initiative in 2019 “highlighting digital resources and projects in the field of Islamic Studies,” which is an ongoing project that has partnered with over 32 collections from around the globe (Ahmet, 2019).
- ASOR, the Ghadames Association for Heritage and Manuscripts, and the Dissir Organization in Yefren partnered “to advance heritage documentation and outreach activities” (ASOR, 2020, 39).

¹⁶ The digital library has a ‘World Collections’ databank that “holds the digitized outcome of the survey on the collections of Islamic manuscripts in the world, completed and published by the Al-Furqān Foundation in 1994” (Al-Furqan Islamic Heritage Foundation, 2023).

8. The Hazara Statue Incident

Afghanistan has multiple historic “layers” of antiquities. At times, pre-Islamic legacies can be viewed by a pronouncedly Islamic regime as less valuable, and in the extreme fundamentalist interpretations, they can even be seen as relics of the “age of ignorance” that should be actively erased and destroyed.

So far, this has not appeared to be the stance of the current Taliban regime, which appears to be distancing itself from the destruction formerly caused in Bamiyan. But to what extent might ethnic-related heritage be at risk? As one possible indicator, we can review the incident of the destruction of a Hazara monument in 2021 – was this an outlier or a harbinger of problems to come?

In times of conflict, historic monuments specifically, but also other forms of cultural expression, such as traditional clothing or festivities can become a battleground. The opposing parties to a conflict try to assert power by suppressing another group’s “identifiers”, and the culture and history of a people or a group are attacked during and after conflicts as one group tries to enshrine their view of the past, the future, and the narratives that come with it.

A common example of this is the taking down of monuments and statues. This is a performative, violent act that often happens abruptly, via mob action. It is visually powerful as the remains of the statue in question, or the now empty platform upon once it rested, will remain in place, ingraining into collective memory that the statue was indeed taken down and is no more. The removal may be celebrated by bystanders like a victory, with emotions running high.¹⁷

¹⁷ ARCH has created a Handbook previously, illustrating different ways to deal with controversial monuments, i.e. monuments that celebrate a person or historic event that is no longer considered “glorious” (Benard et al., 2021).

The Taliban who are Sunni and mostly belong to the Pashtun ethnicity, have long fought to assert their dominance in Bamiyan province, which is the domicile of the Hazara ethnic group, the majority of whom are Shiites. Bamiyan province has historically been poor and neglected by the power center in Kabul. The province was proud that it had the Bamiyan Buddhas, their surrounding caves and the beautiful valley they were located in, which also includes the Band-e-Amir lakes. Bamiyan Valley represents one of the most popular tourist destinations for domestic tourists. They climb up the Buddha niches, picnic, take boat tours on the lakes and play volleyball. For the people who live in the province the Taliban are oppressors who destroyed their most cherished local heritage site in 2001, when they dynamited the Bamiyan Buddhas.

Not long after the Taliban takeover, reports surfaced that a group of their fighters had violently taken down a statue of a Hazara leader. This raised concerns that they were embarking on a repeat of their prior assault on cultural heritage and were zeroing in on the culture of a minority they had been known to oppress. But a second look at the incident surfaced additional details. The personage honored in the statue was Abdul Ali Mazari (Doherty, 2021; AFP, 2021; AP, 2021), a military leader who had fought against the Taliban during Afghanistan's civil war in the 1990s, killing many of them before his own demise in 1996 (Doherty, 2021). The statue itself was not a historic antiquity. Symbolically speaking it was meaningful to Hazaras, because it honored one of their fighters, but for the same reason it was viewed as a provocation by the Taliban. As an incident, we have to rank it as inconclusive. There is no information on who destroyed it, with some claiming that this happened unintentionally during fighting. It was much too new to be considered a cultural heritage object. If the destruction was deliberate, it was motivated by current politics.

The Taliban claims that no discrimination based on ethnic or sectarian difference is taking place under their regime. However, they appointed the historically anti-Hazara Abdullah Sarhadi (who is a Tajik, not a Pashtun) as governor of the province of Bamiyan. Abdullah Sarhadi spent time in Guantanamo Bay and was the Taliban security commander in Bamiyan in 2001 when the Buddhas were destroyed, so his appointment was a provocation. In being marginalized within the government, the Hazaras are not alone – hardly any members of other ethnicities have been appointed to any of the offices, a lack of inclusiveness that has been one of the bones of contention between the regime and the international community.

Going forward, it would be important to create a thorough countrywide registry of historic sites and monuments, with each region and area encouraged to document the sites it regards as important. Azerbaijan recently implemented a program that did just that in areas newly recovered from Armenia. Mobile teams were created and were able to coordinate their work under difficult and sometimes dangerous circumstances, ultimately producing a comprehensive record. In Afghanistan, towns and cities could be encouraged to design special books about their historic

monuments, places and sites. More awareness, and more importantly more respect for each other's history and heritage between different Afghan ethnic groups, will also help in the prevention of overall looting. It is an educational approach that starts with focusing on the contributions to civilizations and the influence that different groups had in different periods of Afghanistan's history.

9. Conclusion and Next Steps

Given their prior conduct, an uncaring, at best, and aggressive, at worst, posture of the Taliban towards cultural heritage was certainly a possibility. But some in the West saw it as a certainty. One such article predicted that: “Archaeological treasures of numerous epochs can now be monetized by the Taliban who will be in desperate need of funds to keep themselves funded and their newly seized military equipment in shape as seized helicopters, planes, and Humvees need spare parts and often expensive repairs. We may see a tsunami of smuggled antiquities out of Afghanistan in the coming months and years” (Shelley et al., 2021).

This prediction was based on the Taliban’s past record, as the article went on to explain. True, it noted, there had been several pronouncements by Taliban officials declaring their intent to protect cultural heritage, and as of yet there were no verifiable reports of violations. Still, skepticism was called for. “While they are again in power, they have vowed to protect Afghanistan’s cultural heritage. The world, however, should be wary of such promises. In fact, it would be exceedingly naive to expect them to protect Afghanistan’s archaeological riches when they have never done so in the past. Instead they will mine and export them, using the same smuggling networks that they have used for over 20 years to export opium and heroin.”

On the basis of this gloomy prophecy, the article recommended Action 2 above: evacuation and salvage. Objects were to be taken into the custody of trustworthy international parties.

The removal of a country’s patrimony, even if the declared purpose is to protect it based on a threat perceived by external actors, is a step filled with legal, political and ethical landmines. The authors recommended a tactical solution, namely, to remain on the look-out for objects smuggled out of Afghanistan, seize as many of these trafficked antiquities as possible when intercepted

abroad, and then hold on to them. Ordinarily, such items would be returned to the country of origin, through established protocols of restitution. But, the authors argued, since the Taliban are not a recognized government, the items instead could be emplaced in Western museums until a more mainstream government took over. For this, the article coined the creative moniker “refugee artifacts.” Like its human citizens, the material objects of Afghanistan were also to be viewed as having fled and sought asylum in the West (Shelley, 2021).

Of course, to assume the worst and decide to seize another country’s patrimony on that basis is a bold step to be sure, but on the other hand, if one assumes the best and is wrong, the damage may be irreversible and the losses to global heritage can be immense. This is a complex issue with no easy answers. Nonetheless, we propose that a combination of vigilance and engagement makes the most sense. The nature, likely future direction, and potential duration of Taliban governance in Afghanistan remains unclear, and this applies as well to their stance and policies on matters related to cultural heritage and the protection of antiquities.

There are concerning signs that their reassuring statements cannot necessarily be trusted, as is evident from the reversals of their initially more liberal policies on female education and women’s employment. There is emerging evidence of rifts within the Taliban leadership over several key issues, with some taking a more moderate and outward-looking position vs. others who are pushing a more hardline posture. This should not be surprising. After decades during which the emphasis of the group was on fighting, they now must adjust to the challenges of governing, administering, and planning, and they must absorb and respond to the ways in which the world, their country and their population has changed in the intervening years.

Along with the concerning signs, there are also positive signs. We take the following indicators as hopeful signals that the current Taliban posture towards culture, history, art and cultural heritage might be different from what was the case at the start of the century:

- During the concluding months of the fighting, Taliban leadership responded positively to a request to protect heritage sites by issuing an order to that effect to their commanders in the field.
- Upon entering Kabul, again in response to a request, they stationed guards to protect Kabul Museum against looting.
- As reported by the Director of Kabul Museum, both the leadership and subsequently the “foot soldiers” of the Taliban visited the museum and expressed surprise and pleasure at the length and depth of their country’s history and cultural achievements.
- Kabul municipality has embarked on a street cleaning and urban beautification project that includes decorative elements in the roundabouts.

Each of these offers opportunities for the building of relationships and the exploration of shared goals. The order to avoid damage to historic structures and to forbid looting in the context of combat operations amounts to an endorsement of international accords with similar content. This

could be a small step towards pulling them into broader regulatory systems, potentially also on other areas where their cooperation and participation would be mutually beneficial.

This is also an opportunity to make Afghan bureaucrats and administrators aware of available international information resources and avenues of cooperation. The protection of the museum against looting is a good entry point into the topic of prevention of the illicit trade in antiquities.

The interest shown in history, art and culture can be fostered, initially by programs and exhibits of a conventional nature, with the possibility to expand the horizons over time.

Municipal clean-up creates livelihoods, but it also improves quality of life, health, and conveys pride in one's city and culture. It may be helpful to report on these efforts and link the municipal authorities of Afghan cities with counterparts elsewhere.

We recommend that avenues of ongoing engagement and dialogue should be utilized. Qatar plays a special role here. Taliban representatives and/or their families continue to be based here. Several countries have relocated their former Kabul embassies to Doha. American University of Afghanistan students are now resident there.

When Taliban representatives attend international gatherings, they are usually reprimanded for their retrograde stance on social issues. It's important for them to know that the world at large cares about girls' education, women's rights, inclusive government representation and human rights, but they surely have received that message by now. The most common tool for bringing them into line has been to withhold resources and recognition. This hasn't really worked. In part, that's because international humanitarian values prevent a total cut-off, and therefore food and medical and educational assistance is exempt from sanctions. It seems that the Taliban have established a basic but so far sufficient, and growing, economic system with revenue from cross-border trade and taxes.

A more indirect approach might be more effective in creating trust and building relationships, with the more moderate elements within the Taliban. For example, there could be an event in which mayors and municipal administrators discuss challenges of urban renewal.

An enormously important area of potential assistance and cooperation lies in the field of mining. Mineral resources are one of the areas of economic hope for Afghanistan. The Mes Aynak copper mining project is now again under active discussion, with officials from the Taliban Ministry of Mines in negotiation with China over details of a contract. Mes Aynak is also home to an archaeological site of major importance, a buried Buddhist city that has been partially excavated. The Ministry of Mines has been actively seeking advice and information. For example, they requested information from ARCH in follow-up of an Expert Committee White Paper that an Afghan colleague had previously shared with the Ministry of Culture. One could host a workshop on the subject of "mining, heritage and the environment" in which a few

international examples of successful vs. catastrophic mining projects were discussed and Mes Aynak was reviewed in light of those lessons learned.

Lastly, focus should be maintained on Bamiyan. The Taliban's initial posture towards the region of the colossal Buddhas was positive. They appeared to see it as a potential tourism draw and commenced with a rebuilding of the nearby old bazaar. They allowed visitors to view the remains of the largest of the Buddha figures and tickets to be sold for access. When the governor closed off the site and attempted to dig for treasure, Kabul stopped him. To keep attention on Bamiyan is helpful on more than one level. Besides the prevention of further damage and the endorsement of the Taliban's currently more tolerant attitude towards this heritage site, because this province is largely inhabited by the Hazara ethnic minority, it also represents a chance to include non-Pashtun cultural components in the national narrative.

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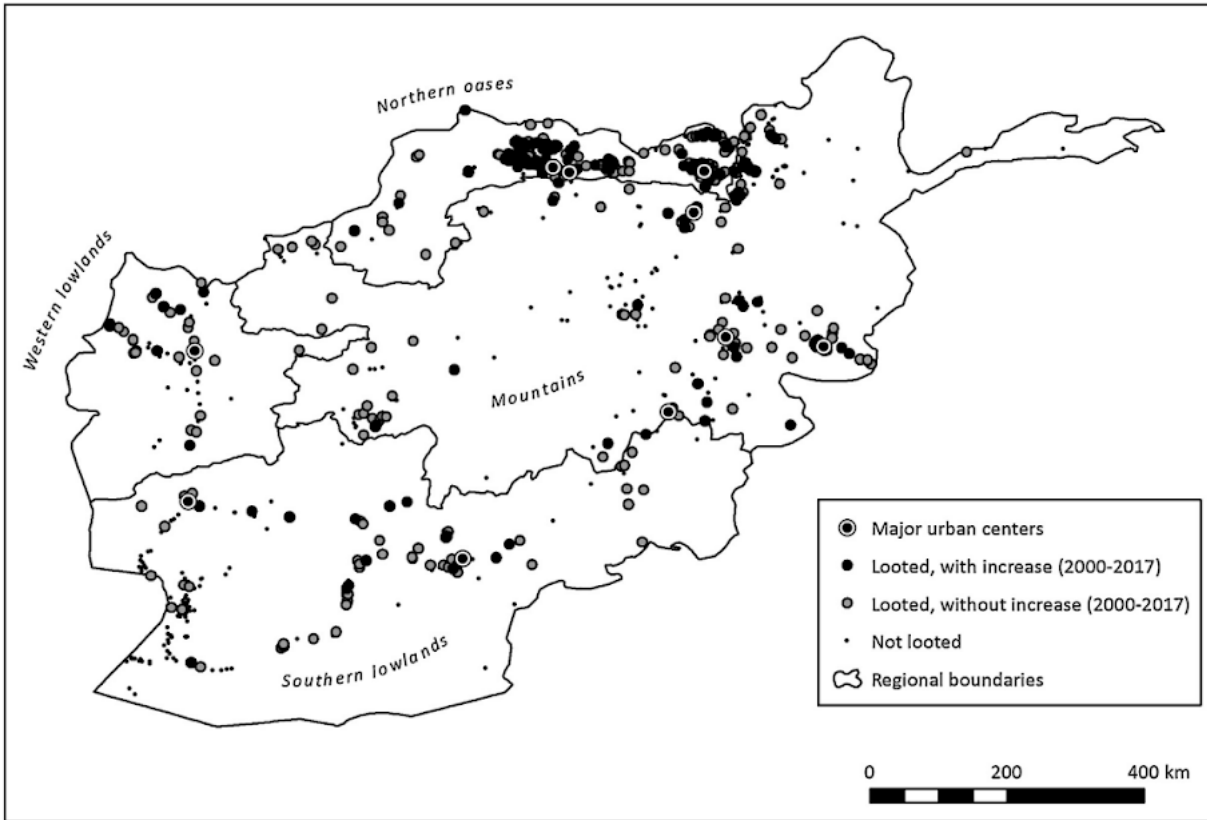
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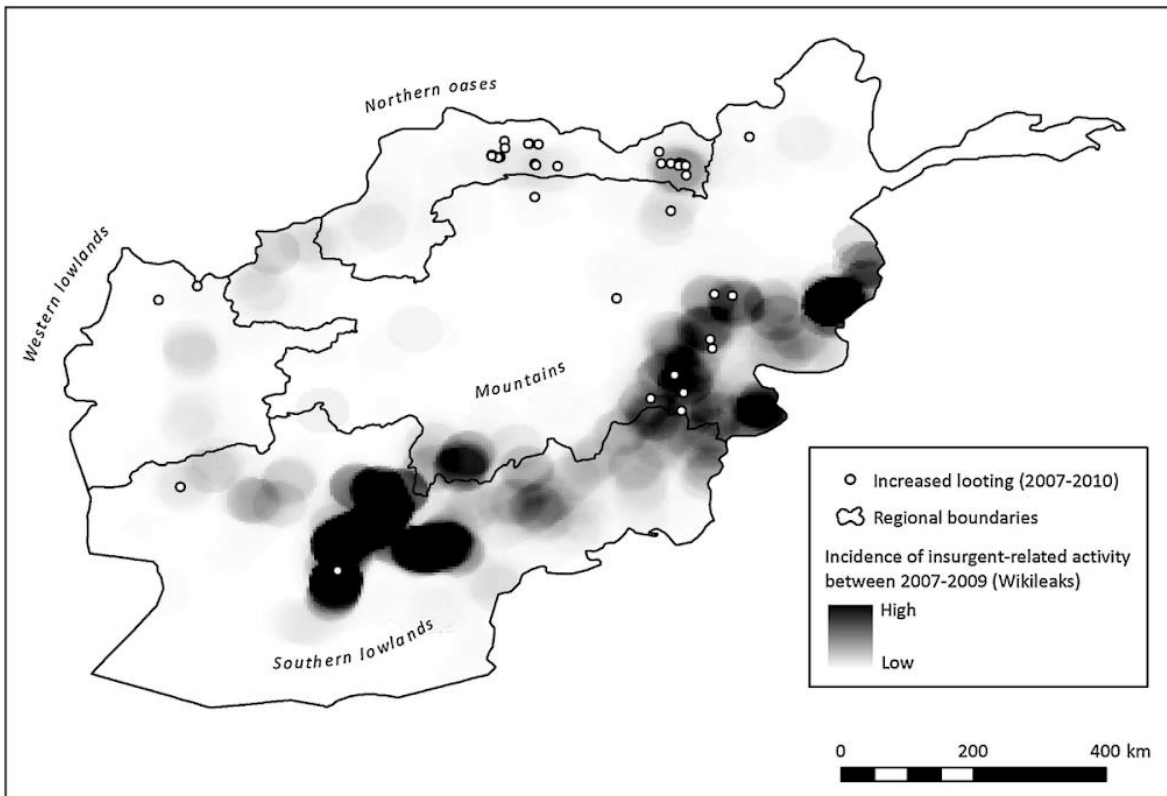
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11. Appendix I - Maps

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Map A. Map of Afghanistan that indicates looted areas and their trends between 2000 and 2017.
source: Hammer 2018, page 8.



Map B. Map of Afghanistan that indicates looted areas and their correlation to areas with insurgent activity between 2007 and 2010, *source: Hammer 2018, page 17.*



Map C. Afghanistan is entirely surrounded by other countries, making it a ‘land-locked’ nation. The countries that border include: Iran, Pakistan, China, Tajikistan, Uzbekistan, and Turkmenistan. Roadways, major airports, canals, and railroads are indicated on the map as described in the icon key located in the lower right corner of the image. Source: https://maps.lib.utexas.edu/maps/middle_east_and_asia/afghanistan_trans-2009.jpg



Map D. This remote sensing satellite imagery from the Afghan Heritage Mapping Partnership, at the University of Chicago, identifies new illicit excavations from 2018 (left) and 2019 (right). *After Stein, 2021, Figure 2.*

12. Appendix II - Laws and Treaties

A. International Treaties

Country	1949 Geneva Convention	1954 Hague Convention	1970 UNESCO Convention*	1995 UNIDROIT Convention
Afghanistan	1956; PI 2009, PII 2009	26 Oct 2017	20 Mar 1979	not signed, ratified declaration 16** on 23 Sept 2005
China	1956; PI 1983, PII 1983	5 Jan 2000	12 Dec 1985	not signed, ratified declaration 16** on 5/7/1997
Iran	1957	14 May 1954, 22 June 1959	26 Feb 1975	not signed, ratified declaration 16** on 6/22/2005
Iraq	1956; PI 2010	14 May 1954	5 Mar 1974	-
Lebanon	1951; PI 1997, PII 1997	14 May 1954, 1 June 1960	3 Feb 1983	-
Pakistan	1951	27 March 1959	23 Jul 1976	signed on 27 June 1996, not ratified
Tajikistan	1993; PI 1993, PII 1993; Prot. I Art. 90 1997	28 August 1992	28 Aug 1992	-
Turkmenistan	1992; PI 1992, PII 1992	22 January 2018	30 Sept 1994	-
United Arab Emirates	1972; PI 1983, PII 1983; Prot. I Art. 90 1992	-	11 May 2001	-
Uzbekistan	1993; PI 1993, PII 1993	21 February 1996	13 Jan 1993	-

*The official 1970 UNESCO Convention States Parties list was last updated Oct 2020

[** Declaration 16 states that parties in accordance with "paragraph 1 of the Convention, claims for restitution and requests for return may be submitted directly to the courts or other competent authority," or to government specific channels.](#)

B. Regional Laws

Afghanistan

- 2005: Afghanistan fights the illicit trade within its own borders through its 2005 “Law on the Protection of Historical and Cultural Properties” and a special police unit linked to the Ministry of Information and Culture, charged with protecting sites and preventing looting.

China

- 2008 Regulation on protection of famous historical cities, towns and villages
- 2007 Administrative Rules for Examination and Approval of Entry and Exit of Cultural Relics
- 2007 Certificate for cultural Property Replicas, Cultural Property Exit Permit, Application Form on Cultural Property Exit Examination and Verification, Law of the People’s Republic of China on Protection of Cultural Relics
- 2003 Regulations for the implementation of the Law of the People's Republic of China on protection of cultural relics
- 2002 Bylaw of the People’s Republic of China on Protection of Cultural Relics
- 1989 Regulations of the People's Republic of China concerning the administration of the protection of the underwater cultural heritage
- 1982 Law of the People’s Republic of China on Protection of Cultural Relics
- 1961 Note du Conseil des Affaires d'Etat relative à la publication du Règlement provisoire sur la Protection et l'Administration du Patrimoine culturel
- 1935 Rules relating to the participation of foreign academic organizations or private individuals in the excavations of relics
- 1935 Relics Preservation Law (amended 1935)
- 1928 Regulations governing the preservation of scenic resorts, ancient remains and relics

Iran

- 1996 Punishment Law - Chapter 9: Destruction of Historical/Cultural Properties
- 1996 The Statute of the Iranian Cultural Heritage Organization
- 1994 The Statute of Iranian Cultural Heritage Associations
- 1992 Law on exemption of monuments and places, registered among the National Heritage of Iran, from municipal charges
- 1990 The Statute of the Cultural Heritage Center for High Education
- 1988 The Law on the articles of association of the State Cultural Heritage Organization
- 1986 Law on the statute of Iranian Cultural Heritage Organization
- 1986 Law on establishing the Iranian Cultural Heritage Organization (ICHO)

- 1974 Convention concerning the Protection of the World Cultural and Natural Heritage
- 1974 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and transfer of Ownership of Cultural Properties
- 1973 National Heritage Registration Act
- 1930 National Heritage Protection Act

Iraq

- 1924 / 1936 Iraqi Antiquities Law

Lebanon

- 2008 Law N.37 Regarding Cultural Property
- 2008 Law N.36 Regarding the Public Institutions related to the Ministry of Culture
- 2008 Law N.35 Regarding the organization of the Ministry of Culture
- 1990 Décision relative au permis d'importation et d'exportation
- 1988 Décision sur l'interdiction d'exportation des antiquités
- 1934 Arrêté N.225 portant règlement sur la repression des infractions relatives à la législation des antiquités et des monuments historiques
- 1933 Arrêté N.166 portant règlement sur les antiquités

Pakistan

- 1994 The Sindh Cultural Heritage Preservation Act
- 1993 Prohibition for movement of antiquities between specified areas
- 1989 Acquisition of Antiquities Rules; Dealing in Antiquities Rules
- 1985 The Punjab Special Premises (preservation); National fund for Cultural Heritage Act
- 1982 Admission of Public into Immovable Antiquities Rules
- 1980 Cinematographical Filming of Protected Antiquities Rules
- 1979 Export of Antiquities Rules
- 1978 Archaeological Excavation and Exploration Rules
- 1975 Antiquities Act (amended in 1992)
- 1969 Customs act N. IV (as modified up to 1994) On the Prohibition and Restriction of Importation And Exportation
- 1968 Act N. XIV To Consolidate and Amend the Law Relating to The Preservation and Protection of Antiquities
- 1947 The Antiquities Export Control Act

Tajikistan

- 2004 Law on Museum and Museums Funds
- 2001 Law on Export and Import of Cultural Property

- 1997 Law on Culture

Turkmenistan

United Arab Emirates

- 1970 Loi N.8 sur les antiquités et les fouilles

Uzbekistan

- 2001 Law on Preservation and Utilization of Objects of Cultural Heritage

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