

The Illicit Trade in Chinese Antiquities

Judging by reports in the Chinese media and by remarks in general studies on the illicit antiquities trade, there is large-scale looting of and trafficking in antiquities taking place in China. According to He Shuzhong, the director of Cultural Heritage Watch (CHW), a non-governmental Chinese organization for the protection of cultural heritage, the problems of illicit excavation and trade have reached dramatic proportions. Government sources suggest that, in the past, the bulk of illicit antiquities resurfaced in foreign museums, while these days much of it ends up in foreign markets. According to Chinese experts, there are at least one million items of Chinese art that should be returned from 200 foreign museums spanning 47 countries. Yet, most Western museums are unwilling to return their collections. A major reason being the idea that most acquisitions were legal at the time they were made, for example under colonial rule. Nonetheless, China has experienced some success in reclaiming stolen artefacts.

Research >
China

By Melvin Soudijn & Edgar Tjihuis

In March 2000, CHW raised the issue of a stolen statue of a Bodhisattva in the collection of the Miho Museum in Japan. The statue was stolen from a museum in Boxing county, Shandong Province, in July 1994. In 1996, the Miho Museum bought the statue from a London dealer, who claimed to have bought the item from another dealer in good faith. After more than a year, an agreement on the return of the statue was signed between the Chinese National Administration on Cultural Heritage and the Miho Museum. In 2001 the National Gallery of Canada voluntarily returned to China a stolen 1,300 year old Buddhist limestone carving, which had been surreptitiously chiselled from the wall of a temple cave some time during the last century. The object was only known in China from a picture of the temple taken at the beginning of the twentieth century.

As well as foreign museums, the international arts market is also implicated. Apparently, there is a large market for Chinese antiquities, the most notable in Hong Kong, London, and New York. Some antiquities dealers purport to handle only 'old' items, that is, items that come from existing collections and are supposed to have been outside China since pre-1970. However, these assertions seem to be at odds with the continuous appearance of dubious items on the art market. In addition, there are plenty of smaller markets in numerous countries, Asian and Western. Nowadays, illicit excavations meet most of this large-scale demand, resulting in the irreversible destruction of valuable archaeological information and pointless damage to sites.

Although the Chinese government formally takes a serious stance on combating illegal excavation and export of Chinese antiquities, many questions can be asked about the sincerity and efficiency of their policies. Since 1978 numerous legislative measures have been taken to tackle the problem. The Law on the Protection of Cultural Heritage was adopted in 1982 and twice amended in 1988 and 1991. Nowadays,

looting and smuggling of antiquities is categorized as organized crime and cross-border crime in the Chinese Penal Code. Furthermore, specific articles were drafted to cover the destruction of antiquities and the theft of precious cultural relics. Severe sentences can be given to those committing such crimes: reports of local excavators receiving the death penalty can be found in the media. National legislation aside, China is a signatory to several international treaties on the protection of cultural heritage.* However, both national laws and treaties are ineffective if they are not adequately enforced.

China does not seem to act against the liberal regulations governing the Hong Kong art trade. Hong Kong plays a pivotal role: almost all antiquities pass through the Hong Kong market and once antiquities reach Hong Kong, they can be freely exported (as long as they are not stolen).

Over and above Hong Kong's highly significant role in the licit and illicit trade in Chinese antiquities, auctioning within China must also be considered. During the 1990s more than 150 auction houses were established in China. Although turnover is still modest compared to Hong Kong, this is likely to change in the future. The two largest auction houses are China Guardian and Beijing Hanhai. China Guardian was set up as a joint venture between the Ministry of Internal Trade and the Bureau of Cultural Relics, Beijing Hanhai is owned by the city's municipal government. A wide range of items is sold at these and other auctions, including items more than 200 years old, which may not, officially, be exported. Thus, according to this rule foreigners are not allowed to buy older items, but it can hardly be expected that this alone will be a serious barrier to their export.

There is also the problem of corruption. Though corruption is a universal phenomenon, its sheer scale and pervasiveness in China is a matter of concern. Large-scale campaigns against corruption may have been initiated, yet it would be rather optimistic to expect these to solve the problem shortly. Furthermore, central government directives have to be carried out by the provincial, down to the local governments, thus easily leading to further corruption. At the local level, administrators often turn a blind eye if money can be made through selling cultural objects. On the other hand, simple neglect of ancient sites and the destruction of sites due to large real estate projects, agricultural development, and infrastructure projects pose a threat. The Three Gorges Dam project, for example, is likely to inundate a large number of antiquities. Brave attempts to save material from individual sites concern only a small part of the total area. Meanwhile smugglers have found it easy to negotiate with local officials, and large amounts of material from the upper Yangtze have found their way overseas.

Furthermore, the policies of the Chinese government are weakened by the ineffective registration of cultural heritage. The fact that the government lacks a database on stolen art and antiquities inhibits an effective policy against illicit trade and can lead to awkward situations. In the Miho Case, Cultural Heritage Watch and the Chinese authorities argued that the Miho should return the statue and should have been informed of it being stolen because it belonged to a Chinese museum and was published as such. However, the fact that the theft was not properly registered seemed to escape both their attention. The lack of effective registration also hinders all fruitful cooperation with international agencies like Interpol and the International Council of Museums (ICOM), rendering the aforementioned treaties inapplicable (see note).

With ineffective registration, the real scale of the problem can hardly be reliably represented by statistics on the number of items intercepted by Chinese customs officials. Any attempt to quantify the problem of illicit excavations and trade by looking up statistics and figures from a number of different sources only reveals how incomplete they are: records only exist for 1986, 1991–1995, 1997, the first five months of 1998, and the period from 1999 to September 2001. Additionally, the numbers cannot be compared because they measure different things and usually only refer to tourists. For example, according to figures from Chinese customs, 110,000 items were seized, from tourists, between 1991 and 1995 alone.

Although much can be said about China's shortcomings with regard to its anti-trafficking of antiquities policy, there are other factors to consider. Wherever people are prepared to sell (even if this means the Chinese government itself), there are those prepared to buy. Many independent buyers are individual travellers interested in Asia and the like, in contrast to large retailers or auction houses, most likely to purchase small items. Of course, one also needs to consider the quality of the items they acquire. All the experts we spoke to highlighted the fact that most material coming from China seems to be of sub-masterpiece quality, apart from a huge number of fakes. Nevertheless, many among the *IIAS Newsletter* readers will have some sort of Chinese artefact at home. Call it an argument from a Chinese perspective. It does not make it any less valid.◀

For more information, also see:

www.culturalheritagewatch.org/indexenglish.html

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* China is a party to the 'Convention concerning the Protection of the World Cultural and Natural Heritage', the 'Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property', 'UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects', and 'Convention for the Protection of Cultural Property in the Event of Armed Conflict'. In addition, a total of 1,480 museums have been established at national and provincial level. Furthermore, China is working on a bilateral anti-smuggling agreement with the US, to halt the flow of antiquities to the US.