



Preserving the Past... Enriching the Future.

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The Cultural Property Advisory Committee (CPAC)
Washington, D.C., USA

Dear Committee Members,

On behalf of Heritage Watch and its Board members; Prof. Michael Tomlan, Dr Heng Poeu, Mr Kong Vireak, Ms Joyce Clark, Mr Darryl Collins and Mr Im Sokrithy, I support the extension of the *Bilateral Agreement Concerning the Imposition of Import Restrictions on Khmer Archaeological Material*. According to the *Convention on Cultural Property Implementation Act*.

Heritage Watch (HW) is an international Non-governmental organization registered both in Cambodia and the United States of America. HW has worked since 2003 to raise awareness of the increasing destruction of cultural heritage in the Kingdom of Cambodia. HW has been funded via a number of avenues from private donors, institutional grants such as the Archaeological Institute of America and competitive grants won from the US Ambassador's Fund for Cultural Preservation (in 2004 and 2006).

The criterion for extension of the aforementioned agreement is whether the four statutory criteria justifying the original agreement are still present.¹ I will concentrate my comments on the first, second, and fourth determinations.

The first criterion¹ focuses on the danger posed to the cultural

¹ Section 303(e), 19 U.S.C. § 2602(e); Section 303(a)(1)(A)-(D), 19 U.S.C. § 2602(a)(1)(A)-(D).

heritage of Cambodia, in this case from the looting of archaeological sites. Increased political stability from the late 1980s opened much of the country to illegal excavation and removal of statuary from remote temples in Cambodia.

The material removed from these sites are the same antiquities protected by the U.S. bilateral agreement — stone, metal, and ceramic material from the 6th to 16th centuries, traditionally the pre-Angkorian, Angkorian, and post-Angkorian periods.

Sites outside of the Angkor area, which are isolated and rarely guarded, are most at risk. Between 2004-2006 Heritage Watch conducted surveys of looting at such sites throughout the country. Substantial incidents of looting were noted and a report sent to the US Department of State.

Evidence of looting at remote sites is widespread and includes (but is not limited to);

Phnom Banan, Battambang where every single human representation at the site has been defaced or beheaded.

Prasat Preah Khan (also known as Bakan), Preah Vihear Province is the most badly looted temple complex in Cambodia. Aggressive and massively destructive looting using chisels and hammers has rendered this temple devoid of every major element of decoration.

Koh Ker temple complex, the 10th century capital of the Khmer Empire, had suffered massive damage with many lintels and other architectural elements removed or damaged by attempted looting and multiple looting tunnels in and around the temples.

Banteay Chmmar in Banteay Meanchey Province, looters removed a twelve-meter section of the carved perimeter wall (apprehended at the Thai border and currently in the National Museum of Cambodia).

There are also myriad examples of illegal excavations of Prehistoric sites across Cambodia. This continues to be an issue especially in the country's Northwest. Looting of burial sites dated to the Iron Age (c. 500 BC-AD 500) continues around Banteay Chmar temple and across Banteay Meanchey Province (for more information on recent activities please see the document below produced by Heritage Watch). The Ministry of Culture and Fine Arts participated in heritage awareness sessions with Heritage Watch after this further looting was exposed and acted to arrest several members of the group responsible for the looting.

Looting has been reported in the last year at another important Pre- and Proto-historic site in Cambodia's south, Angkor Borei. Hundreds of looters dug for gold in August 2012 until authorities were able to disperse them.

There have been increasing reports in the Cambodian media of brazen looting of active Buddhist Monasteries where Buddha images of some antiquity are stolen. The most recent example of this was a raid on Wat Bo in Siem Reap Province on January 12th, 2013. Fortunately, officials from the APSARA Authority had managed to organize a documentation project of all the objects (comprising over 4000 pieces) in the collection so there is a record of what was recently stolen. The National Museum of Cambodia also undertook a ceramic conservation of some of the pieces and the Museum's metals lab undertook conservation of bronze and iron pieces in the collection, funded in part by the US Ambassador's Fund for Cultural Preservation.

The second criterion addresses Cambodia's own efforts to protect its cultural patrimony.

Cambodia is a signatory on all major international agreements for the protection of cultural heritage. The country ratified the Hague Convention in 1962, the UNESCO Convention in 1972, the World Heritage Convention in 1991, and the UNIDROIT Convention in

2002. In 2000, Cambodia entered a bilateral agreement with Thailand to increase cooperation between the two countries in combating the cross-border illicit antiquities trade. In 2003, Cambodia entered the bilateral agreement with the United States and in 2011, Cambodia entered into a bilateral agreement with Australia to restrict the import of antiquities into that country. Cambodia has complied with these agreements, evidence of its commitment to preserving its heritage. In January of 2013, Cambodia signed a bi-lateral agreement with Ecuador to restrict the import of Cambodian antiquities into that nation.

Cambodia is working to protect archaeological sites and prevent the export of looted antiquities. In 1994, the Royal Government of Cambodia's Ministry of Interior established the Cultural Heritage Police (CHP) to safeguard Angkor. The CHP have received training and support from France, UNESCO, and INTERPOL. This recent police force has helped stem the tide of looting at Angkor and have in recent years been expanded into a national entity.

The National Museum in Phnom Penh, is also engaged in heritage preservation, developing an inventory using a newly developed computer database. In 2004, the National Museum began reaching out to the nation's provincial museums, preparing an inventory of their collections and conducting training of their personnel. Also, a comprehensive inventory and map of archaeological sites has recently been completed by the Ministry of Culture and Fine Arts in collaboration with the *École Française d'Extrême Orient*.

Staff at the Royal Academy of Cambodia have run heritage protection training at Choueng Ek site near Phnom Penh and there are planned training sessions to be run by the APSARA Authority at Torp Chey site near Angkor that incorporates preservation training.

The Ministry of Culture and Fine Arts collaborated closely in

heritage training seminars over the past two years with Heritage Watch in Banteay Meanchey.

Lastly, the robbery from Wat Bo, mentioned above, was executed in early January and the *Cambodia Daily* newspaper reported on the 24th of January that several of the stolen artefacts were recovered by the Ministry of Culture and Ministry of the Interior and the perpetrators arrested.

The fourth criterion asks whether international exchange of the cultural objects that are subject to import restriction can be achieved. History suggests that it can. The National Museum has an “active policy of lending objects from its collection for major international exhibitions.” In the last 10 years, at least twelve such exhibits have been held in the U.S., Japan, Korea, Germany, and Switzerland.

There are some major initiatives that could be undertaken in Cambodia to stem the tide of destruction, foremost among which would be the creation of a National database and registry system of heritage resources and creation of a registry code for each unique resource covering the period of the MoU. The Ministry of Culture and Fine Arts in a joint effort with the École Française d’Extrême Orient has already started along this path creating a database of sites across Cambodia. This excellent work could be expanded and developed into a proper registry of sites with designated alphanumeric codes for each site with the ability for new sites to be added as they are discovered.

Based on the preceding it should be evident that the statutory criteria have been satisfied and CPAC should recommend the extension of the bilateral agreement between the United States of America and Cambodia.

Sincerely,

Dr Dougald O’Reilly

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Cambodian Authorities Act to Protect Ancient Burial Sites

Banteay Chhmar, Cambodia -- Despite its remote location south of the Dangrek Mountains, an increasing number of international visitors are traveling to Banteay Meanchey Province in northwestern Cambodia. They come to experience the extraordinary remnants of ancient civilizations preserved by this isolated setting. Tragically, looters are threatening to destroy the very archaeological sites that promise a viable economic future to the impoverished region. With arrest warrants now issued for nine grave robbers, it's clear that local authorities understand what is at risk for local residents.

The area's main attraction is the 13th century temple of Banteay Chhmar, encompassing an area comparable to Angkor Wat and other huge temples built by the Khmer civilization. For decades, looters pillaged almost at will, taking statues and elaborate stone carvings away by the truckload. Charged with protecting more than 3,000 heritage sites in Cambodia, the country's Ministry of Culture and Fine Arts struggles to fulfill its enormous tasks with limited funding and staff.

In 2009, Governor Oung Oeung of Banteay Meanchey Province joined with Director General Ok Sophon, Department of Heritage, Ministry of Culture and Fine Arts (MoCFA) to host nearly 200 international experts to determine strategies for preserving the Banteay Chhmar temple complex. MoCFA is now guiding the work of three organizations there: the Global Heritage Fund, working to stabilize and preserve the temple; Cambodia Community Based Eco-Tourism Network, a group promoting eco-tourism; and Heritage Watch International, which is implementing heritage education programs for visitors, guides and local residents.

Unfortunately, as the larger temples became more secure, looters

shifted their crimes to prehistoric sites that archaeologists have only begun to catalog. Local grave robberies have increased dramatically over the past three years. Often working by night, looters dig up prehistoric graves in a futile search for treasure. Their crude methods permanently destroy each site's historical value, thereby preventing Cambodians from understanding their ancient origins. Ironically, this cultural destruction only yields ceramic jars or stone beads that merely bring a few dollars on the black market.

With guidance from government and local authorities, Heritage Watch staff were able to document looting activities, taking the photos included with this special report. The investigation began northeast of Banteay Chhmar near Kok Samroang Village. A few months ago, a burial site named Kok Amak was pillaged by looters, who left only 10% of the graves undisturbed. Upon examination, other excavations were found concealed by brush, with human bones scattered among remnants of pots, ceramic decorations and garnet beads.

The objective of this Heritage Watch visit was to document the site at Kok Kreis, a large burial ground, or necropolis, located southwest of Kok Samroang Village. Looting excavations indicate that the cemetery is roughly 490 x 600 m; thus nearly 30,000 m². The site is undated but experts remain optimistic that if the vandalism is stopped valuable research can still take place there.

At Kok Kreis, the investigator found that looters dug holes 1-2 meters deep into the ground, backfilling some and leaving others open. Human bones were abandoned by some of the pits, along with broken ceramic shards. Villagers who spoke with the Heritage Watch representative in

confidential interviews revealed that while some landowners do their own illicit digging, they are also duped into selling their land to middle men who believe that artifacts are on the site. The middle men then provide digging tools and hire unsuspecting villagers to do the looting.

Close to midnight on October 27, one villager living nearby saw a group of men digging at the necropolis of Kok Kreuz. Later that night, heritage police from Banteay Chhmar arrested one looter while the others escaped. After confiscating tools and artifacts, police soon discovered that the looter was a villager hired to work by a middle man representing an antique dealer.

One villager later commented that “this was the first time a looter in the area was caught in the act of digging and arrested”. He added that illegal digging on ancient graves was a long-standing problem, and that private landowners condoned the activity making protection and enforcement a difficult job. At the Kok Kreuz case, authorities are now sending a clear message that irreplaceable archaeological sites will be protected. As of November 24 warrants have been issued for the arrest of eight other looters involved in the incident.

Meanwhile, Heritage Watch continues training professional guides for the area, and with the help of the Ministry of Culture, has implemented educational programs teaching local residents how heritage preservation will help their economic well-being in the future. The Heritage Watch project is funded through a grant from the Archaeological Institute of America.

Public education is one vital part of stopping archeological vandalism, but must be combined with clear national laws, trained law enforcement and the funding to make these jobs possible. In Phnom Penh, Ministry of Culture Director Ok Sophorn continues lobbying for an expanded royal decree to protect the prehistoric sites in addition to the central temples of Banteay Chhmar.