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On August 26, 2010, the U.S. Department of State published notification in the Federal Register of the receipt of a request from the Government of the Hellenic Republic to the Government of the United States of America for import restrictions on archaeological and ethnological material from Greece dating to the Neolithic Period through the mid-eighteenth century. This request is submitted pursuant to Article 9 of the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property as implemented by the Convention on Cultural Property Implementation Act.

The following public summary, authorized by Greece, is derived from that request. It does not necessarily represent the position of the Government of the United States on this matter.

In its request, Greece offers a brief history of human settlement within its borders, an analysis of the pillage of its archaeological and ethnological materials, a description of its efforts to mitigate the problem, the international trade in Greek cultural material, and the benefits that import restrictions might confer.

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PUBLIC SUMMARY

Request by the Government of the Hellenic Republic to the United States of America
for Imposing Import Restrictions to Protect its Cultural Patrimony
Under Article 9 of the UNESCO Convention (1970)

The illicit trafficking of antiquities is on the rise due to the increase in the international trade of artworks, the increase in international organized crime, the tendency to launder money through the antiquities market, as well as increased accessibility of archaeological sites and monuments through the improvement of transport infrastructure. Isolated churches and monasteries are also targets of thieves, and Greece has observed important religious treasures such as icons, liturgical and architectural elements, and other ecclesiastical objects being forcefully removed and ending up in private collections or museums. Local law enforcement cooperates with the law enforcement authorities of other states through INTERPOL, and is assisted by international organizations such as UNESCO and ICOM, and the central authorities of the EU member states responsible for the implementation of EU Directive 93/7/EEC of 1993 "On the return of cultural objects unlawfully removed from the territory of a Member State."

However, despite the strict provisions of the national heritage law (L. 30228/2002), the network all over Greece of archaeological services responsible for the protection of archaeological material, and all law enforcement efforts, a considerable number of antiquities has been and continues to be smuggled out of Greek territory, causing serious jeopardy to the cultural heritage of the country.

The Government of the Hellenic Republic therefore invokes Article 9 of the 1970 UNESCO Convention and requests the imposition of U.S. import restrictions on its archaeological and ethnological material dating from the Neolithic Period through the Post-Byzantine Period.

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HISTORICAL OVERVIEW

Neolithic and Bronze Age

From the beginning of this important stage in the cultural history of humanity, the food production stage, Greece played a primary role as evident in the remains of early agricultural and farming communities that can be dated back to the 7th millennium BC. To date, Sesklo and Dimini in Thessaly, Central Greece, remain the settlements that have been most extensively explored and they reveal much about the settlement size, population density, and typical architecture of the period. Very noteworthy pottery which was disseminated through northern Greece was produced here.

Over the course of the Bronze Age, one sees a development in urbanization, homogenization in terms of material culture, and then abrupt collapse. Scholars generally divide this period into three parts, the Early, Middle, and Late Bronze Ages which together lasted approximately two millennia (3200 to c. 1100 BC). For the Early Bronze Age, three related cultures have been distinguished, the “Helladic” of Mainland Greece, the “Minoan” of Crete, and the “Cycladic” of the Cyclades islands. Of these, the Cycladic culture stands out with its coastal settlements and nearby cemeteries. These sites have produced a wide range of finds including important funeral offerings of marble figurines.

Generally speaking, during the Middle Bronze Age the Cyclades acted as intermediaries, and provided the background against which the civilisations of Crete and mainland Greece met and merged. In Crete, there appeared a system of social organization with cities and palaces which was to prevail in the Aegean area until the end of the 13th century. Artists drew inspiration from the animal and plant realm and expressed themselves in the media of painting, small-scale sculpture, metalwork, and jewellery.

On the mainland, the apex of the Bronze Age is the period known as the Mycenaean period. The city of Mycenae in the Peloponnese appears to have played the most prominent role in the growth and development of this civilisation. The main characteristic features of Mycenaean civilization are a relatively centralized economy and political organisation alongside the specialisation of activities and the standardisation of certain products. The wealth and artistry of the period is exemplified by the gold and silver finds in the shaft graves at Mycenae.

Iron Age

The end of the Mycenaean period (around 1100 BC) is followed by a period of four centuries known as the Geometric period because the flowing naturalistic elements formerly used to decorate pottery were replaced by geometric shapes. The surviving remains are mainly pottery, bronze and ceramic figurines, and bronze clothes fasteners, jewellery, and weapons. There are no large works of art in sculpture. Architectural remains are few because the period has not been extensively researched.

The term “Orientalising” is applied to Greek art of the 7th century BC, because it shows a strong influence from the Near East. The Greeks incorporated many design elements from Near Eastern art including animals, plants, and mythical creatures that were previously unknown to them, such as the lion, the sphinx, the griffin, cockerels, lotus flowers, helix-shaped shoots of

plants, palms, etc. In this period, large-scale Greek sculpture was born. For the first time, stone temples were built, and painting – on pottery – found an inexhaustible supply of representational material in mythology that was to sustain it for centuries. This occurred contemporaneously with the transition to a more urban life around the end of the 8th and the beginning of the 7th century BC.

In the Archaic period, mid-7th - 6th century BC, two areas in the growing cities received special attention, sanctuaries and cemeteries. The focus of a sanctuary was the house of the god. Conceived literally, temples housed brilliant devotional statues and were decorated with relief compositions. In the sacred precinct around the temple were setup countless votive sculptures, prominent statues, reliefs, and ceramic pots. The other areas lavished with attention were the cemeteries. The statues were placed on tombs and funeral gifts were offered to the dead.

In the course of the succeeding Classical period, the architectural centrepiece of Athens' acropolis – the Parthenon, a temple for the goddess Athena – was created. Tragic and comic poetry matured, and visual artists attempted to give substance to the beauty of thought and measure to earthly infinity. The Classical period is now seen as a peak period in the history of the Greek city-state, condensing the traditions of preceding centuries and sowing the seeds for later harvesting.

From the 7th century BC onwards, Greek art tended towards naturalism and realism. After a measured and schematised archaic form of expression and later, after a Classical style largely beyond time and place, art in the Hellenistic period, mid-4th to mid-1st century BC, tended to represent the real world around it, as well as the internal world of humanity, in an extreme and unrestrained manifestation of emotion and passion.

The incorporation of Hellenism into the Roman state was a long-term process. It was not the work of a single conqueror, or of one generation of Romans, but the result of an evolutionary process. Works of Greek sculpture had already begun to literally flood Rome from the end of the 3rd century BC. Together with works of art, Greek artists also began to arrive in Rome, and often undertook public projects. Monumental constructions and a large number of sculptures (statues, votive monuments, portraits, etc) were the artistic products of this period.

Byzantine Period

Beginning in 313 AD, with the Edict of Milan Greco-Roman civilization and Christianity become fellow-wayfarers and reshaped the face of the world. In the first years following the official toleration of Christianity in the Roman Empire, art remained firmly within the Roman tradition. In the Greece, the new religion brought changes to well-known temples and urban centres. The architectural form used for new structures was the wooden roofed three- or five-aisle basilica, although several circular buildings such as rotundas were also constructed. Most of the churches in this period were decorated with mosaic floors, a technique which has its roots in late antiquity.

The iconoclastic controversy (726-843 AD) rocked Byzantium from the 8th until the mid-9th century AD, and had important consequences for art, especially for painting. The iconoclastic emperors, principally Leo III (717-741 AD) and Constantine V (741-775 AD) proceeded to

destroy most religious works of art depicting the Christ, the Virgin or other holy persons. In this period, churches were primarily decorated with non-figurative themes such as crosses, geometric shapes, and floral and animal themes.

The end of iconoclasm (843 AD) restored order to the life of church and state, and the arrival of Basil I (867 AD) founder of the brilliant Macedonian dynasty, marked the beginning of a rapid expansion of fortunes of the empire. This led to a flourishing both of the state and in the arts. In architecture, the building of wooden roofed and domed basilicas continued, with the important achievement of the creation of a quincunx or cross-in-square domed church, a form of architecture that was the product of the combination of the three-aisled domed basilica and the free cross. In monumental painting, the important artistic innovation was the crystallisation of the iconographic programme for churches in order to reflect new religious conceptions.

The painting of portable icons and illuminated manuscripts also flourished during this period. The increase in the production of portable icons was due to the gradual introduction into churches of the “iconostasis” or wooden icon stand. From this era, most of the preserved icons are located in churches, monasteries, and in the Byzantine Museum in Athens. The illuminated manuscripts of the 10th century, the period which art historians call the Macedonian Renaissance, often incorporate themes from antiquity. From the mid-10th century onwards, classical elements were used less and less, the human form acquired greater spirituality and the presence of transcendent space was pronounced.

With the fall of Constantinople during the Fourth Crusade (1204), many small states were created in the Greek mainland, centred around the cities of Achaea, Athens, Thebes, Naxos, etc., as well as an independent Byzantine state, the Despotate of Epirus, with Arta as its capital.

The re-conquest of Constantinople by Michael VIII Palaeologus in 1261 marked the last phase of the Byzantine Empire. Despite the shrinking of the empire and the general poverty of the period, Byzantine art renewed its means of expression without moving away from the basic rules that had been codified by a centuries-long tradition.

In terms of monumental painting, Thessaloniki and Mystra developed into important artistic centres with well-known artists. In parallel to these large centres, Byzantine monumental painting in the 13th and 14th centuries enjoyed particular success in several areas of Greece, such as Attica, the Peloponnese – especially in Laconia (Mani, Geraki, Epidaurus, Lemera), and the islands (Euboea, Kythera, Naxos, Crete).

There was also a rise in production of portable icons, especially after the first half of the 13th century. Of special interest are the representations of real persons, the portraits, which at this time were characterised by the attempt to capture the personality of their subjects.

POST-BYZANTINE PERIOD

The fall of Constantinople to Mehmed II the Conqueror in May 1453 meant the end of the Byzantine Empire. Greece was then divided into, basically, the South, Crete, and islands in control of the Republic of Venice and the North in control of the Ottoman Empire. Those who lived in areas occupied by the Venetians were privileged because the European rulers allowed, among other things, the preservation of national, religious and artistic traditions. These

conditions favored the creation of a school of painting and wood carving at Candia (Heraklion), in Crete, and other cities on the island.

In the areas under Ottoman rule, the large monastic centers, mainly Mount Athos, Central Macedonia, and to a lesser degree Meteora, Thesaly, and other noteworthy monasteries maintained a high standard of artistic production through contact with their brethren under Venetian rule. The monastic centers were a decisive factor in the diffusion of Greek art of the time into the Orthodox Balkans, the Near East and even into Russia. In the Post-Byzantine period, painting was dominated by the Cretan School. Among the 125 painters living and working at Candia (Heraklion) the best known and most celebrated of these was Michael Damaskinos, who produced excellent icons in perfect Byzantine style as well as in the Italian style, and George Klontzas, who painted many triptychs and miniatures in illuminated manuscripts.

Ecclesiastical architecture of the Post-Byzantine period was dependent on local conditions. In areas under Venetian rule, particularly in Crete, the influence of Venetian architecture was radical and permanent, while areas under Ottoman rule continued to revitalize Byzantine tradition with rare echoes of Western or Islamic influence.

The Cultural Heritage Of Greece In Jeopardy Of Pillage

Greek authorities seek to combat a multifaceted problem: it includes clandestine excavation; theft; vandalism and destruction of immovable and movable cultural property; illicit importation, exportation, transfer of ownership and trade; forgeries; illegal removal of artifacts from monuments or from ruins or shipwrecks in the sea, rivers or lakes. Greek authorities also investigate allegations of attempts of such acts.

Unfortunately, despite the strong measures on the legislative, administrative and enforcement levels, Greece, as a source country, remains a target for both organized local and international looters. The majority of illegally exported antiquities, which are channeled to international markets, are products of clandestine excavation, particularly in remote areas. As a Greek Public Prosecutor pointed out, "the crimes concerning antiquities and the recidivism are a common phenomenon and perhaps it is not an exaggeration to speak of a kind of addiction or a passion."

The Greek Archaeological Service has records of clandestine excavations throughout Greece. However, because many clandestine excavations occur that are not known to the Archaeological Service, the extent of the phenomenon is more explicitly shown by the large number of confiscations by Greek authorities of protected archaeological and ethnological objects as well as the confiscations by law enforcement authorities abroad of Greek archaeological material traced in their territory. During the period 1998-2008, many hundreds of confiscations by Greek law enforcement authorities took place, the majority of which involved a great number of objects destined for illegal trade.

Judging from the archaeological and ethnological material that has been confiscated by its law enforcement officers, Greece concludes that the types of material that looters prefer are

ceramic such as pottery, metal such as jewelry and coins, and stone such as statues. There is a great preference for objects of the Byzantine period as well.

One important example of confiscation was in 1997 of a unique Neolithic treasure (from the 4th-5th millennium B.C.), consisting of 43 gold jewels, the value of which amounted to 1,500,000 Euros. The sale of the treasure would have caused great damage to the cultural heritage of Greece, as it constitutes the largest and most impressive collection of Neolithic gold yet discovered. The confiscation of this treasure allowed for its preservation and exhibition in the Greek National Archaeological Museum, thus preventing a huge and tragic loss for the Greek and international communities.

Today, most people are aware of the international dimension of the illegal trade of such objects. The international dimension is demonstrated by the case of two prominent antiquities dealers with a gallery in London. In their storerooms at Schoinousa, a remote island in Greece, thousands of objects of unknown origin were found, according to press releases because the case is still pending. This archaeological and ethnological material included large marble objects, statues, pottery, metal objects, icons, frescoes, etc., dating from the Prehistoric, and Hellenistic through Post-Byzantine periods. The objects were most probably destined for sale abroad.

Legal Framework for Protecting Greece's Cultural Patrimony

In 1834, the first archaeological law (Law 10/22 of May 1834) proclaims that “all antiquities within Greece, being works of the ancestors of the Greek peoples, are considered national property belonging to all Greeks ...” and further states that “all ruins or other antiquities ... found on national land or under it, on sea bed, in rivers, public streams, lakes or marshes, are the property of the State”. Concurrently, the Greek Archaeological Service and a network of public museums and collections was set up. In 1914, another law afforded legal protection to Byzantine and Post-Byzantine works of art possessing historical value and dating prior to the year 1830. All of the above legislation was codified in the Act of 1932 (Law 5351/32) “On Antiquities” in force up to 2002.

The legislation mentioned above was replaced in 2002 by the law 3028/02 called “On The Protection Of Antiquities And Cultural Heritage In General.” This law pertains to ancient moveable and immovable monuments and other protected cultural objects that date to prehistoric, ancient, Byzantine and Post-Byzantine times up to the year 1830. All ancient monuments belong to the State and are things that are imprescriptible and *res extra commercium* or “not subject to trade.” According to the old and the new law, the export of archaeological material is forbidden.

Greek law distinguishes between ownership of an object and the exercise of physical control over an object (possession). The law affords certain rights and responsibilities to the possessors of state-owned cultural property. For instance, individual possessors of ancient objects may be recognized as collectors. Special obligations are imposed on collectors, namely, to keep a register of ancient items, declare the items' origin, and facilitate their study etc. There are also restrictions concerning the transfer of ancient objects contained in private collections.

According to the law, whoever finds or into whose possession of a moveable antiquity comes is obligated to declare it. If the antiquity is not regarded as especially significant from an archaeological or artistic point of view, the person who declares it may be granted a permit to keep it in his or her possession.

A new law enacted in 2008, namely 3658/2008, established a Directorate within the Ministry of Culture dealing exclusively with the protection of cultural property from illicit trafficking. This law provides that an investigative officer be appointed in this new Directorate and that the officer be partnered with a Public Prosecutor to better coordinate actions. The law also provides for the international jurisdiction of the Greek courts in matters concerning rights of ownership and possession of movable monuments, as provided by the antiquities and cultural heritage law 3028/2002, and the EU Community legislation, and the European and international conventions to which Greece is a state party and which concern the protection of cultural and archaeological heritage.

Ministry of Culture

The Directorate General for Antiquities and Cultural Heritage, apart from all immoveable monuments, is responsible for all movable cultural property owned by the state or in the possession of private or legal entities, dating from the very ancient times up to 1830.

Situated within this Directorate General is the Greek Archaeological Service, one of the oldest state services in Greece. There are 39 Ephorates (district offices) of Prehistoric and Classical Antiquities and the 28 Ephorates (district offices) of Byzantine Antiquities that preserve, protect, and safeguard monuments throughout Greek territory. There are special Ephorates responsible for caves and paleontological material as well as underwater antiquities. There are also special Ephorates that supervise antiquities dealers and of possessors of private collections of protected objects. In addition, it is responsible for the surveillance of the antiquities market in Greece and abroad, in order to facilitate the recovery of illicitly exported antiquities.

There is a Security staff that guards archaeological sites and patrols the countryside. At the same time the Ephorates cooperate with the Greek police. The Ephorates conduct archaeological surveys to locate unknown ancient sites, rescue excavations at known ancient cemeteries and land being developed. They also develop mechanisms to sensitize citizens about the nature of unstudied archaeological sites and the need to declare fortuitously discovered antiquities to Museums or the Archaeological Service.

Ministry Of Public Order

In Greece the Ministry of Public Order has two Departments against the Smuggling of Antiquities; one has its headquarters in Athens, and the other in Thessaloniki. The Departments prosecute the illicit trade in antiquities, protect of Greece's cultural heritage, and protect the cultural heritage of other states as well as when their cultural property is found within Greek territory or has been imported illegally. From its creation until today, the Department has confiscated thousands of ancient objects and arrested individuals who are active in the illicit

trafficking of antiquities. In the last decade, more than 475 confirmed offenses have been recorded and at least 400 individuals arrested. Cases that have been closed include:

- the recovery of objects stolen from the Corinth Museum;
- the arrest of traffickers selling 70 ancient objects in Central Greece;
- the arrest of traffickers selling four ancient gold objects in Attica;
- the arrest of traffickers selling 26 ancient objects and coins;
- the confiscation of 314 ancient objects at the residence of a private individual and in a villa belonging to a related offshore company;
- the repatriation of 75 ancient objects from Germany.

Ministry Of Economy And Finance

The prevention, prosecution, and suppression of the illicit trade in antiquities is also the responsibility of the Ministry of Economy and Finance's Special Audits Service Economic Crime unit. For the purpose of this mission, the Special Audits Service can investigate potential criminal violations of customs laws. The service is responsible for the entire Greek territory and its jurisdiction is exercised by its individual services in parallel with and independently of the other services of the Ministry of Economy and Finance.

Also in the Ministry of Economy and Finance is the Customs Office, which is responsible for the monitoring of persons, luggage, merchandise and means of transport at entry and exit points, customs premises and throughout the territory for the illegal movement of cultural goods. To determine customs offences, customs officers can check all goods and investigate any possible smuggling activities.

Church Possessions

The Church of Greece has established the Special Synodic Committee for Christian Monuments. The aim of this committee is to catalogue and classify whatever Christian monuments have been preserved from the Holy Metropolises of the Church of Greece, and to preserve and restore these monuments to their original form. The committee's activities are undertaken in collaboration with the Ministry of Culture's Directorate for Byzantine and Post-Byzantine Antiquities and the regional Ephorates of Byzantine Antiquities.

Trade Of Works Of Art Of Greek Provenance In the U.S.A.

Given the debt that Western European civilization owes to the Greek and Roman worlds, Western Europeans have long been interested in acquiring antiquities from Greek, Roman, and Byzantine civilization. Most private collections of works of art in Western Europe which have ended up in the public realm as donations were assembled with objects from markets in Southeastern Europe or from illicit trading activity in antiquities in the countries of origin. Interest has not lessened over the years. This is reflected in the large number of auctions with objects of Greek art that are frequently held in the countries of central Western Europe, mainly Germany, Switzerland and Britain.

It is noteworthy that in the past few years the trade in antiquities has to a large extent been carried out over the Internet. All the auction houses have their catalogues online from

which one can purchase antiquities directly. Indeed the electronic auction house Ebay, which trades in antiquities, functions exclusively through the Internet. Furthermore, the large houses as well as the smaller galleries have offices both in the U.S.A. and in Europe, primarily in London. The web thus offers the possibility to a buyer to purchase directly objects, located in Europe, which are very often products of illicit excavations.

Benefits For The International Community

Greece is adopting measures and taking initiatives to ensure that its cultural heritage becomes the pride of more and more citizens and a tool for the self-awareness of more and more persons, whatever nationality or age. Indeed, Greece's efforts to heighten the awareness of the art-loving public and of young people particularly, for whom numerous educational programs have been designed, have been embraced by many sponsors and donors.

Never before has so much been achieved in the sector of museum curation as during the last decade of the 20th century and the first of the 21st century. Since 1998, a large number of re-installations of collections, museum renovations, and inaugurations of new museums have been organised both by the Directorate of Prehistoric and Classical Antiquities and by the Directorate of Byzantine and Post-Byzantine Monuments, in collaboration with the district Archaeological Services. There are in total now 185 state museums exhibiting prehistoric, Classical, Byzantine, and Post-Byzantine objects. The aim was to create modern building premises and spaces that guarantee protection for the collections and provide a more complete interpretative analysis of archaeological finds.

Similarly, in the past few years, in particular, the Greek state has intensified efforts and spent large sums renovating and enhancing public access to archaeological sites (fencing, approach roads, laying out access routes), complexes, and individual monuments.

Exhibitions of original works have been or are being organized in many cities in the USA, in Santiago Chile, Sydney Australia, in European countries and elsewhere, while exhibits from Greek museums featured in exhibitions organized by other states in Denmark, Germany, France, Spain, Switzerland, Israel, Yemen, China, Canada, U.S.A. etc.

Foreign Archaeological Institutions as well as a considerable number of Greek Institutions have assisted in research excavations for the enhancement of extensive archaeological sites. Today, 23 Greek Institutions (Universities and Institutes) and 17 foreign ones (Archaeological Institutes and Schools) participate in research of archaeological character, carrying out excavations in the Greek territory.