CULTURAL PROPERTY IN A GLOBAL WORLD:
THE TRAFFICKING OF PRE-COLUMBIAN OBJECTS FROM PERU IN THE U.S.

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ABSTRACT

The increasing trafficking of pre-Columbian objects from Peru into the U.S. is mainly caused by the conflicting arguments used by collectors, demanding their unrestrained acquisition rights of cultural patrimony; and that of Peru, demanding the preservation of the objects within its territory and protection of archaeological sites destroyed by the looting of those objects. This friction over time has produced inconsistencies in the national and international legal frameworks that regulate the trade of pre-Columbian archaeological objects allowing the rising of looting and illegal trafficking of cultural patrimony. The goal of this thesis is to formulate practical communications-oriented recommendations to halt this situation and therefore to be adopted mainly by the National Institute of Culture of Peru (INC), the governmental entity charged with protecting the country's cultural patrimony. My recommendations are categorized according to three strategic areas: awareness, prevention and
partnerships. The first chapter presents the methodology used to gather current data at both sides of the problem. The second chapter is devoted to introducing the challenges Peru faces as the source nation of vast quantities of archeological objects and the steward of an overwhelming number of archaeological sites. It also briefly explores Andean civilizations and their production of objects. The third chapter exposes the conflicting arguments used by the group of collectors in the United States of America defending their right to collect freely in opposition to Peru's protection of its cultural heritage. It also explores the relationship between collectors, smugglers, looters and dealers of archaeological objects. The fourth chapter is an overview of the main national and international legal framework regulating this situation. It also includes the depiction of the different efforts to control the illicit circulation of objects implemented by the state agents in Peru and the United States. These are provisional recommendations that aim at presenting new options to be studied and considered by the government of Peru, the INC and public servants who currently defend the cultural patrimony of Peru. The hope is to open the way to further studies that will analyze the problem from a different point of view.
The research and writing of this thesis is dedicated to my parents, Elba Rosas Flores and Régulo Agustí Campos, for their constant encouragement throughout my life.

Many thanks to my family, friends, colleagues and professors for being generous with their time, advice and insight.

María Elba Agustí
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CHAPTER I

INTRODUCTION

Precedence, also seen by many as a form of heritage, creates a useable past to serve our present needs. Heritage connotes integrity, authenticity, venerability and stability. While history explores and explains past growth even more opaque over time; heritage clarifies pasts so as to infuse them with present purposes.

Geographer David Lowenthal,¹ Professor Emeritus at University College of London

Objects that were produced by the cultures on this continent, before encounters with outside societies, embody the values, ideologies and stories of the people who crafted them. These works are still not fully understood; a veil of mystery prevails yet they offer clues for learning about the social, political and religious principles of ancient societies. Guatemala, Mexico and Peru, where the main centers of power of the Mayan, Aztec and Inca civilizations developed, are particularly proud and protective of their inheritance. In the case of Peru, the unearthed objects, including textiles, ceramic vessels, gold and silver objects convey the mythology of the pre-Inca cultures and the Inca

¹
civilization, evoke ritual ceremonies, Andean cosmology and beliefs held by early societies (1400 BCE – 1532 CE) to help endure the environmental extremes of the Coast and Highlands. They constitute a fundamental historical and archaeological record, "which is meant to be protected, conserved, studied and admired" according to Professor Yannis Hamilakis of the School of Humanities of the University of South Hampton, U.K.² The Pre-Inca cultures and the Inca civilization produced an outstanding number of sophisticated objects of the highest quality compared with the objects produced by the rest of societies developed in the Americas. Therefore, their study is exceptionally significant to the understanding of past and contemporary Peru. I also focus on Peru because the findings, looting and trafficking of objects are extremely high compared to that of any other country. The escalating pace of discovery of pre-Columbian objects and archaeological sites are under serious constant threat by the collecting practices of local and foreign collectors.

Peru, as the principal steward of all pre-Columbian artifacts found in its territory, maintains protective
national laws and regulations that, if properly enacted would work as a strong defense shield against the looting and trafficking of its cultural patrimony. Unfortunately, these laws are not enforced and an incalculable number of artifacts leave Peru illegally. They are offered as commodities not only in the black market but openly, in the international art market where they are sold simply as "antiques" without detailed archaeological provenance. In the United States, pre-Columbian objects are considered appropriate for private collection and are offered as merchandise for consumption. Verónica Williams, Andean archaeologist from the University of Buenos Aires in Argentina, avows that nobody should profit from the cultural patrimony of a nation because it represents the values, history and identity of a country.

The increasing destruction of archaeological sites from which these objects are looted is also a deep concern. Archaeologists claim that there is a direct connection between the trade of objects to meet the demand of private collectors in developed countries (also called "market nations") and the looting of archaeological sites
in developing countries ("source nations"). Therefore, the looters are ultimately financed by private collectors of antiquities, according to Neil Brodie and Colin Renfrew of the McDonald Institute for Archaeological Research of Cambridge, U.K. For decades archaeologists worldwide have voiced their concerns that illegally extracting the objects and separating them from their historical context irreversibly damages our universal heritage by seriously disrupting information about past human activities. Therefore, archaeologists strongly disapprove of the demand from collectors for these objects because it encourages more looting. According to Interpol, the international criminal investigation and law enforcement agency, "After drug dealing, money laundering, and arms trading, antiquities and art trafficking is the fourth largest illegal pursuit in the world." This ranking shows the scale of the problem.

Peru now ranks among the top six countries worldwide in terms of the highest number of unauthorized objects of cultural patrimony circulating outside its borders. Collectors who have acquired pre-Columbian items from Peru
can be found all around the world, but for this research I focused on collectors in the United States because they are very active in lobbying for their rights and interests.

The rising trafficking of pre-Columbian objects is mainly caused by the conflicting arguments used by collectors and Peru. The collectors demand the unrestrained acquisition of cultural patrimony and the source nation of Peru demand the preservation of the objects within its territory. Both sides have reservations about the ownership rights and stewardship of the other. This friction over time has produced inconsistencies in the national and international legal frameworks that regulate the trade of pre-Columbian archaeological objects.

The "collectors," as I refer to them in this research, include private collectors, dealers and museums in the United States, since their interests are intertwined due to commercial, tax and estate laws that encourage collection. For instance, incentives such as
income tax write-offs promote indirect alliances between private collectors and museums.\textsuperscript{10}

The goal of this thesis is to formulate practical recommendations to halt the trafficking of cultural patrimony to be adopted by the National Institute of Culture of Peru (INC), the governmental entity charged with protecting the country's cultural patrimony. Underlying these recommendations is the conviction that Peru, as a country suffering this loss, has the moral ground and responsibility to undertake actions to affect the behavior of collectors and halt the trend toward increasing looting and trafficking of pre-Columbian objects. This will happen only with the additional support of scholars, experts, sensible collectors and museum professionals and the general public worldwide. These are provisional recommendations that aim at presenting new options to be studied and considered by the government of Peru, the INC and public servants who currently defend the cultural patrimony of Peru. The hope is to open the way to further studies that will analyze the problem from a different point of view.
The trafficking of looted cultural property from Peru on the international market is an issue of great personal interest to me. I was raised in Peru and was brought up surrounded by the common belief, still valid today, that a person can be in possession of these artifacts but may not sell them for profit. The objects are considered priceless to emphasize their intrinsic higher value of being part of the national patrimony. When I noticed the ease with which archaeological objects from Peru were offered for sale in auction houses and galleries in the United States, I became concerned and began to study this state of affairs, its causes and effects, and possible solutions. I believe that this thesis contains original findings that will contribute to advancing understanding of this multifaceted situation.

This research focuses primarily on pre-Columbian textiles, ceramic vessels, and wood and metal objects\textsuperscript{11} for sale on the open market that are under suspicion of having being illegally unearthed from sacred archaeological sites, an activity known as huaquear [WAH-kay-ahr].\textsuperscript{12} Also included are pre-Columbian objects that
were somehow stolen from storage facilities, museums and private houses, since once they begin circulating in the market, is not easy to differentiate one from the other due to a lack of information on their exact origin. I am excluding sacred objects produced by many of the religious congregations that settled in this continent during colonial times however, such as paintings, sculptures, chalices, crosses, crowns, altars and the sort. These objects are also under attack from looters, who are removing them from their original churches and convents at the request of unscrupulous collectors.

The second chapter of the thesis is devoted to introducing the challenges Peru faces as the source nation of vast quantities of archeological objects and the steward of an overwhelming number of archaeological sites. It also briefly explores Andean civilizations and their production of objects. The third chapter exposes the conflicting arguments used by the group of collectors in the United States of America defending their right to collect freely in opposition to Peru's protection of its cultural heritage. It also explores the relationship
between collectors, smugglers, looters and dealers of archaeological objects from Peru that are illegally obtained inside that country and later illegally exported and imported into the United States to satisfy the growing demand of antiquities collectors. The fourth chapter is an overview of the main national and international legal framework regulating this situation. It also includes the depiction of the different efforts to control the illicit circulation of objects implemented by the state agents in Peru and the United States as well as the positive measures taken by the board of directors of the archaeological site of Huacas de Moche (also known as Huaca del Sol y de la Luna) in the Northern Coast of Peru. The successful administration of the mentioned board proves the existence of the national capacity, will and talent to defend the national heritage in a creative way. This foundation allowed me to propose recommendations to overcome the apparently irreconcilable differences between the source nation of Peru on the one hand and the collectors group on the other. These recommendations will assist the government of Peru in reversing the escalating
trend of the illicit trade flowing into the United States market.

The thesis addresses three broad audiences in order of significance: a) primary audience: the National Institute of Culture of Peru in its capacity as principal steward of the cultural property of Peru, as well as the national government of Peru, Andean scholars, Peruvian citizens, and mainstream local and international media; b) secondary audience: the United States government, research and academic institutions and American citizens, who provide additional academic, financial and moral support for halting the trafficking trend; and c) current and active collectors of pre-Columbian objects originating in Peru.

Because the field of archaeology is considered to be the primary rescuer and steward\textsuperscript{13} of the past, my research relied mostly on archaeological studies. However, I have also reviewed historical and ethnographic studies, as well as laws, regulations and conventions.\textsuperscript{14} Since I had limited access to recent scholarly articles published in Spanish as compared to literature produced by American and
British scholars, I resorted to alternative sources of data. For example, I gathered and analyzed press clippings about the latest archaeological discoveries in Peru and analyzed other articles dealing with the recovery of objects by source nations around the world over a period of eight months. This material offered a good representation of the timing and the approximate rate at which new objects are discovered in Peru.

I had the opportunity to interview several individuals who were very willing to share their experiences and opinions with me. A few of these contributors specifically requested that I record them as anonymous sources since the trafficking of archaeological objects is a highly sensitive and intricate issue. I would like to express my deepest gratitude to all of them for sharing their insight, advice and kind attention. Among those who contributed to my study are archaeologists Ramiro Matos, Curator for Latin America for the Smithsonian National Museum of the American Indian, and Juan Antonio Murro, Curator of the Pre-Columbian Collection at Dumbarton Oaks in Washington, D.C. Both
scholars have been involved in the recuperation of indigenous cultural patrimony in several occasions by request of the Peruvian government. Furthermore, I was invited by Dr. Matos to participate in the repatriation process of archaeological objects carried out by the Embassy of Peru in Washington, D.C. on 18 June 2008. This also allowed me to follow up on their final outcome once returned to Peru. Professor Joan Pillsbury, Pre-Columbian Studies Program Director of the Dumbarton Oaks Research Library and Collection, who is a prominent Andean scholar with significant archaeological field experience in Peru, kindly reviewed sections of the thesis.

I also interviewed historians Luis Repetto, Mariana Mould de Pease and Ann Peters, long-time defenders of the cultural patrimony in Peru. Repetto, in his capacity as president of the International Council of Museums (ICOM) for Peru and current director of the Museo de Artes y Tradiciones Populares of the Riva Agüero Institute of the Pontifical Catholic University of Peru, maintains contact with regional officers to standardize conservation, protection and security strategies in the
hemisphere. Mould de Pease, a herald for the protection of Peruvian patrimony with a comprehensive outlook of the problem shared with me many of her well-supported essays. Peters, an Andean ethno-archaeologist who specializes in Paracas culture and who works as a researcher at the University of Pennsylvania, shared with me her experiences defending the cultural patrimony of Southern Peru.

I also interviewed Fedora Martínez, a Peruvian researcher with more than 19 years of experience in the public management of cultural resources at the INC, and Eva Tenorio, a tourism administration specialist with five years of museum experience. María del Carmen Cossu, Museum Education Specialist, M.A.T., shared her experience as a visiting lecturer at educational exchange training programs promoted by the Embassy of the United States in Peru as part of a bilateral cooperation prompted by the Memorandum of Understanding signed by both Peru and the United States. César Maguiña, an expert on conservation and restoration of cultural patrimony and director of the American Institute of Research and Conservation (ICAM) of Chiclayo, Peru, provided me with valuable references and
cultural policy observations. Cecilia Bákula Budge, current Director of the National Institute of Culture of Peru, found time to provide concrete answers to my questions managing the inventory and protecting those pre-Columbian objects and archaeological sites for which she has responsibility. Pablo Bermúdez Mogni, Electronic Government Advisor to the Production Ministry of Peru and professor of E-Government at the Organization of American States (OAS), shared innovative ideas about the use of mobile interconnectivity to solve this predicament in an affordable and practical manner.

Also, to understand the current positive measures being implemented in Northern Peru to curb the traffic of pre-Columbian objects both inside and outside the region, I contacted historian and conservator Ricardo Morales. Morales was the first researcher to discover the polychrome high reliefs of the Huacas Moche, also known as Huaca del Sol y de la Luna, an important archaeological site on the North coast of Peru. He also made exceptional finds and is currently the co-director of the Huacas Moche Archaeological Complex. He and his team are successfully
managing this site with private-public cooperation. They are also protecting it more efficiently by educating the local community and including it in its protection.

In order to better understand how other countries that were also once home to the Incan empire are presently handling the illegal exportation of their archaeological objects, I communicated with Verónica Williams, archaeologist and professor at the Archaeology Institute of the Faculty of Philosophy and Humanities of the University of Buenos Aires.

Additionally, trips to Guatemala and Mexico were undertaken to deepen my understanding of the development of pre-Columbian civilizations in the hemisphere. For a more comprehensive overview of today's archaeological studies, I attended lectures and seminars given by the Pre-Columbian Studies Program of the Dumbarton Oaks-Harvard University and reviewed approximately 15 educational videos on the fascinating new interpretations of the world's main archaeological sites.

With the normal reservations in acknowledging complexities of the realities involved in the illicit
looting and trade of objects, I believe that the issues discussed here and the organizational structure of this thesis allow for the establishment of apt recommendations for further study and of possible methods for creative and prompt implementation.
CHAPTER II

PERU: A SOURCE NATION

Figure 1. Map of the Inca Empire, which include the territory of modern-day Peru, Ecuador, Bolivia, Argentina and Chile. The map shows the Inca Road (Qapaq Ñan), a route system that allowed the Incas to exercise control over many advanced cultures throughout their domain.¹
Peru is considered to be a “source nation,” meaning that it is rich in cultural patrimony due to the fact that in its territory of 1.28 million square kilometers,\(^2\) many organized cultures\(^3\) evolved before they amalgamated within the Inca Empire in the 15th century, as shown in Figure 1. As a result, the pre-Columbian cultural history of Peru ranges from 3,000 BCE until 1532 CE, when the Spaniards interrupted their regular way of life. During those 4,500 years, many societies in that territory developed advanced techniques in gold, silver and copper work, pottery, metallurgy and weaving. These human settlements have left the country with many archaeological sites filled with an extraordinary amount of interesting historical objects that are studied in fields such as history, archaeology, ethnography, and biology, among others.\(^4\) Properly excavated archaeological sites allow for the recurrent analysis of historical facts and the restructuring of the knowledge that we have about past civilizations. For instance, the discovery of the Moche Priestesses in San José de Moro by archaeologist Luis Jaime Castillo Butters in 1991
provided empirical evidence that altered former assumptions about the role of women in Moche society between 400 and 1000 CE. Moreover, related excavations performed over a period of approximately 20 years have resulted in the reinterpretation of the social organization and hierarchy of power of the surrounding coastal cultures in this period.\(^5\)

The approximately 6,000 archaeological sites in existence today in Peru probably represent barely one-fifth of the total number of sites yet to be discovered.\(^6\) The map in APPENDIX A shows the more than 100 registered archaeological sites in the valleys of Lambayeque Department in the Northern Desert Coast of Peru. Archaeologist Castillo Butters believes that there are more than 600 sites in this area where the Moche culture developed.\(^7\) This abundance of archaeological sites throughout Peruvian territory explains the constant discovery of countless objects and sites of remarkable beauty and quality as well as the constant pillaging of objects from those sites. For this research project, I decided to demonstrate the escalating pace of discovery
of pre-Columbian objects and archaeological sites in Peru. There are extremely high compared to that of any other country, with the possible exception of China, Egypt, Mexico, and Guatemala. During a period of eight months (May-December 2008), I reviewed the daily news in the main Peruvian newspaper on archaeological finds throughout the country's territory, since it is customary to disseminate this type of information through the media. The finds are defined as objects generally discovered in properly excavated archaeological sites. The research resulted in 48 finds in eight months, which yielded an average of six discoveries per month reported in all geographic regions: the coast, Andean highlands (Sierra) and jungle. APPENDIX B provides more complete information on these 48 discoveries. Table 1 presents a summary of the pace of these finds.

Every single archaeological discovery is exhilarating and exceptionally important for scholars and Peruvians citizens. The following recent headlines
demonstrate the extraordinary discoveries that Peru constantly experiences:

26 August 2008 – Dama de la Máscara, first complete tomb found from imperial Wari period, 700 CE: three funerary bundles of adults and a sacrificed boy, accompanied by textiles, vessels and gourds. Location: Huaca Pucllana Project, Miraflores, Lima. Archaeologist Isabel Flores and team, Inter-institutional agreement signed by INC and Miraflores Municipality. Source: EL COMERCIO, PERÚ 21, CORREO, EL PERUANO.

4 September 2008 – Eight painted textiles, 80 vessels, baskets and gold objects and 30 carved and painted gourds using resins, human offerings, miniatures and others, 500 CE, from Nasca Culture in "Pirámide Naranja." Location: Archaeological Project of Cahuachi, Nazca, Ica. Directors Giuseppe Orefici and Ángel Sánchez. Excavation and research sponsored for more than 20 years by the External Relations Ministry of Italy. Source: LA REPÚBLICA, EL PERUANO, EL COMERCIO, LA PRIMERA.

10 September – Polychrome mural of Lambayeque culture and sacrificed human remains, some of pregnant females, 900 CE. Archaeologist Luis Chero, Museo Nacional de Arqueología y Etnografía Heinrich Brüning Director Carlos Wester La Torre. Location: Archaeological Complex of Chotuna-Chornancap, Lambayeque. Source: EL COMERCIO, LA REPÚBLICA, OJO, EL PERUANO.
Table 1. Number of discoveries of pre-Columbian objects and archaeological sites found in Peru between May and December 2008

<table>
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<tr>
<th>May</th>
<th>June</th>
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48 discoveries in 8 months

An average of 6 discoveries per month = at least one official archaeological finding per week is possible in Peru

Source:
Cultural press releases prepared daily by the Communications Office of the National Institute of Culture of Peru

The above discoveries are the result of long-term scientific excavation projects that will yield new interpretations of the history of Peru. Unfortunately, a large amount of objects are not properly excavated and archaeological sites are not totally protected through orderly and officially sanctioned archaeological projects. On the contrary, archaeological sites are often destroyed due to illegal excavations by looters searching for artifacts for profit. The looters dig haphazardly, damaging layers and destroying important evidence for historical interpretation. Every object seized improperly remains undocumented, and its potential historical value is lost. Such item is called
an "out-of-context" object. The looting of pre-Columbian objects is the main cause of the destruction of archaeological records in Peru. This loss is compounded by other threats such as highway and infrastructure projects, mining and oil exploration, urban sprawl and natural disasters. An additional and equally dangerous trend is the theft of pre-Columbian objects from private collections, as well as public, private and university museums countrywide. These illegal activities are a direct assault on the country’s national cultural heritage. The trafficking rate of these objects is so high that in August 2007 Peru issued, through ICOM, the so-called Red List of Peruvian Antiquities at Risk to complement the 2003 Red List of Latin American Cultural Objects at Risk. According to ICOM spokeswoman Jennifer Thevenot:

The Red List illustrates 18 categories of Peruvian cultural artifacts that are particularly at risk from looting and international illicit trade so that customs officials and police can identify them as being among those that are constantly being stolen and regularly appearing on the market. It is an appeal to museums, auction houses, art dealers, experts and collectors to alert them to the key categories of stolen
antiquities and the importance of providing all the necessary guarantees of provenance for each and every purchase of a cultural antiquity originating from Peru.\textsuperscript{13}

This is only the third list prepared for a single country; the other two Red Lists are for Iraq and Afghanistan, which are at war.\textsuperscript{14} Peru’s lengthy list corroborates the extremely high rate of looting and the destruction of archaeological sites occurring in the country, especially given the fact that such illegal activity is happening in a democratic state devoid of the turmoil associated with a state of war. Moreover, the list complements other separate efforts worldwide to inform the international community about stolen objects, such as commercial, state-run and international databases, among many others.\textsuperscript{15} In general, these efforts are not interconnected, which is a disadvantage for the defenders of cultural patrimony and an advantage for collectors acquiring the objects.\textsuperscript{16}

Which entity is responsible for protecting the cultural patrimony of the country? The National Institute of Culture of Peru (INC), established in 1971, is the sole public body under the Ministry of Education
endowed with its own budget and specialized personnel to execute and design cultural policies on the government's behalf through its 24 decentralized offices. The INC has the task of overseeing all tangible cultural patrimony, as well as protecting, conserving and promoting intangible cultural expressions such as dance, music and oral traditions, with the active participation of the community and the public and private sectors. The INC formulates and executes policies and strategies for cultural development and for the defense and conservation of the nation's cultural heritage. The INC's main goal is to preserve Peru’s national identity. The INC has different levels, branches and regional offices with mixed responsibilities and restrictions. Its limited budget and inefficient organizational system does not allow it to provide proper protection for the tremendous number of archaeological sites and pre-Columbian objects, which makes the INC and by extension the Peruvian government appear to be a negligent manager. Additionally, there are many knowledgeable and skilled technicians in the INC's workforce with
curtailed responsibilities or overlapping functions.\textsuperscript{18} Andean ethno-archaeologist Ann Peters believes that the assignment of more managerial authority to qualified employees would allow an efficient administration of the cultural patrimony. Unfortunately, the INC is highly centralized with conflicting bureaucratic procedures that produces mistrust among employees and the citizens served.\textsuperscript{19} Furthermore, the lack of a cohesive and long-term cultural policy weakens the INC’s image as a public administrator seriously engaged in fulfilling its responsibilities. Overall, it is believed that even the preference of certain public employees by the central administration undermine all institutional efforts to make the INC an efficient and responsible institution protecting a major national interest.\textsuperscript{20} Nevertheless, the INC is more actively involved in seizing and repatriating looted art, promoting educational programs and campaigning for the registration of local collections within a unique national system.\textsuperscript{21}
Huaquear

Huaquear means to unearth objects from huacas in open lands. Huaca, from Quechua, the language of the Incas, means zones revered by the ancient inhabitants of Peru where temples, settlements or cemeteries were established. Usually a huaca is a sacred area where the offering of important objects and human remains to the gods were ritually organized. Huaquear has been a common practice since Colonial times and was a normal pursuit among wealthy, middle- and low-income people until the early 1980s. Even explorers such as Julio C. Tello dug up ancient objects and discovered sites that helped him formulate his archaeological interpretations of pre-Columbian cultures. Today the attitude toward this activity has changed and the practice is widely considered illegal and irresponsible.

Despite this change in sentiment, it still is considered valid for a person to be in possession of pre-Columbian objects. This is a serious contradiction since it is illegal to unearth objects if such activity destroys archaeological sites and historical records;
however, is legal to be in possession of objects obtained in this way, provided that they are entered into the national registry managed by the INC. Mariana Mould de Pease considers that the current legal system, for which private collectors and private investment interests have lobbied, has created a seriously unbalanced situation, where laws and regulations do not clearly control the circulation of objects inside and outside the country. To complicate matters, many citizens in possession of pre-Columbian artifacts do not register them due to apprehension about the INC system. The majority of objects in private collections are "out-of-context" objects that have not necessarily been classified or studied academically. Besides, an individual or institution with a collection may have physical possession of objects legally owned by the nation state which is the sole proprietor of all items due to a traditional nationalistic and protective policy. Therefore, a generalized clandestine scheme is in place where, for example, families acquire an object by inheriting it, receiving it as a gift, or unearthing
it on their own property, but they avoid selling it openly for profit.

Most possession-transfer dealings are handled without notifying the INC in order to sidestep the bureaucratic limitations and controls imposed by the nation over all transactions taking place within the country’s boundaries. From this we can also infer that the majority of objects that leave Peruvian territory do not have any past reference. Therefore, out-of-context objects entering the international market make it harder for Peru to track down and claim the return and repatriation of such objects. The legal system protects Peru only when evidence of sole proprietorship exists such as registration certificate or back-up documentation. Given that evidence to connect the artifacts to the country is usually not available, collectors acquire looted objects easily. These are some of the complicated factors that fuel Peru’s thriving illicit trafficking of pre-Columbian objects and facilitate their acquisition by collectors inside and outside the country’s borders.
Smithsonian archaeologist Ramiro Matos explains that few of the pre-Columbian objects that were taken out of Peru before the signing of the 1970 UNESCO convention (Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property) are properly owned. Some were gifts given to government officials by heads of state; others were brought to the United States by the diplomatic corps or acquired by private collectors interested in "exotic" art. And some of these, later released into the market, were acquired by private collectors and museums and listed legally in art dealers' inventories. Dr. Ramos reports however, that the current inventory of pre-Columbian artifacts circulating in the open market falls under suspicion, because ever since the 1970s source nations have adopted ample nationalist policies to prohibit the commercialization of indigenous archaeological artifacts outside their own territory. He acknowledges though, that networks of looters, smugglers and dealers have created ways to manipulate the system and legitimize
their dealings through deceptive practices. They may, for example, pass objects along circuitous trading routes through Bolivia, Ecuador, Argentina, Brazil, Chile or Europe before delivering them to their contacts in the U.S. They may also use certain practices to disguise the objects, such as painting them with watercolors and labeling them as “handicraft” so that they pass easily through customs control. Colin Renfrew, Professor of Archaeology and Director of the McDonald Institute for Archaeological Research at the University of Cambridge, concludes that the bulk of unprovenanced antiquities offered for sale by dealers in today's market comes from recent illegal excavations, something that is totally unacceptable.

**Pre-Columbian Historical Background**

Burials always involve the idea of the continued life beyond the visible one, of a plane of being that is behind the visible plane, and that is somehow supportive of the visible one to which we have to relate. I would say that is the basic theme of all mythology - that there is an invisible plane supporting the visible one....

Joseph Campbell, The Power of Myth
Regrettably, most myths, which Campbell regards as equally important to uniting the inhabitants of the Andean civilizations of Peru from one generation to the next, have been lost. However, we still have the extraordinary legacy of the archaeological sites and objects which are manifestations of the ancestors of the current inhabitants of Peru.

The contents of funerary bundles uncovered from burial grounds are usually in good condition due to the dry climate of the desert, which favors preservation. According to Andean ancient belief, the treatment of the dead played an important role in re-establishing the social and moral order disrupted by death. The inclusion of objects and food in tombs reaffirmed the status of the deceased. Therefore, the dead corpses found inside were accompanied by many utilitarian objects as well as beautiful ornamental objects created with certain aesthetic and symbolic values. They are clear evidence of the spirituality, creativity and imagination of the people that settled in these territories. Consequently, the textiles, ceramic vessels, and gold and silver
objects unearthed in sacred burial grounds deserve a high level of respect.\textsuperscript{32} A vast desert lies between the Pacific Ocean and the foothills of the Andean highlands and runs from south to north on the Pacific Coast of the South American continent. Many civilizations developed there, in both the desert and highlands; through hard work, advanced technical skills and ingenuity, many fished effectively from the sea and obtained good harvests from the valleys.\textsuperscript{33} Archaeological sites in this region reveal the application of advanced engineering to construct temples for religious ceremonies, efficient irrigation systems for agriculture, and administrative centers to support the trade of coastal goods among the inhabitants of the Andes and the Amazon.

The main known pre-Inca civilizations located along the coast are the Paracas (700-1 BCE) and Nasca (100 BCE-700 CE) in the Southern region, and the Moche (200 BCE-1000 CE) and the Chimú (1000-1450 CE) in the North. These were also influenced by previous cultures, such as those of Chavín de Huántar (1400-400 BCE) and Huari
(400-1000 CE), which were dominant religious and cultural centers in the Andes in earlier times. The Incas reigned only from 1450 to 1533 but exercised control over the aforementioned advanced cultures and lasted until the arrival of the Spaniards. They held the population of a vast territory under their political, economic and religious control. Table 2 presents the major cultures that evolved in current Peruvian territory, and APPENDIX B illustrates the iconography and the variety of objects created.

Without oversimplifying, it is possible to present an overview of the diversity and richness of these cultures by selecting certain common denominators. The primary source for reconstructing the ideology of these cultures is the enormous volume of archaeological data, complemented by historical records and reports collected by the Spanish chroniclers, as well as oral accounts of the behavior and beliefs preserved by some rural indigenous communities. From the interconnected study of the aforementioned sources, it is generally known that they were highly complex and developed societies.
organized hierarchically, consisting of nobles, religious leaders, governors (curacas), warriors, farmers, hunters, fishermen, craftsmen, and slaves.\textsuperscript{36}

Likewise, it is assumed that their cosmology was based on the belief in the existence of three realms: the heavens, the real world (their world), and the underworld. They believed in the constant cyclical existence between good and bad times. They worshiped a divine forceful creator who initiated all that was known to them in their real world and at the same time revered a set of other deities who controlled their day-to-day life. They revered sacred places (Huacas), primarily the mountains, and the deities who lived there (Apus). They also venerated certain powerful animals such as the jaguar, serpent, and falcon. The highest worship was reserved for the sun and the moon. Rituals and sacrifices were performed in sacred spaces to honor and calm the divinities and the natural phenomena that could disrupt their agricultural cycles and daily order, particularly earthquakes, floods, droughts, epidemics and illnesses.
One of the most fascinating aspects of their cosmology is the cult of the dead and the highly valued idea of the continuation of life after death, since it confirms their concern for the temporal phenomena of our own existence. There are still vast practical, historical, geopolitical and ideological aspects of their lives that remain an enigma, however. The artists that worked in the production of textiles, pottery vessels, metalwork, stone and adobe sculptures and temple walls utilized forms, colors and a vast amount of inscriptions, marks, characters and symbols to express their mystical spirituality and ideology. The sensitive study and interpretation of their work brings these elements and their mystery back into existence and simultaneously validates the identity of current Peruvian citizens. For all these reasons, the objects and their sites are worth preserving. 37
<table>
<thead>
<tr>
<th>Years</th>
<th>Period</th>
<th>Cultures (Civilizations)</th>
<th>Coast</th>
<th>Sierra</th>
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<tr>
<td>1500-500 BCE</td>
<td>Chavín</td>
<td>Ancón (1000-200 BCE), Chavín (1400-400 BCE), Cupisnique (900-100 BCE), Virú-Gallinazo (600-100 BCE)</td>
<td>Chavín (900-400 BCE), Pacopampa (1250 BCE-1 CE)</td>
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<tr>
<td>500 BCE-650 CE</td>
<td>The Classical Arts</td>
<td>Paracas (700-100 BCE), Nieveria (500 BCE-650 CE), Mochica or Moche (200 BCE-1000 CE), Vicús (100 BCE-500 CE), Nasca (100 BCE-600 CE)</td>
<td>Tiawanaku (200 BCE-1000 CE), Pucará (200 BCE-600 CE)</td>
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<tr>
<td>500-1450 CE</td>
<td>The Legendary Ages</td>
<td>Casma (600-1000 CE), Chimú (1000-1450 CE), Lambayeque (1000-1450 CE), Chancay (1000-1450 CE), Chincha (1000-1450 CE), Ichma (1100-1450 CE)</td>
<td>Tiawanaku (200 BCE-1000 CE), Huari (400-1000 CE), Santa Recuay (700-800 CE)</td>
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<tr>
<td>1450-1533 CE</td>
<td>Inca</td>
<td>Inca</td>
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<td>1533-1821</td>
<td>Viceregal</td>
<td>Viceregal</td>
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BCE=Before Common Era  
CE=Common Era
CHAPTER III
DEMAND BY COLLECTORS: SOURCE OF CONFLICT

Cultural Property Ownership Dilemma: Conflicting Interests

Collectors, dealers and museums maintain that they have the right and freedom to collect in a free market. They justify their stance on moral grounds, saying that they are preserving an ample number of objects from past civilizations for the whole world. They use a variety of arguments to defend their collecting practices. For instance, collectors do not accept boundaries in their collecting quest justifying themselves on the individual right to private ownership. Their individual collecting interests are placed over the public interest of keeping a common cultural property. Dealers prefer a free market system because of the profits and commissions they obtained. Museums defend their duty to enrich their collections to preserve the universal cultural heritage for all humanity. They assert that they should be considered as trustworthy repositories for the art of the world. They pledge to be universal museums with higher conservation knowledge and expertise than
negligent source nations. They even claim that they offer opportunities to a wider number of visitors than source nations collections kept in remote archaeological sites just for few local people to appreciate them. The latter argument is no longer valid since people are more able to travel worldwide to different historical locations where they can observe the objects close to where they were found. Museums also mention their status as education and research centers with duties toward the visiting public. However, they do not acknowledge the competition among the other museum directors to gain reputation through rare acquisition of objects. The tax deduction incentives of donations by collectors to museums are also kept reserved.

At the moment collectors are still aggressively getting their message across. The Association of Art Museum Directors (AAMD) voiced its position at a meeting on 29 January 2009 organized by Cultural Heritage and Sustainable Tourism Finance of the Economics and Urban Development Department of the World Bank. The discussion on the buying and selling of culture and the appearance
of Michael Conforti, AAMD President, as the main speaker, was advertised with the following text (author’s italics):

. . . .the discussion will focus on the concept of developing an international legal framework that enables the sale, exchange (rent or lease) and other forms of cultural asset (antiquities) exchange for museums and cultural centers -mainly well-endowed in developed countries- with developing countries. This would be built around the notion that it can create economic opportunities for developing countries in both marketing and direct sale and lease of antiquities. The aim would also be to create a legal market to stem the current trend of looting and illicit trade, which involves economic rents not captured by the state or those entities bearing the cost of heritage preservation. . .

On the whole, AAMD uses overconfident rhetoric when affirming:

In developing countries, attitudes towards legal markets may be softening as some recognized that such markets could produce revenue for conservation, education, site protection and other dire needs which their central government cannot meet. Many also have begun to realize that they have more artifacts than they need, can store or conserve and the exchange or sale of objects can be beneficial in many ways.
This argument is totally unfounded, according to Luis Repetto, current director of Museo de Artes y Tradiciones Populares of the Riva Agüero Institute of the Pontifical Catholic University of Peru. Repetto was in charge of ICOM for all of Latin America for six years and still represents Peru in international forums on the treatment of cultural property and heritage. Repetto adds that he is sure that no source country has been approached with these ideas. In his opinion, AAMD is not only being paternalistic but is also showing a total disregard for the local realities of each country and is oblivious to the concrete negative consequences of the trade. Moreover, he insists the AAMD arguments cause serious damage because they encourage negative trends in selling and pricing antiquities worldwide.

Additionally, in his recent talk at the World Bank, Michael Conforti, AAMD President, strongly endorses two principles articulated in the recent 2008 AAMD Task Force report on the acquisition of archaeological materials and ancient art. These two principles clearly contradict the recommendations in international
conventions and national laws in source nations prohibiting the sale of cultural patrimony. They read as follows (italics are mine):

G. AAMD reaffirms the value of licit markets for the legal sale and export of works of art as an effective means of deterring the illicit excavation and trafficking of archaeological materials and ancient art.

H. AAMD encourages the creation of licit markets and strongly urges all nations to provide a legal method for the sale and export of art, thereby furthering the goal of deterring the illicit excavation and trafficking of archaeological materials and ancient art.

Accordingly, a conflict of two radical and incompatible sets of beliefs contributes to the illicit extraction of antiquities from source nations. On one side, we have pressure from collectors including well-respected museums, to acquire pre-Columbian objects, and on the other side, we have pressure from source nations and archaeologists to keep and protect the objects in the territory of origin. Both sides have reservations about the ownership rights and stewardship of the other. This friction over time has produced inconsistencies in the national and international legal frameworks that
regulate the trade of pre-Columbian archaeological objects. Insufficient legal enforcement system exacerbates this problem.

**Pressure by Collectors**

The passions, ambitions and taste of private collectors put pressure on cultural patrimony of source nations. Antiquities acquired as *objects d'art* fetch high prices and thus provide an incentive for all agents involved in the network: dealers, middlemen and looters. Collectors themselves see the transaction as an investment and are willing to keep enriching their private collections with additional objects. Moreover, the favorable tax incentives in the United States for fine-arts donations encourage collectors to purchase antiquities and give them to public institutions, such as museums, which are less willing to purchase antiquities directly.

Jeanette Greenfield, an Australian lawyer specializing in investigating international trade and collecting, prepared a breakthrough study in 1989 advocating for the return of cultural objects to their
countries of origin. In The Return of Cultural Treasures, Greenfield presents maps illustrating the flow of cultural objects to antique dealers and major museums in major cities around the world. The maps are included in APPENDICES D and E. In APPENDIX D the map highlights the number of art and antique dealers in major cities and the countries with alleged buyers of stolen art. In APPENDIX E the map illustrates the countries that have major museums. Both maps complement each other to clearly reveal the trend toward the removal of objects from source nations to market nations. Given these circumstances Dr. Greenfield focuses her research on the restitution of cultural objects to their country of origin. Collectors seeking pre-Columbian objects in the market are in violation of the special legal rights bestowed on all cultural property for protection and respect due to the fact that the objects are unique, finite and irreplaceable. Moreover, the current rate at which the archaeological objects are being offered to meet the buyers' and collectors' demand in today's market is only possible
because the objects are looted and exported, contravening national and international law prohibiting their commercialization. Collectors, dealers, smugglers and looters of pre-Columbian artifacts seriously damage national identities and directly contribute to the alteration of archaeological sites. This state of affairs carries serious scientific, social, economic, political and legal implications.

Additionally, the private ownership of potentially looted artifacts prevents archaeologists or other academicians from gaining access to the artifacts for research purposes. Many archaeologists stay away from studying those objects to avoid complicity. These pre-Columbian objects lack proper identification, such as historical context, exact finding location, date of discovery and possible use, which is necessary for proper interpretation by scientific experts. In other words, these artifacts remain disassociated from collective human knowledge and therefore never receive proper archaeological, historical or scientific analysis.
Since in essence unprovenanced pre-Columbian objects should never be offered for sale, it is important to educate and persuade the public not to acquire them, because of the risk of losing the historical record and damaging archaeological sites. This approach would probably help curb the current rates of looting and trafficking.\textsuperscript{15}

\textbf{Dealers}

Dealers of unprovenanced pre-Columbian objects are middlemen between the demand and supply. They would not exist if there were not a high demand by collectors.\textsuperscript{16} Some dealers and auction houses project an image of respectability\textsuperscript{17} and on the grounds of "client confidentiality" decline to indicate from whom they have acquired an object offered for sale.\textsuperscript{18} Some dealers also do not inquire about the ultimate origin of the objects they purchase, and will resist any attempt to make public their sources of the material.\textsuperscript{19} The concealment of the objects' origin is wrong and against ethical principles.\textsuperscript{20}
Usually, unscrupulous dealers have acquired potentially stolen and illegally exported/imported objects that are accompanied by fake certificates, false documentation or improvised provenances to turn the object into a legal, marketable commodity. Nowadays, the Internet makes matters worse as it serves as a major conduit for illicit trades by informal dealers. The ubiquity of such dealers makes confrontation by law enforcement difficult as well.21

Smugglers and Looters

It is a fact that most of pre-Columbian objects from Peru are extracted from sacred or burial grounds, which probably shelter human remains. The field of archaeology follows resource management methods to carefully gather the objects that will later be subject to interpretation and comparative studies. However, grave robbers roam the coast of Peru to find valuable objects in unprotected archaeological sites while destroying substantial historical evidence in the process.22 They even know collectors tastes and the conditions of the market. For example, they search in
ancient cemeteries for mantles protecting embalmed corpses since textiles are not only well appreciated but also easier to transport.

Well organized smuggling networks are in charge of obtaining false documents and certificates or hiding the objects amid other legal cargo to evade inspections along routes. In her 1976 study Protection of Artistic and Archaeological Heritage, Giuliana Luna affirms that the multilayered levels of smugglers, middlemen and dealers "insulate" each participant from knowledge of incriminating evidence and reduce the individual sense of guilt associated with each transaction. At the end of the process, the purchaser is either unaware of the original provenance of the art work or considers the matter to be solely concern to the thief, intermediary or re-seller.¹²³ Usually in this unacceptable process no questions are asked. Lisa J. Borodkin even adds that in the international art world the distinction between criminal activity and shrewd business dealing is a blurry one.²⁴
New York art critic Carter B. Horsley of The City Review, who has spent many years evaluating the behavior of dealers and prominent auction houses, observes that the initial value of each object, called an estimate, is calibrated by taking many factors into account. First and foremost among these is aesthetics. \textsuperscript{25} Archaeological objects are disassociated from their context and spatial dimensions since their origin and use, usually determined only by a professional excavation and scientific analysis, are overlooked. Only an authenticator, through visual inspection, which is similar to guessing, can identify and evaluate the object. \textsuperscript{26} The rarity of the object and its desirability to the collector also help to establish a commercial price. These and other subjective factors make the notion of the market regulating the value of pre-Columbian objects unacceptable. Moreover, dealers manipulate the value of archaeological artifacts to obtain higher profits by restricting the availability of
objects in their possession. On the flip side, the dealer can also set unusually low prices to sell works fast and avoid being caught in a controversy. The classification and labeling of the pre-Columbian objects is kept vague and simple so that they can be attractively advertised as trophies to ambitious private collectors.\textsuperscript{27} For all of the above reasons, I am reluctant to acknowledge that pre-Columbian archaeological objects have an exchange value since this diminishes the weight of their historical value.

Even though some dealers continue to offer antiquities with thin provenances, detached from any essential information, the American Association of Dealers in Ancient, Oriental and Primitive Art insists that its members strictly follow its code of ethics.\textsuperscript{28} Archaeologist Juan Antonio Murro believes that in order to halt the dealing of unprovenanced pre-Columbian objects, dealers and auction houses should stop trading them.\textsuperscript{29} They might follow the example of Christie's, which in September, 2007, eliminated its pre-Columbian sales department altogether.\textsuperscript{30}
CHAPTER IV

LEGAL FRAMEWORK AND APPLICATIONS

The 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property set international guidelines for safeguarding the cultural heritage of all nations.\(^1\) An object defined as cultural property acquired special status as a new category of property.\(^2\) It was invested with special protection rights because of its high value to the understanding of human civilization and national culture. These types of objects are considered unique to the national histories of all countries. The 1970 UNESCO Convention reflected the desire of source nations to avoid the risks caused by looting and the uncontrolled export of objects to the market nations. At that time Greece, Italy, Turkey, Mexico and Peru took the lead on lobbying for the convention and nowadays 116 member countries are signatories.\(^3\) The states value the mutual benefits of being affiliated with the 70 UNESCO Convention to work
together against the illicit trafficking of cultural property.

**Peru**

In the case of Peru, laws and regulations ban the looting and export of pre-Columbian objects. The Peruvian Constitution,\(^4\) the Cultural Patrimony of the Nation's Law,\(^5\) and private property laws protect all individuals who are in possession of registered pre-Columbian objects and at the same time declare the nation state as the sole owner of all cultural patrimony, including those objects that have not yet been found inside the nation's territory. This special property right of the nation over the cultural patrimony is intangible, inalienable and permanent. The legal system allows the trade of objects inside its territory, but bans the trade of illicit objects outside Peru. The aforementioned duality of legal treatments - possession of the object by individuals vs. ownership of the object by the State and trade within source nation territory vs. non-trade outside borders - complicates efforts to protect cultural patrimony.\(^6\)
Peru’s National Institute of Culture (INC) is the administrative body in charge of implementing the laws and regulations to manage, protect, conserve and promote the totality of the national cultural patrimony of the country. As noted in Chapter II, the INC has the immense task of managing the national inventory of all objects considered to be cultural patrimony and of safeguarding nearly 6,000 declared archaeological sites. Additionally, the INC issues archaeological field research permits and registers all archaeological field research projects and personnel. Archaeologists working at excavation sites are granted a fixed period in which to implement the project and two years to issue the research report. All national and international professional archaeologists wishing to do research in Peru must register with the College of Archaeologists of Peru (COARPE) and pledge to adhere to its code of ethics. The main problem here is that most field investigations are not properly published or shared in a timely way, which hinders the advancement of knowledge.
about the cultures under investigation, defeating the purpose of the system.⁹

Archaeologists Matos and Murro believe that the rigid legal system is filled with excessive regulations and does not reduce the flow of illegally excavated pre-Columbian artifacts. Excessive bureaucracy at all levels of administration allows looters, smugglers and local dealers to find ways to outmaneuver the system. There is also no effective implementation of criminal prosecution or imposition of fines to deter people from illegally excavating and exporting cultural property. José Ugaz Sánchez Moreno, Criminal Law Professor and former Anti-Corruption Special State Attorney of Peru, proclaims that reform in criminal law is urgently needed to better protect the country’s national cultural patrimony.¹⁰ Many citizens even believe that the judicial system, specifically in the North Coast of Peru, as will be addressed further in this chapter, is corrupt. Few cases are properly investigated.¹¹ On the other hand, the lack of clear priorities and comprehensive strategy by the government to safeguard and conserve the cultural
patrimony makes matters worse. This shortcoming is reflected in budget, enforcement, and staff training deficits. Clearly it is not feasible for the nation to supervise the whole system, but reliable leadership is key to better cultural patrimony management, protection and education.

The United States of America

In 1988, the United States joined the 1970 UNESCO Convention and passed non-retroactive legislation implementing it, after a long period of confrontation between American archaeologists and art dealers' associations. Multiple supplementary laws and regulations govern the sale of pre-Columbian objects in the United States, such as the 1982 Law on the Importation of Pre-Columbian Sculpture and Murals, which prohibits the importation of large architectural objects or murals. This law, however, does not ban the importation of small objects, such as vessels or textiles. Textiles can be folded and easily concealed and transferred across borders, which explains why they are currently being offered for sale in galleries in
Arizona, New Mexico and Texas. The U.S. Tariff Schedules\textsuperscript{16} regulating the U.S. Customs Service prohibit all importation of feathers and therefore indirectly prevent the importation of many mantles made by cultures in Peru, even today. Also, the National Stolen Property Act (NSPA) applies only to the holder of a stolen object worth over US$5,000. Likewise, the private collector holding a stolen object is protected if after five years nobody files a claim. If the possession of such object was publicized the owner is protected after three years.\textsuperscript{17} The statute of limitations somewhat protects the collector of suspicious cultural property. Last but not least, the punishment for smuggling archaeological objects into U.S. territory consists of a fine, suspended sentence and community service.\textsuperscript{18} Therefore the legal system as it stands is not a proper mechanism to deter the collection of pre-Columbian objects.\textsuperscript{19}

\textbf{Others}

To address the legal inconsistencies preventing the efficient protection of antiquities, the International Institute for the Unification of Private Law developed
the UNIDROIT Convention for the International Return of Stolen of Illegally Exported Cultural Objects in 1995. The convention is an attempt to reconcile the rights of good-faith purchasers in art-purchasing nations and the need for protection of archaeological resources in artifact-rich nations. The UNIDROIT Convention promotes the maintenance of national catalogues or single registration databases to document and identify each cultural property and to ensure cooperation among museums. However, ownership of an antique is transferred to the possessor after a period of five years if during that time no claim is made. Also ownership is transferred to the possessor if the owner of a stolen cultural object fails to provide proper evidence of registration and backup documentation to attest proof of past ownership. This explains the crucial importance of keeping the pre-Columbian objects registered in an updated national unique inventory since it is the easiest method to recover cultural property stolen from a source nation. In other words, the burden of proof is on the source nation, which makes it difficult to claim
looted objects because of a lack of sufficient documentation due to the fact that the objects were obtained through clandestine circumstances.\textsuperscript{22}

In general, finding solutions to cultural property ownership disputes through court decisions is inefficient because the proceedings are usually too long and expensive. In addition, the claiming nation may fear the unpredictability of the court's judgment since U.S. free-trade-prone laws will most likely prevail, establishing judicial precedents in favor of the possessor of pre-Columbian objects that have negative consequences for the source nation.\textsuperscript{23} Therefore, rather than risk wasting time and money to recover a few objects in the open market through the U.S. legal system, the Peruvian government prefers to work through its diplomatic corps directly with the U.S. Department of State, Interpol and other international enforcement agencies to recover large lots found on the black market. This approach offers the additional advantage that most of the investigation expenses are covered by these agents and Peru covers only the transportation,
packing and inventory costs associated with the recovered items. Even the archaeologists identifying the objects work *ad honorem*.\(^\text{24}\)

All in all, the large number of inconsistencies between different countries' laws and import and export regulations allow the flow and laundering of smuggled antiquities.\(^\text{25}\) In order to counterbalance this situation, the United States and Peru have successfully worked together to establish Memorandums of Understanding (MOU).\(^\text{26}\) Through the Convention on Cultural Property Implementation Act, the United States entered into a cultural property agreement with the Peruvian government to help protect archaeological and ethnological materials through import controls.\(^\text{27}\) The MOU, a bilateral agreement co-signed by the two governments, is the most effective international legal instrument used by both nations since 1981. The MOU seeks to restrict pre-Columbian material from Peru from entering the United States as well as to support the recovery and return to Peru of its stolen archaeological, historical and cultural properties. Peru also has bilateral agreements
with Argentina, Bolivia, Brazil, Chile, China, Colombia, Costa Rica, Ecuador, Egypt, El Salvador, Guatemala, Honduras, Hungary, Mexico, Nicaragua, Panama, Paraguay, Dominican Republic, South Africa (pending), Switzerland, Turkey and Uruguay. A MOU was renewed in 2007 between the two countries and is valid until 2012. It stipulates mutual collaboration between both countries in investigations to recuperate illegally exported objects from Peru and illegally imported objects into the United States for commercial and collection purposes. It also supports training, exchange of information and education of police, customs and diplomat officials. Workshops have been organized since the signature of the first MOU with the assistance of other international organizations and diplomatic channels. In addition, the agreement encourages research, scholarly study and traveling exhibitions for educational purposes. In this regard, the Cultural Affairs Office of the American Embassy in Lima has implemented a series of preventive conservation courses to assist Peruvian museum professionals following the recommendations of the 1999 Evaluation of
the Training Needs Assessment for Peruvian Museums project prepared in collaboration with the Smithsonian Institution and the United States Information Agency (USIA).³⁰

Overall, Ramiro Matos feels that in recent years, more objects have been returned to the Peruvian government through international raids with the participation of the U.S. Immigration and Customs Enforcement (ICE), FBI, Interpol, the U.S. Customs and Border Protection (CBP) and local national governments. This trend is demonstrated by the 412 pre-Columbian objects recovered in Miami Dade County, Florida, and 334 objects confiscated in Laredo, Texas, that were repatriated to Peru in 2007 and 2009, respectively.³¹

Applications: Mutual Positive Efforts and Case Study

Complementing these international efforts, Peru is currently working with its neighboring countries at the regional level by participating, for example, in the Sub-Regional Andean Workshop organized by the UNESCO Multi-Country Office for Bolivia, Colombia, Ecuador and Venezuela held in September 2008, in Quito, Ecuador.
ICOM, INTERPOL and even the famous Command for the Preservation of Cultural Heritage of Italy actively participated in this meeting. The workshop's main goal was the exchange of best practices in the implementation of laws and administrative rules, criminal investigations and law enforcement procedures currently used by the five countries represented to control the illicit trade of pre-Columbian and colonial objects. The participants, in their capacity as Andean country officials, also drafted the 2010-2011 action plan and many general recommendations to be taken to the cultural national authorities of each country.

Nationally, Peru at irregular intervals has designed measures to counterbalance the looting of pre-Columbian objects. Among its many actions, I will mention three that I believe have had positive effects:

1. Education of the community: The National Institute of Culture, in coordination with the Ministry of Education, supports the training of teachers and students and the development of educational programs to inculcate respect for the historical past. In addition, there is a
campaign promoted by the Office for the Defense of Cultural Heritage Office (DDPH for Dirección de Defensa del Patrimonio Histórico) of the INC to encourage the establishment of volunteer and community-based cultural patrimony protection brigades. Puruchuco and Huaycán schools located near Inca archaeological sites in the outskirts of Lima are a good example of the application of these programs, but additional resources should be provided to promote further social ownership of the sites by the community and to supply the infrastructure that would transform the archaeological sites into education, research and tourist centers. Percy Salinas, Fernando Risco, Yolanda Alván and Victoria Sáez – dedicated elementary and high school teachers at the aforementioned schools and defenders of Inca sites – teach students and parents cultural sensitivity lessons on cultural patrimony through a variety of methods inspired by the history of the sites. These techniques include literature and math competitions and music and dance workshops held in coordination with the local site museums and municipalities. The teachers nevertheless
believe that much more is needed to instill pride in the students about their Indigenous history. Sometimes they feel discouraged when pre-Columbian objects are robbed or looted, demonstrating a lack of respect for national history and negligence by the authorities that undermines their hard work.\textsuperscript{35}

2. Allocation of money for repatriation efforts: In 2008, Peru allocated additional funds to repatriation efforts. This effort was complemented by funds given by the UNESCO Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation Fund. This money has allowed the repatriation of many objects on four occasions from Germany, the United States, Ecuador and Spain, where the objects were uncovered through local and international police investigations.\textsuperscript{36} Moreover, the Embassy of Peru in Washington, D.C., was able to return approximately 240 objects that were kept in storage for over 15 years because there were not enough resources to cover the expenses for evaluation, photography and inventorying,
packing and return transportation. I participated in the evaluation and inventorying of objects by Andean archaeologists at the Embassy prior to the objects return to Peru. The DDPH manages climatized and storage facilities equipped for the classification, restoration, labeling and reassignment of the repatriated works of art to museums managed by INC Regional Offices. The INC is currently planning to conduct exhibitions of the recuperated objects in the National Museum in Lima, complemented by educational and awareness programs explaining that the looting and smuggling of objects jeopardizes the country's cultural heritage.\textsuperscript{37}

3. Registration of pre-Columbian objects:
A well documented archaeological object has more chance of being recuperated because it is easier to connect it to the original owner. It eases the burden of proof when reporting the crime to local and international authorities. Therefore, the maintenance of a single national registry is widely accepted as a key safeguarding tool. The INC is in charge of keeping records of all the objects found in the national
territory in a single national catalogue. José Ignacio Lambarri Orihuela confirms that when his family estate in Cuzco was robbed, he was able to locate one of the objects in a private collection in Florida years later because the catalogue registration proved that the object had belonged to his family for generations.38 The register confirms the existence of the object and its connection to its rightful possessor – usually public or private museums and collectors in Peru, but it does not grant ownership over the object since the owner of all cultural property is always the Peruvian state. For the first time, the INC is implementing a special campaign to register all objects by 2 June 2009; however it could not provide an updated total number of registered objects because this information is classified. For now, the INC alleges that the holdings of all museums and major private collections are included in the database.39 The registration procedure is not simple and the interested party has to pay the cost for photographs, evaluation and fees. An anonymous source indicated to me that only 65,766 archaeological objects are currently
registered, which is extremely low, to say the least. 

Nonetheless, the INC will have to overcome a serious barrier of trust since the majority of Peruvians are highly apprehensive about providing information to a State entity. A similar situation occurs with every archaeological site, its registration and declaration as a Cultural National Heritage Site gives it a higher status. This compels the protection and allocation of funds by the Regional INC. Yet, those same registered collections and sites are at constant risk of being raided because of poor security measures.

Given these circumstances, several complementary success stories are worth mentioning, such as the administration of Huacas Moche, Tucume, Sipán, Sicán, San José de Moro, Huaca Pucllana and Caral archaeological site projects. These projects provide excellent models to be replicated in Peru. The map in APPENDIX F shows 21 of the most prominent archaeological sites, which are widely visited year round.
Case Study: Huacas Moche

In 1991, the conservator Ricardo Morales, while working at the Huacas Moche Archaeological Complex in the Northern Coast of Peru, encountered an unusual number of well-preserved polychrome high reliefs. The National University of Trujillo (UNT) decided that a major research project was needed to study the monumental architecture of this center of religious, political and economic power of the Moche culture, which developed 1900 years ago. The site, also known as the Huacas of the Sun and the Moon, was explored by the famous archaeologists Max Uhle in 1915 and Rafael Larco Hoyle in 1938. The Patronato de Huacas Moche was established to seek public and private funding to properly excavate and study the large platforms that were believed to be underneath one of the main structures. The positive initial outlook of the national researchers' team has since yielded not only outstanding discoveries but also international recognition for their excellent management capabilities. The directors, Santiago Uceda, Elías Mujica and Ricardo Morales, were
able to obtain the financial support of the local Backus brewery and the approval of the local community surrounding the complex. The latter is not common among archaeology complexes in Peru. The archaeologists discovered objects and human remains of historical significance in the citadel. The most outstanding find included six huge plazas built one upon another with different spectacular polychrome high reliefs on solid mud bricks. The directors decided to build an archaeological site museum to keep the recently discovered objects available to the public. The surrounding communities have been invited to educational workshops and to sell their handcrafts and souvenirs to the large number of tourists who visit the complex. Academics and students from various disciplines (tourism, restoration, archaeology, biology, architecture, etc.) come from local and international universities to work and learn. The researchers constantly compare and analyze all that is discovered there with finds from other archeological sites along the Northern coast of Peru, which has led to new
insights on the Moche, Chimú and Lambayeque cultures. Thus, the site has become a distinguished center for the exchange of knowledge. The surrounding communities and local police were also invited to participate in awareness and security workshops on the archaeological site. Even former looters received workshops on how to reproduce replicas of vessels similar to objects they used to steal, to sell near the site to tourists. The directors are in constant contact with their colleagues in the several neighboring archeological sites along the former territory of the vast Moche culture and with scholars at national and international universities. They document, publish and promote their findings openly following the San José de Moro archaeological site model directed by Luis Jaime Castillo Butters. According to this model every study and report is shared through the Pontifical Catholic University of Peru's website. This stimulating approach of the Patronato de Huacas Moche has opened creative ways of understanding history and each other as was never thought possible before in Peru. This case study proves that conservation and economic
development are not contradictions. On the contrary, the Patronato demonstrates that sustainable development through the research, education initiatives and management of an archaeological site is feasible, when such site is treated with the respect that it deserves.

Alejandro Toledo, former President of Peru and its first democratically elected president of Amerindian descent, advocates that efforts to protect the cultural patrimony of Peru be directed mainly at connecting pre-Columbian objects and sites to the revitalization of current indigenous population, which still struggles for respect and recognition. In Peru, the decision-makers should use the rich cultural patrimony to highlight the current indigenous population and to give it a sense of identity and belonging, which in the end will promote respect for diversity. Again, David Lowenthal explains clearly the essential relationship between the care for objects, their meaning, and today's society in the following statement:

Stewardship is an ideal much preached but little practiced. Yet in reality stewardship not only benefits the future, it also enhances
present worth: in caring for the well-being of our heirs and successors, we enrich the meaning of our own lives and strengthen our communal attachments.
CHAPTER V
RECOMMENDATIONS

In the absence of implementing an effective legal enforcement system to compel people not to collect and therefore to stop the destruction of archaeological sites, what steps can a source nation like Peru take to counterbalance this pressure? As in any conflict of interests, the best scenario would be to summon all the parties involved to debate a well-defined agenda aimed at solving the problem in a certain period of time and moving forward. As previously mentioned, both sides - Peru and collectors - are each currently voicing their own views without listening to each other. This situation only widens the gap between the two groups. Which institution could take a lead role in facilitating such meetings? I will temporarily leave this issue open to debate, since it requires additional analysis and consultation. Perhaps a prestigious institution with global reach, such as the National Geographic Society, could host such meetings, which would be compatible with its mission of increasing global understanding. Also, an
institution such as National Geographic could help maintain a conciliatory tone in the meetings, a baseline requirement in order to reach consensus.¹

In any case, the struggle to control and halt the trafficking of pre-Columbian objects and prevent further looting and destruction of archaeological sites in Peru is an extremely delicate and sensitive matter for the Peruvian government. This is particularly true for the National Institute of Culture of Peru, since Peruvians blame it more than any other organization for not doing enough. For decades, policymakers in Peru have failed to issue a coherent policy to protect the national cultural patrimony. Only short-term cultural policies have been created which project narrow vision of the overall situation and lack provisions for serious long-term planning. To make matters worse, the budget assigned for culture has been extremely limited given the vast amount of cultural patrimony the state is responsible for safeguarding. Then again, the country could not have foreseen the overwhelming level of looting and illegal trade in today's globalized world.
The state has made various tangled attempts to halt the looting and robbery of this type of objects to no avail. These attempts have been accompanied by serious legal, administrative and criminal inconsistencies that are frustrating for all the involved parties interested in protecting the national heritage. Existing laws and regulations need to be enforced and higher fines and penalties applied in Peru and the United States in order to deter potential wrongdoing. In Peru, customs officials or other persons involved in the return of the objects or apprehension of suspects who are exporting illegal objects should also receive bonuses or some type of reward as an incentive for proper enforcement of the law.

National experts claim that the INC first has to demand a greater allocation of funds from the central government; second, it should reorganize its internal organizational structure, which is confusing; and third, it should design a reliable nationwide policy - short-, medium-, long-term - accompanied by solid administrative guidelines. In addition to the above three claims,
national administrators of archaeological sites who are directly fighting the offenders, whether organized crime or opportunists, stress that the current haphazard law enforcement system is dangerous because when criminal penalties are applied in a relax manner, the system and its original goal of deterrence is devalued. Some experts even argue that a serious overhaul of the whole current system is urgently needed. Perhaps this issue should also be opened to discussion and included in the ongoing national debate that recently started when the option of creating a Ministry of Culture was suggested forward by the President on 28 July 2008.

As expected, the above recommendations - although urgently needed and ultimately attainable - do not have the chance of being implemented immediately. However, I am proposing alternative achievable strategies that could be put into motion without further ado to ease the looting crisis of pre-Columbian objects. At the same time, the aforementioned recommendations could be discussed and implemented at the national level. My thesis recommendations are directed toward Peru, which
as a source country has the moral ground and responsibility to generate actions to will gain enough momentum to affect the behavior of collectors. These efforts should be undertaken with the additional support of existing alliances of scholars, experts, sensible collectors, museum professionals and the general Peruvian public, as well as concerned international citizens. My recommendations are categorized according to three strategic areas:

1. Awareness
2. Prevention and
3. Partnerships.

Peru would need to design comprehensive and long-term interdisciplinary awareness and prevention campaigns (cultural, communications-oriented, educational, economic and scientific) to protect the special nature of pre-Columbian objects. Awareness and prevention campaigns could promote real behavioral change, "a triggering effect" that would encourage a more positive treatment of pre-Columbian artifacts, respect for the past, and deference to current descendants of pre-Columbian peoples.\(^3\) The INC should
coordinate national and international awareness and prevention campaigns against the trafficking of pre-Columbian objects. Such efforts could persuade people to halt the collection of pre-Columbian objects inside and outside Peruvian territory. Partnerships are also important. International interdisciplinary cooperation (in archaeology, ethnology, anthropology, and art history), networking and research should continue at the university and museum levels. Partnerships among local agents and entities involved in the protection of cultural patrimony should be recognized and encouraged, since currently this is not happening. Cooperation agreements (MOU) between Peru and the United States should continue to strive to improve active investigations to recover objects, control borders and customs checkpoints, and train law enforcement agents to protect pre-Columbian objects. This will enable the agents to keep up with the current pace of detection, confiscation and repatriation of objects. Training and education for police and law enforcement authorities are also necessary in both Peru and the United States.
The overall outcome of such strategies - awareness, prevention and partnerships - will certainly persuade and educate many and especially the collectors to change their minds about their fondness for pre-Columbian objects. As Colin Renfrew, renowned British archaeologist and campaigner against trade in illicit antiquities, says: "they should collect something else."\(^5\)

1. Awareness Campaign

All knowledge is derived from the information of the senses. \(^6\) John Locke

I strongly believe that an outreach communications strategy is necessary to reveal the serious damage caused by the theft and trade of pre-Columbian works. The looting has not only harmed the sites and the valuable historic records they house, it has also physically damaged the works of art valuable historic records. Peru cannot only declare, using the national cultural rhetoric, "it is an assault on Peru's national identity." In this sense, the INC has to become proactive instead of simply reactive. Peru should assume a stronger leadership role and actively condemn looting
by providing more information on its consequences, such as images of the growing number of destroyed places. The country can get the message across by designing an awareness campaign that publicizes the destruction both nationally and internationally. Instead of just informing on the lusts of sites and objects or the positive repatriations of objects, Peru has to use mass-media communication tools more effectively to promote public condemnation.

Equally important, Peru must speak out at the highest level of the national government. Many experienced civil servants and well-known scholars have voiced their concerns individually, without provoking any real governmental response. Peru should take these declarations seriously and invite these citizens and scholars to be part of a consultative committee. In addition, Peru should not just let outside, well-intentioned NGOs raise public awareness on its behalf. The country has to demonstrate ownership of the problem, following Egypt and Italy, countries that are in full control of their own awareness campaigns to address the
looting and trading of their national treasures. Likewise, Peru has to take advantage of current information technology to explore new software options designed by computer engineers and communications experts, under the guidance of experienced managers working in the archaeological field. For example, the Pontifical Catholic University of Peru has departments of Information Technology, Communications and Archaeology that could design awareness and prevention campaigns. Simply stated, the sense of urgency has to be taken into consideration in the awareness campaign and transferred to the advertisement and media coverage. Daniel Cárdenas, Lecturer in the Department of Anthropology and the Archaeology Center at Stanford University, recently proposed the use of satellite imagery offered by Google Earth to identify and quantify site looting and destruction over time. And to go full circle, following Lord Renfrew’s line of thought on fighting the illicit trade: the information used in the awareness campaign will also convey that there is
something "morally dubious about collecting such antiquities." 

2. Prevention Campaign

In general, prevention strategies are the best tools for anticipating the occurrence of potentially illicit and damaging activities. The government of Peru will have to work more consistently and on all of the fronts of the prevention programs now in place. It should update the national registry through a streamlined inscription process rather than the old-fashioned current system; consistently keep educational programs organized in combination with the Ministry of Education; conduct training workshops for customs and police personnel more often; support the cultural protection brigades to widen the base of volunteers, and increase conservation, protection and security funds for archaeological sites and public museums, among other things. Accordingly, the national registry must not only be constantly updated, but should be safe, confidential and dependable. The national registry should include the location of objects outside Peru as well. The INC needs
to gain the trust of local private collectors and ease the registration process to obtain information on key items voluntarily. Moreover, techniques for homogenizing the different records in existence nationwide should be considered. Further studies are necessary to keep a unified, integral and coherent system.\textsuperscript{10}

In addition to the above, I recommend an alert system and visual records of damages and stolen objects. The alert system should use modern and simple technology, such as mobile phones, Global Positioning System (GPS) and satellite networks connected to regular radio networks to send signals to a regional law enforcement agency that will gather all the information and set off the alarm throughout the Peruvian territory. This system will assist with criminal investigations and deterrence. Images of damaged archaeological sites and lists of stolen objects can be uploaded on a website by anonymous contributors through secure inscription methods. Similarly, current social networks, such as interactive virtual spaces (Web 2.0, blogs, podcast, etc.) that create the opportunity for vital community
involvement, should be encouraged and taken into account due to their immediate responsiveness.\textsuperscript{11}

Pablo Bermúdez Mogni, E-Government Advisor to the Production Ministry of Peru asserts:

Mobile phone usage in Peru has proven to be an efficient and powerful channel to implement public policies. Mobile phones are affordable, work in real time and can be interconnected to multimedia options and the Internet. Positively, it can be used to prevent the trafficking of cultural patrimony, as well as keeping special interest networks connected due to its multiplying effect and ample geographical range in current Peruvian territory. If cultural patrimony and police inventories and databases are added to the aforesaid infrastructure, it is possible to obtain an effective tool to know how much cultural patrimony Peru currently has, where it is and who must protect it. It will also allow the verification of its state of conservation with contributions from members of civil society who already have digital cameras or mobile phones with cameras. In this sense, citizens will be exercising their desirable democratic power through active civil watch and defense participation of the country's cultural wealth.\textsuperscript{12}

Most importantly, Peru must provide considerably more funding to improve the infrastructure of public museums and archaeological site museums, especially those that receive and house returned or repatriated objects. These venues have to be properly prepared to
receive, conserve, classify, display and label the works secure and climate-controlled environments. The procurement of modern equipment, such as scanners and digital imagery, is necessary to keep the inventories and provenance information needed to facilitate and promote research. Equipment, knowledge and other resources could be shared by several national and regional public museums.¹³

3. Partnerships

There are always many modes to promote collaboration and learning from one other; therefore, local and international partnerships should be encouraged, respected and maintained by the government of Peru. Nationally, the involvement of the surrounding communities and private investors in the protection of archaeological sites is key to the economic and social sustainable development of both parts through combination with education, tourism programs and handmade traditional craft production projects, among other options available. This collaboration should be promoted and replicated often throughout the country.
Also important is the development of alliances and the sharing of knowledge and best practices among all the professionals and administrators working on archaeological projects, which rarely happens today. To forge collaboration among them, clarification in the use of resources by the INC Regional Offices is needed, since the separation of budgets and personnel creates an additional problem and fosters the non-cooperation mode.

Internationally, cooperation agreements between Peru and the United States – Memorandums of Understanding (MOUs) – should continue to strive to improve active investigations to recover objects, control borders and customs checkpoints, and train law enforcement agents to protect pre-Columbian objects. This will enable the agents to keep up with the current pace of detection, confiscation and repatriation of objects. Training and education for police and law-enforcement authorities are necessary in both Peru and the United States. Also important is the continuation of international interdisciplinary cooperation (in archaeology, ethnology, anthropology, art history), and
networking and research at the university and museum levels. More than ever it is important that Peru continue to welcome scientific archaeological expeditions, which bring new geophysical methods such as surface image management through magnetometry, satellite images, ground penetrating radar and electromagnetics that move archaeology field research forward as never thought possible before.\textsuperscript{14} Scholarly and educational exchange and collaborative research are essential to the advancement of national and universal knowledge and human understanding. Also important would be the dissemination of scholarly research through innovative multimedia interfaces (cyberinfrastructure)\textsuperscript{15} for the integration of knowledge and easy access for a broader public.\textsuperscript{16} "Public support for archaeological investigations, the protection of archaeological resources, and public interpretation of archaeological sites, objects and collections is essential" in the words of Francis P. McManamon, Chief Archaeologist for the U.S. National Park Service.\textsuperscript{17} This synergy will also indirectly promote changes in museums' acquisition
policies in the United States and other source nations to prevent inclusion of unprovenanced "antiquities" in their collections.\textsuperscript{18}

Additionally, the INC should continue working with ICOM and UNESCO. The registration of sites in the UNESCO World Heritage Committee annual nomination system should be revived, along with the coordination of a comprehensive national plan to protect one archaeological site after another. Furthermore, national collections could be placed in temporary loans or international traveling exhibitions to obtain funds to be reverted to the protection of archaeological sites, preservation and restoration of artifacts.

Lastly, the establishment of a private fund, similar to the 1903 UK National Art Collection Fund,\textsuperscript{19} should be considered in order to rescue and save national art from being exported and to acquire archaeological objects that left the country before the 1970s and that are circulating in the antiquities market.
Peru has to be open to the use of modern and emerging technology alternatives offered by new software and cyberinfrastructure with capabilities for alert, security and registration purposes to ease awareness, prevention and education processes into action among all citizens and public and private institutions, nationally and internationally. Peru is already providing information on what is found and what it means to the public, but it is also necessary to keep relentlessly educating about the “all-important respect for our fragile and scarce cultural resources,” since we are all responsible for it.20
CHAPTER VI

CONCLUSION

All the pre-Columbian objects unearthed in Peru (textiles, ceramic vessels, gold and silver objects) are of crucial value to understanding the past civilizations that belong to the cultural patrimony and national heritage of the country. It is wrong that pre-Columbian archaeological objects are being traded as commodities or simple merchandise for profit on an open market without effective limitations.

Cultural property has special historical status and deserves special legal treatment and respect from every human being and nation.

Cultural property is unique and finite and therefore irreplaceable.

Collectors, dealers, smugglers and looters who deal in pre-Columbian artifacts should know that an object kept in a private collection remains outside the body of collective scientific knowledge and that their actions seriously damage the understanding of the past in
national identities and directly contribute to the alteration of archaeological sites. Art dealers and auction houses should refuse to sell these objects and collectors should collect something else.

The identification of pre-Columbian objects should include historical context, exact location of find, date of discovery, possible use and enough information to be interpreted by scientific field experts and shared with the rest of humanity.

The ultimate purpose of my thesis is to present recommendations to be studied and considered by the nation of Peru and all agents, public and civil servants, who are currently involved in defending the cultural patrimony of Peru. In this regard, the thesis recommendations are not definitive and final; to the contrary, they should be viewed only as a provisional benchmark to stir up feasible options and help set new trends in the ongoing evaluation and use of new-age technology, cyberinfrastructure and social platforms to design creative and effective courses of action to
manage, defend, conserve, study and educate the rich cultural patrimony of the country in a sustained manner. Public awareness, preventive and educational campaigns, consistent legal and administrative enforcement and training should be considered priorities.

Partnerships and integrated actions should be expanded for the protection and conservation of pre-Columbian objects and their archaeological sites.

The thesis recommendations are intended as a catalyst to overcome the incompatible positions of the agents involved and to help in the search for alternative solutions that ultimately will bring deserved respect for our universal cultural heritage.
CHAPTER I. INTRODUCTION


3 On 13 May 2007, Francisco Estrada reported on 123 objects from former cultures of Costa Rica, Mexico and Peru offered at Christie's auction held in New York in May of 2007 in an article entitled "Christie’s auctions pre-Columbian objects illegally looted" in www.tribunalatina.com/peru (accessed on 15 February 2009). This was the last pre-Columbian auction held by Christie's in New York since in September 2007 it eliminated its pre-Columbian sales department altogether to transfer it to London.

4 Verónica Williams interviewed by author on 3 February 2009. She also said that the value of pre-Columbian objects should not be established by the fluctuation of a commercial market.

5 "Brodie & Doole (2001) concluded that the international trade in antiquities, mostly illegally excavated and exported, contributes to the destruction of the world's archaeological heritage," mentioned by the Looting and Site Destruction from the Perspective of Archaeologists: An Exploratory Study conducted by Blythe Alison Bowman, Principal Investigator School of Criminology and Criminal Justice, University of Nebraska at Omaha, March 2008.


9 Luis Repetto interviewed by author on 9 February 2009.


11 Objects usually produced between 1400 BCE - 1532 CE.

12 Huaquear means to unearth objects from a huaca. Huaca means sacred area.


14 Timothy L. McAndrews explains that an archaeologist in modern times needs to understand the law, legislation theory, history, anthropology, compliance and planning processes, lab analysis, mapping, surveying, statistics, specialized lithic, ceramic and soil analysis, GIS, GPS, personnel and
budget management, proposals and contracts, marketing, leadership, communication skills, field and lab supervision and ethics. "Bridging the Great Divide", The SAA Archaeological Record Magazine, May 2007.

15 Luis Repetto is also the former president of ICOM-LAC, the Regional Organization for Latin America and the Caribbean and former INC director.

16 Eva Tenorio recently launched www.ruraqmaki.com (accessed on February 2009) a virtual gallery to promote Peruvian artistic traditions.

CHAPTER II. PERU: A SOURCE NATION


3 The term "culture" is used to denominate the different societies that developed in Peru before the establishment of the Inca empire around 1400. The term “civilization” is applied to more complex societies such as the Maya, Aztec and Inca civilizations.

4 The term "stereography" in archaeology refers to the many layers of human settlements built one on top of the other over a period of time.

5 “Las Señoras de San José de Moro: rituales funerarios de mujeres de elite en la costa norte del Perú” by Luis Jaime Castillo Butters, Director of the San José de Moro Archaeological Project, in Summa Humanitatis, Revista electrónica interdisciplinaria del

On 26 March 2009, Castillo Butters gave a lecture at the Embassy of Peru in collaboration with the Pre-Columbian Society of Washington on the Golden Age of Moche Archaeology (between 1987 and 2008) in which field research in archaeology discovered spectacular new findings such as the Lord of Sipan, the Moche Priestesses the Lady of Cao and the high reliefs of Huacas Moche, among many others.

During the eight months that I monitored the archaeological findings in Peru, I also followed the discoveries happening at the same time in the rest of the world. Peru, Mexico and Guatemala have a non-binding agreement (MOU) with the United States to assist each other in restricting the trafficking of archaeological objects between countries. China and the U.S. had recently agreed to ban Chinese archaeological material dating from 75,000 BCE-907 CE from entering the United States. Art News, March 2009, 68.

Cultural press releases prepared daily by the Communications Office of the National Institute of Culture of Peru.

Usually archaeological projects last decades to complete.

When monitoring the archaeological news published in local newspapers in Peru, I also reviewed the news on activities threatening archaeological zones, such as highways being constructed around Lima (EL COMERCIO, 28 April 2008) and Puno (EL COMERCIO, 16 June 2008), and mining activities in Nazca Lines (CARETAS, 14 May 2008) and Yanacocha (PERU 21, 3 June 2008.) These articles show the pressure that politics and private interests exert over archaeological.

Declarations were made by Thevenot at the 2007 list launch in Europe, as reported by the Associated Press. E-mail: thevenot.icom@unesco.org

Mariana Mould de Pease, Peruvian cultural patrimony campaigner, declared in Presencia Cultural TV series http://www.youtube.com/watch?v=7NGrn3rQZHg&feature=related (accessed on 5 January 2009).


Confusing worldwide multiple lists of stolen objects:
- ICOM Red List
  www.icom.museum/redlist/peru/es/index.html
- Art Loss Register
  www.artloss.com/asp/theftandrecovery/stats.asp
- Interpol Stolen Works of Art
  www.interpol.int/public/workofart/woafaq.asp
- International Foundation for Art Research. Stolen Art Section
  www.ifar.org
- www.museum-security.org
Ley 28296, D.S. 50-94-ED. El INC tiene como finalidad afirmar la identidad nacional mediante la ejecución descentralizada de acciones de protección, conservación y promoción, puesta en valor y difusión del patrimonio y las manifestaciones culturales de la Nación para contribuir al desarrollo nacional con la participación activa de la comunidad y los sectores público y privado. Entre sus funciones se encuentra el formular y ejecutar las políticas y estrategias del Estado en materia de desarrollo cultural, defensa, conservación, difusión e investigación del Patrimonio Cultural de la Nación. Translation: The INC's main goal is to preserve Peru’s national identity. The INC formulates and executes policies and strategies for cultural development and for the defense and conservation of the nation's cultural heritage. The INC has different levels, branches and regional offices with mixed responsibilities and restrictions. http://inc.perucultural.org.pe (accessed December 2008).

Ann Peters interviewed by author on 10 March 2009.

Dr. Cecilia Bákula is the current director of the INC and the only person authorized to provide official information on INC performance and data. I formally requested additional current statistics since the INC website has outdated information and did receive a formal answer on time to include it in this research.

Anonymous source interviewed by author on December 2008.


Huacas y Huaqueros en Trujillo durante el Virreynato: 1535-1835 by Jorge Zevallos Quiñones,
mentioned by César Maguiña in an interview by author on 21 March 2009.

23 Anonymous source, seasoned in huaqueo practices, interviewed by author on June 2008.


26 Mariana Mould de Pease interviewed by author on 3 March 2009.

27 Luis Repetto declared that SERPOST, the Peruvian Postal Service, demonstrated the variety of methods used by smugglers to disguise artifacts. Among the many ingenious modalities used, he mentioned that objects are painted and made to appear like a contemporary handmade pottery, or are introduced in breads for exportation. Interviewed on 6 February 2009.

28 Mariana Mould de Pease has extensive evidence on the routes used by smugglers of Colonial objects. By extension, similar routes are used by the smugglers of pre-Columbian objects. Former diplomats have also been involved by using the diplomatic pouch that cannot be inspected by the host country. One case in particular is known of a Bolivian diplomat involved in this illicit trade. El Comercio, Lima, Peru, 3 November 2001. More recently, former Costa Rican diplomat Leonard Patterson was able to keep thousands of objects in Santiago de Compostela, Galicia, Spain, for more than 10 years before they were confiscated by authorities.

Joseph Campbell, *The Power of Myth*, 71. Since the human psyche is essentially the same all over the world, Andean cosmology also fits Joseph Campbell's theory on the tendency of myths to have certain similar patterns to deal with the understanding of four basic truths: 1) individual existence (reality); 2) the definition of their purpose in life; 3) apprehension of the afterlife, and 4) the divine.


In recent years, archaeologists have discovered additional settlements in the desert of Peru, developed 4,000 to 5,000 years ago. Article about the First City in the New World by *Smithsonian Magazine*, August 2002, 57.

The cold Humboldt Current of the Pacific Ocean allows for an extraordinary abundance of seafood.

The recently published *Guide to Documentary Sources for Andean Studies 1530–1900*, edited by Joanne Pillsbury in collaboration with the Center for Advanced Study in the Visual Arts, is a magisterial compilation of sources that is changing pre-established historical viewpoints on the effects of the European presence in the Andean region. Norman: University of Oklahoma Press, 2008.


The slaves were usually defeated warriors captured in battles against neighboring communities.
CHAPTER III. DEMAND BY COLLECTORS: SOURCE OF CONFLICT


4 In 2002 collectors in the United States founded the American Council for Cultural Policy (ACCP) to lobby for their rights to collect and trade antiquities freely in the U.S. In 2005 the ACCP articulated its position by commissioning Kate Fitz Gibbon to edit the book entitled "Who Owns the Past? Cultural Policy, Cultural Property
and the Law." The book is biased because the editor used outdated articles on nationalistic views and current articles from the collectors’ side. Despite this fact, the book proves that the contradictory debate between these agents has not change in 30 years. The ACCP was dissolved in 2005 and no longer exists.

5 Luis Repetto interviewed by author on 9 February 2009.

6 The idea that source nations should spare their "surplus" of objects to satisfy collectors’ interest wrongly assumes abundance and disregards the local realities of each country. These countries do not have the conditions to create a panel to make those controversial decisions.

7 As mentioned in Chapter II, private collectors in Peru have also managed to defend their own personal interest in collecting under the idea of freedom, similar to the U.S. collectors. Therefore the interest of collectors, whether national or foreign, increases the illicit traffic of pre-Columbian objects inside and outside Peru. They also cause the enforcement methods and control to fail constantly.


10 www.britarch.ac.uk/ba/ba17/BA17BOOK.HTML (accessed on November 2008).

Dealers, collectors and museums are mainly interested in accumulating Italian, Greek, Egyptian and Asian objects, but there are still a group that keeps looking for something more exotic and rare, such as pre-Colombian and colonial objects from Latin America. This type of collector do not like to acquire objects that have been circulating for years from hand to hand in the market, since they much prefer new objects. This pressure, which may seem minimal compared to the pressure for Mediterranean and Asian antiques, is still dangerous for a country such as Peru.

Research studies of illegal pre-Columbian objects in a private collection gives a certain aura to the collector, as in the case of archaeologist Walter Alva and Italian local collector mentioned in "Can you dig it?" The Economist, 20 March 2002 U.S. Edition.


Renfrew, 35.

Ibid, 36.

Ibid, 37.

Ibid, 37.

"Can you dig it?" The Economist, 30 March 2002. Also considered by Vitelli.

Robbins, 42.

23 "When not directly involved, consciences are easily washed and a bank or businessman may find the purchase of an art object (the doubtful origin of which may have become quite remote in the long series of passages) legitimate..." by Giuliana Luna, in *The Protection of the Cultural Heritage: An Italian Perspective*, in *The Protection of the Artistic and Archaeological Heritage: A View from Italy and India*, 49 (1976), mentioned by Lisa J. Borodkin in her article entitled "The Economics of Antiquities Looting and a Proposal Legal Alternative" published in the *Columbia Law Review*, Vol 95, Nº2 (March 1995)

24 Borodkin, 385.


26 Atwood commenting on how an object is first assessed by traffickers and art dealers because through certain features it is possible to identify what culture created it and roughly when and what it is worth on the open market. Atwood, 49.

27 "... private collecting encourages further looting and from an archaeologist's viewpoint it is wrong" "Archaeology and the Ethics of Collecting" by Arlen F. Chase, Diane Z. Chase, and Harriot W. Topsey in *Archaeological Ethics, Second Edition*. Edited by Karen D. Vitelli and Chip Colwell-Chanthaphonh. (Oxford: Altamira Press, 2006), 24. It is necessary to educate the public and persuade them to stay away from items not rightfully for sale so as to curb looting.

28 Neil Brodie article entitled “An Archaeologist View of the Trade of Unprovenanced Antiquities,” Chapter

29 Juan Antonio Murro interviewed on 27 April 2008.

30 At the beginning of the millennium, auction houses such as Sotheby's and Christie's try to be discreet by changing their catalogue format and including pre-Columbian objects from the Americas among Asian, African and Primitive art catalogues. Soon afterward, Sotheby's closed its sales on antiquities in London and moved them to New York, but still conducts auctions twice a year in May and November. Neil Brodie and David Gill in *Ethical Issues of Archaeology*, edited by Zimmerman, 33. In Sept 2007, Christie's eliminated its pre-Columbian sales department altogether.

**CHAPTER IV. LEGAL FRAMEWORK AND APPLICATIONS**

1 Relevant International Legal Framework (1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property) has been in place for almost forty years. It is internationally complemented by the 1970 UNESCO Treaty on International Movement of Works of Art, 1995 UNIDROIT Convention on Stolen and Illegally Exported Cultural Objects and the 1999 ISCOTIA International Standing. The former are complimented by the actions of special committees such as the 1978 UNESCO Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation. Others: 1976 Organization of American States (OAS) Convention to Protect the Archaeologic, Historic and Artistic Patrimony of Nations and the 2004 Decision 588 issued by the Andean Nations Community (CAN.)

3 116 countries had agreed (acceptance or ratification) with the 1970 UNESCO Convention by June 17, 2008.

4 Constitution of Peru of 1993.


7 The total number of declared archaeological sites is just one-fifth of all the possible archaeological sites in existence in the territory.


10 José Ugaz Sánchez Moreno interviewed by author on 29 March 2009.

11 Ricardo Morales denounced the closing of the case by a judge even though there was enough evidence to
continue the investigation of a massive theft of objects from the University of Trujillo storage.

The rhetoric used by the current government is confusing since on one side the public educational programs include the defense of national cultural patrimony, but on the other side the President of the country proposes the protection of certain sites and the destruction of others to allow the development of construction projects, which his administration and the private-investment lobby consider will bring progress to Peru. This is confirmed by Percy Salinas, a High School teacher of a school located closed to the Huaycán archaeological site, former Inca palace in the outskirts of Lima.


As reflected in the hearing H.R. 3403 to implement the 1970 UNESCO Convention on Cultural Property before the Subcommittee of the House of Representatives conducted on September 27, 1979. The Archaeological Institute of America (AIA), the Association for Field Archaeology (AFFA), Society for American Archaeology (SAA), the Peabody and University Museum, and the American Association of Museums (AAM) and other experts, testified in support of the implementation. The American Association of Dealers in Ancient, Oriental and Primitive Art, the National Antique and Art Dealers Association represented the powerful art-dealer and collectors constituencies.

Memorandum of Understanding sequentially renewed since 1981.

16 Tariff Schedule I, Part 15, Section D. mentioned by Leo Harris in page 159 of his article entitled "From the Collector's Perspective: The Legality of Importing Pre-Columbian Art and Artifacts" in The Ethics of Collecting Cultural Property edited by Phyllis Mauch Messenger.

17 Ibid, 163.


19 There are also many U.S. agents who have to coordinate multiple actions to combat the illicit trade. The Cultural Heritage Center administers the Cultural Property Advisory Committee (CPAC), which is comprised of eleven members in the Bureau of Educational and Cultural Affairs of the U.S. State Department (www.state.gov) which reviews requests by countries for international cultural property protection. On top of that the U.S. State Department works with the U.S. Homeland Security and U.S. Immigration and Customs Enforcement (ICE) www.ice.gov (accessed on 15 December 2008).

20 UNIDROIT Convention on the International Return of Stolen or Illegally Exported Cultural Objects held in Rome in June 1995.

21 1995 UNIDROIT Convention for the International Return of Stolen of Illegally Exported Cultural Objects, Chapter II on Restitution of Stolen Cultural Objects, Article 3.

22 Pre-Columbian objects can be identified as belonging to a certain culture, but the additional condition is to have additional documentation of ownership by the nation claiming it. The problem is that
most of the objects are looted, and thus do not have any written credentials.

23 Borodkin, 403.


25 Borodkin, 406.

26 Prominent archaeologist with certain political influence Walter Alva has the reputation as a serious public administrator. In 1990, the U.S. Government promulgated an emergency law to restrict the entry of Moche and Sipan artifacts and a bilateral MOU between the U.S. and Peruvian governments (within the framework of the U.S. legislation enforcing the 1970 UNESCO Convention). Due to a recent 2007 MOU, all imports of any archaeological material from Peru have restrictions.

27 www.imperialvalleynews.com (accessed on 11 February 2009).


María del Carmen Cossu, one of the persons who initiated the training assistance to the Peruvian museum community proposal, praises the American Embassy in Lima for continuing to implement projects by following the recommendations included in the first needs assessment compiled by Cossu with Magdalena Mieri and James Volkert in 1999. Interviewed by author on 6 December 2008.


Comando Carabinieri Tutela Patrimonio Culturale represented by General Giovanny Nistri of the art theft police division of Rome, which controls the illicit traffic of antiques in Italy since 1969.

Conference proceedings' documents provided by Luis Repetto while being interviewed on 16 February 2009. Taller Subregional Andino sobre la Convención de la UNESCO de 1970: "Control de Tráfico Ilícito de Bienes Culturales y Museos", organized by the Oficina Multipaís - UNESCO Quito and the Natural and Cultural Patrimony Ministry Coordinator of Ecuador. The purpose of this conference was to prepare an assessment of goals achieved through the UNESCO Convention, 17-19 September 2008, Quito, Ecuador.

Cecilia Bákula, INC Director, declared that in 2008 the INC issued Cultural Property Defense Manuals, organized community gatherings to clean and maintain 22 archaeological sites in Lima and offered 150 awareness and training sessions where 4500 people participated. A great effort but not enough considering the major task of protecting 6000 declared archaeological sites in a country with a population of 28.4 million inhabitants.
according to 2006 Peru Census. Questionnaire answered on 30 March 2009.

35 Percy Salinas, Fernando Risco, Yolanda Alván and Victoria Sáez interviewed by author in meeting held on 3 September 2008 when visiting both archaeological sites in Lima accompanied by Eva Tenorio.


37 Questionnaire answered by INC Director Cecilia Bákula on 30 March 2009.

38 José Ignacio Lambarri Orihuela interviewed by author on 27 January 2009.

39 Questionnaire answered by Cecilia Bákula on 30 March 2009.

40 Eva Tenorio interviewed an anonymous source on behalf of the author on 23 January 2009.

41 www.huacasdemoche.org.pe

42 The most important prizes are: Premio Nacional a la Creatividad Empresarial (Universidad de Ciencias Aplicadas 2001); Modelo de Gestión Turístico Cultural Iberoamericano (Ministerio de Turismo de España 2004); IV Premio Internacional Reina Sofía en Conservación y Restauración del Patrimonio Cultural (AECI 2005); Premio a las Buenas Prácticas Gubernamentales (CAD 2007.) Information given by conservator Ricardo Morales, interviewed by author 4 February 2009.

43 sanjosedemoro.pucp.edu.pe

44 President Toledo made the declaration when attending the inauguration of the National Museum of American Indian in 2003 in Washington D.C.
CHAPTER V. RECOMMENDATIONS

1 The National Geographic Society's mission is to increase global understanding and promote stewardship of our planet through conservation, research, exploration and education. National Geographic Adventure Magazine, December 2006/January 2007.


3 National Office of Patrimony and Museums of the Secretary of Culture of Argentina relaunched in 2009 a well-publicized communications campaign through TV and website channels. It was also deployed at airports to avoid the exit of national objects by teaching travelers what is legal and illegal to carry across borders. The message is accompanied by the clear instruction to call INTERPOL Argentina. This supplemented the 2004 government investment in security equipment to improve control by museums. http://www.cultura.gov.ar/programas/?info=detalle&id=61 (accessed 9 February 2009).

4 Ricardo Morales and Cesar Maguiña, who worked in the Northern Coast of Peru, attested to this non-cooperative mode among institutions and people involved in the cultural patrimony arena.

"A Philosophical Enquiry into the Origin of our Ideas of the Sublime and the Beautiful" by Edmund Burke, 1757, 25.

7 Like many Internet websites such as savingantiquities.org (accessed on 1 December 2008).


10 For example, the Getty Thesaurus of Geographic Names (TGN) is a modern method to systematically gather information for research and catalogue efforts worldwide. www.getty.com/research

11 “Social networking has become a fundamental part of the global online experience,” said John Burbank, CEO of The Nielsen Company, www.nielsen.com (9 March 2009).

12 Pablo Bermúdez Mogni interviewed by author on 27 March 2009. Bermúdez has almost 20 years of experience in the application of E-Business and information technology in Peru.

13 César Maguiña interviewed by author on 21 March 2009.

14 Notes taken at the Technology and Archaeology Workshop hosted by Dumbarton Oaks and organized in collaboration with the Center for Advanced Spatial Technologies of the University of Arkansas at Fayetteville. Introduction given by Alexei Vranich of the University of Pennsylvania. Case Study: Subsurface

15 The term “cyberinfrastructure” is used by Dean R. Snow, Kenneth G. Hirth and George R. Milner, professors of anthropology at Penn State University in “Envisioning an Archaeological Cyberinfrastructure," an article that encourages speeding up the current pace of archaeological knowledge sharing in the United States, published in the November 2006 SAA Archaeological Record Magazine.

16 Article commenting on the Open Access Act of the United States that recommends the online publication of all federally funded archaeological projects. SAA Archaeological Record Magazine, Vol 8, Nº1, (January 2008): 7.


APPENDIX A

Archaeological Sites in the Department of Lampayeque—Northern Peru
### APPENDIX B

**Discoveries of pre-Columbian Objects and Archaeological Sites in Peru between May and December, 2008**

**Source:** Cultural press releases prepared daily by the Communications Office of the National Institute of Culture of Peru

Information about the objects and sites are disseminated through the media

<table>
<thead>
<tr>
<th>Date</th>
<th>Location</th>
<th>Description</th>
<th>Person in charge of excavation</th>
<th>Newspaper Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>May 1</td>
<td>Cerro Campanario, Vilcashuamán, Ayacucho</td>
<td>Temple of the same time as Chavín de Huántar, 3000-year-old ceremonial center (1800 - 200 BCE).</td>
<td>Japanese archaeologist Yauchi Matsumoto</td>
<td>LÁ RAZON</td>
</tr>
<tr>
<td>May 6</td>
<td>Parque Arqueológico Machu Picchu, Cusco</td>
<td>Series of tombs, 80 skulls and bones, camelids, petroglyphs, fabrics and pottery fragments. 40% Inca origin.</td>
<td>INC, Sanctuary Director Fernando Velasco, Archaeologist Fernando Astete</td>
<td>EL COMERCIO</td>
</tr>
<tr>
<td>May 20</td>
<td>Archaeological Site Bandurria, South of Huacho</td>
<td>Human bones sacrificed more than 4,000 years ago.</td>
<td>Archaeologist Alejandro Chu</td>
<td>EL PERUANO, EL COMERCIO, EL TROME, PERÚ 21</td>
</tr>
<tr>
<td>June 3</td>
<td>Parque Arqueológico de Sacsayhuamán, Cusco</td>
<td>Tambomachay, Túpac Inca mausoleum, group of rocks with many Inca iconography plus an Inca Temple in Cochapata, 170 meters of Qenqo.</td>
<td>INC-Ancash Director José Antonio Salazar Mejía</td>
<td>EL PERUANO, PERÚ 21</td>
</tr>
<tr>
<td>June 5</td>
<td>Ichic Willcahuán Archaeological Complex, 7 km NE of Huaraz.</td>
<td>Utensils, textiles and pottery 700 CE with Wari Culture influence (Ayacucho)</td>
<td></td>
<td>EL PERUANO, PERÚ 21</td>
</tr>
<tr>
<td>June 7</td>
<td>Yanacocha Mining Site, Cajamarca</td>
<td>300 archaeological objects to be exhibited</td>
<td></td>
<td>PERÚ 21</td>
</tr>
<tr>
<td>June 9</td>
<td>Near the crater of the Misti Volcano, Arequipa</td>
<td>New evidence of human sacrifices</td>
<td>Archaeologist José Antonio Chávez</td>
<td>EL PERUANO</td>
</tr>
<tr>
<td>June 9</td>
<td>Caleta de Végueta, Huaura Province, Archaeological site of Caral</td>
<td>Anthropomorphic objects, 5000 years old, belonging to Caral civilization</td>
<td>Archaeologist Ruth Shady</td>
<td>PERÚ 21, EL PERUANO</td>
</tr>
<tr>
<td>Date</td>
<td>Location</td>
<td>Description</td>
<td>Author(s)</td>
<td>Newspaper(s)</td>
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</tr>
<tr>
<td>June 10</td>
<td>Huaca Pucllana Project, Miraflores, Lima</td>
<td>Evidence of human sacrifices performed during rituals</td>
<td>Anthropologist Maria Inés Barreto</td>
<td>EL PERUANO</td>
</tr>
<tr>
<td>June 15</td>
<td>Socospata, Ollachea District, Carabaya, Puno</td>
<td>Four mummies in good state of conservation belonging to the Colla Culture, 1100-1450CE</td>
<td>Police Office Fredy Cáceres Rodríguez, INC Archaeologist Eugenia Zevallos</td>
<td>PERU 21</td>
</tr>
<tr>
<td>July 17</td>
<td>Sipán, Huaca Rajada</td>
<td>Fourth Lord Moche</td>
<td>Archaeologist Luis Chero Zurita Director Museo de Sitio Sipán, Fondo Italo Peruano and Unidad Ejecutora Naylamp</td>
<td>CARETAS 2035</td>
</tr>
<tr>
<td>July 26</td>
<td>Archaeological Project of Úcupe</td>
<td>Jewelry in Señor de Úcupe tomb, Mochica Culture, in exhibition at the Tumbas Reales de Sipán</td>
<td>Archaeologist Steve Bourget, INC</td>
<td>EL COMERCIO</td>
</tr>
<tr>
<td>August 6</td>
<td>Caserío de Acapulco, Cajaruro District, Utcubamba Province, Bagua Grande, Amazonas</td>
<td>Stone citadel, 5 kilometers in area, 50 complete tombs</td>
<td>Cajaruro Major Antero Dueñas Dávila</td>
<td>EL COMERCIO</td>
</tr>
<tr>
<td>August 16</td>
<td>Parque arqueológico Machu Picchu, Cusco</td>
<td>Cave used as a cemetery with approx. 15 human bones, textiles of orange color in good conservation state and pottery</td>
<td>Archaeologist Francisco Huarcaya, Archaeologist Fernando Astete</td>
<td>PERU 21, LA PRIMERA, EXPRESO</td>
</tr>
<tr>
<td>August 26</td>
<td>Huaca Pucllana Project, Miraflores, Lima</td>
<td>Dama de la Máscara, first complete tomb found from imperial Wari period, 700 CE: 3 funerary bundles of adults and a sacrificed boy. Textiles, vessels and gourds.</td>
<td>Archaeologist Isabel Flores and team, Inter-institutional agreement signed by INC and Miraflores Municipality</td>
<td>EL COMERCIO, PERÚ 21, CORREO, EL PERUANO</td>
</tr>
<tr>
<td>September 1</td>
<td>Parque de las Leyendas (Lima’s zoo)</td>
<td>Approx. 50 huacas.</td>
<td></td>
<td>EL PERUANO</td>
</tr>
<tr>
<td>September 3</td>
<td>Special Archaeological Project Caral-Supe (Peacs)</td>
<td>Sacred City of Caral: Quadrangle, ceremonial building contemporary with Chavin. Oldest Quipu found.</td>
<td>Archaeologist Ruth Shady</td>
<td>EL PERUANO</td>
</tr>
<tr>
<td>September 4</td>
<td>Archaeological Project of Cahuachi, Nazca, Ica</td>
<td>8 painted textiles, 80 vessels, baskets and gold objects and 30 carved and painted gourds using resins, human offerings, miniatures, others.</td>
<td>Directors Giuseppe Orefici and Ángel Sánchez, sponsored for more than 20 years by</td>
<td>LA REPUBLICA, EL PERUANO, EL COMERCIO, LA PRIMERA</td>
</tr>
<tr>
<td>Date</td>
<td>Location</td>
<td>Description</td>
<td>Source</td>
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<tr>
<td>September 5</td>
<td>Two blocks from Cuzco City Main Square</td>
<td>Inca wall in the city center, part of Qhapaq Ñan (Inca Trail).</td>
<td>INC Cusco</td>
<td></td>
</tr>
<tr>
<td>September 6</td>
<td>Hacienda Pumamarca, San Sebastián District, Cuzco</td>
<td>Inca wall, two rooms and tombs with funerary offerings. Probably Mama Anahuarque palace, one of Inca Pachacútec’s wife, where water and sun were worshipped.</td>
<td>El COMERCIO EXPRESO, EL POPULAR</td>
<td></td>
</tr>
<tr>
<td>September 9</td>
<td>Archaeological Complex of Chavin, Ancash</td>
<td>‘La Galería de las Ofrendas,’ underground corridor with galleries and secret tunnels in Chavin de Huántar site, connected to the Mosna River.</td>
<td>EL PERUANO, LA REPUBLICA, TROME</td>
<td></td>
</tr>
<tr>
<td>September 10</td>
<td>Parque Arqueológico de Sacsayhuamán, Cuzco</td>
<td>19,329 ceremonial objects, 2 gold sculptures in Cruz Mocco.</td>
<td>INC experts, resident archaeologist Sabino Quispe</td>
<td></td>
</tr>
<tr>
<td>September 10</td>
<td>Parque Arqueológico de Sacsayhuamán, Cuzco</td>
<td>Templo de la Luna: Amaru Marca Huasi huaca: 8 tombs with remains of 15 humans, probably servants of Amaru Topa Inca, Inca Pachacútec’s son.</td>
<td>Archaeologist Luis Guevara</td>
<td></td>
</tr>
<tr>
<td>September 10</td>
<td>Archaeological Complex of Chotuna-Chornancap, Lambayeque</td>
<td>Polychrome mural of Lambayeque culture and sacrificed human remains, including several pregnant females, 900 CE.</td>
<td>Archaeologist Luis Chero, Museo Nacional de Arqueología y Etnografía Heinrich Brüning Director Carlos Wester La Torre</td>
<td></td>
</tr>
<tr>
<td>September 11</td>
<td>Huaca Huantille, Municipalidad de Magdalena, Lima</td>
<td>10 mummies, vessels of the Ishma Culture, 600-1000 CE.</td>
<td>OJO</td>
<td></td>
</tr>
<tr>
<td>September 11</td>
<td>Archaeological site of Marcajirca (Huari Province- Ancash)</td>
<td>Inhabitants lived near cemetery area.</td>
<td>EL PERUANO, LA REPUBLICA,</td>
<td></td>
</tr>
<tr>
<td>September 11</td>
<td>Mountain hill in Nawpamarca, 4,300 feet above sea level in the middle of a</td>
<td>Metallurgic Workshop of Pre-Colombian Huari Culture.</td>
<td>PERU 21</td>
<td></td>
</tr>
<tr>
<td>Date</td>
<td>Location/Project</td>
<td>Details</td>
<td>Source</td>
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<tr>
<td>September 15</td>
<td>Archaeological Project of Regional Ancash-Cochayuc (ParaCo)</td>
<td>Enclosure in Kipia area, where the Huaylas Culture built temple to worship the thunder, 1000 CE.</td>
<td>PERU 21</td>
<td></td>
</tr>
<tr>
<td>September 22</td>
<td>Parque Arqueológico de Sacsayhuamán, Cuzco</td>
<td>Ceremonial pottery workshop in upper part of the huaca and Inkil Tambo adoration area.</td>
<td>INC- Cusco, director de Sacsayhuamán, Washington Camacho.</td>
<td></td>
</tr>
<tr>
<td>September 27</td>
<td>Oil Exploration Lot 39</td>
<td>3 new archaeological sites in Nashiño, Buena Vista and Flor de Coco, in Napo River, border with Ecuador. Vessels and lithic axes.</td>
<td>EL COMERCIO</td>
<td></td>
</tr>
<tr>
<td>October 12</td>
<td>Cerro Huanacaure, Cuzco</td>
<td>Pre-Hispanic settlements, two cities found.</td>
<td>Qhapaq Nan Inca Trail archaeologists, INC Cuzco.</td>
<td></td>
</tr>
<tr>
<td>October 19</td>
<td>Archaeological Complex Collud-Zarpán, near Pomalca district in Chiclayo.</td>
<td>Temples and murals, 1000 BCE-1000 CE.</td>
<td>Walter Alva, Museum Director Tumbas Reales de Sipán.</td>
<td></td>
</tr>
<tr>
<td>October 27</td>
<td>Archaeological Complex El Brujo, valle del río Chicama (La Libertad)</td>
<td>Mysterious priest or warrior found close to famous Señora de Cao royal tomb, first female governor in the Mochica society.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>October 28</td>
<td>Parque arqueológico Machu Picchu, Cusco</td>
<td>Silver offerings or 'tupus' and other objects offered to the huaca, a sacred altar.</td>
<td>Archaeologist Fernando Astete</td>
<td></td>
</tr>
<tr>
<td>October 30</td>
<td>Cajamarca</td>
<td>Inca Atahualpa's remains.</td>
<td>Researcher from Cajamarca Natividad</td>
<td></td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>Date</th>
<th>Location/Project</th>
<th>Description</th>
<th>Archaeologist/Project Details</th>
<th>Source(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>October 30</td>
<td>Special Archaeological Project Caral-Supe (Peru)</td>
<td>Subterranean connector with a special entrance recently restored. Ruth Shady, director of the project, affirms that it is a pathway to connect different levels in the area.</td>
<td>Archaeologist Ruth Shady</td>
<td>PERU 21</td>
</tr>
<tr>
<td>November 10</td>
<td>Bagua</td>
<td>8 tombs, one with young adolescent mummy, pre-Inca cemetery</td>
<td>Found by a farmer who is part of a defense brigade to protect site from 'huaqueros'</td>
<td>CORREO</td>
</tr>
<tr>
<td>November 11</td>
<td>Parque Nacional del Manu, Archaeological Exploration Project of the upper layers closed to the Archaeological Site of Mameria</td>
<td>SE new urban area</td>
<td>French archaeologist Thierry Jamin, director of 2008 Antisuyo Project, in the rainforest area of the country.</td>
<td>PERU 21</td>
</tr>
<tr>
<td>November 16</td>
<td>Archaeological Complex Chotuna-Chornancap, Lambayeque</td>
<td>Minor offerings such as cotton fabric, vessels and bobbins of yarns, found in 8 tombs, 900 CE, Chimú Culture, SW of Huaca Norte pyramid found on 3 November.</td>
<td>Archaeologist resident Manuel Curo</td>
<td>EL COMERCIO</td>
</tr>
<tr>
<td>November 23</td>
<td>Archaeological Project Nasca-Palpa</td>
<td>Human settlement, 19 tombs in the Pernil Alto sector in Palpa (3500 BCE)</td>
<td>Archaeologists Johny Isla Cuadrado, Elsa Tomasto and German researcher: Markus Reindel</td>
<td>EL COMERCIO</td>
</tr>
<tr>
<td>November 28</td>
<td>Santuario Histórico Nacional de Machu Picchu</td>
<td>Archaeological complex of Toronto: tomb of individual of rich origin due to the sophistication of vessels (tripod, pedestal or conical style). Platters, jars with anthropomorphic decoration and tupus (metal pins).</td>
<td>Resident archaeologist Homar Gallegos Gutiérrez</td>
<td>PERU 21, EXPRESO, EL PERUANO</td>
</tr>
<tr>
<td>November 29</td>
<td>Unidad Ejecutora Naylamp-Lambayeque</td>
<td>Huaca El Loro, South square: 3 elite members of Sicán Culture, 1000 CE. Radar penetration of 8 meters found headdresses, copper pectorals, and gold, silver</td>
<td>Japanese archaeologist Isumi Shimada</td>
<td>PERU 21, EL COMERCIO, CORREO</td>
</tr>
<tr>
<td>Date</td>
<td>Location</td>
<td>Description</td>
<td>Source</td>
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</tr>
<tr>
<td>December 11</td>
<td>Santuario Histórico Bosque de Pómac</td>
<td>Noble Sican leader related to the Tallanes with 3 collaborators, gold, silver and copper crown, ceremonial mast of 25 centimeters, Lambayeque Culture</td>
<td>EL COMERCIO</td>
<td></td>
</tr>
<tr>
<td>December 14/15</td>
<td>Archaeological Complex of Cerro Pátapo, 22 kms de Cholayo</td>
<td>Wari Culture citadel</td>
<td>PERU 21</td>
<td></td>
</tr>
<tr>
<td>December 7</td>
<td>Caserío La Palma, Jamalca District</td>
<td>Petroglyphs decorated living quarters, vessels in the Northern Peruvian Jungle.</td>
<td>PERU 21</td>
<td></td>
</tr>
<tr>
<td>December 18</td>
<td>Parque Arqueológico de Sacsayhuamán, Cuzco</td>
<td>277 bronze objects (including 98 nose pendants) found with decayed textiles inside the enclosure at the Inca Cárcel archaeological site, an Inca storage</td>
<td>EL COMERCIO, EXPRESO, PERU 21</td>
<td></td>
</tr>
</tbody>
</table>

**SUMMARY:** Number of discoveries of pre-Columbian objects and archaeological sites found in Peru between May and December, 2008

<table>
<thead>
<tr>
<th>May</th>
<th>June</th>
<th>July</th>
<th>August</th>
<th>September</th>
<th>October</th>
<th>November</th>
<th>December</th>
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<tbody>
<tr>
<td>3</td>
<td>7</td>
<td>2</td>
<td>3</td>
<td>15</td>
<td>8</td>
<td>6</td>
<td>4</td>
</tr>
</tbody>
</table>

48 discoveries in 8 months  
Average of 6 discoveries per month

**Source:**
Cultural press releases prepared daily by the Communications Office of the National Institute of Culture of Peru


**APPENDIX C**

Sample of Objects and Iconography of Pre-Inca and Inca Civilizations

<table>
<thead>
<tr>
<th>Description</th>
<th>Object/Iconography</th>
</tr>
</thead>
</table>
| **Paracas (700–1 BCE)**  
*South Coast of Peru*  
The Paracas culture developed in the Paracas Peninsula, south of Lima. Most of our information about the lives of the Paracas people comes from excavations at the large seaside Paracas necropolis, which was first investigated by the Peruvian archaeologist Julio Tello in the 1920s. | |
| Mantle of Paracas Necropolis, c. 500 BC.  
*Museo Nacional de Arqueología, Antropología e Historia del Perú, Lima.*  
The people wrapped the mummified corpses of their deceased, along with funeral offerings, in embroidered cloaks, which are among the finest examples of the art of textile making. The multicolored designs on these textiles bear a definite relationship to those of painted pottery of the contemporaneous and later Nazca culture. These people also engaged in artificial deformation of the skull by binding the skull in infancy. | |
| Fragment: embroidered mythological figure, Paracas Necropolis Style. | |
### Nazca (1–700 CE)

*South Coast of Peru*

The fine Nazca pottery contains the mythical subject matter of Paracas art, along with added realistic subject matter such as fruits, plants, people, and other animals. It is polychrome, backgrounds are usually white or red, with designs outlined in black and filled in with various shades of red, orange, blue-gray, or purple.

Vessel design: Anthropomorphic figure.

Cotton with applied feathers, 97 x 76 cm, detail of abstract Nazca textile design.

### Moche (50–700 CE)

*South Coast of Peru*

Also called Mochica. They flourished in the Moche River valley. Two giant structures, known as the Temple of the Sun (Huaca del Sol) and the Temple of the Moon (Huaca de la Luna), dominate the site, though there is no evidence that they were ever so dedicated. There is evidence of human sacrifice rituals.

Vessels: Lord with shaft, headdress and earrings, accompanied by warriors (top) and stirrup spout bottle portraying and individual with clear facial features known as *Huaco-Retrato* (bottom).
**Headdress Ornament with Feline Face**  
Moche III-V  
Gold  
24 x 28 cms.  
Museo Arqueológico Rafael Larco Herrera, Lima.

The Moche worshipped a figure, among many, called the Decapitator, sometimes depicted as a spider, a winged creature or a sea monster, with features symbolizing land, water and air.

Ceremonial earplugs.  
Warrior with head trophy.  
Gold, turquoise, shells.

**Chimú (1000-1450 CE)**  
*South Coast of Peru*  
Textile representing the legend of the origin of the Chimú civilization by the founding deity Tacaynamú, who arrived from the sea. He was the first lord of the religious and political center complex called Chan Chan.

Steles. Wood carving.  
Chimú, 1200 AC.  
Museo de Arte Precolombino, Cuzco.
**Chavin de Huántar** (1400–400 BCE)
*Northern Andes of Peru*

Chavin is the earliest highly developed culture in pre-Columbian Peru. Chavín artistic influence spread throughout the northern and central parts. The name given to this early civilization derives from the great temple of Chavín de Huántar.

Chavin vessel

Detail of design of Chavin fearful zoomorphic deity carved in stone.

**Huari** (600 – 800 CE)
*Andes of Peru*

Andean civilization of the central and northern highlands. Huari is closely linked in its art style to the monuments of the great site of Tiwanaku, located on Lake Titicaca. Huari was probably the center of a militaristic empire that dominated much of the Peruvian highlands and coast. Its influences are seen especially in Nazca and Pachacamac.

Huari, 900 AC.
Photo: Museo de Arte Precolombino, Cuzco.
<table>
<thead>
<tr>
<th><strong>Inca (1450-1533 CE)</strong></th>
<th><img src="image1.png" alt="Image" /></th>
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<tbody>
<tr>
<td><strong>Aribalo</strong></td>
<td>Ceramic vessel without flat bottom used to store water and designed to be carried on the back using ropes.</td>
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<td>National Institute of Culture of Peru, Museo Histórico Regional de Lima.</td>
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<tr>
<td><strong>Quipu</strong></td>
<td>Twisted and knotted cotton or camelid strings, tinted with several colors. Quipus were used to store numerical information and record important historical passages. The officials, <em>Quipucamayoc</em>, handling them kept an exact account of the population, goods and other obligations of the population to the Inca elite.</td>
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<th><strong>Inca (1450-1533 CE)</strong></th>
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<tr>
<td><strong>Kero</strong></td>
<td>Ceremonial wood vessel to drink <em>chicha</em>, the alcoholic corn beverage used for religious ceremonies.</td>
</tr>
<tr>
<td></td>
<td>Courtesy of José Ignacio Lambarri Orihuela.</td>
</tr>
</tbody>
</table>

**Sources:** Encyclopædia Britannica Online, courtesy of Museo Nacional de Arqueología, Antropología e Historia del Perú and Museo de Arte Precolombino of Cuzco, Perú: Native and Viceregal exhibition catalogue and additional sources.
The Contemporary Art Market
Number of Art and Antiques Dealers in Major Cities and
Reputed Buyers of Stolen Art

APPENDIX E

Removal Trend and Major Museum Countries

APPENDIX F

21 of the Most Prominent Archaeological Sites

APPENDIX G

Author Interviews


Juan Antonio Murro interviewed by author on 3 April, 27 April, 23 June of 2008.

Anonymous source, seasoned in huaqueo practices, interviewed by author on June 2008.

Percy Salinas, Fernando Risco, Yolanda Alván and Victoria Sáez interviewed by author in meeting held on 3 September 2008.


Anonymous source interviewed by author on December 2008.

María del Carmen Cossu interviewed by author on 6 December 2008.

Eva Tenorio interviewed an anonymous source on behalf of the author on 23 January 2009.

Fedora Martínez interviewed by author on 26 January 2009.

José Ignacio Lambarri Orihuela interviewed by author on 27 January 2009.

Verónica Williams interviewed by author on 3 February 2009.

Ricardo Morales interviewed by author 4 February 2009.

Luis Repetto interviewed by author on 6 February, 9 February and 16 February 2009.
Mariana Mould de Pease interviewed by author on 3 March 2009.

Ann Peters interviewed by author on 10 March 2009.

Joanne Pillsbury interviewed by author on 17 March 2009.

César Maguiña in an interview on 21 March 2009.

Pablo Bermúdez Mogni interviewed by author on 27 March 2009.

José Ugaz Sánchez Moreno interviewed by author on 29 March 2009
BIBLIOGRAPHY


