

## **The Convention on Cultural Property Implementation Act and Restrictions on the Trade in Looted Coins**

The Convention on Cultural Property Implementation Act (CPIA) is a critical statute that reduces demand for looted and smuggled objects and safeguards the world's cultural heritage. Exempting undocumented coins from trade restrictions at the behest of private dealers is against the public interest.

The CPIA is an important and valuable tool in our nation's fight against the illicit antiquities trade. By stopping illegally exported and undocumented objects from entering the U.S., the CPIA ensures that America will not become a haven for looted objects and the traffickers who deal in them.

### **The CPIA is a Cornerstone of American Cultural Diplomacy**

The United States enacted the CPIA in 1983 to implement the *1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property*. Congress recognized that nations around the world – particularly the U.S., a center of the trade in art and antiquities – have a shared interest in protecting cultural heritage and preventing the pillage of archaeological sites. The CPIA helps protect the invaluable knowledge that can be collected from the scientific excavation and study of archaeological materials and contributes to the international effort to discourage and prohibit the looting and illegal trade of these materials.

The CPIA allows foreign governments to request that the U.S., through the State Department, impose import restrictions on designated categories of archaeological and ethnographic material. The Presidentially-appointed Cultural Property Advisory Committee (CPAC) considers these requests, examining several factors set forth in the statute. The members of CPAC represent the main stakeholder groups with an interest in the CPIA. In addition, CPAC voluntarily solicits public comment and holds a public hearing before deciding whether to recommend that the U.S. enter into a bilateral agreement or Memorandum of Understanding (MOU) with the requesting country. When imposed, import restrictions are tailored to reduce the demand for undocumented objects and must be re-considered every five years.

The process of obtaining an agreement is onerous, and only 17 countries have ever obtained import restrictions pursuant to the CPIA. More information about the CPIA can be found at: <http://eca.state.gov/cultural-heritage-center/cultural-property-protection>

### **Exempting Coins Would Undermine U.S. Treaties with Foreign Powers**

The U.S.'s participation in the UNESCO Convention and its negotiation of bilateral agreements with countries experiencing pillage of their cultural patrimony are fundamental aspects of American cultural diplomacy. Carving out an exemption for coins would jeopardize existing bilateral agreements with China, Italy, Cyprus, Greece and Bulgaria that restrict the trade in undocumented coins and would interfere with current treaty obligations. Exempting coins would undermine U.S. standing around the world and deal a significant blow to the shared goals of the 125 States Parties of the UNESCO Convention.

### **Coins are Significant Cultural Objects that Need and Deserve Protection**

- *Coin collectors assert that collecting and importing coins does not encourage looting because the coins that are most valuable to collectors are frequently found as part of isolated “hoards” not located within archaeological sites. In addition, they assert that most antique coins are of little historical significance. The data show otherwise.*

Many coins have tremendous cultural significance and are invaluable to the archaeological record. When properly excavated, coins can provide detailed information about ancient trade, economy, politics, settlements, movement of peoples, topography, religion, and other topics. This information is best provided in context; when coins are removed, undocumented, from archaeological sites, the contextual information is lost and the archaeological record damaged, causing irreversible harm to a country's cultural heritage and the world's understanding of history.

Ancient coins are frequently found at, and looted from, archaeological sites. Because ancient coins are not found in isolation but alongside many other types of objects, the damage done to sites by uninformed looters armed with metal detectors is well-documented and pervasive. While the market value of ancient coins may be small compared to other types of antiquities, they have much to teach us about the past. Coins in the aggregate represent a large part of the market for antiquities and create an incentive for looting.

The effect of this market is evident in the case of Bulgaria, from which thousands of undocumented coins have been looted and sold to U.S. collectors each year. In January 2014, Bulgaria and the U.S. entered into a MOU to prevent the importation of unidentified coins and other antiquities. This thriving illicit trade belies the collectors' and dealers' contention that coins have little archaeological or historical value; to the contrary, coins are sought out for their immense significance to those interested in archaeology, history, geography and related topics.

A CPIA exemption for coins is not only unnecessary, but dangerous: by easing the importation of undocumented coins from countries whose cultural patrimony is already in jeopardy, such an exemption could further stimulate looting in that country and do permanent damage to its cultural heritage, which is exactly what the UNESCO Convention and the CPIA are designed to prevent.

### **The CPIA Does Not Unduly Burden Coin Collectors or Dealers**

For a coin to enter the U.S. legally, the CPIA requires only that a collector or dealer document that the object left its country of origin before the date that the pertinent MOU went into effect because the MOU does not have retroactive effect. The documentation requirement is quite low; a signed affidavit, inventory record, *or* auction catalog can be used to show timely export.

The U.S. has not designated coin types that were known to be in widespread circulation in antiquity (for example, the U.S. agreement with Italy does not list popular Roman Republican and Imperial coinage.) Many types of ancient coins were in *local*, not *widespread*, circulation and their place of discovery is therefore identifiable. Roman provincial coinage, for example, was minted for local distribution and excavations have shown certain types to be concentrated in specific areas of origin. Analysis of coin hoards discovered in and near Cyprus shows that Cypriot coins are many times more likely to have been excavated within the country in which they were produced.

The CPIA thus balances the interests of coin collectors and dealers with the interests of stopping the archaeological destruction caused by looting. The statute's restrictions apply only to material that has not yet been exported and attempts to reduce the incentive for looting by shutting down the market for *undocumented objects*. Legally exported and documented coins can move freely across the U.S. border.

### **U.S. Efforts to Restrict the Trade in Looted Coins are Part of a Coordinated International Response**

- *Coin dealers suggest that if the U.S. imposes import restrictions on coins, those coins will then be sold in other market countries—serving only to disadvantage American collectors over other collectors in the international community.*

The CPIA requires that the State Department determine that the restrictions imposed under the CPIA, if adopted in concert with other market countries that have a significant import trade in the same materials, will be of significant benefit in deterring a serious situation of pillage. The State Department weighs the public interest in the coin trade versus the public interest in deterring pillage of cultural property and seeks to act in concert with other market nations so that the global trade is halted.

Moreover, a coin exemption would cause major problems with cultural diplomacy, putting U.S. international relations at risk, contradicting international agreements, and breaching the obligations the U.S. undertook when it ratified the UNESCO Convention.

### **The Current Process Allows for Coin Dealers' Concerns to be Heard and Addressed**

CPAC provides the proper forum for addressing the concerns regarding coins: the statute gives CPAC the ability to tailor its recommendations to each specific request and gives the State Department the flexibility to draft MOUs applicable to each country's needs.

Carving out an exemption for coins would threaten the ability of the CPIA to protect cultural heritage, would set a dangerous precedent for creating other such exclusions based on special interests, and would be detrimental to the shared goal of the 125 State Parties to the UNESCO Convention of restricting the market for looted antiquities.

\* \* \*

For more information about cultural property protection in the U.S., see <http://eca.state.gov/cultural-heritage-center/cultural-property-protection>

### **Questions?**

Please contact Ms. Marion Werkheiser at Cultural Heritage Partners, PLLC  
at (703) 489-6059 or [marion@culturalheritagepartners.com](mailto:marion@culturalheritagepartners.com).