

**Testimony of Dr. Joan M. Gero
On Behalf of the Society for American Archaeology
Before the Cultural Property Advisory Committee
On the Renewal of the MOU between the Republic of Peru
And the United States of America
Under Article 9 of the 1970 UNESCO Convention**

January 3, 2011

I am Joan Gero, Professor Emerita of Anthropology at American University, and I am testifying in support of the Republic of Peru's UNESCO Convention Article 9 request for the protection of its archaeological record and cultural patrimony.

I teach and have been involved in archaeological research both in the Andean highlands and on the coast. I have been active in Andean archaeology since 1973 and have been directing archaeological projects in the Andes since 1978; I received funding for my projects from Fulbright, National Science Foundation, the Wenner-Gren Foundation, National Endowment for the Humanities and other sources; I am a Research Fellow at the Smithsonian's National Museum of Natural History's Department of Anthropology and a Lifetime Fellow at Clare Hall at the University of Cambridge. My specific expertise includes conceptualizing women's roles and activities in the ancient Andean world, an interest that requires precise knowledge of the contexts in which objects are recovered from ancient sites. My most recent visit to Peru was a six-week trip in 2010 as tour guide for the Smithsonian to Machu Picchu, then staying on for private research in Lima museums and visiting on-going field projects in the north central regions, both on the coast (Pañamarca) and in the highlands (Callejón de Huaylas).

The unique and priceless value of the Andean past cannot be overstated. Peru's history is a magnificent example of a heritage that is greater than the boundaries of the modern nation state to which it belongs, and concerns our understanding of a prehistoric culture that was unparalleled in its engineering of stone, clay, and textiles, uniquely preserved in some of the world's driest deserts. The damage and destruction to this cultural treasure that looting causes is a loss to the entire world.

There is no doubt that the looting of Peruvian prehistoric artifacts is still a serious and on-going problem. By all accounts (e.g., newspapers in Peru and in the US; e-bay objects constantly coming up for sale, auction items that were ripped from their Peruvian prehistoric contexts now for sale in wealthier countries, personally witnessed instances of pillage and destruction at archaeological sites, etc.) all reflect the on-going looting of Peru's archaeological past. Elite burials on the dry desert coast, but also in the highlands, contain spectacular and desirable objects of beauty, often produced from unique technological sequences, and these continue to motivate illicit digging by unauthorized people. During my 2010 visit to the Museo Nacional de Antropología, Arqueología y Historia, I was shown shelf upon shelf of recently confiscated antiquities, many of which had been intercepted at local levels, in direct association with huaquero activity. When I visited the city of Huaraz last year I was shown sites of active looting taking place in and near the city, some of which was occasioned by the construction of new roads revealing archaeological deposits in the road cuts. Before archaeologists could be mobilized, huaqueros had enlarged holes along the road cut and apparently removed pots. In shopping for Christmas presents this year (last week!), I was astounded to find intricate prehistoric elite Peruvian burial textiles reworked into newly conceived wall hangings for sale at the American Visionary Art Museum in Baltimore; I had never seen this particular re-use of Peru's prehistory before, although other variants were familiar to me.

The existing bilateral agreement and import restrictions has helped deter pillage. It is difficult to assess whether the existing bilateral agreement and the import restrictions deter pillage; I know of no statistical measure of rates of looting over time. But illegal and authentic prehistoric pots are regularly seized by ICE (custom) agents as they are attempted to be smuggled into the USA, by tourists and visitors to Peru but also by profit-motivated entrepreneurs. Without the protection of the bilateral agreement, the volume of illicit materials entering the country and effectively seized by trained ICE agents would certainly be greater. For instance, ICE in Miami returned five pre-Columbian artifacts to the government of Peru on June 2, 2010. The items included two Peruvian terracotta vessels from the period A.D. 800-1500, a Chimu spouted globular vessel circa A.D. 700-1200, a Nazca region polychrome decorated terracotta beaker circa A.D. 400-900 and a Moche fine line stirrup vessel circa A.D. 600-1200. ICE investigated the artifacts after they were advertised on eBay in 2008, and determined that the items were legitimate pre-Columbian Peruvian artifacts and were not permitted to leave Peru. FBI agents also report on how they follow and arrest large-scale smugglers of antiquities (such as the arresting story of catching David Swetnam), following them from their network of huaqueros through the intricate packing of disguised parcels, driving to other countries for posting, and finally shipping through a series of recipients in the USA, to be maximally deceptive in routing material to collectors. Living in the Washington, D.C. area, I see pieces of prehistoric Peruvian pottery regularly going up for auction (e.g., Weschlers Auction, December 5, 2011, when close to 100 Tiahuanaco-style queros and other ceramic vessels were sold, together with three silver-covered *bastones* or mayorial staffs, 2 colonial period wooden queros repairs with pewter staples and two wooden Colonial period bowls – see attached photos) although the cultural properties office of the State Department is unable to determine whether such collections are in this country legally or not. E-Bay continuously has Peruvian and Pre-Columbian antiquities for sale, many of which are authentic. The point is that there is an enormous presence of Peruvian antiquities circulating in this country, and protection is needed to keep this activity to a minimum.

Peru continues to build up domestic protection for its archaeological materials and cultural education programs for its people. Within the last years, the Peruvian police, in conjunction with the Instituto Nacional de Cultura (INC) have demonstrated their commitment to stamping out the trade of antiquities in Peru. The newspaper *Peruvian Times* announced the seizure of more than 1,200 cultural and national heritage objects in 2008, many of these resulting from raids of shops that had been routinely selling antiquities. On March 30th 2011, more than 300 “Inca period” items including ceramics, fabrics, and gold and silver objects, were seized by police from a shop in the center of Cuzco, brazenly located in a central tourist area where it had been tolerated for years. A team of three archaeologists and three art historians has carried out an average of 600 verifications every month, and recorded 30 episodes of seizures of artifacts. In 2009, a new module was integrated into Serpost, Peru’s national mail service, whereby all replicas of ancient artifacts must now be certified before they can be shipped abroad, in a further attempt to crack down on trafficking antiquities. All these (and many more) actions by the government of Peru speak of its serious commitment to protecting its cultural patrimony and increasing the vigilance with which it protects its heritage. Peru is no dead-beat ally but a serious partner in eliminating antiquity theft.

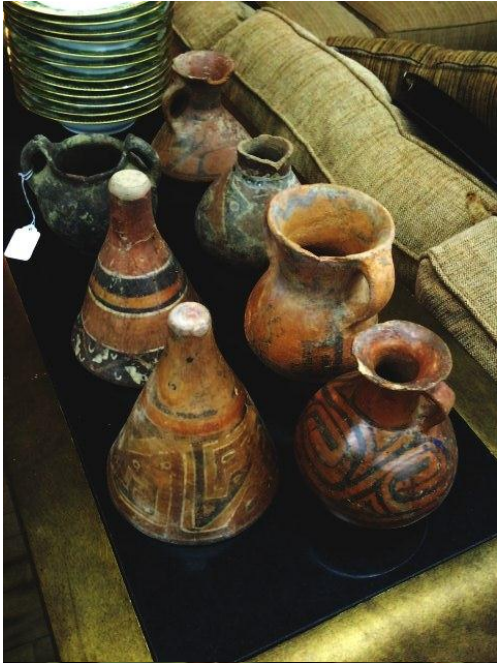
Peru’s interventions have also been successful in a number of critically important salvage/emergency excavations where looting threatened to destroy all archaeological traces of prehistoric patterns of life. For example, Sipan (under the direction of Walter Alva) and Sican (under the direction of I. Shimada) revealed magnificent royal tombs. Highly publicized and visible archaeological finds at the site of Moche, Chan Chan, Sican and the now famous central coast site of

Caral have all benefited from funding provided by the Peruvian Congress, along with foreign funding that helps protect patrimony.

There is no doubt that the bilateral agreement between the US and Peru fosters cooperation and exchange of scientific information. Nowhere is this more visible than in the recent return of archaeological materials from Yale University to Peru. For many years, Yale had refused to acknowledge the conditions under which it held an assemblage of archaeological materials from Machu Picchu, collected by Hiram Bingham in 1912 and taken from Peru as a clearly stipulated *loan*. But the Memorandum of Agreement between the two countries provide the framework for Yale to meet its ethical and legal responsibilities and return the collection, which it has done just this year. Preparatory to agreeing to return these important materials, Yale organized a brilliant exhibit on Machu Picchu that featured the contested materials and traveled through the US with an excellent scholarly catalog. At this very minute the items are being returned to Lima and the joint archaeological facility designed and built by Yale especially to house the returned collection and to serve as a center of international collaboration for education and research for scholars from Yale, Peru and other parts of the world.

I believe that the expiration of the bilateral agreement would be a major setback to many years of Peruvian and U.S. efforts in this area. Peru has been building its capacity to protect and police its antiquity heritage; on a recent trip to Peru, for instance, at the Lima airport I noticed large advertisements informing travelers about the law and the detrimental effects of looting. Archaeologists at the National Institute of Peru and the national police are working together to conduct field surveys and are actively investigating suspected looters. Efforts have been made to educate the public on cultural heritage resource protection. The Peruvian Congress has also been involved, passing legislation to protect and preserve cultural sites and artifacts on the coast, such as at Sican and at the great urban capital of the Chimú Empire, Chan Chan. Recognizing the importance of archaeological sites for tourism and national identity, both the congress and government of Peru are actively taking steps to assure their conservation and protection.

Failure to renew the MOU at this critical juncture would risk tremendous potential loss of all the significant progress made thanks to recent Peruvian and international efforts.





Peruvian Pre-Columbian and Colonial period artifacts for sale at Weschlers Auction, Washington D.C., December 12, 2011.