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14 October 2017

U.S. Department of State  
Bureau of Educational and Cultural Affairs  
Cultural Heritage Center  
SA-5 Floor 5, 2200 C St. NW.  
Washington, DC 20522-0505

Dear Chair and Members of the Committee,

I am submitting this letter in support of the proposed extension of the United States-Cambodia Memorandum of Understanding (MOU) on behalf of the Antiquities Coalition. Our not-for-profit organization is dedicated to combatting the illicit trade in ancient art—while promoting responsible cultural exchange. We are business leaders, former government officials, archaeologists, lawyers, counter-terrorism experts, and other professionals who are committed to preserving our shared world heritage.

The Antiquities Coalition believes that MOUs between the United States and foreign governments like Cambodia are an important tool in the fight against cultural racketeering. The *United States Convention on Cultural Property Implementation Act* grants the President authority to enter such MOUs for five years if four “determinations” are met: (1) The cultural patrimony of the requesting country is in jeopardy from the pillage of archaeological materials; (2) The requesting country has taken measures to protect its cultural patrimony; (3) U.S. import restrictions, either alone or in concert with actions taken by other market nations, would be of substantial benefit in deterring the serious situation of pillage; and (4) Import restrictions would promote the interchange of cultural property among nations for scientific, cultural, and educational purposes. The *only* criterion for an agreement’s extension is whether those same four conditions, which justified the original bilateral agreement, are still present.

As the Kingdom of Cambodia meets these four determinations, we urge the Committee to continue the country’s important MOU with the United States, to the benefit of both our nations.

Cambodia is the steward of a rich and ancient heritage, which has immense cultural, historic, and religious significance to the Khmer people. The kingdom is internationally celebrated for its 12th

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century temple of Angkor Wat, as well as its other World Heritage Sites, and its museums that showcase masterpieces from prehistory to the present day. However, since the 1970 Civil War, the Cambodian people and their heritage have suffered through decades of conflict, genocide, and occupation. The black market took advantage of this crisis, and Cambodia's ancient sites were pillaged by looters and traffickers, whose cultural racketeering often funded the Khmer Rouge and other armed groups.

Our Executive Director, Tess Davis, has devoted her career to fighting the illicit trade in Cambodian antiquities. Her research, and that of our colleague at organizations such as Heritage Watch and the University of Glasgow, has documented a cultural crisis that unfortunately continues to this day.<sup>1</sup> While the situation improves with each year, a number of high profile incidents demonstrate that Cambodia's ancient sites remain at risk, and will so long as there is an illicit market for Khmer art.

For example, in January 2013, the *Phnom Penh Post* published an extensive investigation into the illicit trade, in which it stated:

Contrary to what the tour guides tell you, the looting of ancient sites in Cambodia is far from an ancient phenomenon. What started during the chaos of civil war in the 1970s has kept apace until the present day, and according to experts, shows no signs of abating, posing a real threat to the cultural heritage of the country.<sup>2</sup>

In this same article, Dr. Dougald O'Reilly of Heritage Watch warned that the looting of prehistoric sites had reached "alarming levels," rising sharply since 2000. This is seen in 2015 news reports from Angkor Borei in the Mekong Delta, which cautioned the area has become known for its valuable loot over its cultural significance, after extensive road work in 2012 unearthed ancient gold, ceramics and jewelry.<sup>3</sup>

But temples do remain at risk—even at well protected sites like Angkor Wat. A notable seizure took place in 2016 when forestry officials in the Siem Reap province (home to Angkor) seized two 10th century sandstone sculptures, after chasing the suspects' car for several kilometers over unpaved backroads. The suspects fled on foot, however the sculptures were recovered and planned to be returned to their site of origin.<sup>4</sup>

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<sup>1</sup> To learn more see [traffickingculture.org](http://traffickingculture.org) and [heritagewatchinternational.org](http://heritagewatchinternational.org).

<sup>2</sup> Gharbi, Sylvain. "Khmer Heritage Plundered." *Phnom Penh Post*, 18 Jan. 2013, [www.phnompenhpost.com/7days/khmer-heritage-plundered](http://www.phnompenhpost.com/7days/khmer-heritage-plundered).

<sup>3</sup> Muong, Bennett Murray and Vandy. "Ancient Treasures in the Backyard." *Phnom Penh Post*, 8 Aug. 2015, [www.phnompenhpost.com/post-weekend/ancient-treasures-backyard](http://www.phnompenhpost.com/post-weekend/ancient-treasures-backyard).

<sup>4</sup> Phearun, Chhorn. "Two 10th Century Sandstone Artifacts Seized in Siem Reap." *The Cambodia Daily*, 23 Sept. 2016, [www.cambodiadaily.com/news/two-10th-century-sandstone-artifacts-seized-siem-reap-118348/](http://www.cambodiadaily.com/news/two-10th-century-sandstone-artifacts-seized-siem-reap-118348/).

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Incidents like these just hint at the scale of the problem. In Cambodia, as elsewhere, cultural racketeering is an underreported crime. We cannot quantify how many sites have been looted or how many objects have been stolen. Indeed, in the words of Dr. O'Reilly, the damage is impossible to measure: "Untold knowledge of the past is being lost."<sup>5</sup>

Cambodia took action against this crisis early on. In 1972, it ratified the *1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property*, becoming only the 7th nation in the world to do so. However, the country fell to the Khmer Rouge in 1975, was invaded by Vietnam in 1979, and under Vietnamese occupation until 1989. The nation's people, and their cultural legacy, suffered greatly during this time.

But since then, even before Cambodia had a formal government, Cambodia's leaders have worked hard to implement the UNESCO Convention and the kingdom's history. Phnom Penh has now joined all major international conventions on the protection of cultural heritage.<sup>6</sup> Overall, in recent years and decades, the Royal Government of Cambodia (RGC) has taken a wide range of measures to protect its cultural sites and objects against the dangers of cultural racketeering—including seeking emergency restrictions, and then an MOU, from the United States.

We know that the Committee will be hearing directly from RGC officials, as well as others working on the ground in Cambodia, about these many successes. The Antiquities Coalition has also had the opportunity to learn about the RGC's work from some of its own leaders. In May 2014, we organized a roundtable discussion in New York on cultural racketeering, which was led by Deputy Prime Minister Sok An. Secretary of State Chan Tani and Director General of the Ministry of Culture and Fine Arts Hab Touch also participated along with a number of other government representatives.

During this event, H.E. Sok An laid out his approach to heritage preservation—respect for local culture, respect for nature, and respect for communities. He endorsed the primacy of international law in solving disagreements over looted pieces. Moreover, he stressed the importance of international cooperation and exchange, since cultural racketeering is a global problem that cannot be solved by one country alone. As H.E. Sok An spoke, an example of Cambodia's commitment to working across borders was going on just a few miles away, at the Metropolitan Museum of Art. It's "Lost Kingdoms" exhibit included a number of recognized national treasures on loan from Cambodia—many of which had never before left the country.<sup>7</sup>

Then in September 2015, H.E. Chan Tani again joined the Antiquities Coalition for our forum on "Culture Under Threat: Antiquities Trafficking and Terrorist Financing." H.E. Tani—like H.E. Sok An, before his death this year—has been actively involved in Cambodia's preservation efforts,

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<sup>5</sup> Gharbi, Sylvain. "Khmer Heritage Plundered." *Phnom Penh Post*, 18 Jan. 2013, [www.phnompenhpost.com/7days/khmer-heritage-plundered](http://www.phnompenhpost.com/7days/khmer-heritage-plundered).

<sup>6</sup> Some of these are listed here <http://en.unesco.org/countries/cambodia/conventions>.

<sup>7</sup> See <https://www.metmuseum.org/exhibitions/listings/2014/lost-kingdoms>

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illustrating that this issue tops the national agenda. At our event, H.E. Tani addressed a number of other high level officials from North Africa, the Middle East, and Asia. In his comments to these global leaders, he emphasized the role that cultural heritage has played in Cambodia’s postwar recovery, and his government’s commitment to doing more to protect it. He also offered the RGC’s assistance to other nations currently experiencing conflict and crisis—especially Iraq—and voiced a message of hope that, like Cambodia, soon their homelands would be at peace and their ancient wonders again welcoming visitors.

We know that H.E. Tani, H.E. Sok An, and the many experts at the Ministry of Culture and Fine Arts are working tirelessly to safeguard their rich history, not just for Cambodians but for all the people of the world. Sadly, an international market continues for looted Khmer art, including in the United States. The Antiquities Coalition’s Fellow Katie Paul is currently researching Cambodian artifacts being sold online for a forthcoming article and has found countless sales targeting American buyers. At this moment, while I’m finishing this letter, there are 13 Khmer pieces being auctioned at one site alone, ranging from jewelry to small bronzes to statue fragments. One piece was just sold from a dealer in Colorado. Its listed provenance? Bangkok 2000.<sup>8</sup>

Cambodia is doing its part to stop the illicit trade—the United States must continue to do its part. We Americans certainly benefit from the Cambodia–U.S. MOU as well. Today, in fact, another major exhibition of Khmer masterpieces is opening at the Cleveland Museum of Art.<sup>9</sup> “Beyond Angkor” will showcase what Cleveland describes as “an unprecedented loan” from Banteay Chhmar. This temple complex was the site of one of the most infamous thefts in Cambodia’s history, when armed looters carted off entire walls of bas-reliefs to Thailand. While some of this haul was later recovered, many pieces disappeared into the black market.

We are lucky that these looters failed in their efforts to plunder the entire site. If they had succeeded, no Cambodians would likely have ever seen the pieces in “Beyond Angkor” again, nor would the American public. It is only through the RGC’s efforts to safeguard the site, and U.S. efforts like the MOU, that the people of Cleveland and other Americans are able to experience the joy of these artistic wonders today.

Sincerely,



Deborah M. Lehr  
Chair and Founder

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<sup>8</sup> This site—liveauctioneers.com—is just one of many such online sales platforms.

<sup>9</sup> See <http://www.clevelandart.org/events/exhibitions/beyond-angkor-cambodian-sculpture-banteay-chhmar>.