

RETURN OF BAN CHIANG ARTIFACTS & UNESCO SEMINAR ON ILLICIT TRAFFICKING (14 NOVEMBER 2024, BANGKOK)

The poster features a black background with white and red text. At the top, there are four logos: UNESCO, the Thai Royal Coat of Arms, a circular emblem with three figures, and the United States Embassy in Bangkok. Below the logos, the title is written in red and white. The Thai text is in white. In the center, there is a large, rusted metal bowl and three smaller metal artifacts (two cylindrical and one ring-shaped). At the bottom, the date and location are listed in white, followed by the Thai date and location in white.

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**Ceremony Marking the Return of Ban Chiang Artifacts
and Seminar on the Occasion of the International Day
against Illicit Trafficking in Cultural Property**

พิธีส่งคืนโบราณวัตถุบ้านเชียงและการเสวนาเนื่องในโอกาสวันสากล
เพื่อการต่อต้านการลักลอบค้าทรัพย์สินทางวัฒนธรรม

Thursday 14 November 2024
Isara Vinijchai Throne Hall
Bangkok National Museum

วันพฤหัสบดีที่ 14 พฤศจิกายน 2567
พระที่นั่งอิศราวินิจฉัย
พิพิธภัณฑ์สถานแห่งชาติพระนคร

**FIGURE 1: Poster of the UNESCO Ceremony and Seminar
on 14 Nov. 2024 © UNESCO, Bangkok**

On 14 November 2024, the Fine Arts Department (FAD) of Thailand, U.S. Embassy in Thailand, and the UNESCO Regional Office in Bangkok co-hosted a ceremony marking the voluntary return to Thailand of several ancient artifacts from one of the most important prehistoric settlements in Southeast Asia: the UNESCO-listed Ban Chiang Archaeological Site.¹ Attended by high-level dignitaries and coinciding with UNESCO's International Day against Illicit Trafficking in Cultural Property,² this celebratory "welcome home" ceremony was followed by a seminar where experts from law enforcement, museums, and international agencies discussed best practices for combating cultural property trafficking [FIGURE 1].³

Seated amid the gilded, regal grandeur of the National Museum Bangkok's Isara Vinijchai Throne Hall, attendees gained insights into legal frameworks, forms of international cooperation, and ethical debates ongoing in this expansive field—and heard some panellists underscore the critical need for more robust preventative action. During these discussions, the Kingdom of Thailand's efforts in this regard were broached, including the Thai government's slow progress towards ratifying the main legal framework addressing the international fight against illicit trafficking: UNESCO's 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of

Cultural Property.⁴ Another objective of the event was to encourage more Southeast Asian countries, including Thailand, to ratify this convention, as the region currently holds one of the world's lowest ratification rates.⁵

The day's agenda began with the handover of four ancient artifacts—the latest in a spate of returns from the United States over recent years. A U.S. federal law enforcement agency, Homeland Security Investigations, returned two Khmer-era lintels forfeited by the Asian Art Museum of San Francisco in May 2021,⁶ for example, while in May 2024 representatives from the Metropolitan Museum of Art in New York handed over two 11th-century Khmer bronzes, including a statue known colloquially within Thailand as "Golden Boy".⁷

During his opening remarks, the Director General of Thailand's FAD, Phanombootra Chandrajoti (พนมบุตร จันทรโชติ), hailed these developments and the strength of U.S.–Thai cooperation on such matters and expressed his

¹ See: <https://whc.unesco.org/en/list/575>.

² See: <https://www.unesco.org/en/days/against-illicit-trafficking>.

³ The whole ceremony and the seminar can be watched here: https://youtu.be/yb09sWBu_Pw.

⁴ See: <https://www.unesco.org/en/legal-affairs/convention-means-prohibiting-and-preventing-illicit-import-export-and-transfer-ownership-cultural>.

⁵ According to a UNESCO Bangkok fact sheet for the event, only four out of ten countries in ASEAN—Cambodia, Lao PDR, Myanmar, and Vietnam—are "enforcing the spirit of this Convention in their national laws and policies". To date, 147 states globally have ratified the 1970 Convention.

⁶ See *Los Angeles Times*, 26 March 2021: <https://www.latimes.com/california/story/2021-03-26/archaeologist-thai-artifacts-san-francisco-asian-art-museum>; also: <https://www.ice.gov/news/releases/hsi-investigation-leads-return-2-thai-religious-relics-reported-stolen-thailand-and>.

⁷ See *Bangkok Post*, 21 May 2024: <https://www.bangkokpost.com/thailand/general/2796534/golden-boy-is-returned-from-us>.



FIGURE 2: The four artifacts returned to Thailand on 14 Nov. 2024
© U.S. Embassy, Bangkok

gratitude for the latest returns.⁸ After him, the current U.S. Ambassador to Thailand, Robert F. Godec, explained that the four Ban Chiang items being returned this day—a fired clay vessel, a bracelet, and two cylindrical rollers of “yet undetermined use” [FIGURE 2]—had originally been gifted to an American

soldier in the 1960s, but later came to be stored at the U.S. Embassy in Bangkok. While he did not believe these artifacts were taken illegally, their repatriation today was a gesture of goodwill, he added, that aligns with the U.S. government’s increasing commitment to proactively return cultural objects to their “rightful owners”.

Against this backdrop of bilateral cooperation, two UNESCO officials delivered remarks. Ernesto R. Ottone, its Assistant Director-General, began by outlining the benefits to states of ratifying the UNESCO 1970 Convention.

⁸ One of these developments includes the signing, on 25 April 2024, of a Memorandum of Understanding between the Metropolitan Museum of Art and Kingdom of Thailand “formalizing a shared commitment to collaborate on exchanges of art, expertise, and the display and study of Thai art”. See: <https://www.metmuseum.org/press-releases/thai-mou-2024-news>.

He expressed hope that the U.S. and Thai governments would continue to cooperate “in the spirit of the 1970 Convention”, and pointed out that this collaboration aligns with UNESCO’s MONDIACULT 2022 Declaration, which calls for open and inclusive international dialogue for the return and restitution of cultural property to countries of origin outside the scope of the UNESCO 1970 Convention.⁹ UNESCO Bangkok’s Regional Director, Soohyun Kim, stressed the importance of Ban Chiang artifacts for humanity’s understanding of ancient civilization in Southeast Asia and underscored the convention’s low ratification rate in the region. Thailand’s Minister of Culture, Sudawan Wangsuphakijkosol (สุดาวรรณ หวังศุภกิจโกศล), delivered the final remarks of the ceremony, after which the artifacts were officially handed over and tokens of appreciation exchanged in front of the media [FIGURE 3].

A Q&A session with media was then followed by a keynote address from U.S. Deputy Assistant Secretary of State for Policy, Rafik Mansour. Mansour said that the U.S. had supported 128 cultural projects in ASEAN countries since 2001 through the Ambassador’s Funds for Cultural Preservation, including 20 projects in Thailand.¹⁰ Home to the largest art market in the world, the U.S. has also returned at least 250 looted and stolen cultural objects to ASEAN

countries—the result of the “dedication of law enforcement officials who spent years, sometimes even decades, pursuing leads and conducting investigations to ensure that the United States lives up to its commitments to protect cultural property”.

After lunch, the afternoon seminar [APPENDIX] began with a keynote speech by UNESCO expert Étienne Clément, a Belgian international lawyer. His presentation focussed on the “universal background”—the international frameworks, laws, and conventions—surrounding the protection and return of cultural property. This included insight into the provisions—spanning preventative measures, cultural property restitution, and international cooperation—contained in the 1970 UNESCO Convention. He termed this convention “the main and first international comprehensive legal framework addressing the fight against illicit trafficking”. His discussion also referenced the UNIDROIT Convention adopted in 1995,¹¹ designed to complement the 1970 Convention by addressing some shortfalls and ambiguities—such as the issue of Article 7 (ii) insuring “just compensation” for the “innocent purchaser” of stolen cultural property. In conclusion, Clément argued that while bilateral negotiations (such as that between Thailand and the U.S.) can be successful, these are “not sufficient to address crimes of international dimensions”.

This speech framed the first panel discussion, during which Thai and

⁹ For the full text of the MONDIACULT 2022 Declaration, see: <https://www.unesco.org/en/articles/unesco-world-conference-cultural-policies-and-sustainable-development-mondiacult-2022>.

¹⁰ For details on U.S. Ambassadors Fund for Cultural Preservation projects in Thailand, see: <https://th.usembassy.gov/education-culture/ambassadors-fund-for-cultural-preservation>.

¹¹ For the full text of the UNIDROIT 1995 Convention on Stolen or Illegally Exported Cultural Objects, see: <https://www.unidroit.org/instruments/cultural-property/1995-convention>.



FIGURE 3: Official presentation of the returned artefacts on 14 Nov. 2024 © Thai Ministry of Culture, Bangkok

international experts spoke candidly about existing legal frameworks for antiquity protection and challenges to their implementation. Moderated by Clément, the panel began with Nitaya Kanokmongkol (นิตยา กนกมงคล), Director of the Office of National Museums, FAD, outlining the scope of the Kingdom's national laws for protecting antiquities, the 1961 Act on Ancient Monuments, Antiques, Objects of Art, and National Museums,¹² and its 1992 amendment. These laws stipulate that antiques and objects of art of special interest must be registered with the FAD and approval must be obtained for the export of all antiques and objects of art from the Kingdom. Insights into the role of Thai

law enforcement in handling cultural heritage crimes were then provided by Police Lieutenant Colonel Niyom Kaseng (พ.ต.ท. นิยม กาเซ็ง), Deputy Superintendent of International Affairs and Cooperation, the Royal Thai Police. Maleeporn Kumkasem (มาลีภรณ์ คุ่มเกษม), Head of Legal Affairs, FAD, outlined the historic limitations of Thai law regarding the protection of the cultural property of neighboring countries and gave a frank assessment of where the Kingdom of Thailand stands vis-à-vis ratification of the 1970 UNESCO Convention. The desire to ratify is there, she explained, but legal provisions concerning the definition of cultural property and its importation from other countries need to be amended first.¹³ "When our national law is ready,

¹² For an English translation, see: <https://www.unesco.org/en/cultnatlaws/act-ancient-monuments-antiquities-objects-art-and-national-museums-be-2504>.

¹³ That the scope of the 1970 UNESCO Convention includes objects of paleontological interest has

we will propose it”, she said regarding ratification.

These insights were complemented by the input of two U.S. experts: Mary Cook, Senior Advisor for the Cultural Property, Art and Antiquities Division, U.S. Government Homeland Security Investigations, and Tess Davies, Executive Director of the Antiquities Coalition, a Washington D.C.-based NGO. Cook outlined the multifaceted scope of the Department of Homeland Security’s work on combating illicit trafficking—and stressed the centrality of the U.S.’s Cultural Property Implementation Act, or CPIA (which implements the 1970 UNESCO Convention) to these efforts.¹⁴ Davies of the Antiquities Coalition also spoke extensively about the CPIA, which she hailed as “not only a tool for the U.S. government but also a tool for foreign governments to recover their stolen cultural objects should they surface on the black market”. Under the CPIA, which came into effect in 1983, state parties to the 1970 Convention can enter into bilateral agreements with the U.S. These prohibit the importation of a country’s cultural objects into the United States without proof of valid export.

created difficulties for the FAD and some government ministries, remarked Khun Maleeporn, as “fossils are not considered cultural per our definitions”. Meanwhile, an amendment to the 1961 Act mentioned above (namely, the addition of articles controlling the importation of cultural property that originates in other countries) has been drafted but is still making its way through the legislative branch of Thai government. She was unsure how long this process will take. “We have many laws in the country waiting in line, and the priority might shift so our law might be pushed to the back”, she said.

¹⁴ For the full text of the Convention on Cultural Property Implementation Act, see: <https://eca.state.gov/files/bureau/97-446.pdf>.

Shifting the burden of proof to the importer of cultural property has, in many cases, led to significant seizures of looted artifacts at U.S. borders and facilitated their swift return to countries of origin. She also stressed that such agreements are not designed to impede the legal trade in cultural property and that more of them are needed. “A major impediment has been the lack of understanding about the process”, she said, adding that the Antiquities Coalition stands ready to offer its assistance.

The second panel discussion centered around the importance of provenance research and ethical acquisition of art and antiquities in the museum sector. Moderated by Anaïs Mattez, Research Associate at Harvard University and UNESCO Consultant, it featured input from two museum professionals, including Metropolitan Museum of Art (Met)’s Head of Provenance Lucien Simmons, who joined the Met from Sotheby’s in May 2024. The team of 11 provenance researchers he oversees are committed to researching the provenance of 1.5 million objects in its permanent collection on an ongoing basis, but currently focussed on those dislocated during the Holocaust in Europe, archaeological and ancient art acquired since 1970, or “works that came to the Met from art dealers under investigation by law enforcement in the USA and elsewhere”. The Met publishes details of repatriated works of art on its website, he added, and forges partnerships with governments and institutions—including in Thailand—as part of its commitment to be a collaborative, transparent, and responsible member of the museum community.

A Senior Curator at the Thai FAD's Office of National Museums, Disapong Netlomwong (ดิษพงศ์ เนตรล้อมวงศ์), a member of Thailand's Committee for the repatriation of cultural property, offered the contrasting perspective of a Thai museum professional seeking to establish that Thai or pre-Thai objects in Western institutions belong to Thailand. Old archeological surveys by the FAD, as well as archival materials and photographs from other sources, are, in some cases, proving key to this time-consuming work.¹⁵ Through careful provenance research his team attempts to create a timeline of an object and ascertain if it was legally exported or not. Khun Disapong pointed out that Thailand has had an act controlling the export of antiques and *objets d'art* since 1926 (during the reign of King Rama VII), but no foreign museums with objects on Thailand's repatriation list have been able to produce valid export licenses.

Concluding the panel was James Potboy, the U.S. Homeland Security Investigations Attaché for Cambodia. Introducing him, moderator Mattez pointed out that Cambodia being a member of the 1970 UNESCO Convention (unlike Thailand) "helps considerably

when handling cases".¹⁶ Potboy, noting the bilateral agreement between the two nations,¹⁷ gave an overview of his close working relationship with the Cambodian authorities. Alongside local law enforcement, he visits archeological sites to investigate provenience or utilize customs information to track smuggling. Moving to discussion of Douglas Latchford's looting of Khmer artifacts from Cambodia, Potboy explained that the gathering of evidence in collaboration with the Met, private collectors, and former smugglers is leading to their repatriation.¹⁸ At the heart of such investigations is a high level of cooperation and partnership; he sees such partnerships as key to the eradication of the scourge of cultural theft and cultural smuggling globally.

¹⁶ Cambodia ratified the 1970 Convention on 26 September 1972, making it one of the first countries to do so (alongside Bulgaria, Nigeria, the Central African Republic, and Cameroon).

¹⁷ First signed in 2003, this Memorandum of Understanding (MoU) between the United States and the Royal Government of Cambodia concerns "the Imposition of Import Restrictions on Categories of Archaeological and Ethnological Materials of Cambodia". See: https://eca.state.gov/files/bureau/cambodia_tias.pdf. While bilateral agreements may not last more than five years, this one has been periodically renewed (the last occasion being on 30 August 2023). According to the U.S. Embassy in Cambodia, this MoU "has facilitated the return of over 100 priceless antiquities and built the capacity of Cambodians working on cultural heritage preservation" over the past 20 years. See: <https://kh.usembassy.gov/signing-of-cultural-agreement-between-cambodia-and-the-united-states>.

¹⁸ This is a diplomatic take on events—during their years of investigation into artifacts trafficked by infamous art dealer and collector Douglas Latchford, negotiators and lawyers representing the Kingdom of Cambodia frequently complained of a lack of cooperation by the Met. See *inter alia*: <https://www.nytimes.com/2022/08/18/arts/design/met-artifacts-cambodia.html>.

¹⁵ It bears noting, however, that many examples of cultural property in Thailand are not properly documented and have no paper trail, which makes provenance research extremely challenging. Two timely examples, both linked to Buriram province in northeast Thailand, include the so-called "Prakhon Chai hoard" bronzes currently dispersed and held predominantly in collections of U.S. museums (Tanongsak et al. 2024), and the pilaster fragment from Phanom Rung temple which the Art Institute of Chicago has deaccessioned with a view to imminently returning it to Thailand (Revire 2024).

From this reviewer's perspective, absent from this day of sanguine speeches and discussions was an unvarnished, in-depth assessment of the recent history of the illicit trafficking of cultural property in Southeast Asia. While the seminar offered a fascinating window into best practices, it also raised questions about bad practices and lessons learned only superficially touched on. Regardless, it proved a

fitting way to mark the International Day against Illicit Trafficking in Cultural Property—an annual event coinciding with the day, 14 November 1970, when the UNESCO Convention was signed.

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- Tanongsak Hanwong, Lalita Hanwong & Murphy, Stephen A. 2024. The Prakhon Chai Hoard Debunked: Unravelling Six Decades of Myth, Misdirection, and Misidentification. *International Journal of Cultural Property* 31(2): 177–201. <https://doi.org/10.1017/S0940739124000262>.

APPENDIX: CEREMONY AND SEMINAR SCHEDULE

Thursday 14 November 2024

10h30 Ceremony for the Return of Artifacts from the U.S. Embassy to Thailand & Opening Remarks

Phnombootra Chandrajoti, FAD, Bangkok
HE Robert Frank Godec, U.S. Embassy, Bangkok
Ernesto R. Ottone, UNESCO, Paris
Soohyun Kim, UNESCO, Bangkok
HE Sudawan Wangsuphakijkosol, Thai Ministry of Culture, Bangkok

11h30 Keynote

Rafik Mansour, U.S. State Department, Washington, D.C.:
“U.S. Support and Cooperation with Southeast Asian Countries on Heritage Preservation and Cultural Property Repatriation”

11h45 Press Conference (Q&A)

12h00 Lunch Break

13h00 Keynote

Étienne Clément, UNESCO (Retired), Bangkok:
“What is the Role of International Law in Stopping the Illicit Trafficking of Cultural Property?”

13h15 First Panel Discussion: Legal Actions and Challenges in Implementing Laws for Antiquity Protection

Moderator: Étienne Clément
Pol. Lt. Col. Niyom Kaseng, Royal Thai Police, Bangkok
Mary E. Cook, Homeland Security Investigations, Washington, D.C.
Maleeporn Kumkasem, FAD, Bangkok
Nitaya Kanokmongkol, FAD, Bangkok
Tess Davis, Antiquities Coalition, Washington, D.C.

**14h00 Second Panel Discussion: Provenance and the International
Trade of Antiquities—Ensuring Ethical Acquisitions**

Moderator: Anaïs Mattez

Lucian Simmons, Metropolitan Museum of Art, NYC

Disapong Netlomwong, FAD, Bangkok

James Podboy, Homeland Security Investigations, Phnom Penh

14h45 Closing Remarks

Phnombootra Chandrajoti, FAD, Bangkok