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A Source Country Is Struggling: The Greek Response

To The Problem Of Looted Antiquities

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CONTENTS

ABSTRACT

The problem of looted antiquities plagues many countries, all over the world. Greece that has been suffering for decades, has established a multidimensional protection framework. This paper is a study on the problem of looted antiquities in Greece and in particular on the State's response to it.   Different protection measures will be examined, in the words of the respondents and important conclusions about protection of looted antiquities in Greece will be drew.

Key Words: looted antiquities, Greece, protection

CHAPTER 1

Introduction

This is a study on looted antiquities in Greece. Greece is a country in south Eastern Europe, where one of the most advanced civilizations of the ancient world flourished. Unfortunately, Greece's archaeological wealth has been plundered for decades. In the mid-twentieth century, looting activities peaked. Throughout history, Greek antiquities have been removed from their native soil and have become part of the biggest private and museum collections in the world. The two most well known cases are the Aidonia Treasure, where antiquities were illegally excavated and later found in an art gallery in New York and the antiquities stolen from the museum of Corinth, which were found in an auction house.

Antiquities are an important part of Greek civilization and an integral piece of Greek national identity. The destruction of the Greek heritage, in the form of illegal excavations, thefts and looting of monuments continues today. The Greek state takes the protection of cultural heritage, especially antiquities, very seriously and has adopted various measures that try to combat the illicit trade.

As mentioned above, the study at hand examines the problem of looted antiquities in Greece. This study does not intend to cover all the issues of looted antiquities in Greece, but focuses on the Greek State's response to the problem. The study consists of five chapters. In the first chapter, we introduce the reader to the content of the study and explain the structure of the paper. Chapter two explores key themes in the looted antiquities relevant literature and reviews studies that shed light onto our areas of interest. Additionally, the gaps that our research aims to cover are identified. An important part of this paper is the methodology. A detailed description of the methodology used to collect and analyse the data, as well as justifications for the specific techniques used, is provided (Chapter 3). The aim of chapter four is to present the main findings of our research that emerged from the data analysis. We will focus on the main pieces of domestic legislation and conclude that Greece has a comprehensive legal framework. We also refer to the monitoring of the trade and the collection of data on the problem, as well as the key features of the looted antiquities market, in the words of the respondents. Moreover, we identify the difficulties that the protection of antiquities encounters and point out the threat that the economic crisis

poses to antiquities. Furthermore, we explore the potential weaknesses of the managing antiquities framework, which are the lack of organization, delays and the strained relation, between the archaeological service and local populations. Then, we move towards the last chapter, where we draw conclusions based on the findings.

Before moving away from the introductory chapter, it is important to clarify the meaning of the term "looted antiquities". In Greece, the term "archaeokapilia" (αρχαιοκαπηλία) is used very broadly, even though it is not a legal term, and refers to almost every act that violates the law for the protection of antiquities. According to Greek Police, the term "archaeokapilia" considers every act and omission, that aims, directly or indirectly, to illegally excavate, conceal, trade, possess, transport, alter, destroy, pollute or damage any object (movable and immovable) protected by the law for antiquities (Tzallas, 2000:47). In this study, we use the term looted antiquities instead of the Greek word "archaeokapilia".

CHAPTER 2

<u>Literature Review</u>

In the present chapter, we will look at the literature concerning looted antiquities. Archaeology and criminology share an interest in looted antiquities, so this chapter will review both bodies of literature. Firstly, we will identify key themes in the looted antiquities literature in general. We will then focus on issues specific to this research.

2.1 Key Themes

Many issues have been identified in the looted antiquities relevant literature. We will emphasize the nationalist and internationalist arguments, links and common elements with other illicit markets and the cultural and material value of antiquities. We will also explore illicit antiquities market as a grey market and legislation.

2.1.1. Nationalist Image versus Internationalist Image

A central debate is the two opposing views about the free trade of antiquities. According to Merryman's classification, there is the *internationalist image,* the *nationalist image* and the *object-context image* (1996:3). The first represents the views of dealers, auction houses, collectors and museums, and advocates the free trade of cultural material. According to this image, the trade serves a global educational and cultural purpose and undermines the black market. Mackenzie (2005:1), through the words of his interviewees, presents the views of those who support the market and goes deeper in analysing the mechanism that affects decision making. According to their views, the market provides cultural education on an international level, protects culture, maintains chance finds and ensures economic funds for locals (Mackenzie, 2005:158). To be more specific, the objects are accessible at a global level, museums and private collectors can usually afford to provide a high quality of preservative conditions, objects are protected from complete destruction that threatens chance finds and the local populations of source countries that are doing the illegal digging[1] are financed. In addition, there is a series of

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[1] In this point we should note the sayings of Mrs Zolota that Apostolidis includes in his book. Zolota that accompanied in cruises Goulandri who owned one of the largest collections of Cycladic figures that became museum in 1985, that she could remember local farmers bringing Goulandri figures (Apostolidis, 2006:200).

arguments that, as Mackenzie underlines, constitutes a condemnation of the condemners, like the corruption of the source countries, the poor funds that are available for excavations and the elitism of archaeologists (Mackenzie, 2005:166). However, we have to consider that diggers usually take less than one per cent of the final price of the object (Brodie, 2002:16, Togola, 2002:253); that studies about the destruction of archaeological sites, blame looting instead of agricultural or industrial jobs, and that an unfair flow of antiquities from economically poor but archaeologically rich countries, to economically rich countries exists (Brodie, 2002:17). The *nationalist* or the *object-context images* oppose the arguments advanced by *internationalists.* Nationalists are usually the representatives of source countries, who argue that antiquities should remain in the country of origin and link antiquities with their cultural heritage and national identity (Merryman, 1996:4). Archaeologists and ethnographers underline the importance of antiquities, their context and of the information that we can obtain from them.

2.1.2 Antiquities Market and Other Illicit Markets

Studies that identify parallels between illicit antiquities market and other illicit markets are of high interest. Alder and Polk compare and contrast the antiquities trade with other illicit markets, like drugs or human trafficking (Polk, 2001:2; Alder and Polk, 2005:101). Moreover, they identify key common characteristics between the illicit antiquities market and the drug market. Both markets follow the supply and demand rule, have an illicit and international character and links with organized crime and corruption are observed (Alder and Polk, 2002: 36). Though, the antiquities market has some unique features. Antiquities can appear to be licit when they are available for sale in the demand end, transition locations play a key role, the objects have extremely high prices and the elites collect them (Alder and Polk, 2002:39). In addition, Mackenzie studies the regulatory strategies of the wildlife and drugs market, explores the supply, transport and demand phases of illicit commodities and identifies similarities and differences between the three markets (Mackenzie, 2005: 121).

2.1.3 Importance of Antiquities

A lot of ink has been spilled about both the archaeological and economical value of the antique cultural material. In archaeology, both objects and their original context are considered to be unique and of paramount importance, as a source of information

about the human past. Looting and destruction of archaeological sites causes an untold damage to human heritage and history (Brodie 2000:11, Alder and Polk, 2005:102). Meyer likens archaeological sites to time capsules (Meyer 1973: xiv) and Moustaira says that "…because what I am, is what I was" in order to highlight the importance of antiquities (Moustaira, 2012: 45). Meyer also in his book The Plundered Past, highlights the economical value of cultural material. Burnham (1975: 220) also deals with the value of art and antiquities.[2]

2.1.4 A Grey Market

An emerging issue-characteristic of the illicit antiquities market is that it combines both licit and illicit elements (Polk, 2001:4) and becomes a "grey" market. Mackenzie based on the legal status of the commodities and in our case antiquities outlines four forms of markets. Illicit antiquities are more likely to belong to the group illicit source-illicit transport- licit destination (Mackenzie, 2002:3). Mackenzie also divides antiquities into three categories (2005:4). There are the licit- "white" (Bowman, 2008:227) legally excavated, documented and in the possession of the legal owner, the "grey" which refers to looted antiquities that are circulated in the market for a long time or in other words *originally illicit antiquities made licit by the operation of time* (Mackenzie, 2005:4) and illicit-"Black" which refers to the recently looted antiquities that appear in the market either as grey or as chance finds.

2.1.5 Legislation

There are numerous different sources of international legislation and regulation. Two conventions that relate to repatriations are considered to be of prime importance. In 1970, the United Nations Educational, Scientific and Cultural Organization (UNESCO) adopted the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (Stamatoudi, 2011:31). The UNESCO Convention while it fills the gaps of private international law protects mainly source countries, rather than individuals (Mackenzie, 2005:90) and provides an incomplete mechanism for the recovery of objects (2005: 92). It is worth noting that in Article 5 the State Parties are required to establish a national organisation responsible for the protection of cultural heritage (Stamatoudi, 2011:41).

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[2] We should note that the literature mentioned above is not exclusively for antiquities.

The Convention outlines the action that the State Parties should take to achieve the aims of the Convention (UNESCO Convention, articles: 2.2, 5, 6, 7, 8, 9, 10, 13, 14, 16). UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects was adopted by an organisation for the establishment of "common, minimal legal rules for the restitution and return of cultural objects" in 1995. UNIDROIT focuses mainly on the issue of recovery of illicit antiquities. Of key importance is that affords any person who purchased an antiquity in good faith the right to compensation from the claimant State (Stamatoudi, 2011:85), as well as establishes a time limit on claims (article 3(3)). A State that requests any return must establish that its interests were impaired by the removal (article 5(3)). There are also other legislative and regulatory tools, such as the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954), the UNESCO Convention on the Protection of Underwater Cultural Heritage (2001), the ICOM Code of Professional Ethics, employed against illicit antiquities, although the exploration of these is beyond the scope of this paper.

2.2 Links with the Existing Literature and this Study's Contribution

In this section, we will outline important issues concerning looted antiquities literature that are specific to this research. We will review the domestic Greek legislation and examine the problem of looted antiquities in Greece and other source countries; focussing on the difficulties faced in dealing with this problem and the weaknesses of the protection framework that has been implemented. We intend to identify gaps in the literature and cover these as part of this research.

2.2.1 Domestic Legislation

Greece has been very concerned with protecting and preserving cultural material, especially antiquities. From the beginning of the 19th century, Greece had introduced legislation for governing and protecting antiquities. In 1825, while the war of independence was still being waged against the Ottoman rule, the Revolutionary Government made efforts to protect antiquities (Voudouri, 2010:548) and in 1827 the export and sale of antiquities was banned. The first piece of Greek legislation, concerning the protection of antiquities was introduced in 1834 (Pantos, 2000:16). Improved laws have since been passed on numerous occasions (Grammatikaki-Aleksiou 2001:105; Sikiotou, 2008:1407). Now is in force the law 3028 of 2002, which was supplemented by law 3658 of 2008. The last is of major importance,

because it introduced a new national body dedicated to the protection of cultural heritage. Greece, like other source countries, has also taken its archaeological heritage into public ownership (Voudouri, 2010:555). Furthermore, Greece has ratified almost all the international and European conventions on the protection of cultural property[3] and has recently signed bilateral agreements for the protection of cultural property with the USA[4], Switzerland[5] and China[6].

The study at hand will explore the two key pieces of Greek legislation (Law 3028/ 2002 and 3658/2008), and based on the interviewees' quotes, will argue for its adequacy. Commentary on Greek legislation was only indentified in the Greek literature and is consistent with our thesis. Voudouri explores in depth the provisions of the new legislation and identifies innovations of the law 3028 (2004:26, 2010:553). She highlights the widened definition of object and the broader content of protection (2004:26, 32). She notes that the law "takes into account contemporary approaches and needs, the mandate of the Greek Constitution for the protection of cultural –and natural- environments in the context of sustainability and the relevant international instruments" (2010:553), though identifies a state-centric and strict protective policy. Dellis examines in details the provisions of 3028, especially those connected to different aspects of trafficking and the movement of cultural property. His evaluation is positive and concludes that the legislation is comprehensive and systematic (2004:234). Sikiotou, while acknowledging the delay in enacting law 3028/2002, considers it as a positive step towards the protection of cultural heritage (2008: 1406).

2.2.2 Source Countries and Greece

A significant part of looted antiquities relevant literature is studies on the looting problem in source countries as well as the state's response. Countries like Greece, Italy, Turkey, Iraq and others (Pastore, 2001:156) are considered to be archaeologically rich countries. As Bowman notes, "criminological literature has not focused on the source end, and there is a clear need for further criminological analysis toward this end (2008:67)". However, archaeological research provides information relevant to the problem in source countries, such as; attempts to record looting, the

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[3] UNESCO in 29.12.1980 and UNIDROIT in 23.08.2005
[4] Law 4026/2011
[5] Law 3915/2011
[6] Law 3914/2011

characteristics of the market and the trade in a source country and relevant official statistical information.

It is worth noting some of the studies that provide information about source countries. Well-known is the quantitative research of Elia for Apulian Vases. The study provides information about the size and the characteristics of looting, collections, the issue of provenience and the selling of Apulian vases (2001:146). Gilgan provides information from few studies about the looting problem in Belize and explores Sotheby's records of Mayan Objects (2001: 76). In addition, Marthari identifies the locations of illicit excavations in Greece, the characteristics of the trade and focuses on Cyclades (2001: 161). Norskov gives detailed statistical information about the market of Greek vases, museum and private collections (2002:23). Moreover, the study of Gill and Chippindale is crucial. They examine in depth the case of Cycladic Figures, the looting and illegal excavations, the issue of provenance, collections and the material and intellectual consequences (1993:1).

Of central importance is the collection of information on the looted antiquities problem. Even though the collection of information in instruments such as the UNESCO Convention (article 5) is considered to be important, we could not identify[7] any studies that focus on the recording and monitoring of the problem in Greece or other source countries. Only Voudouri, while exploring the problem of looted antiquities points out the available sources of information and emphasizes on the inadequacy and unreliability of the information (1992:85). The study at hand provides information on this topic. We identify the bodies engaged in the collection of information as well as, the scale and nature of monitoring.

However, we must note that the literature explores the difficulties involved in recording looting which, as we will show, are also verified by this study. These difficulties evolve from the nature of these activities. For example, the people involved in illegal diggings and trade operate under certain circumstances and take precautions (Canouts and McManamon, 2001:97). Moreover in many source countries apart from discovered archaeological sites there are also undiscovered archaeological sites (Bowman, 2008:70). Therefore, the accurate recording of looting is difficult. In addition, it is extremely difficult to find out what has been illegally

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[7] Only Canouts and McManamon discuss partly the existence of a database that includes information on looting in the United States (2001:101)

detached from an archaeological site and to define the number and the kinds of objects that have been removed from their archaeological context (Gill and Chippindale, 1993:623; Voudouri, 1993:85).

Another emerging theme in our findings and strongly connected to the issue of the collection of information is the characteristics of the Greek market. We have already mentioned the studies of Norskov, and Gill and Chippindale. Moreover, some additional publications of official data and studies are worth considering. The themes explored concern characteristics of the illegal trade and involved networks within the borders, transport, transit points (Tzallas,2000 :47; Marthari, 2001: 161), exports of cultural goods, number of violations of the antiquities law, cases that have been solved (Voudouri, 1993:180; Sikiotou, 2008 :1433), thefts of objects and locations (Sikiotou 2008:1428, Sakelliadis, 2008:33, Boutopoulou, 2008:64), seizures (Sikiotou, 2008:1428, Boutopoulou, 2008:66) and repatriations (Boutopoulou, 2008:62). Moreover, two journalistic investigations shed light onto the illicit trade of antiquities in Greece and the gaps in the protection measures (Zirganos, 2007, Apostolidis 2006).

Two themes that are significant in the international literature are the export of antiquities from archaeologically rich countries (source countries[8]) to economically rich countries (market countries) and the remuneration of the original excavator. Many studies suggest that there is an unfair flow of antiquities (Merryman, 1996; Brodie, 2002:17, Mackenzie, 2005:17; Moustaira, 2012: 62,). However, this study questions, whether the flow in Greece is truly one directional and argues for the existence of demand within the country. A similar situation is also mentioned in Kersel's discussion about Native American artefacts and their trade in the USA (2006:190). Brodie notes that *diggers routinely receive less than one per cent of the final sale price of an object* (2002:16). Togola (2002:253) and Thosarat (2001:13) focus on specific cases and identify the low remuneration of the original digger.

2.2.3 Difficulties

Source countries are faced with many difficulties, when protecting their cultural heritage. We identified the difficulties in monitoring the problem, which were

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[8] Classification by Merryman 1986:832

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explored above, the difficulties for the return of objects and the economic crisis that currently afflicts Greece.

An emerging issue that concerns both the demand and source end is the issue of the return[9] of antiquities. The arguments of both sides are very interesting. For Greece that both now and in the past has been massively looted, the issue of return is of high importance; while museums are worried that large scale repatriations will decimate their collections (Carpenter, Sandford, 2003). Another argument is the safekeeping and protection of the antiquities in unstable countries (Carpenter and Sandford, 2003; Grammatikaki Aleksiou 2001:166). Among the arguments is the idea of universal museums that we have already mentioned. On the other hand, source countries argue that the objects belong to the states, that they are an important aspect of the national identity (Grammatikaki-Aleksiou, 2001:169) and for the importance of the object as part of an archaeological context. The role of international conventions is important (UNESCO, UNIDROIT) in that they mitigate the differences between national legislations. Though, the problem with objects illegally removed before the entrance of conventions into force remains. A key concern about returns is the detailed evidence that the country that claims an object has to produce (Sikiotou 2000:1413, Mackenzie, 2005:107). This study also mentions that this is an obstacle that impedes the return. Many argue that the burden of proof should be reversed (Kritzas, 2000:45, Stamatoudi, 2011:225). Another barrier to repatriation is the cost of litigation (Mackenzie, 2005:116).

Of key importance in the study at hand are the consequences of the economic crisis in Greece for the looted antiquities. Unfortunately, as the effects are only developing, both international and domestic literature is lacking in detailed analysis. However the results of economic crisis on antiquities, is a reality which concerns us deeply. The New York Times recently published an article about the staff cuts and the limited financial resources for the protection of cultural property (Kennedy, 2012). Moreover, Nature (Phillips, 2012) emphasizes the reduction of funds and how that affects the excavations, the operation of museums and favours the illicit digging and trade of antiquities. Also concerns that the flow of large number of unprovenanced Greek antiquities in the market will be increased have been raised.

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[9] A variety of terms are used like return, restitution , repatriation , recovery sometimes alternatively but is important to note that have different meanings. (Stamatoudi, 2011:14).

2.2.4 Weaknesses

The last part of the findings chapter, concerns the weaknesses identified in protecting cultural property in Greece. Gado for example outlines the problems-weaknesses that Niger experiences (2001:61). Except from our study, no other study that addresses the weaknesses of the protection framework in Greece was identified. Authors have merely mentioned the existence of weaknesses. Apostolidis provides some information on the lack of organization of the Ministry of Culture (2006:60) and Themelis (2012:1) and Voudouri (2010:555) underline the strained relation between archaeologists and locals. Renfrew also points out the delays and omissions of the Greek State that led to the Erlenmeyer sale (2006:254).

In the present chapter, key themes regarding the looted antiquities literature were discussed. In the next chapter, we will explore the methodology employed for the conduct of the study.

CHAPTER 3
Methodology

In the present chapter we will describe the research techniques employed for the conduct of the study. The key research method was qualitative interviewing. The aim of the study was not the development of a theory, but to provide descriptions of the protection measures in Greece. The research design is a case study. We examine the case of looted antiquities, in a single source country, Greece.

3.1 Theoretical Justification of the Selected Method

The problem of looted antiquities and consequently looting, illegal excavations, illicit trade and returns is a multidimensional one and hard to approach. By conducting a study in the library, distant from the source country (Greece) and with limited literature relevant to the issues and the key themes examined would be unsuccessful. Instead, by adopting qualitative research, the aim to provide detailed information about looted antiquities in contemporary Greece, could be more successfully achieved. We did not want simply to count the number of looting incidents, but to provide as much information as possible about the protection framework and the characteristics of the market identified by those involved in the protection of antiquities. Qualitative research is employed when we want to gather detailed and in depth information from a small number of respondents. As Bryman says *qualitative research tends to be concerned with words rather than numbers* (2008:266). Our study that aims at the creation of a full picture of the Greek case, demands a research tool capable of providing an in depth understanding of a complicated issue like the Greek illicit market of antiquities, what we know about it and how we respond to it. Measurements would not be adequate to explore these elements. Rich data is essential for the creation of a clear image of events and actors. Moreover, central characteristic of qualitative strategies is that they present the perspective of those being studied and allow the researcher to *see the world through the eyes of the* respondents (Bryman, 2004:279). Crucial is that qualitative research is preferred for issues that no research has taken place in the past, like our main themes. Another advantage is that ideas and concerns are derived from the data collection and analysis. Furthermore, the

qualitative approach will be supplementary to the existing quantitative data on looted antiquities.

3.2 Sampling Strategy

A purposive non-probability sampling approach was employed to recruit the participants. The respondents were selected based on the goal of the research and their knowledge of the research topic. Respondents in the first steps of the study were selected based on the existing Greek literature on looted antiquities, their position in agencies combating the problem of looted antiquities and their experience on the research subject. We could not resist the temptation of broadening our sample. That is why snowball sampling was partly employed, in the second steps of the interviewing process, after the interviews had started, when interviewees suggested others. Three interviewees were recruited in this way. The respondents' pool consists of fifteen respondents. The key persons, with experience and characteristics relevant to the research selected were in total nineteen. One of them was not contacted because was indentified in the last steps of the study. All the eighteen respondents were contacted through a personalized e-mail and all of them gave a positive answer. Three out of the eighteen due to time restrictions did not participate. The sample strategy was designed to recruit a variety of people expressing a diversity of views but who would have in common the concern for the protection of antiquities. We approached members of governmental agencies responsible for the combating of looted antiquities, independent individuals, and persons from different professions. Our sample consists of five lawyers with an academic interest in the antiquities field, eight archaeologists, one representative of the police and one journalist. Interviewees are referred to by their profession and number. The number represents the series in which the interviews took place. We need to mention that after the data analysis respondents were divided in to two groups for the following reason: those working in governmental institutions mostly hold a view opposing that of those who in the past or never worked in those institutions. A roman number indicates the group to which the interviewee belongs. To avoid any bias, for every issue for which opposite ideas were expressed, we will present at least, quotes of the representatives of both categories. We have to mention that the majority of respondents of group one expresses personal views and do not represent the views of the institution in which they are employed.

Sample:

Group I

 Archaeologist 4

 Reliable source within police 5

 Archaeologist 6

 Archaeologist 7

 Archaeologist 9

Group II

 Archaeologist 1

 Lawyer 2

 Lawyer 3

 Journalist 8

 Archaeologist 10

 Lawyer 11

 Archaeologist 12

 Archaeologist 13

 Lawyer 14

 Lawyer 15

3.3 Ethics of the Research

Of key importance in this research were the rights of the interviewees. The nature of the study did not involve the participation of vulnerable participants. All the respondents were given before the interview the plain language statement that explained the nature and the objects of the study and how the data collected would be used. There were also given the opportunity to ask questions and clarify any concerns. In addition, consent for the voluntary participation in the study, the recording of the interview and the anonymity was obtained in writing. All the respondents were assured confidentiality and that their participation in the research would not have any negative repercussions. As already mentioned, all the respondents were offered anonymity as a choice in the consent form. Three of the interviewees preferred their name not to be used in the study when the rest expressed no desire. Taking under consideration the sensitive matters discussed during the interviews, and for the protection of their honesty, we will conceal the identity of all respondents. Three of the interviewees requested to see and approve the transcripts that will be included in

the dissertation. In addition, one of the interviewees requested to answer the question also in writing. It is important to note that the data collected was in electronic form and was password protected and the transcripts and analysis that were handwritten were kept in locked cabinet.

3.4 Data Collection and Interviews

The key method for the collection of data has been face to face interviews. The choice of interviewing, the most widely employed method in qualitative research for the conduct of the study can be justified in many ways. Interviews are a simple and efficient way for collecting data and can easily be recorded. In addition, they have the advantage that they allow the development of a closer relationship and of a climate of trust between the interviewer and the interviewee. Moreover, they provide the necessary time for the respondent to explain things in depth and clarify complicated issues. Interviews were semi-structured. A question guide was followed in order to keep the respondents focused to the subject but we also had the flexibility to explore other areas mentioned by the interviewee. The questions examined a range of different issues. The questions were not always asked according to the schedule, though the wording was always similar and questions based on the respondent's replies were also asked. The question guide can be found in appendix four. The total number of interviews conducted was fifteen. One out of the fifteen was conducted in Scotland and the rest were conducted in Greece between the 31st of May and the 2nd of July. The first interview was in English and the rest were in Greek. The average length of the interviews was forty five minutes, with a range of half an hour to two hours. The total number of recorded interview hours was approximately nine hours and ten minutes. Twelve out of the fifteen interviews were recorded with the consent of the respondent. Three interviews were not recorded because of the objection of the interviewee - for those hand written notes were kept. We recorded the interviews in order to avoid memory's limitations and be able to understand in a greater depth, being able to hear the interviews many times subsequently. One interview was conducted with two interviewees simultaneously. Apart from one interview, all the rest are included in the study. The interview, with interviewee II Archaeologist 1 was excluded because it took place in a very early stage of the research, it had an unstructured form and was not recorded, so even though that interview was of great importance it would have been difficult to use data from that interview in the study.

We have to note that quotes of the interviewees are in italics, that no corrections have been made and that any insertions of the researcher are in regular type inside brackets in order to clarify the interviewees' sayings. Ellipses are used when statements of the interviewee are omitted.

3.5 Data Analysis

A very important part of our study is the data analysis process. All the interviews were heard at least twice before the transcript process started. The fact that the interviews were recorded helped the data analysis process to start quickly. The researcher transcribed the interviews on her own, manually. This, on the one hand, was a hard and time-consuming task (it took approximately five hours for one hour of speech) but on the other hand, it brought the researcher closer to the data and helped her identify the emerging themes more easily. After completing the transcription phase, multiple readings of the transcriptions followed, combined with keeping basic notes. We employed initial coding and focused coding for the data analysis. In the first steps we did almost line to line coding, using in vivo codes for the initial coding. There were lines in which three codes emerged and other lines in which no code emerged. The largest number of codes in a single interview was two hundred and two. The second step was to exclude from the study many initial codes and keep only those that were more frequent and more revealing about the data. These were reviewed and new codes that combined initial codes were generated. Codes were connected based on the themes that they referred to. In that way codes were organized in categories. Eight conceptual categories emerged. These were later organized in five core categories[10]. Initial coding and focused coding were chosen because are a simple and a systematic way to make sense of a large scale of different information, organize and present them. In our study we explored many different aspects of the looted antiquities problem and collected a large amount of data. In order to handle the large scale of various pieces of information without biasing the study, by being drifted by what at first seemed important, we used the initial coding. Initial coding helped to break the data into pieces and focused coding to connect the data properly. Finally,

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[10]Three out of the eight categories and two out of the eight categories even though explored different concepts were strongly connected and where united under the two core categories "Weaknesses" and "Difficulties" respectively.

diagrams instead of memos were used to help us depict the process and outcomes of the data analysis.

3.6 Limitations of this Study

Qualitative research and interviews as selected methods encounter typically some limitations. Qualitative researches suffer from lack of generalisability of their findings. The views expressed in the study are derived from a small sample of fifteen respondents which is however considered to be representative because reflects the views of every group of people involved in the protection of looted antiquities. The sample allows us to think that other people with an interest in looted antiquities protection might share those views but only in the specific source country[11] that we focus. A larger sample size and a longer period of time could increase the generalisability of the study. Additionally, we hope that the information provided in this chapter makes clear how the study was conducted, how the data was analysed, and that the study is transparent. Moreover, the fact that we employed semi-structured interviews instead of unstructured increases the replicability of the study. As an alternative to validity and dependability we use the criteria of trustworthiness to evaluate our study. The use of appropriate source of data, as well as the rich details about the specific context that are provided by the findings, assure the credibility and transferability of the study. We also tried to increase the dependability and confirmability of the study by following in all the stages of the research proper procedures, and by preventing any personal values from entering the study. It would be very interesting to increase the degree of triangulation of our study, by using more than one method or source of data.

3.7 Difficulties

Crucial is that the researcher had never conducted any kind of research before. The interviewer was not experienced and in the qualitative research the skill of the interviewer is important. However, the researcher tried hard to relinquish that disadvantage and enrich her bank of knowledge relevant to the topic and the conduct of research. Moreover, we have to note that interviews and the attendant data analysis process is time consuming and time was limited. As Patton notes, data analysis is both

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[11] The findings cannot be generalized to other source countries or other illicit markets in Greece.

art and science (2002:432). Conducting data analysis for the first time and especially when the raw data is qualitative is hard and demanding. Even though we were not aiming at the construction of a theory, we did not want journalistic elements in our findings or a superficial description. It was also hard to make the decision about which data we would not include. An additional difficulty was the fact that the majority of interviews were conducted in Greek, while the findings are presented in English.

In the section above we discussed the research techniques employed for the conduct of the study. We will now move towards the main chapter, that includes the findings of our research.

CHAPTER 4

Findings

The present chapter introduces the findings of our research as those generated from the analysis of the interviews. We explore in depth the Greek response to the problem of looted antiquities in the words of respondents. Specifically, we examine the domestic legal framework, the collection of data about the problem and outline the characteristics of the market. Additionally, we address the difficulties encountered in the protection of cultural property and the potential weaknesses of the state's response. The chapter is organized by the codes given to the data during the analysis.

4.1 Domestic Legislation

There are two primary legal instruments that govern and protect antiquities in Greece, the law 3028 of 2002 and the supplementary law 3658 of 2008. We will explore the main thread of these and conclude based on the respondents' views that Greek legislation is comprehensive.

The Greek Constitution in article 24 paragraphs one and six recognises the Greek State's obligation to protect the cultural environment, and refers to the law for the details of this protection. The law 3028[12] was introduced in 2002 and replaced the law 5351 of 1932. It is a law "On the Protection of Antiquities and Cultural Heritage in General". The new law broadens the scope and the content of protection and includes a wide range of provisions. The 2002 law defines antiquities using chronological criteria and provides the automatic characterisation and protection of them directly by the law. Cultural objects or monuments according to the law are divided into intangible and tangible, movable and immovable. Antiquities and primarily those dating up to 1453 belong to states ownership and are extra commercium. Ownership and possession of movable antiquities can be transferred only under specific conditions. The export of antiquities is prohibited with some exceptions, such as loans. The criminal provisions included are significant. The law draws emphasis on the indication and declaration of antiquities and provides rewards. It also provides other financial incentives. In addition, there are detailed provisions for archaeological

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[12] For the English version of the law 3028 of 2002 see: http://www.law-archaeology.gr/ClientFiles/downloads/3028.eng.pdf

sites, archaeological research and excavations, claiming monuments, collectors, art dealers, museums and the import and export of monuments. The 2002 law regulates a wide range of issues.

In 2008 the law 3658 was introduced to strengthen the legislative framework for the protection of cultural goods. The 3658 establishes a new Directorate in the Ministry of Culture, the Directorate for the Documentation and Protection of Cultural Goods. The new Directorate is dedicated to the protection of cultural property[13]. According to the law it is responsible for the protection of cultural goods, to combat looted antiquities and more specifically to locate antiquities, to document their origin and movement, and to claim movable objects. In particular, according to the law within the Directorate is a department for monitoring and recording which is responsible for the keeping of electronic records, photographic archive and monitoring of the international market of antiquities. As we will see in what follows, the recording and monitoring of the trade is crucial. Law 3658 also bestows the cooperation among the competent agencies at a national and international level, provides a police liaison to the new agency and a prosecutor especially for the protection of cultural goods. Moreover, it provides the possibility of a Joint Ministerial Decision of reward for those providing information for looted antiquities. Furthermore, it gives international jurisdiction to Greek courts for cases related to ownership, possession and occupation of movable monuments. All the respondents asked about the legislation, from both groups, found the legal framework comprehensive.

I would say that it is thorough. All of us that criticized the law tried to identify the gaps. I can say that it is a law that is probably without problems. Someone might say that its application is problematic. It makes a stringent regulatory regime ... Though I do not have an alternative in mind. II. Lawyer 3

I think that it does not solve all the problems. Though, I believe that it moves roughly in the right direction for the existing situation. II. Lawyer 2

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[13] We should not forget that as we mentioned in the literature review UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property in article 5 provides the responsibility for the state parties for the establishment of a national service for the protection of cultural heritage.

The law of 2002 is probably the best law since the establishment of the Greek state. Though, of course there are problems as in every legal document. I believe that it is the most targeted attempt for the confrontation of the issue of antiquities in Greece. I. Archaeologist 6

The Greek law on the issues of protection of Greek cultural heritage is very good. II. Lawyer 14.

Although, two of the respondents identified small gaps on the criminal provisions as far as the seriousness of some offences is concerned, another respondent underlines:

I would not say personally that our legislation has gaps... Sometimes gaps of the legislation are filled in with supplementary provisions. I. Archaeologist 9

In the section above we explored the Greek legislation for the protection of cultural heritage. Interviewee's common views on the competence of the legal framework and the relevant literature imply that the legislation is strong. Our findings relevant to the adequacy of the legal framework confirm the commentary about legislation explored in chapter two.

4.2 Collection of Data

Mackenzie notes that "before we talk of how best to regulate the market, we best be sure of the existence and form of looting problem we wish to address". An emerging issue, central for all source countries is the recording and monitoring of the looted antiquities problem.

They have to know the trade. II. Journalist 5

The notion of heritage protection concerns several national bodies. Special police forces[14] operate in Athens and Thessaloniki against the illicit trade of antiquities. Additionally, in the Ministry of Culture, except from the Directorate for the Documentation and Protection of Cultural Goods, two more agencies handle relevant

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[14] Department of Looted Antiquities that is part of the Sub directorate of Financial Crimes, Looted Antiquities and Morals.

issues. During our research four sources of data on this issue were identified. Those primarily reflect the agencies that operate for the protection of antiquities. The Ministry of Education and Religious Affairs, Culture and Sports and the Department of Looted Antiquities of Hellenic Police collect data. Moreover, official data can be found in the Courts records and the National Statistical Service. Respondents confirmed those four sources.

Information can be found from a publication of a conference for the illegal trafficking that was organized by the Ministry of Culture... on the other hand some data has to be held by the police because there are departments of looted antiquities, there is some data in the National Statistical service, cultural statistics ... and probably some data in the courts... II. Lawyer 2

As we already mentioned in the methodology chapter, respondents were divided into two groups, based on if they are or they are not employed by a government agency. Respondents of the two groups hold different views on many aspects of this theme.

Our first concern was if accurate collection of data takes place and the nature of that data. The first group claims that there is detailed recording of incidents and cases.

We are recording everything. When something against the law happens the state takes measures and records it. Illegal excavations, attempts for illegal export, illegal movement, seizures... are being recorded. And indeed there are some databases. ... I. Archaeologist 9

We use the incidents...we record the incidents and then gather statistical data... II. Archaeologist 6

We record not only numbers but each one [the details of each case] I. Archaeologist 7

On the other hand, the second group challenges the existence, the scale and the adequacy of the recording.

I think we have some data but this is not enough in my opinion... The data that is accessible is not sufficient, but nonetheless there is some data, there is not an absolute vacuum. II. Lawyer 2

I think that since the majority of cases emerge from the police, recording and evaluation, if it takes place at all, takes place by the responsible department of the Police. The Ministry, I am sure that has a file .... I do not know if the Ministry and the relevant Department for the Documentation and Protection does general and comprehensive recording. Personally, I have reasonable doubts whether that happens on the part of the Ministry. II. Archaeologist 12

According to group one collection takes place, it has a basic form and it has the nature of recording incidents rather than researching the phenomenon.

…we do not do specific research... I. Archaeologist 6

They are recording incidents rather than researching. The research is minimal and it is evolving slowly. The data is in the archive of the Ministry of Culture. This consists of archaeological and police data. II. Archaeologist 13.

All the respondents of group two identified a need for further research on the subject. In addition, they tried to explain the insufficiency of data.

Why is [data] *insufficient? For various reasons, either because they do not want to show the scale of the problem or not to cause more lootings or maybe because several problems exist...or because some weaknesses exist in the interconnection and cooperation among the competent bodies*. II. Lawyer 2

Think the following a little bit cynically. … If the Ministry of Culture investigates the matter it will simply highlight the scale of the problem. If it highlights the scale of the problem there will be two problems, either the problem will have to be solved, something that will be very difficult...or anyway it will be blamed by the media. We have buried the problem. II. Lawyer 3

It is significant that the official data that our respondents refer to is not being published. The only source of data accessible to the public and even those with an interest in the protection of antiquities is at the National Statistical Service, although this data is limited. The official data collected from the Directorate, the police and the courts is not accessible and is not published on a regular basis. The Ministry publishes official data during conferences like the conference of 2008 on "The Protection of Cultural Property from Illegal Trafficking and their Claim". Hellenic Police periodically makes announcements and releases statistics.

We do not publish except if we are asked to do so from an institution... or if an exhibition takes place like the one in the Archaeological Museum of Thessaloniki. If we are asked, we give out that information. If we do a workshop we also give out our data. It is used mainly within the Ministry. I. Archaeologist 6

Data is not published. This is the policy of the Ministry of Culture. Most of it includes confidential information. You can not publish it... I. Archaeologist 9

That lack of publication of data and therefore the absence of information available to those interested in the protection of antiquities explains the use of phrases like *I do not know if, I think* and the blurred image about the data that respondents of group II hold and which will become more obvious in the next chapter.

The semi-structure form of the interview gave the opportunity to a respondent to share a valuable experience about the creation of a database. In the conference, under the aegis of the Ministry of Culture that took place in 2008, the creation of a database has been mentioned which would include all the information relevant to antiquities and their protection (Boutopoulou, 2008: 58). The creation and operation of a database would solve many of the problems that Greece experiences as a source country. Though, we will not argue for the importance of such a database here.

For fifteen months I had been working in the Ministry of Culture as an archaeologist for the design of a database, which would also include research, according to the models of databases of Interpol and Italy. The database would have open design for graded access in order to strengthen cooperation and would include a satisfying

amount of information relevant to illicit excavations, repatriations…. We do not know if the database has been implemented and if it has been filled with data. … We handed over the database in 2008 and that passed to the new department at the end of 2011, to early 2012. Since then nothing has happened. II. Archaeologist 13

The only thing I would want is the Ministry to have a digital database for movable monuments … because repressively, you cannot face the problem. The only thing you can do is to take precautionary measures. A precautionary measure [would be the Ministry of Culture] *to have a database, so if something is stolen to be able to claim it later or from a collector or a museum.* I. Archaeologist 6

In the section above we discussed in details the collection of data on looted antiquities in Greece. Our findings imply inadequacies as regards the recording of the problem of looted antiquities and a piecemeal approach in the collection of data. This is one of the key contributions of our study, since no other study until now had focused on this issue. Recording and monitoring takes place on a basic level and it is not thorough. Moreover, the fact that the data collected is exclusively used inside the agencies responsible for their collection has negative effects. Interestingly, II Archaeologist 13 declares the design of a database since 2008 stating that it has not yet been used, despite the fact that the database is of great importance for the operation of the Ministry and the efficient protection of antiquities. The failure to enforce the use of a database that has already been designed exemplifies the lack of organization and the delays that will be discussed below.

4.3 Characteristics of the Greek Market of Looted Antiquities
In the section above we explored the collection of data from national bodies. In what follows we will provide details about the features that the respondents attribute to the Greek market. What the data analysis reveals is that the two groups of respondents do not hold different views. However, we will note that the first group has a clearer image than the second. Crucial is that for many topics nobody seems well versed.

4.3.1 *The whole of Greece is an Archaeological Site*

Of key importance are the areas which suffer from illegal excavations. Respondents of group one present a more comprehensive and accurate view and name specific areas.

In the whole of Greece. Specifically Western Macedonia, Xanthi, Komotini, Ioannina, Preveza, Trikala, Thessaly, Agrinio, Corinth, Argos, Kalamata, Crete, Dodecanese, Boeotia, Evia because of the archaeological wealth of those areas or the criminal groups that already exist there…. The general picture is that the whole of Greece is looking for [antiquities]. I. Reliable source within Police 5

It is Corinth, Achaia, Xanthi, Fthiotida, Ilia, Argolida, Etoloakarnania… mainly Peloponnese and Etoloakarnania, and then follows Xanthi and Macedonia. I. Archaeologist 7

The areas specifically named by both groups of respondents are depicted on the map of Greece included in the appendix one. While the first group has a clearer idea of the areas that suffer from illegal excavations the second group, as it is apparent from to the map enclosed, names broader geographical areas.

Yes we know where many ancient monuments are. Which antiquities are in fashion plays important role… it is currently in Macedonia, before that it was Cyclades. II Journalist 8.

There are areas where it is well-known that antiquities exist or antiquities are visible. For example in Crete, there are many areas that are known for their antiquities …. Crete suffers tremendously from illegal excavations. The Peloponnese [suffers] *because is the place where important civilizations flourished…and of course, Macedonia.* II. Archaeologist 10

Which areas in Greece? Police can probably tell you that. But I think [illegal excavations] *are easy in many areas in Greece… Boeotia, Corinth, Thessaloniki, all over Greece I guess.* II. Lawyer 11

No I cannot tell. The whole of Greece is an archaeological site. II. Lawyer 15

In general both groups have identified the same areas. The areas named in our study are more specifically defined than those identified in other publications (Sikiotou 2008:1428, Sakelliadis, 2008:33, Boutopoulou, 2008:64).

4.3.2 Networks and Levels of Organization

According to Respondents I Reliable source within Police 5 and II Journalist 8 existing criminal networks in some areas are accounted for the illegal excavations in those areas. Hence, an emerging theme is the involvement of criminal networks and their levels of organization.

They do not have high levels of organization. There are two groups, "farmers" who then refer to others or people who have knowledge and rudimentary organization... We can not specify if they are involved in other illicit activities. ... When it comes to an organized group they might be involved. I. Reliable source within Police 5

From my experience from official records they are both organized and opportunistic. II. Archaeologist 13

I will talk to you based on what I have read...those who are doing the illegal excavations are a small group of people, now if they are a gang, an organized network that operates in a specific area or the whole of Greece, we do not know that. I. Archaeologist 6

Respondents identify two groups of people involved in looting activities: those who operate in groups and those who operate occasionally.

4.3.3 The Remuneration of the Original Looter

Another common characteristic of the Greek and the international market of illicit antiquities as presented in the literature review is the low level of pay received by the original looter. Marthari also points out the low benefit of the locals (2001:163).

Someone that finds in his field a chance find usually does not take large amounts of money. It is the middlemen who usually take that. The remuneration of the original looter... is very low considering the general value that the object has in a museum. I. Archaeologist 4

If the object's value has not been estimated, certainly he is not going to be paid at the price that the object is worth. II. Archaeologist 10

4.3.4 Size of the Market

One of our concerns was the size of the market. Despite the fact that data about the problem of looted antiquities is collected, none of the respondents could estimate accurately the size of the market.

We cannot estimate the size of the market. The economic crisis changes it. I. Reliable source within Police 5.

No it is impossible. There is the legal market that is visible but there is also the illegal that I believe is bigger. I cannot estimate it. I. Archaeologist 4

4.3.5 Fashion

We tried to identify the existence of "demand" for particular objects originating from Greece. Most of the respondents said that fashion and the preferences of collectors influence demand.

Supply and demand are very relevant, fashion changes them. Cycladic figures were once in fashion and later, figures or Attic vases... And what the collector is interested in buying. Those who have the money determine the supply and demand. I. Archaeologist 4

If a collector has a big collection he wants to fill in the missing pieces. II. Archaeologist 10

4.3.6 *Most Objects are Moved Abroad.*

Key issue is whether the looted antiquities are directed abroad or fuel the national illegal market. According to the data, looted antiquities are directed to both markets, but mainly abroad.

Most objects are moved abroad. I. Reliable source within Police 5

There is both internal demand and external demand. I cannot tell you the proportions, certainly both markets exist. I. Archaeologist 4

Abroad mostly that is my impression. But I have not made a special study on that subject. I think abroad because it is much easier for them [the looters] *to remain undiscovered and even if they are discovered issues related to which law will be applied emerge.* II. Lawyer 2

Respondents identified some of the key characteristics of the market. Unfortunately, from their quotes they seem to have an abstract knowledge instead of an in depth knowledge and understanding of the trade. That would be understandable for those who do not have access to official data, but not for the respondents of group one. Additionally, they were asked questions that concerned other crucial features of the market that nobody could answer. This raises concern as regards the scale and sufficiency of the monitoring of the trade and confirms the views of group two about the inadequacy of data.

4.4 Difficulties

As noted in the literature review, source countries like Greece that try to confront the problem of looted antiquities face several difficulties. Now, we will briefly explore some of them and we will focus on the economic crisis as a major difficulty. In the section above we discussed the importance of monitoring the trade. The nature of looted activities makes monitoring difficult. As I. Archaeologist 7 mentions, illegal excavators operate under certain conditions, for example, late at night or in remote areas. In addition, antiquities can be found across the whole of Greece and the geographic diversity of the country impedes the track of the looters. The nature of illegal excavations encumbers not only the detection of the looters, but the return of

looted antiquities to the countries of origin. A source country has to provide evidence and detailed information to prove that an object came from her soil and was illegally excavated or moved in order to claim it.

It is very difficult to document that objects have left from a specific illegal excavation. In order an object to be returned you have to name the specific area and the illegal excavation, something that we have achieved only in very few cases. I. Archaeologist 6

Crucial for a source country are the litigation expenses encountered, when a State claims the return of an object. The cost of litigation influences the legal path, which a source country will follow.

The rule is [that the disputes are solved] *out of the court... We choose that, it is easier, because it implies minimal expenses... Basically, we prefer an out of court settlement ....Litigation requires a lawyer and other expenses. At the moment our finances do not allow litigations.* I. Archaeologist 6

The difficulties that stem from the nature of looted antiquities and the costs of litigation are not the only obstacles. Limitation periods and due diligence issues, that we will not discuss here impede source countries' efforts.

4.4.1 Economic Crisis and Looted Antiquities

A major difficulty that has recently been raised is the economic crisis. All the respondents were worried about the impact of the economic crisis on both the number of incidents of looted antiquities and the antiquities' protection. Respondents of both groups share the same views on this topic. In the literature review, we put emphasis on the fact that only the press has recently addressed the issue of Greek antiquities and economic crisis.

I believe that the economic crisis has significantly affected the looting of Greek cultural treasures. This is especially so because looters are more in need for money and they are also aware of the value of Greek antiquities on the 'market'. At the same time State resources are shrinking. That means that the quality of State services in the

field of protection of cultural treasures is also affected because of the lack of money. This by itself forms a great opportunity for both looters and the international market who are 'interested' in Greek antiquities irrespective of their illegal provenance. Although law has become more stringent in this area internationally and people more sensitized against the illegal trading of antiquities, financial resources always have a role to play with regard to the enforcement of these laws. II. Lawyer 14

The economic crisis is an excuse for not dealing with the problem. The problem in Greece at least can be dealt with very little money and with people with interest... Certainly, more people in society than before the economic crisis will end in looting antiquities because they suffer. It is an easy way to make money.... II. Archaeologist 12

The protection no [will not be affected]*, the incidents probably. The structure of the archaeological service is a network across the whole country, the protection exists and the control exists. Whether there are adequate security personnel is an issue. I cannot tell you at this point if the lack of funds will have an effect... I do not believe that the protection will be impoverished. If the incidents will increase, this will be due to the economic situation of some people in some areas who think that they can make money easily. That is why we are trying to educate society.* I. Archaeologist 9

Economic crisis is related both to the incidents and to the funds. I. Reliable source within Police 5

The problem of the economic crisis has many dimensions according to the interviewees. Firstly, it implies cuts of funds and staff reductions (II Lawyer 2) especially within the police (II Journalist 8, II Archaeologist 10). Moreover, the processes related to the incentives and rewards provided by the law, will become slower than they already are (I. Archaeologist 6). Of key importance for three of the interviewees and strongly connected to the economic crisis cuts is the merger of the Ministries. To be more specific, after the last elections that were held, the new Government proceeded to amalgamate the Ministry of Culture and the Ministry of Education, a measure that raised severe criticism.

Now we are not even an independent Ministry. That was an unbelievable hit. I could not believe that they unified us with the Ministry of Education, a huge Ministry with many problems. II. Archaeologist 10

In conclusion, in this section we became familiar with some of the difficulties a source country like Greece experiences in protecting antiquities and primarily with the threat that the economic crisis poses for antiquities.

4.5 Potential Weaknesses

In the sections above we explored four themes, namely, the Greek legislation, the collection of data on the problem, the characteristics of the market and the difficulties that Greece experiences. In what follows we will examine potential weaknesses of the protection framework. Three categories of weaknesses have been identified: lack of organization, delays and strained relations.

4.5.1 Lack of Organization

Lack of organization applies also to issues which emerged in the sections above. As we have already seen, even though agencies collect data, they keep this only for use inside the agency. As a consequence, people with an interest in the protection of antiquities do not have access to the relevant information and therefore they cannot contribute to the fight against looted antiquities.

I believe that they [competent agencies] *have a desire to do things… What we miss as a country is the coordination and the cooperation between academics and ministries. … There should be an on-going cooperation between academics and ministries.* II. Lawyer 11

We have to note that all respondents of group two expressed their desire to have access to this information. Moreover the fact that the database mentioned above has not been used as well as the decision for the merger between the Ministry of Culture and the Ministry of Education affirms that problem.

The problem of looted antiquities is a multidimensional one, and this is the reason why several governmental agencies work on it. At a ministerial level three different Ministries are involved, namely, the Ministry of Education, Religious Affairs, Culture

and Sports, the Ministry of Public Order and Citizen Protection and the Ministry of Justice, Transparency and Human Rights. In particular, in the Ministry of Education, Religious Affairs, Culture and Sports three services have responsibilities on issues related to looted antiquities. To be more specific, these are the Directorate for Documentation and Protection of Cultural Goods, the Ephorate of Private Archaeological Collections and the Department for the non Public Archaeological Museums and Collections, Antique Shops. The involvement of so many agencies, presupposes that they cooperate well to efficiently deal with the problem. However, as II Archaeologist 13 mentions the operation of more than one agency in only one Ministry causes competition among them. Respondents of group one state that governmental agencies cooperate effectively. However, they acknowledge the existence of some obstacles.

We have a very good and close cooperation with the prosecuting and local police authorities. I. Archaeologist 9

We are satisfied with the pace of cooperation with the other ministries. I. Reliable source within Police 5

Importantly, respondents from group two hold different opinions.

Governmental agencies based on the law and the constitution must have good cooperation in order to achieve a certain result or to benefit the citizen. When I was in the Ministry of Culture outside of some specific exceptions- a maximum of 5 cases out of 168- my involvement [in the cases that the police was handling] *was voluntary but always with the knowledge of my director in the ephoratum that I belonged...That was the only formal cooperation between the agencies: my volunteer presence in the department of looted antiquities of the Greek police.* II. Archaeologist 12

I. Archaeologist 6 describes the process of requesting judicial assistance and concludes that it can take up to three months because of the involvement of many services.

We have to note that the law 3658 of 2008 provides the cooperation between the competent agencies. To be more specific, article 4 provides the cooperation of the Directorate for the Documentation and Protection of Cultural Goods with competent agencies abroad and the prosecuting authorities, custom and police authorities. In addition, according to the law the Directorate is obligated to cooperate with the police authorities. Furthermore, it provides the disposal of a police officer to the Directorate in order to ensure the cooperation between the agency and the police. Moreover, a prosecutor was assigned to deal exclusively with violations of the law for the protection of antiquities. The Directorate for the Documentation and Protection of Cultural Goods was founded in 2008 and manned in 2009. However, until now there is no police liaison in the Directorate or a prosecutor exclusively for the protection of cultural goods.

I. Archaeologist 6: *Such a thing has not taken place. Is provided that we will have a police liaison in the building and a prosecutor, or at least a judge but we are talking about Greece.*

However, I Archaeologist 9 says: [The law] *provides a special prosecutor for the protection of cultural goods who will have an assistant ... there will be a policeman that will be a liaison to the Department of Looted Antiquities of Police and the Ministry of Culture. Though to be honest there is no need for that in my opinion ….because we have such good cooperation. The Ministry has such good cooperation with the Department of Looted Antiquities of Police that the liaison is not needed.*

4.5.2 Delays

Another symptom of the lack of organization is delays. Incidents of delay were spotted in the sections above, such as the delay of the utilization of the database and delay in staffing the Directorate of the Documentation and Protection of Cultural Goods. According to the legislation presented above, incentives like financial rewards for the declaration and indication of both immovable and movable antiquities or for information about looted antiquities are provided. Furthermore, law 3028 provides the possibility of other economic incentives and tax reliefs. Nonetheless, the implementation of these provisions according to interviewees entails lengthy processes.

The archaeological service and bureaucracy impose serious delays on people. For example did you know that if someone finds antiquities where he is digging, he has to notify the archaeological service and wait the archaeological service to come and do the rescue excavations etc. What is happening is that people fund with their money the rescue excavations in order to be able one day to do something in their field...they do not even have a tax exemption for that. That is the reason why people have a negative attitude towards the state and the archaeological service. II. Lawyer 2

If someone indicates an antiquity that is unknown or its position, is rewarded... It is a time consuming, an overly time consuming [process]. I. Archaeologist 4

Another delay is that the necessary ministerial decision for the reward of those giving information about looted antiquities has not yet been enacted.

For the handing in of antiquities there are incentives. Now, for the individual that provides information ... about a case of looted antiquities, there is an issue of reward but the relevant Ministerial decision on this has not been issued yet. If it was enacted it would be very effective. Though, we have to be very careful with the Joint Ministerial Decision because illegal excavators themselves come and claim that they have a piece of information in order to launder their actions... We have to be very careful as far as incentives are concerned. I. Archaeologist 6

Delays take place on other levels too like the pace of the administration of justice (II Lawyer 2) as well as problems in the Ministries resulting from the frequent change of Ministers (II Archaeologist 13).

4.5.3 A Strained Relation
A central weakness that has been identified is the relationship which has been developed between the competent agencies and local populations, and especially the Ministry of Culture that has the responsibility to educate and raise awareness of the public. Our respondents hold different views on this topic.

The relationship between the Archaeological service, the state, the Ministry of Culture and the local communities is an issue. It is not the best of relationships and

this is so for a number of reasons. The system was always very centralized ... this is not necessarily a bad thing, [the Ministry] *was an external factor in relation to them* [locals]. *On the other hand, because its aim was the protection of antiquities and it was dealing with many risks ... it was very defensive. The goal was to protect the antiquities also from the local communities. But it can be explained.* II. Lawyer 2

According to the first group there are many educational programmes all over Greece that aim to make the public understand the importance of antiquities. It is important that in the Ministry of Culture, there is the Directorate for museums, exhibitions and educational programmes.

The Ministry has many [educational programs]. [The programmes concern specifically the problem of looted antiquities?] *No, they are in relation to the protection of cultural property which is something different. You have to teach people to protect cultural property, because it is important for them and their identity. The Ministry has many educational programmes across the whole country. All the regional services have educational programmes for children and for schools in the local museums. We also have many events during summer where educational programmes and information for the public takes place.* I. Archaeologist 9

Educational programmes and public awareness are important...There is a colleague who began on his own a programme for the sensitization of the locals and to explain them that what they see in the archaeological site is their past...In that area the illegal excavations stopped! I. Archaeologist 6

The other group has the opinion that archaeological service is distant from the people and has an outdated approach as far as education and awareness are concerned.

There is a static and monolithic approach to the cultural property. They do not have an effective way to make people learn and love their past. II. Archaeologist 13

If and to what extent himself [the archaeologist] *will sensitize the people living where the excavation takes place, to what extent he will provide information for the excavation and will inform and sensitize to the cultural heritage, as far as I*

personally know is left to the discretion of each archaeologist...Personally I have met archaeologists that do excavations and inform the public... and archaeologists, who for their own reasons try to have no communication and do not give any information for the excavation. II. Archaeologist 12

In the last section we pointed out potential weaknesses of the Greek protection framework. As mentioned, this is the only study that attempts to address the weaknesses of the measures for the protection of antiquities in Greece. Firstly we identified cases that indicate a lack of organization. Additionally, several kinds of delays were identified. Moreover we put emphasis on the strained relationship between the locals and the archaeological service. All these weaknesses are structural and undermine the whole effort towards the effective protection of antiquities.
As some respondents noted, the problems are not related specifically to the protection of antiquities, but rather to the organizational problems that Greece experiences.

...too many people and agencies are involved. Indeed, this is the permanent gangrene of the Greek state. Too many agencies... All the pathogeneses that are found in the Greek public administration can be found here too. I Archaeologist 4

The findings of this research concern a wide range of issues. Domestic Greek legislation was presented while the collection of data on looted antiquities and the characteristics of the Greek market were explored. An important part of the present study is the identification of difficulties and weaknesses in the managing antiquities frame. What is new in the subject is the details on the collection of data about looted antiquities in Greece; the risk that the economic crisis poses for antiquities and the demonstration of three key weaknesses. Now we move forward to the final chapter were the conclusions of this research are stated.

CHAPTER 5

Conclusion

The aim of this study was to provide in depth information about the problem of looted antiquities in Greece, and especially about the response of the Greek State to the problem. In the first chapter, we introduced the reader to the subject, the aim and the structure of the paper. Then, we looked at the existing literature on the subject. Key themes were explored and the gaps in the literature that this paper aims to cover were identified. Detailed information was provided to explain and justify the methodology of the study. Additionally in chapter four the findings of the research were presented.

5.1 Summary of Findings

The study covered five areas of interest. The first was the Greek legislation. The legal framework for the protection of antiquities in Greece consists of two laws the 3028 of 2002 and 3658 of 2008. We pointed out the main thread of both, and put emphasis on the positive view that all the respondents hold concerning the legislation. Additionally, an important part of the study was the collection of information on looted antiquities and the monitoring of the problem. Two national bodies, the Ministry of Culture and the Hellenic Police, collect basic information on the topic by recording past cases. The data collected is used only within these agencies. Respondents of group one claimed that the collection of data is detailed and adequate, while respondents of group two questioned the scale and sufficiency of data. Furthermore, we identified some characteristics of the Greek market of looted antiquities in the words of the respondents. The importance of that part is dual, we did not only find information about the market, but another issue was highlighted. Respondents of group one seems to know more about the market, although nobody has a clear idea about crucial features of the market. Furthermore, we examined briefly some difficulties that the protection of antiquities involves. Emphasis was placed on the way economic crisis threatens antiquities. Moreover, three types of potential weaknesses in the managing antiquities framework were identified: the lack of organization, delays and the strained relationship between the locals and the Ministry of Culture.

5.2 Discussion

Now we will discuss the conclusions that can be derived from the findings. To begin with, Greece is deeply concerned with governing and protecting cultural property and has developed a strong and comprehensive legislation, capable of dealing with the problem of looted antiquities. However, the enforcement of the legislation is an essential issue. In particular, the staffing of the Directorate for the Documentation and Protection of antiquities should be completed while the incentives that the law provides to individuals in order to encourage them to cooperate with the authorities for the protection of antiquities should be carried out. In other words, the essential Ministerial Decision should be issued and the processes for the economic rewards must be accelerated.

For the management of looted antiquities the monitoring and recording of the problem is necessary. The Greek State gathers some data by recording past cases. Though, a more systematic and in depth collection of data is needed. Furthermore, criminological researches on the problem- that currently do not take place at all- are required in order to illuminate the problem. Criminological research will outline the scale and the features of the problem and of the relevant illegal acts and will provide the necessary information for dealing efficiently with the problem. This can be done only if people with expertise and relevant qualifications are able to engage with the fight against looted antiquities. Most importantly, people who have an interest on this subject should be able to gain access to the information that is currently at the disposal only of the Ministry of Culture and the Hellenic Police.

The absence of accurate and in depth information about the looted antiquities is confirmed by the limited information that respondents can provide about the characteristics of the looted antiquities market.

Source countries experience several difficulties for the protection of their antiquities. Some of them have to do with the nature of the illicit activities involved or the return of objects. It is important to improve the legislative framework related to the returns. The procedure for the claim of an object hinders the returns. The proof of the identity of the object, the costs of litigation, the limitation periods, all favour the market instead of the source countries. Changes in private international law and international conventions should be promoted. We should place emphasis on the threat that the economic crisis posses for antiquities in Greece. Two issues emerge the lack of funds and the increase of incidents. Greece and any source country that experiences the

same problems should be offered help in order to maintain a high level of protection for antiquities. International bodies could provide help with the necessary financial resources or assist the Greek State by offering voluntary help. Academics and individuals with expertise on the field of looted antiquities should also be encouraged to take voluntary action. In addition, public awareness for the importance of antiquities in a national and international level should be raised to avoid the increase of incidents. The economic crisis is not an opportunity to decimate the Greek archaeological heritage but to get active for its protection.

Greece has the basic mechanisms to deal efficiently with the problem: a strong legislation and branches in the Police and the Ministry of Culture dedicated to the protection of antiquities. However, weaknesses that characterise the whole Greek public administration undermine all the efforts made for the protection of antiquities. Nevertheless, the weaknesses identified should not be an excuse for internationalists or a justification for their arguments. Instead, it should be a condemnation of their practices that impede the source countries' efforts. The Greek State should focus on the protection of antiquities, deal with it more systematically, identify and overcome the weaknesses laid out above. It is crucial to achieve the effective cooperation between the responsible for the protection of antiquities agencies, to ensure the efficiency and swiftness of the procedures and restore the relationships between the Ministry of Culture and the local populations of the archaeologically rich areas.

Overall, this study achieved its aim. Detailed descriptions about the Greek State's response to the problem of looted antiquities were provided. At the same time, interesting and novel issues were additionally explored. Greece struggles for the protection of antiquities. We should encourage and assist its efforts.

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Appendix 1
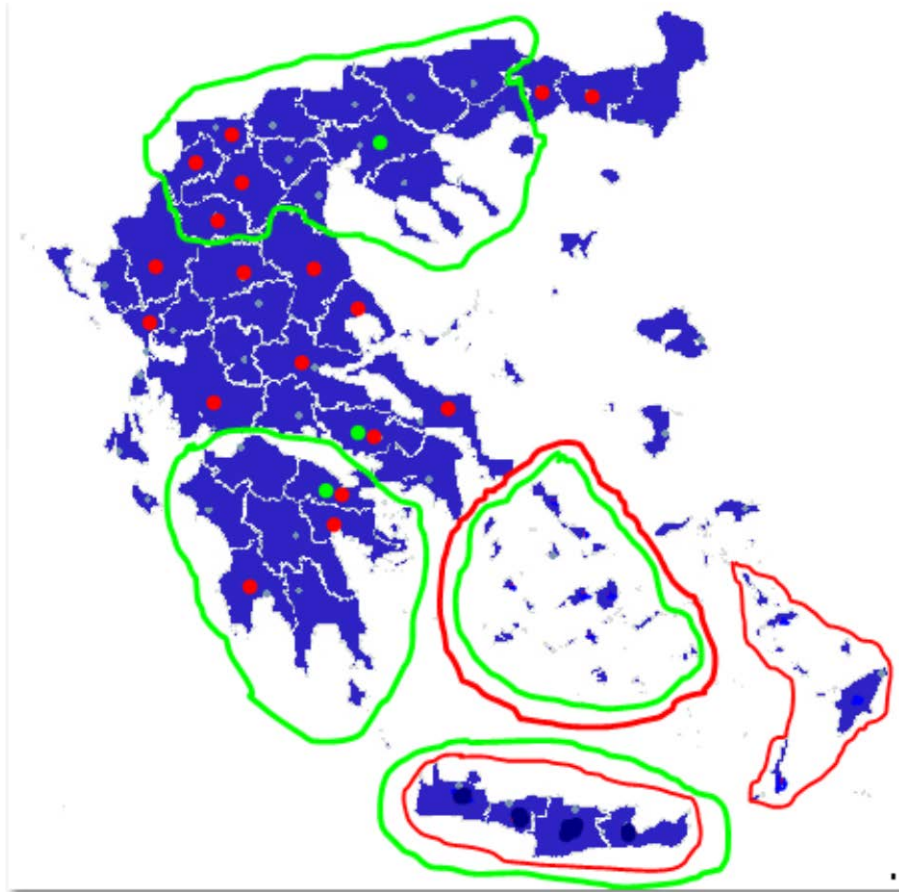
The red marks depict the views of group I.
The green marks depict the views of group II.

Appendix 2

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Plain Language Statement

<u>Study:</u> Trafficking of Cultural Property in Greece
<u>Researcher:</u> Aikaterini Gkouma

<u>Invitation for participation in the study:</u>
You are kindly invited to take part in the above research study. In order to decide is important to understand the reasoning of the study and what will be involved. Please read the relevant information provided below carefully and if you wish discuss those with others. For further information please contact me.
Thank you for reading this.

<u>About the study:</u> The purpose of the study is to review and enlarge the existing knowledge relevant to the trafficking of cultural property in Greece. The study is organized by the researcher named above under the supervision of Professor Simon Mackenzie as part of a dissertation for the degree of MSc in Criminology and Criminal justice. The results of the research will be part of the dissertation project.

<u>Reasoning for choosing you as participant:</u> You have been chosen because you were identified as an expert on cultural property or as an expert in trafficking of cultural property originated from Greece. With your consent I would like to conduct a short interview you on the topic of your professional expertise, and record your observations on the practices of looting and trafficking of antiquities in Greece, and your views and experience of the legal and regulatory frameworks which attempt to control the trade.

<u>About your participation:</u> You are not obligated to take part in the study. Your participation is based on your goodwill to support the purpose of the study. There should be no adverse consequences for taking part in the research project. In addition, your participation in the study will be kept strictly confidential should you request this by choosing the "pseudonym" option on the concept form.

For further information please contact:

1) Aikaterini Gkouma :gkouma_katerina@hotmail.com / 0044-7934842542 or 0030-6995834543

2) Professor Simon Mackenzie, dissertation supervisor:
   simon.mackenzie@glasgow.ac.uk

3) School Ethics Forum convenor, Professor Rebecca Kay:
   rebecca.kay@glasgow.ac.uk, phone 0141 330 2847.

Appendix 3

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Consent Form

Project: Trafficking of cultural property in Greece
Researcher: Aikaterini Gkouma

1. I confirm that I have read and understand the Plain Language Statement for the above project and I have had the opportunity to ask the researcher questions.
2. I understand that my participation is voluntary and I am free to withdraw at any time without giving any reasoning.
3. I agree / do not agree (delete as applicable) to participate in the above project.
4. I agree / disagree (delete as applicable) the interviews to be recorded.
5. I consent to be referred by pseudonym / identified by name (delete as applicable) in the publication of the study.

Appendix 4

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Proposed Interview Questions

Study: Trafficking of Cultural property in Greece
Dissertation Supervisor: Professor Simon Mackenzie
Researcher: Aikaterini Gkouma

Questions:
1) What does the primary demand for Greek antiquities concern?
2) Are specific places of archaeological importance identified as more vulnerable than others? Are indeed more vulnerable and why is this?
3) Are religious monuments and materials in Greece as vulnerable as antiquities are to trafficking?
4) What is the estimated size and value of the illegal market?
5) Do the looters operate exclusively in a national level or in European and international level too?
6) Do the offenders operate sporadically and isolated or have high levels of organization and sophistication? Are links with organized criminal activity identified?
7) Are links with the illicit trade of other commodities identified?
8) What does the existing regulatory and legal framework for the protection of cultural heritage involve?
9) What is the role of each agency on dealing with the phenomenon?
10) Are the agents involved in the confrontation of the illegal market properly trained?
11) What is the role of Customs office in the protection of cultural heritage?
12) Do you think that the system of documentation of legitimate origin is efficient?
13) Are changes to the regulatory and legal framework essential? Will those changes be soon integrated in the existing framework? What alternative ways for detecting trafficking incidents could you name?
14) What is in your opinion the biggest weakness/strength of the Greek practices and policies of dealing with trafficking of cultural property?
15) Can the public help in the detection of incidents of trafficking? How that can be promoted?
16) Is education and awareness the solution to the problem?
17) Cooperation on national, European and international level for the detection, identification, arrest and prosecution of offenders takes place?
18) What theoretical framework you think that can explain this kind of illicit activity in Greece?
19) What are your views on the international conventions for the protection of cultural heritage?

20) What are your views on the two incidents that recently took place in Greece (dismantle gang of antiquities in North Greece, the theft in Olympia)?
21) What is your answer to justifications of illegal trade of cultural property as a way towards "*a universal appreciation of human creativity*"?
22) What would be the results of the development of an open market that will operate transparently?
23) Is corruption a problem and does it favour the performance of the offenders?
24) Is the protection of cultural property still one of the states priorities or because of the economical crisis funds have decreased?
25) Are there occasions were Greek museums are found to have in their possession trafficked antiquities?