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The Battle for the Maya Past: The Effects of International Looting and Collecting in Belize

When the list of countries that had ratified the UNESCO Convention on illicit trade in antiquities grew to include some of the major consumer nations, it appeared to many that real headway had been made in bringing archaeological looting to a stop. In some respects, the UNESCO-linked legislation seemed to embody the qualities of the laws that had long existed in countries such as Belize. At the very least, it appeared to provide a means of embarrassing collectors and pressuring dealers so that the international trade in antiquities could be slowed, if not stopped. To date, however, the potential of the legislation has largely gone unrealized. Some aspects of the antiquities trade have indeed diminished, but due in large part to law-enforcement activity unrelated to the UNESCO ratification; at the same time, the overall scale of looting has, at least in the area we know best, risen dramatically.

In Belize, as in many Third World countries, the problem is the reverse of that faced in North American archaeology; it is not the collecting avarice of the local population, but rather the acquisitiveness of foreigners, that fuels the engine of archaeological destruction. At least in the United States and Canada the looting is most

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likely to begin and end with locals, whose punishment under local law can, in many instances, put an effective stop to the activity. In Belize, locals or recent immigrants from El Salvador or Guatemala will probably be found digging clandestinely far more often than Americans, and they can be punished fairly severely for their actions. However, they are simply the field end of an operation that may span several countries, and usually involves several levels of illegal activity. Whatever the punishment meted out locally, it is not to be expected that its effects will be felt by those elsewhere whose pockets the plundering truly lines.

In times past the foreign market lay largely in the United States, as indeed a major part of it still does; today, however, Maya artifacts have hit the big time, with a market that extends from North America to places as geographically and culturally remote from Belize as Japan and Australia. With an expanding, rather than a contracting market, the normal law of supply and demand can be expected to operate, and all evidence indicates that it is doing just that. The perception of anyone at work in the field is that no legislation, or any enforcement thereof, has had appreciable effects in North America; elsewhere, the legislation has yet to be thought of, and hence the market remains wide open.

The effect of looting in the Maya area is exceedingly difficult to assess because we are nowhere near having a master list of significant sites, and are faced with jungle terrain in which clandestine activities of many sorts can be carried on with near-absolute impunity. The jungle may even, on occasion, cloak an attack by looters on a well-known site that is a government archaeological reserve, and is assumed by everyone to be safe from assault (Pendergast and Graham 1979, 1981). For some years there have been a good many parts of the Maya lowlands outside Belize in which, guerrilla activities aside, no archaeologist would set foot on an unchecked site unless he or she had a strong death wish. Today this is also true of Belize, and it prevents archaeological assessment of looting activity as effectively as it prevents the survey that would tell us what sites are there to be looted.

Because contacts between archaeologists and looters are rare, we have no way of knowing the true scale of clandestine excavation in Belize. There are, however, bases for rough calculation, in addition to the listing by Gutchen (1983) of sites where destruction is known to have taken place. To begin with, we have a limited amount of data on the size of looting crews; we have seen one camp, and a friend has seen another, sufficient to house seventy to eighty people, and in the latter case the tracks of a bulldozer-like vehicle with trailer were also in evidence, as was the fact that at least some of the looters were well armed. Though much looting is unquestionably less grand in scale, these two operations, which are surely not unique in the his-

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tory of Belize looting, involved crews larger than any ever mustered by archaeologists at work in the country.

Apart from the question of relative crew sizes in legal and illegal operations, there are several factors we can introduce to the calculation of the overall scale of looting. In the simplest terms it is obvious that archaeologists are heavily outnumbered, but the scales are tipped further in the looters' favor by the fact that illegal diggers can work year round, can dig unimpeded by thoughts of recording or of preservation of fragile architectural features, and need only search those parts of structures that are most likely to yield saleable artifacts. In addition, most excavation crew members require the near-constant supervision of an archaeologist in order to proceed with their work, whereas in most cases the clandestine digger chops away with nothing but his own knowledge to guide him. The final addition to this already staggering list of looters' advantages is the fact that the profit to be made from illegal operations guarantees far better funding than any archaeologist can ever hope to have.

Though it is clear that not all looters enjoy the whole series of advantages enumerated above, the list probably presents a fair average picture of the difference between controlled and clandestine excavation. It can therefore be taken as the basis for calculating the effective degree to which archaeologists in Belize are outnumbered by their lawbreaking counterparts. When all the factors are taken into account, we estimate there are effectively 200 working illegally, and some of our Belize-experienced colleagues feel that this figure is quite a bit too low.

If we wished to take a further step in this somewhat haphazard numerical exercise, we could take the maximum number of archaeological workers likely to be excavating in Belize at any time in a normal field season and multiply it by the factor derived above, to get at the effective overall sizes of the legal and illegal forces. Archaeologists and excavators rarely if ever exceed 70, and a fair average for a season is probably near 50, so that the product of the multiplication is approximately 10,000. This does not mean, of course, that at any given moment there are 10,000 looters busy hacking away at Belize's Maya ruins, but rather that the annual effect of looters' efforts may well be about what one could expect if 10,000 legal excavators were at work for a normal (three-month) season. Whether the figures have any real meaning is obviously open to debate, but their import is clear: Belize's archaeological heritage is under heavy siege.

An examination of Belize's record in the area of protective legislation would suggest to the uninformed that the defenses raised against the looters' siege are, and have long been, virtually impregnable. Opponents of antiquities legislation in developed nations argue that the inability or unwill-

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ingness of Third World countries to protect their archaeological heritage confers respectability, in fact almost a kind of academic sanctity, on the preservation of artifacts by collectors; this self-serving and groundless argument seems particularly ridiculous when applied to Belize, which has a far better record on this score than any of the nations that now consume its heritage. The earliest attempt at protection of archaeological sites dates from the 1890s, and since 1924 Belize has had very stringent laws, coupled with governmental ownership of almost all archaeological sites. In 1972 the laws were very considerably strengthened, and all sites were brought under government control; at present, Belize's ring of protection around its archaeological heritage surely ranks among the strongest in the world. But the ring cannot be drawn tighter than enforcement conditions permit, and it is here that Belize, like many Third World countries and indeed, in some senses, every country, faces an almost insurmountable problem.

It is in the denseness and extent of the tropical forest that one major element of Belize's archaeological difficulties lies. The jungle erects truly formidable barriers in the path of archaeological survey, so that there are a good many vast tracts of land in which there are very few recorded sites. When there is no knowledge of what there is to protect, not even the best tactical situation will permit control of looting; in fact, a fair portion of the knowledge regarding sites in many areas of the country is collected during mop-up work after looting has been reported by mahogany hunters, chicle gatherers, or others whose work takes them through the remote parts of the forest. The jungle serves also to conceal looting activity; it is only the rare, and generally the incompetent, looters whose activities are carried out near centers of population or in other places without heavy concealment.

Though the jungle is a formidable obstacle to the apprehension of looters, there are times when illegal diggers are apprehended and brought to court, where the government faces another kind of battle in prosecuting them. Ironically, the looter in Belize finds himself protected by a democratic court system based in British jurisprudence; operating on the assumption of innocence until guilt is proved, the law erects formidable defenses around anyone caught in the act of tearing an ancient Maya site to pieces. The array of evidence against the accused must be airtight, for though looters may appear impecunious, they often have access to seemingly unlimited funds with which to hire the best lawyers. Most cases against looters are heard in magistrate's courts where, in the British system of law in force in Belize, members of the police force must act as prosecutors. The officers are often out-matched by lawyers whose keen eye for loopholes quite frequently allows an unquestionably guilty looter to escape punishment, and may even result in a magistrate's order that confiscated artifacts be returned to the accused.

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Whatever the good will of the police and the magistrate himself, the path to justice in looting cases generally proves a rocky one indeed.

As in North American court proceedings, the barriers thrown up in the prosecutor's way can be almost endless. Cases can be dismissed because only one witness can confirm artifact possession, whereas two are required by law. If, because of his involvement in archaeological administration, the Archaeological Commissioner cannot appear as an expert witness, there may be no such person available in the country, and if a professional archaeologist can be found to testify, his qualifications may be challenged interminably by the defense. Questions can be posed again and again as to the proof that the objects submitted in evidence are artifacts, and equally numerous challenges can be raised against an expert witness' statement that archaeological mounds are not simply natural phenomena. This sort of obfuscation can so cloud the issues as to make a reasoned verdict well-nigh impossible. Thus every case begins from square one, and no precedents exist on which successful prosecution can be guaranteed. Even when the government succeeds in obtaining a verdict of guilty, the persons actually charged are only the local bottom echelon of the looting structure, and those from abroad, whose guilt is far greater, go scot free.

At best, the laws of Belize, like those of most other countries with a focus on protection of their heritage, provide an argument to the remainder of the world that artifacts illegally excavated and illegally exported should be repatriated. They document the country's concern with the problem more than they aid in prosecution of the guilty—simply because prosecution has apprehension as its necessary prerequisite, and apprehension is difficult in the best of circumstances. In Belize, a tightly restricted budget combines with the environmental factors cited above to produce a situation in which probably less than five percent, and possibly less than one percent, of archaeological material looted from the country's sites is identified and recovered within the country's borders. The record is, sadly, no better for material that has made its way to North American or other markets; here, only chance discovery by Customs or other agencies is likely to make possible the specification of country of origin, and perhaps the eventual return of the artifacts, shorn of all the insights they might have provided into Maya prehistory, to their source.

Frustrated by a force of looters that is larger, and almost certainly better funded, than the country's entire military and paramilitary establishment, the Belize government and North American archaeologists who work in the country have long sought some means, whether internal or a combination of local and international effort, of controlling the traffic in antiquities. Suggestions have ranged from not entirely frivolous plans for placement of antiper-

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This unique piece, called the Actun Balam Vase, lay in more than fifty pieces in the Actun Balam cave. Surface fragments discovered by mahogany hunters in 1964 were carried away. Three pieces ultimately were turned over to the Cayo District administrator. Archaeologists excavated additional sherds in the cave and found some at the mahogany hunters' campsite. Other pieces were retrieved from the mahogany hunters and from a backyard garbage dump. Others remained in the possession of men in San Antonio Cayo, who feared trouble with the government if they came forward. As a result, one of the great masterpieces of Maya vessel painting remains restored, but in incomplete condition. Because the scene is not repetitive, and is laden with symbolism, the absence of more than one quarter of the vase is painfully significant. Photo courtesy of the Royal Ontario Museum.

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sonnel mines throughout sites and development of fake jades that would explode long after their insertion into the marketplace, to emplacement of United Nations troops as site guardians and other foreign-presence steps that might indeed have some beneficial effects if they were possible. Massive foreign investment in archaeological work has also been posed as a solution to the looting problem; this step may be more likely to occur than is the stationing of foreign troops in Belize, but the achievement of a real solution or anything that approximates one is, we fear, not a probable outcome of either of these efforts. The simple fact is that, no matter what human or financial resources may be mobilized within the country, the looting problem is not capable of solution within Belize itself.

The external solution seems already to have been put in place, or at least to have had its mechanism lubricated and set in motion, through legislation in many countries that ratifies the UNESCO Convention. Unhappily, this appearance is very far from the truth, and indeed may even have led to some degree of complacency on the part of those who are so ill-informed as to assume that the taking of legislative action constitutes resolution of difficulties. Those who know better recognize that the law is no stronger than the will and the wherewithal required for its enforcement. In the United States and Canada, among other countries, the wherewithal clearly exists, and in Canada, at least, the will has thus far shown itself to be strong; however, prosecutions have been very few, and convictions even fewer. Surely the message to looters, transporters, and collectors of stolen archaeological material is clear: continue with impunity, for the risks are next to nonexistent.

If this message is to be changed, a number of steps—none of them easy—will be required. More consistent, and more meaningful, checking of large shipments from Belize (and many other countries) will be required at all ports of entry, so that artifacts do not pass as machinery. This will, however, touch only a tiny portion of the problem, for most artifact-running into the United States and elsewhere does not involve passage through any port, or by any government eyes. A major hole could be blown in the artifact transport system by even more vigilant surveillance of the aerial drug traffic out of Belize, which would make the trafficking connection between marijuana growing and looting less easy. The volume of such traffic is suspected to be very high at present; if the growers ever find their huge profits destroyed, there is a very great likelihood that they will turn en masse to one of their current auxiliary money-making activities, and convert looting and clandestine artifact transport into one of the main hard-currency industries in Belize.

The traffic in antiquities may be reduced somewhat by a variety of border controls, but it cannot rest on such measures alone. Raiding and seizure throughout the dealers' world and the auction houses will have to become

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commonplace, and the consequences to those caught with illicit material will have to be as severe as the law allows—which is, unfortunately, not very severe at all. These steps will also help curtail traffic in antiquities from Belize, as from any country—but neither they nor the border controls are very likely to take place, at least not at the level required, and none approaches a real solution to the problem.

One of the relatively new, and relatively severe, difficulties in applying the steps outlined above is that the market for Maya antiquities, once limited largely to Hollywood, portions of Texas, and the New York zone, has not only spread across the United States but has also extended to countries never previously seen as consumers, such as Japan and Australia. Japan zealously protects its own heritage, but appears to place little or no value on that of other peoples; Australia, long a “laundering” area for archaeological material, seems now to provide an open field for artifact trafficking in all forms. The absence in these and other countries of concern for the preservation of the world’s archaeological heritage, coupled with the presence of copious quantities of disposable income, makes the likelihood of enactment of legislation very low, and the likelihood of enforcement of any international sanctions lower still.

Is there, then, any effective method of stopping the looting in a country such as Belize, and the international traffic in its heritage? If we seek to put a real plug into the pipeline, the answer is probably no. One step, which as far as we know has yet to be taken in any developed country with UNESCO-related legislation in place, is the extension of raiding and seizure to individual collectors, attended by the greatest possible amount of publicity. It is surely true that collectors in the United States, Canada, and many other countries continue their activities today in full knowledge that they are flouting not only widely accepted codes of morality (see Levine and Pendergast 1982) and the laws of source nations, but also the laws of their own countries. The amount of media coverage given to the looting problem, both at home and abroad, destroys the defense of ignorance, if such defense was ever admissible, and yet collection goes on apace. The only action that will dull most collectors’ appetites for further Maya—or other—archaeological material is one that will bring their violation of the law into the full glare of day.

Embarrassment is the only penalty that would have meaning to those whose incomes permit the collecting, and hence are more than sufficient to make loss of objects, or even stiff fines, if they existed, no more than trifling inconveniences. Most of North America’s wealthy, whether public figures or shadowy corporate magnates, would do almost anything to avoid adverse publicity, especially if lawbreaking is the accusation. We see this sort of ac-



Two Classic Maya vessels of a style commonly found at Altun Ha, Belize and rarely found elsewhere. Altun Ha was probably the center of manufacture of this particular type of polychrome, though some unprovenanced pieces are said to have been found at other sites. Properly documented, they might have revealed information on trade connections between sites. The Altun Ha specimen on the left, like all others excavated at the site, has full provenance data. From its context, much can be learned about its age, manufacture, ownership, and use. The vessel on the right was acquired by the Duke University Museum of Art at a time when it was an accepted practice for museums to purchase or accept unprovenanced objects. Now the Classic Maya pottery in the Duke University museum's collection has been chemically sampled for neutron activation studies as a part of the Maya Polychrome Ceramics Project housed at the Conservation Analytical Laboratory of the Smithsonian Institution. Through this sampling, the museum seeks to move beyond these vessels as isolated objects of aesthetic value to actively supporting research to retrieve as much cultural information as possible in the face of the vessels' lack of provenance. *Photo on left courtesy of the Royal Ontario Museum; photo on right by Dorie Reents-Budet.*

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cusation as a step that would deter many—though surely not all—from purchase of illicitly excavated material offered for sale in North America. Sadly, no solution to the problem exists elsewhere, and none is very likely to emerge in the foreseeable future. Those of us who are at work excavating sites in Belize cannot quite hear the looters' shovels, but the illusion of their audibility is very strong, and growing stronger as the number of shovels increases. Until the acquisition of looted artifacts is made distasteful, if not dangerous, worldwide, that sound, and the knowledge of what it means in loss of irreplaceable data, will always be with us.

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