

On November 26, 2019, the U.S. Department of State published notification in the Federal Register of the receipt of a request from the Government of the Republic of Tunisia to the Government of the United States of America for import restrictions on archaeological and ethnological material from Tunisia. The following public summary does not contain sensitive or privileged information. This summary does not represent the position of the Government of the United States, which has yet to review the request under the Convention on Cultural Property Implementation Act.

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PUBLIC SUMMARY

Request by the Government of the Republic of Tunisia to the Government of the
The United States of America for Imposing Import Restrictions to
Protect its Cultural Patrimony under Article 9 of the UNESCO Convention (1970)

Scope of Requested Import Restrictions

Import restrictions are requested for archaeological materials beginning in the prehistoric periods (ca. 200,000 BCE), particularly for stone tools. Archaeological materials include stone (architectonic elements; sculpture; monuments, some with inscriptions in Punic, Greek and Latin; stele, funerary monuments and votives; burial urns and vessels); metal (statuary, coins, reliefs, vessels, jewelry and other items for adornment, seals, tools, weapons and armor); ceramic (sculpture, architectural decoration, figurines, pottery, oil lamps, Medieval glazed pottery); glass, faience and semi-precious stone (architectural elements, vessels, beads and mosque lamps); mosaics (floor, wall and ceiling mosaics); painting (Neolithic rock art and wall paintings); plaster; textiles; basketry; small statuary and personal ornaments of bone, ivory, shell and other organic materials; and human remains. These date up to 1750 CE, spanning the Punic, Greek, Roman, vandal, Byzantine, Islamic and Ottoman periods.

Ethnological materials from 1574 to 1811 representing the Ottoman, Amazigh/Berber, Toubou and Tuareg cultures. Ethnological materials include stone (architectural elements, relief sculpture, burial containers, inscriptions typically in Arabic script, vessels); metal (architectural elements, relief sculpture, vessels, jewelry and personal adornments, weapons, ceremonial paraphernalia, such as Koran boxes, and tools); ceramic and clay (architectural decoration, vessels, oil lamps and molds); wood (architectural elements, relief sculpture, vessels, Islamic study tablets and printing blocks in Arabic); bone and ivory, glass, textiles (including religious garments, rugs, and tapestries); leather and parchment (books and manuscripts, including Koranic and other Islamic books and manuscripts); and musical instruments.

Determination A: The cultural patrimony of Tunisia is in jeopardy from the pillage of its archaeological and ethnological materials

Archaeological theft emerged as an organized crime in Tunisia in the 1990s. Since 2011, Tunisia continues to suffer from looting of its archaeological sites and museums. Since the revolution, nearly 22,000 artefacts have been recovered thanks to the security operations during the attempts to cross borders.

Gangs undertake illegitimate and random excavations in the isolated areas of Tunisia. Over 80 incidents of clandestine excavations (looting) were recorded between 2014 and 2018 alone. Sufi shrines or *zaouias*—mausolea that house the tombs of patron saints that serve as important places of exchange—are also under threat from destruction. Salafist groups have also targeted Christian churches and Jewish synagogues.

Determination B: Tunisia has taken measures consistent with the Convention to protect its cultural patrimony

Tunisia is a State Party to multiple international conventions that concern cultural heritage. The earliest legislation for the protection of cultural heritage in Tunisia dates to 1886. The code for the archaeological, historical and traditional arts patrimony was enacted in 1994. This law was amended in 2011 (Decree-law no. 2011-43, 25 May 2011) primarily to increase the penalties for infractions. Under Tunisian law, the export of movable property is prohibited. Temporary export of movable cultural property is subject to authorization of the Ministry of Cultural Affairs.

Tunisia has established the Ministry of Cultural Affairs (in 1961) to implement cultural policy through an extensive network of cultural agencies, councils, committees and reference institutes. These include the Institut National du Patrimoine (INP), the Agency for the Development of National Heritage and Cultural Promotion (AMVPPC), and the Higher Council of Culture. The closest partners of the Ministry of Cultural Affairs are the Ministries of Education, of Higher Education and Scientific Research, and of Tourism.

The INP oversees twenty archaeological and ethnological museums in Tunisia. Tunisia has some fifteen universities of general higher education, as well as several specialized universities and institutes. Tunisia maintains an ongoing (begun in 2003) inventory project for the museum collections called Virgile, which includes over 45,000 entries. INP is also active in inventorying cultural patrimony sites, including via the National Map of Archaeological Sites and Historic Monuments and the Computerized Map of the Patrimony (IPAMED). Tunisia engages in many public outreach initiatives, including the annual Heritage Month, hosting regional cultural heritage conferences, and bolstering the work of local archaeological associations.

Many of Tunisia's cultural sites are protected by management plans. The INP started training cycles in partnership with the Ministry of Interior to build the capacity of the sites' curators in the field of site security. The INP has purchased security and anti-theft equipment for all the

sites and museums. Tunisian Customs and the National Guard also participate in trainings and international workshops to build capacity to combat cultural property trafficking. The request lists numerous cases of individual arrests, seizures, and dismantling of looting networks by Tunisian authorities. Tens of thousands of cultural objects were seized between 2012 and 2018. Tunisia collaborates with Interpol and has listed some sixty stolen artifacts in the Interpol database.

Determination C: The application of import restrictions would be of substantial benefit in deterring a serious situation of pillage

Market data indicate that there is an abundant market in the United States for archaeological material from Tunisia. This market seems, however, to focus on online sales. Online platforms sell many fragments of vases from Carthage (Punic North Africa more specifically), for example. These objects are located in different states of the United States. The most prolific market in the United States seems to be that of coins. These coins are sold at relatively low prices, most of them under \$ 1,000. There is also an active market for lithic Neolithic productions, described as coming from North Africa. The ethnographic material market in the United States is smaller than that of archaeological artifacts, but includes some pieces of Berber jewelry, as well as an Islamic manuscript. The requests lists several examples of sales and offerings of Tunisian cultural property by U.S.-based auction houses and dealers.

The non-US market for ethnographic material appears to be mainly based in London and Paris. Items offered for sale include ceramic containers, handwritten sheets, especially Quran leaves, tombstone fragments, and textiles. Other types of artifacts include weapons, metal and ceramic containers, horse ornamental harnesses, and embroidered panels.

France and the United Kingdom both ratified the 1970 UNESCO Convention. In 2019, the European Parliament and the Council of Europe adopted the rules for the introduction and importation of cultural property. To import archaeological objects and monument items that, for both categories, must be over 250 years old, the importer must submit an export permit or other document establishing the legal export of the country of origin with few exceptions (Article 4). This adds an additional level of restriction to the import of undocumented cultural objects that may be illegally exported from non-EU countries to the EU, in addition to the one provided for by the implementation of the Convention of the UNESCO of 1970 by each country.

Determination D: The application of import restrictions is consistent with the general interest of the international community in the interchange of cultural property among nations for scientific, cultural, and educational purposes.

Tunisia has made numerous recent loans of works of art to foreign institutions, including the Getty Museum, the National Gallery of Art, Palazzo Strozzi, the Metropolitan Museum of Art, Musée Leiden, Institut du Monde Arabe, and the National Archaeological Museum in Aquileia,

Italy. Loans were also made to venues in Germany and Japan. No export requests have been denied.

Tunisia engages in several archaeological research projects with foreign participants, including the American, Italian, and German projects at Carthage; the University of Oxford in collaboration with the British School at Rome project at Utica; the UCLA Zita Field School; the Tunisian-British project with University College London at Bulla Regia; and several others.

Tunisia has also hosted international scholarly conferences, including “Enhancing Institutional and Legislative Frameworks for the Protection of Cultural Heritage” (a regional meeting held by ICCROM-ATHAR Regional Conservation Center in October 2018); “In Dialogue: Contemporary Art and Cultural Heritage;” and the 2017 “Protecting the Past” EAMENA conference.

The request also lists grants from the U.S. Ambassadors Fund for Cultural Preservation awarded to Tunisia to preserve heritage sites, the Euromed Heritage Programme, and several other major collaborations with U.S. and other foreign institutions.