On June 16, 2017, the U.S. Department of State published notification in the *Federal Register* of the receipt of a request from the Government of Libya to the Government of the United States of America for import restrictions on archaeological and ethnological material from Libya representing its prehistoric through Ottoman Era heritage. This request is submitted pursuant to Article 9 of the 1970 UNESCO *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property* as implemented by the *Convention on Cultural Property Implementation Act* (19 U.S.C. 2601 *et seq.*).

The following public summary, authorized by the Government of Libya, is derived from that request. It does not necessarily represent the position of the Government of the United States on this matter.

In its request, the Government of Libya offers a general overview of its geography, climate, and socio-cultural history, evidence of pillage of and jeopardy to its archaeological and ethnological materials, measures Libya has taken consistent with the 1970 UNESCO Convention to mitigate the problem of pillage, analysis of the nature and extent of the U.S. and international market for Libyan cultural property, and description of the benefits that import restrictions might confer.

*** * ***

PUBLIC SUMMARY

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

Libya is home to a significant cultural patrimony, which evolved over millennia of human habitation, trade, and development in a geographically vast and diverse setting. To protect this rich heritage, Libya ratified the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property on January 9, 1973. Since this date, despite sustained periods of turmoil and conflict, Libya has taken a wide range of measures to protect cultural sites and objects against the dangers of theft, clandestine excavation, and illicit export. However, despite these efforts, Libya's patrimony is now under severe and continuing threat of pillage due to ongoing conflict and the rise of violent extremist groups. The Government of Libya therefore invokes Article 9 of the 1970 UNESCO Convention and requests the imposition of U.S. import restrictions on its archaeological material dating from the Paleolithic through the Ottoman Era (12,000 B.C.–1750 A.D.), and on its ethnological material dating from 1551 to 1911 A.D.

Protection is sought for archaeological material in stone, metal, ceramic and clay, glass, faience, and semi-precious stone, mosaic, painting, plaster, textile, basketry, rope, bone, ivory, shell and other organics. Protection is sought for ethnological material in stone, metal, ceramic and clay, wood, bone and ivory, glass, textile, basketry and rope, leather and parchment, and writing.

Historical Overview

Libya has been both a melting pot and a crossroads from the arrival of Early Modern Man on the shores of the Mediterranean 100,000 years ago, to the Punic, Greek, Roman, Byzantine, Berber and Arab settlers who have flourished against the foreshore, on the gebel (upland or hill country), and in the desert. Each of them with their varied culture has left a legacy that we can appreciate today.

The earliest civilizations are reflected in a heritage of rock art and stone tools found in the gebel and in the desert. All the major Mediterranean civilizations and cultures have passed through Libya. The Phoenicians came from the eastern Mediterranean and settled the western part of the country (Tripolitania); the Greeks established their cities in the eastern part of Libya (Cyrenaica). To the south were desert cultures, the most famous being the Garamantes who established themselves in the heart of the Sahara (Fezzan) to be a link between the Mediterranean basin and central Africa.

By the 1st century A.D. the Roman world dominated the east and west regions and extended south into the pre-desert. In Tripolitania, after the Romans came the Vandals (5th century A.D.) and then all the northern cities were re-conquered by the Byzantines (6th century A.D.) who maintained control until the Arab Conquest in the mid 7th century. In the following centuries, different parts of Libya were variously controlled by a series of caliphates—first the Umayyad of Damascus, then the Abbasid of Baghdad, and finally the Fatimid of Egypt—as well as a number of other local and regional dynasties.

Starting in 1551, the Ottoman Turks ruled the country as three separate provinces—Tripolitania, Cyrenaica, and Fezzan. From the 18th century on, these provinces formed a loose federation, and the government became increasingly centralized, with a central army, and school, courts, postal and eventually telegraph systems. The Kingdom of Italy invaded Ottoman Italy in 1911, eventually gaining control of all three provinces, and giving them the name of “Libya.”

Evidence of Pillage and Jeopardy to the Cultural Patrimony of Libya

Prehistoric artifacts from the Sahara region have long been vulnerable to pillage, and rock art has been vandalized and removed. Remains of the Classical period have also been targeted such as World Heritage sites where illegal excavations were carried out. A number of artifacts, which had been excavated from temples, were also stolen from the storerooms.

After 2011 with the continuing conflict, suspension of many state services (including for heritage protection and management), and resulting increase in criminal activity, pillage of archaeological sites has reached unparalleled levels. In 2016, the UNESCO World Heritage Committee placed all five of Libya’s World Heritage Sites on the List of World Heritage in Danger and, similarly, the World Monuments Fund put Wadi Mathendous Rock Art on its Watch List.

There is on-going pillage of sites throughout the country. The ancient ruins have been seriously damaged as a result of trafficking. Museums have also been vandalized and looted by invading

militias. The situation is also critical in the east, as shown by incidents of looting and theft at sites there.

The prehistoric remains of Libya's south, southeast, and central deserts are also at risk of looting and other damage. For example, satellite imagery reveals that a high number of archaeological sites have been damaged. Recent looting in the northeastern Sahara has also been reported by eye-witnesses. While these sites and their artifacts had once been protected by their remoteness, oil industry roads had opened them up to potential thieves.

Islamic cultural heritage in Libya has faced an interconnected threat of looting and destruction, with looting often accompanying destruction as extremists deface mosques and unearth Islamic graves. Many of the old Jewish cemeteries and sites are being looted for antiquities to export where there is an active transit or ultimate market for these objects. There is also evidence for the looting of Roman period archaeological sites and sites with Berber ethnological material. There are also reported thefts from museums and storerooms of documented and undocumented objects.

Legal Framework for Protecting Libya's Cultural Patrimony

Libya's cultural heritage management system is rooted in the country's laws and regulations. Libya sits at the intersection of Africa, Europe, and the Arab World, and its legal system reflects this diversity, displaying Islamic, Ottoman, Italian, French, and Egyptian legal influences. However, from the Ottoman period, through the Italian occupation and from the earliest years of the state, Libya has provided extensive legal protections to the country's cultural property and vested the ownership of antiquities and monuments in the state.

The 1951 Constitution grants the government control of the country's antiquities, archaeological sites, and museums. Law Number 11 on Antiquities, Archaeological Sites, and Museums (1953) further obligates the state to protect cultural heritage in peace and wartime and prohibits damage to and illegal trade of cultural property, including exports. Law Number 2 of 1983 and Law Number 3 of 1994 have similar provisions. The latter names the Department of Antiquities (DOA) as the expert authority responsible for management, organization, care and protection of antiquities, museums, manuscripts, ancient cities, and historic localities and buildings.

The current governing document is the Constitutional Declaration, adopted by the National Transitional Council on August 3, 2011, which reinforces that Libya's legal framework for cultural preservation has remained largely unchanged to date. International agreements to which Libya is a State Party also remain in effect such as the 1970 UNESCO Convention and the UN Convention against Transnational Organized Crime.

Department of Antiquities

The Department of Antiquities (DOA) is the primary entity responsible for the protection, study, and management of Libya's cultural resources. The DOA mandate includes responsibilities to implement Law Number 3 (1994) regarding protection of antiquities, museums, old cities and historic monuments; excavate, study, disseminate and publish scientific studies; promote awareness and knowledge of antiquities as a value for mankind; survey and document all archaeological sites including those beneath the sea; and grant licenses to foreign missions to work in the fields of excavation, restoration and publications.

Before the conflict in 2011, the structure of the DOA consisted of a Chairman, under which operated 8 offices and 4 sections. There were also six superintendencies (or controllerships), which were divided geographically, with one each for Tripoli, Sabratha, Leptis Magna, Sebha (the South), Benghazi, and Cyrene. Today, the 2011 structure is currently the same for the western part of Libya, with minor modifications. In the eastern part of the country, there is a separate Chairman, under which eight offices operate, in addition to seven sections.

Museums

The DOA is responsible for managing Libya's cultural institutions, including a wide variety of museums, archives, and libraries. There are twenty-four state museums throughout the country, the largest of which are in the capital of Tripoli. These include:

a) the National Museum at the Red Castle

b) the Museum of Libya, whose opening had been planned for December 2011 but remains closed due to the ongoing conflict

c) the Islamic Museum

d) the Karamanli House Museum, a typical residence of the Ottoman period.

Archaeological site museums are located at many of the archaeological sites, such as at Cyrene, Apollonia, Leptis Magna, Sabratha, Dernah, Ghadames, and Benghazi, among others. In spring 2016, the DOA opened the first children's museum in Tripoli in the Saraya building of the Red Castle Museum. All together, an estimated 17,000 objects were on display at Libya's museums, and a much larger number is in storage facilities.

There are conservation laboratories at many museums, as well as national libraries and national archives. While all of the country's twenty-four museums are closed to protect their invaluable collections, museum personnel and other DOA staff continue to take personal responsibility for the objects housed in their institutions and to respond to credible threats of attack.

Organization of Excavations and Research Projects

Archaeological research—including survey, excavation, and other study—is also the responsibility of the DOA, although most projects are now on hold given the conflict. Among the examples of state funding for archaeological (salvage) excavations and cultural resource management are the Libyan Valleys Survey (1970s and 1980s), the Society for Libyan Studies' campaigns in the Sidi Khrebish suburb of the city of Benghazi (1971–1975), the collaborative excavations of the Society for Libyan Studies and the Department of Archaeology of Gar Yunis University at Sidi Abeid in Benghazi (1998– 2006), and more recent projects at Tocra (Gar Yunis University), Balagrae (Omar Mokhtar University), and Medinat Sultan (DOA).

National Inventory Program

A national inventory project was in the planning stages before 2011. Presently the DOA has focused on "emergency inventories," using low-tech methods supplemented by cell phone imagery. In Tripolitania, such inventory work has now begun at Leptis Magna, Zliten, and Misrata. The inventorying process has also been initiated in Sabratha and Janzour. In the Shahat Inspectorate, inventory has begun in the museums of Apollonia, al Bayda, and Cyrene and other inventory work has begun at Tocra and Ptolemais. However, given the current instability, and the large number of objects, completing an inventory of the country's antiquities is a substantial challenge and will require sustained effort over many years to complete.

Educational and Professional Development

As of 2011, Benghazi's Garyounis University has the most prestigious archaeology program in Libya with a long-standing field school at Tocra. In the Cyrenaica there is also a program of archaeology at Omar Al-Mukhtar University in Al Beidah with a field school at Balagrae. Omar Al-Mukhtar University supervises branch campuses that also teach courses in archaeology at Dernah, Tobruk, and Susa. In Tripolitania, archaeology is taught at Al Mergeb University in Khums and the University of Tarhuna. Libyan students also pursue postgraduate study on archaeological subjects in Italy, France, Britain, Poland, Germany and Egypt.

DOA staff, including museum personnel, has also participated in recent international trainings focused on improving skills in collections management, inventories, site security, preventive conservation, and preservation of archival records.

Public Awareness Programs

Beginning in the 2000s, Libya undertook broad measures to educate citizens and the general public about respect for and preservation of the nation's cultural heritage. The Society for Libyan

Studies published the first of a series of archaeological guidebooks to the Antiquities of Libya in English and in Arabic.

Before 2011, Libya was taking efforts to publicize aspects of the Saharan Code, adopted in Tripoli and Sebhna in 2000, through reproduction in tourist literature. The Code states:

a) Do not disturb archaeological sites and artifacts;

b) Do not deface rock engravings and paintings and never wet rock paintings, as this destroys them;

c) Never take artifacts, animals, rare plants and geological specimens from the Sahara—it is illegal;

d) Never buy antiquities or other rare items from the Sahara.

A recent initiative, designed by archaeologists from the DOA and local universities, seeks to involve the community of Shahat (near Cyrene) in the protection of their archaeological heritage. Through a series of lectures and guided on-site visits, archaeologists are informing school children and interested adults about their local heritage and history. Also at Cyrene, various non-governmental organizations have been established to promote local culture and heritage.

Libya's civil society has stepped up efforts to engage the public in discourse on the importance of protecting heritage, engaging in their own preservation and protection efforts around some of Libya's most important cultural sites.

Nature and Extent of Art Market for Archaeological and Ethnological Material from Libya

The United States is a major market, perhaps the single largest market, for sales of archaeological material from Libya. Between approximately 2007 and 2014, nearly fifteen sculptures known to have come from Cyrene (some documented from the excavation storerooms; others undocumented) were sold in the United States. Hellenistic and Roman stone and terracotta sculptures, based on stylistic composition and other criteria are identified as coming from Libya, have recently been offered in U.S.-based auction houses. Online and gallery sales of sculpture and coins being identified by the sellers as coming from Libya are also ongoing.

While the market in Cyrenaican artifacts is the most extensively studied segment of the market for materials from Libya, other categories of Libyan-sourced artifacts seem to follow a similar pattern. The sales and re-sales of these objects indicate a strong market and taste in the United States for archaeological materials from Libya. Ceramic vessels and architectural elements, ranging in date from the Classical through Islamic periods, as well as Neolithic stone tools are also being offered in U.S.-based galleries and sellers on e-commerce sites.

Several on-line and U.S. auction sales of ethnological material have been tracked in just the last few years. The types of objects sold include Tuareg material and Islamic objects of the 18th and 19th centuries.

The other countries having a market in cultural materials from Libya include the United Kingdom, France, Switzerland, Dubai and Israel. Between 2000 and 2013 sales by dealers through galleries or e-commerce sites occurred in the U.K., Spain, Switzerland, Israel, and Germany.

Classical period sculptures (both terracotta and stone) and other ceramic objects, as well as Islamic period architectural elements and written materials such as manuscripts and Qurans are sold also in Europe. A large quantity of ethnological objects, both Tuareg and Islamic, is also sold in Europe and on-line through e-commerce sites. Some Jewish ethnological material is on the market in Israel.

Benefits for the International Community

Libya looks forward to sharing its heritage further among nations in a responsible way, which will benefit the heritage itself, its own citizens, and the people of the world. Both before and immediately after the 2011 Revolution, Libya was planning and pursuing a number of joint projects with foreign missions and intergovernmental organizations such as UNESCO. However, internal events since 2011 have presented significant challenges to these and many other hopes, but Libya pledges to welcome back international colleagues and share its rich history and cultural heritage anew with the world as soon as the security situation allows.

Libyan legislation allows the government to share its collections abroad, while recognizing that they remain state property (Law Number 3, Article 27). Such exchanges are possible so long as 1) the transport will not cause any damage; 2) the necessary measures are taken to maintain its safety; and 3) it is insured (Article 9 of the Executive Regulations for Law Number 3). The government may also exchange frequently occurring objects overseas (Law Number 3, Article 47). Foreign research missions may export samples temporarily for the purpose of study.

In the past, the DOA was unable to take full advantage of these provisions. However, the situation started to change in the 2000s. This was evidenced by “The Desert is Not Silent” traveling exhibition of Libyan art and antiquities, including 30 archaeological masterpieces, which launched in London in 2002, and traveled subsequently to Paris, Geneva, Berlin, Tokyo, Madrid, Sao Paulo, and Moscow.

Libya has welcomed multiple projects, led by researchers from around the globe, to study Libya’s cultural heritage and archaeology. Since the early 2000s, the DOA has maintained links with international institutions, including UNESCO, ICCROM, and numerous foreign institutions. Indeed, throughout the past century, much archaeological research in Libya was undertaken by foreign missions, especially at the Greco-Roman sites. Before 2011, Libya hosted some twenty international research missions, including from Italy (Leptis Magna, Sabratha, Cyrene, Acacus and Messak); United Kingdom (British mission The Society for Libyan Studies, Desert

Migrations Project, Durham University Medieval Libya), France (Apollonia, Ghadames), Germany (Cyrene), Poland (Ptolemais), and the United States (Cyrene). Even in 2012, the DOA was still managing around 20 foreign research missions, including the American Mission to Cyrene, as well projects from France, Italy, Germany, and the United Kingdom. Even as the violence and unrest continued to grow, multiple international archaeology research missions continued in Libya until work became absolutely impossible.

Libya looks forward to developing methods and collaborative projects to share its cultural patrimony with the international community for scientific, cultural and educational purposes. Sharing of our cultural heritage is not feasible at this time because the crisis situation of armed conflict, civil unrest, and terrorism threat makes it not feasible to work out collaborative arrangements with foreign partners. Yet Libya looks forward to the day when this will be a possibility and it will undertake, at that time, to promote the sharing of Libyan cultural heritage in ways that will benefit the international community, as well as the people of Libya.