

Coin Collectors Face More Collateral Damage as Cultural Property Advisory Committee Considers More Import Restrictions on Historical Coins.

By Keith Twitchell

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After watching the most recent meeting of the Cultural Property Advisory Committee, it's easy to draw the conclusion that coins – and coin collectors – are collateral damage in the battle over importation of culture and historical artifacts in general.

The Committee met in open session on January 30, 2023 to consider Memorandums of Understanding relating to proposed import restrictions on cultural goods with three countries: Cambodia, North Macedonia and Uzbekistan. The latter two would be new agreements, while the Cambodia proposal would extend and expand a current MOU. The meeting's purpose was to receive public input on these documents.

As proposed, all three are extraordinary in their scope, in time frame and types of items covered. Since this is not the forum for going into great detail, here is a very brief overview of the proposed agreements.

- Cambodia: depending on the type of artefact, the MOU would reach as far back as circa 2500 BC, and for some items, through 1891. Requested for inclusion in the new agreement are items made of stone, ceramic, glass, bone, wood, and metal, including coins. Architectural elements, manuscripts, and religious and funerary objects would be covered.
- North Macedonia: the proposed period for the agreement is 300,000 BC to the 1950s. Coverage is requested for archaeological items made from ceramics, stone, bone, ivory, glass, faience, and metal, including coins. Some specific items are listed, including musical instruments, pipes, mosaics, textiles, and artworks.
- Uzbekistan: maximum time frame is 50,000 BC to 1917. Materials include those in the two other proposals, along with plaster, stucco, unfired clay, birch bark, vellum, and shell, among others. Also included in this MOU would be human remains.

While there are important, legitimate issues relating to looting of archeological sites and illegal exporting of artefacts from each of these countries, the proposed MOUs are so vast in scope that they may well cause as many problems as they solve. That did not deter a number of individuals from testifying in their favor during the meeting. Speaking in opposition were Randy Myers on behalf of the Ancient Coin Collectors Guild and Peter Tompa, officially representing the International Association of Professional Numismatists. The American Numismatic Association joined the ACCG's written comments but was not present at the open session.

The majority of oral comments addressed only the MOU with Cambodia. Along with people speaking from an institutional vantage point, several individuals, primarily displaced Cambodian citizens, addressed the Committee. They spoke movingly of the damage to great, ancient structures, and to the subsequent damage to history and religion within Cambodia, that is caused by looting.

The institutional representatives addressing the Cambodia MOU tended to speak very generally, while in the process pointing out other as-yet untaken measures that would help solve the problems, and even acknowledging that the current MOU has been limited in its effectiveness. For example, Stephen Acabado, of the Society for American Archeology, pointed out that the lack of surveys and inventory listings of sites and items in Cambodia contributes substantially to the problem.

Tess Davis, the Executive Director of the Antiquities Coalition, freely acknowledged that looting and illegal exporting has continued despite the current MOU. Davis also stretched so far as to suggest that the MOU should be extended in order to protect potential buyers of these items in the United States.

The only person to speak in favor of the Uzbekistan proposal was Soeren Stark, a professor at New York University. Yet he also acknowledged that looting of Uzbek archeological sites has "happened with the knowledge and silent consent of local authorities," and that "Uzbekistan has the legal framework

to protect this local heritage.” In the process, he pointed out the need for local community education efforts to address these issues.

To summarize, several speakers identified actions that could be taken within these countries to address these problems. No one argued that the MOUs themselves would solve the problems, and there was even acknowledgment that the existing MOU with Cambodia has not deterred illegal looting and exporting.

Left completely unaddressed was the fact that these would be bilateral agreements, meaning that only importation of artefacts into the United States would be restricted. Illegal trade could continue in pretty much the entire rest of the world, meaning that even if the restrictions could be reasonably enforced (a major, separate issue), there would still be a vast market for these items. Meanwhile, legitimate collectors, dealers and institutions in the U.S. would be unfairly faced with onerous, confusing and inconsistent processes.

In countering these arguments, Myers cited the regional nature of coins and of the history of countries whose borders today do not match anything from any previous period of history. For example, North Macedonia is a new nation altogether, and there are legitimate questions as to whether coins were ever minted within its borders.

Tompa pointed out that the Convention on Cultural Property Implementation Act (CPIA), under whose aegis the MOUs are being proposed, requires correlation between where an item was made and where it was found. Very few coins are ever found where they were minted, since the definition of coinage is to be circulated via commerce. This is especially true of ancient coins; Tompa noted that Roman coinage served as world currency, and Roman coins have been found from England to Sri Lanka.

While Committee members had few questions for other speakers, CPAC member Anthony Wisniewski directed a number at Tompa, affording him the opportunity to elaborate on several key points, and to further distinguish coins from the other items covered in the proposed MOUs. Specifically, he noted that coins are not “ethnographic objects”, whose protection is the purpose of CPIA. Tompa has written and spoken extensively on these issues, and those interested in the subject should read his considerably more detailed observations.

After observing the Committee meeting, it seems clear that if collecting ancient and world coins is to be protected from unnecessary restriction and overreach, coins simply must be distinguished from art, artefacts and antiquities. Coins are a category unto themselves. Their purpose was commerce; as such, they were intended to circulate over wide areas. They are not parts of physical structures, nor are they associated with religious and/or cultural heritage.

The ongoing trend is towards more, and broader, MOUs of this nature. That tide seems unlikely to turn soon, and if coins are not to be swept up in it, they absolutely must be separated out of the discussion to the highest possible degree.

Keith Twitchell is a writer, nonprofit consultant and coin collector living in New Orleans. He enjoys music, tennis, travel, people, and the ancient world, and writing about all of them. He has been an ACCG member since 2017.