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**Working Group on Orphan Objects**

*Fourth session*

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**Creation of a new Guideline on the scientific publication  
of orphan cultural objects**

**I. Introductory remarks**

1. The “Private art collections – Orphan objects” project undertaken by UNIDROIT aims at developing criteria for dealing with cultural objects lacking any provenance and/or presenting significant gaps in their provenance to prevent them from disappearing to the detriment of the history of art, science, and knowledge.

2. Dealing with such objects can include buying, selling, donating, exhibiting, studying, and also publishing them. Publishing objects that raise key curatorial, ethical, and legal dilemmas should be open to every relevant scholar, researcher and professional (provided they respect ethical and copyright rules). The results of such scientific, historical, and anthropological research should also be freely accessible to everyone.

3. The Working Group on Private Art Collections and Orphan Objects discussed, among other case studies presented, an orphan cultural object belonging to the collection of the *Fondation Gandur pour l’Art*. The *Wahballat* statuette, identified by Ms Isabelle Tassignon as the only known representation of *Wahballat*, the son of Zenobia – the last queen of Palmyra – underlines the problematics of provenance. Despite its well-known backstory, the object has an incomplete pedigree. The first owner was an Iranian antiques dealer who fled the Mulas regime to settle in the United States in 1979. The dealer’s heirs consigned and sold the object at Christie’s in 2009.<sup>1</sup> The object then entered a French private collection and was sold to La Reine Margot, a Parisian art gallery. On 28 November 2010, the object was purchased from the gallery by the current owner, the *Fondation Gandur pour l’Art*. Documents, archives and owner identity had been found for every provenance reference except for the Iranian antiques dealer.

4. The example of the *Wahballat* statuette highlights two key issues: the lack of information regarding its provenance and the impossibility of publishing the provenance research results. Ms Tassignon explained her intention to publish an article about this statuette. Despite the statuette’s archaeological and historical significance, her intention to publish the object in a scientific conference was mistakenly interpreted as highlighting a cultural object connected to illicit trafficking. As a result, her work was excluded from the conference proceedings. Ms Tassignon disagreed with the assumption that an object with an uncertain provenance should automatically be linked to illicit

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<sup>1</sup> Christie’s New York, June 3<sup>rd</sup>, 2009, lot n°52. The auction house had refused to communicate the name of the original Iranian dealer. Ms Tassignon underlined that she had been able to identify all the owners’ names after the Christie’s sale but could not verify Christie’s information and go beyond that owner’s provenance reference.

trafficking. She argued that such assumptions silenced cultural objects and hindered proper provenance research.

5. During past sessions of the Working Group, participants and observers argued that provenance issues needed to be addressed through three different points: (i) the legal title, (ii) the marketability and the ethical policies adopted by archaeological organisations, and (iii) their publication. However, the category of orphan cultural objects that would be subject to this Guideline is still up for debate.

6. After studying and discussing the current policies on publishing cultural objects (see ANNEXE 1), Ms Tassignon proposed the addition of a potential new Guideline, highlighting its stakes and a new way to address the prominent issues raised above.

## II. Proposed text

Two optional Title proposals (underlined words indicate an optional wording):

### Publication of orphan objects/unprovenanced objects

#### Scientific publication of orphan objects/unprovenanced objects

1. *Objects with provenance gaps or no provenance at all should not be put aside from the scientific research and publication field.*
2. *The publication of those objects should be accompanied by/include a clear/direct reference/mention to the fact that the object is fully or partially unprovenanced, to the absence of the object's documentation before the latest date known or the multiple provenance gaps identified, to the known or unknown date of the object's legal export from its country of origin/source country, and to a contact referenced in case of additional information.*

## III. Commentary

7. This Guideline's commentary could underline several points: (a) the acknowledgement that publication has to remain open to objects without complete provenance; (b) the publication of this type of object does not, in any way, legitimise or legalise this object's legal status; and (c) the need to disclose a reference mentioning the current object's status.

8. (a) Firstly, publishing a cultural object with an incomplete or missing provenance has become very difficult – near impossible – for historians and scientists. Through numerous examples presented by the participants during sessions of the Working Group, as well as the discussions that followed, it has been demonstrated that the obstacles encountered by individuals wishing to publish their research are directly due to the absence of the objects' complete provenance pedigree and their potential illicit provenance. Those obstacles are enhanced by current policies on the publication of unprovenanced cultural objects.<sup>2</sup> Among the eight relevant peer review policies studied,<sup>3</sup> the first conclusion drawn was that none of them addressed the specific case of orphan cultural objects that do not have an illicit origin.

<sup>2</sup> For more information and details about the policies on the publication of unprovenanced objects studied, please refer to the annexed document.

<sup>3</sup> American Society of Overseas Research (ASOR); Archaeological Institute of American (AIA); Society of Biblical Literature (SBL); American Journal of Archaeology (AJA); American Society of Papyrologists (ASP); European Association of Archaeologists (EAA); European Association of Archaeologists (EAA).

9. Indeed, current peer review publishing policies permit the publication of unprovenanced objects only in the following cases:<sup>4</sup>

- the object was documented as already being in a collection before 24 April 1972, and further, if that object is no longer in its country of origin, it must have been legally exported;
- the object was acquired after 24 April 1972 but is considered to be a forgery and is published as a forgery;
- the object's publication or announcement serves primarily to emphasise the degradation of archaeological heritage;
- the publication aims to emphasise the loss of archaeological context or acquisition history;
- the publication aims to highlight suspected forgeries offered for sale on the art market, to contribute to the investigations of relevant authorities (e.g., the police or State archaeological agency), or to clarify the collection history and provenance of the artefacts.

10. Cultural objects for which provenance research has been conducted but still remain without a complete provenance pedigree, do not fall into one of the categories mentioned above. Nevertheless, many of such objects do embody historical and scientific significance and are examples of specific and unique testimony of their time. Not allowing their scientific publication in peer reviews disregards the objects' historic and cultural importance.

11. The current observation is that these policies do not address the current issues surrounding objects without provenance that do not have an illicit origin. The present Guideline aims to go beyond the existing publication frame by creating a specific standard, a unique benchmark for those particular objects that should not be put aside because of the course of history.

12. (b) Secondly, the publication of an orphan cultural object would not aim to legitimise or legalise the object's legal status. One of the arguments of current peer reviews' publication policies is that publishing an object without a complete provenance could enhance illicit trafficking and forgeries by giving the object a venue to legitimise its potential illegal circulation. It could also, directly or indirectly, add to the financial valuation of the object. As a result, peer reviews refuse to serve as the initial place of publication of an unprovenanced cultural object acquired by an individual or institution after 24 April 1972,<sup>5</sup> or for others after 30 December 1973.<sup>6</sup>

13. (c) Thirdly, the reference attached to the publication of an unprovenanced object highlights key issues associated with the object's provenance research. The reference would show that, despite exercising due diligence, an object can still remain unprovenanced, fully or partially. This reference aims to manifest transparency and ethical behaviour and to permanently attach the unprovenanced mention to the object, as a way for it not to fall into illicit circulation or trafficking.

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<sup>4</sup> Limited exceptions to the publication and presentation policy for cuneiform texts do exist; please refer to the annexed document for more information.

<sup>5</sup> With three exceptions: *a.* the object was documented as already being in a collection before April 24, 1972; and further, if that object is no longer in its country of origin, it must have been legally exported; *b.* the object was acquired after April 24, 1972 but it is considered to be a forgery and is published as a forgery; *c.* the object's publication or announcement serves primarily to emphasize the degradation of archaeological heritage.

<sup>6</sup> Unless its existence is documented before that date, or it was legally exported from the country of origin; or in the view of the Editor or Program Committee, the aim of publication is to emphasize the loss of archaeological context or acquisition history.

14. The reference could be worded as follows:

- **In case of a partially unprovenanced orphan cultural object:** "The object which is the subject of the current publication has no provenance pedigree before the latest date known (date reference) (or) has one or multiple provenance gap(s) identified between (gap(s) date references). The date of the object's legal export from its country of origin/source country is (date reference) (or) is unknown at the time of publication. In case of any additional information, please contact (relevant contact reference)."
- **In case of a fully unprovenanced orphan cultural object:** "The object subject which is the subject of the current publication has no provenanced pedigree. The date of the object's legal export from its country of origin/source country is unknown at the time of publication. In case of any additional information, please contact (relevant contact reference)."

15. To illustrate this reference to the Working Group, the *Wahballat* statuette will serve **as an example**.

The object which is the subject of the current publication has no provenance pedigree before 1980. The date of the object's legal export from its country of origin/source country is unknown at the time of publication. In case of any additional information, please contact .....

#### **IV. Key issues to be answered**

- Should the reference proposed above concern only objects classified as historically and culturally important, or concern all categories of objects?
- Should the publication of an orphan cultural object exclusively highlight the key issues of lacking provenance, provenance research and the importance of conducting due diligence, at the time of acquisition and for existing collections?

**ANNEXE 1****Policies on the presentation and publication of unprovenanced objects****I. Examples of policies on the presentation and publication of undocumented or unprovenanced objects****1. Policy on professional conduct, American Society of Overseas Research (ASOR)<sup>7</sup>**

**E.** with respect to PROGRAMS AND PUBLICATIONS, ASOR Members recognize that

1. studies of the past are enhanced when an artifact is clearly associated with an intact archaeological context. Artifacts which lack a defined archaeological findspot or provenience have a greater potential to undermine the integrity of archaeological heritage in view of the possibility of admitting suspect artifacts into archaeological heritage. Looting is an illegal act that breaks the association between artifact and context. A looted artifact may be considered stolen property. Therefore, archaeological heritage that is looted is more likely to travel through illicit channels of distribution and/or exportation, which involve processes that may mask or confuse the identification of the artifact or its true findspot.
2. authors of publications or presentations should be transparent when introducing data of uncertain reliability to the realm of public knowledge, particularly when research and publication involves artifacts that lack an archaeological findspot or that are illegally exported.
3. authors of publications or presentations should identify clearly any artifact that lacks an archaeological findspot in a prominent manner in the text of the publication and the caption of its illustration and, if intermixed with artifacts having provenience, also in the index or catalog.
4. the publications and presentation venues of ASOR shall not serve as the initial place of publication or announcement of any object acquired by an individual or institution after April 24, 1972, which is the date of entry into force of the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, with the following exceptions:(7)
  - a. the object was documented as already being in a collection before April 24, 1972; and further, if that object is no longer in its country of origin, it must have been legally exported;
  - b. the object was acquired after April 24, 1972 but it is considered to be a forgery and is published as a forgery;
  - c. the object's publication or announcement serves *primarily* to emphasize the degradation of archaeological heritage.

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<sup>7</sup> Policy on professional conduct, approved by the ASOR Board of Trustees on April 18, 2015 and amended by the ASOR Board on November 24, 2019, <https://www.asor.org/wp-content/uploads/2023/09/professional-conduct-11-24-19-1.pdf>

5. a limited exception to the publication and presentation policy noted immediately above is available for cuneiform texts because<sup>8</sup>
  - a. in zones of conflict since the early-1990s, most prominently in Iraq and Syria but also elsewhere, looting of cuneiform tablets has occurred on a *truly massive scale*;
  - b. cuneiform texts may be authenticated *more readily* than other categories of epigraphic archaeological heritage;
  - c. the content of a cuneiform text can provide information *independent* of archaeological provenience. Therefore, in accord with the policy that was established by ASOR's Board of Trustees in November, 2004, the Journal of Cuneiform Studies ("JCS"), its related annual book publications, and the ASOR Annual Meeting may serve as the initial place of publication or announcement of a cuneiform text that lacks archaeological provenience and that was acquired by an individual or institution after April 24, 1972, if all the conditions outlined in paragraph E.6 have been satisfied. This is to be known as "the cuneiform exception" and its limits will be reviewed every three years.
6. the conditions that shall enable the cuneiform exception to be exercised are as follows: a. the author notes that the text-bearing artifact lacks archaeological provenience in a prominent manner in the text of the publication, in the caption of its illustration, and, if intermixed with objects having archaeological provenience, also in the index or catalog; and b. the author demonstrates that an effort has been made to determine the probable country of origin, which is the location of its final archaeological deposition within a modern nation-state; and prior to publication, the author receives and is willing to transmit to ASOR a written commitment from the owner of the artifact asserting that the artifact will be returned to the Department of Antiquities or equivalent competent authority of the country of origin following any conservation or publication, once permission for its return has been received; or alternatively, that its title has been ceded to the determined country of origin, or to some other publicly-accessible repository, if return to its country of origin is not feasible.
7. they may consider for inclusion in ASOR publications and presentation venues research that has been undertaken in occupied territory and its contiguous waters as defined by customary international law when that research is required strictly to safeguard, record or preserve the archaeological heritage of the occupied territory, or when permission of the competent national authorities of the occupied territory has been obtained by the researcher.

## 2. **Definition of "Initial publication or announcement", American Society of Overseas Research (ASOR)**<sup>9</sup>

According to the ASOR Policy on Professional Conduct, Section III.E.4, the publications and presentation venues of ASOR shall not serve as the initial place of publication or announcement of any object acquired by an individual or institution after April 24, 1972,<sup>10</sup> which is the date of entry into force of the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, with the following exceptions:

<sup>8</sup> For information about 1995 ASOR's Policy on Publication of Cuneiform Tablets, please consult section E. 5. of the Professional Conduct Policy, as mentioned : <https://www.asor.org/initiatives-projects/asor-affiliated-archaeological-projects/standards-policies/policy-on-cuneiform-texts-from-iraq/>

<sup>9</sup> Definition of "Initial publication or announcement", ASOR, <https://www.asor.org/about-asor/policies/definition-of-initial-publication> ; (last accessed on March 7<sup>th</sup>, 2025).

<sup>10</sup> Which is to say: any object acquired by an individual or institution through purchase or donation after April 24, 1972; this policy does not refer to legally excavated objects that are among, say, materials added to the collection of a museum within the objects' country of origin after April 24, 1972, nor does it refer to illegally exported objects that are returned to the objects' country of origin after April 24, 1972.

- a. the object was documented as already being in a collection before April 24, 1972; and further, if that object is no longer in its country of origin, it must have been legally exported;
- b. the object was acquired after April 24, 1972 but it is considered to be a forgery and is published as a forgery;
- c. the object's publication or announcement serves primarily to emphasize the degradation of archaeological heritage.

## **II. The Problem**

Not defined here is what counts as an initial place of publication or announcement of such an object, and therefore it is unclear what sort of prior publication or announcement would need to have been made before an object could subsequently be presented at an ASOR meeting or published in an ASOR journal or monograph.

## **III. A Definition**

Vehicle/Venue: Any one of the elements below constitutes a vehicle or venue for an "initial publication or announcement":

- A peer-reviewed or similarly vetted publication in a scholarly book or journal, whether in print or online, that conforms to the specifications detailed under "Form" below.
- A peer-reviewed or similarly vetted presentation at a meeting of a learned society, whether in a paper or on a poster, that conforms to the specifications detailed under "Form" below.
- Publication in a scholarly catalog, whether in print or online, that conforms to the specifications detailed under "Form" below. "Scholarly catalogue" in this context refers to a catalog produced by an academically affiliated or educationally oriented organization (e.g., a museum catalog), and not catalogs produced by for profit and/or commercial organizations (e.g., an auction house catalog). Moreover, for a museum's catalog to be considered a scholarly catalog, the museum would need to adhere to acquisition practices consistent with those stated in the ASOR Policy on Professional Conduct.

Form: Within the vehicles above, initial publication or announcement must include (1) an illustration (e.g., a photograph, a drawing, or similar graphic), (2) along with a commentary specific to the object (such as dimensions and a description, including, as applicable, details of ware and decoration and details regarding production technology). Initial publication or announcement of epigraphic material should also include (3) a transcription, and (4) if appropriate, a translation. Initial publication or announcement does not attach if an object is only referenced generally, for example, by its purchase, owner, or as part of an unspecified cache (e.g., "X purchased a hoard of 100 artifacts/coins/ostraca/papyri, etc.").

Citation: In order to ensure that any object acquired by an individual or institution through purchase or donation after April 24, 1972, has been previously published or announced, the place of initial publication or announcement should be cited in the abstract submitted for a paper or poster to be presented in the Annual Meeting or in a footnote following the first mention of said object in an article or monograph submitted for publication in an ASOR journal or monograph series.

#### **IV. Oversight**

Decisions regarding the application of this policy reside with the Annual Meeting Section Chairs and, finally, with the Programs Committee (for papers or posters proposed for presentation at the ASOR Annual Meeting); with the editorial boards of *BASOR*, *JCS*, *NEA*, *AASOR*, and *ARS* and, finally, with the Publications Committee (for articles and monographs submitted for publication in ASOR publications); and with the Honors and Awards Committee (for books submitted for the various ASOR book awards).

### **3. Policy on the Presentation and Publication of Undocumented Antiquities, Archaeological Institute of American (AIA)<sup>11</sup>**

The publication and presentation venues of the Archaeological Institute of America will not serve for the initial scholarly publication or announcement of any object in a private or public collection acquired after December 30, 1973<sup>12</sup>, unless its existence is documented before that date, or it was legally exported from the country of origin. An exception may be made if, in the view of the Editor or Program Committee, the aim of publication is to emphasize the loss of archaeological context or acquisition history.

Definition of “initial scholarly publication or announcement”<sup>13</sup> :

**Vehicle/Venue:** Any one of the elements below constitutes a vehicle / venue for “initial scholarly publication or announcement”:

- A peer-reviewed or similarly vetted publication in a scholarly book or journal, whether in print or online, that conforms to the specifications detailed under “Form” below.
- The permanent and accessible record (e.g. published abstract, conference proceeding, etc.) of a peer-reviewed or similarly vetted presentation at a meeting of a learned society, whether in a paper or on a poster, that conforms to the specifications detailed under “Form” below.
- A peer-reviewed or similarly vetted publication in a scholarly catalog, whether in print or online, that conforms to the specifications detailed under “Form” below. “Scholarly catalog” in this context refers to a catalog produced by an academically affiliated or educationally oriented organization (e.g., a museum catalog), and not catalogs produced by for profit and/or commercial organizations (e.g., an auction house catalog).

**Form:** Within the vehicles / venues above, initial scholarly publication or announcement must include (1) an illustration (e.g., a photograph, a drawing, or similar graphic), (2) commentary specific to the object (such as dimensions and a description, including, as applicable, details of ware, decoration, production technology, etc.). Initial scholarly publication or announcement of epigraphic material should also include (3) a transcription, and (4) if appropriate, a translation. Initial scholarly

<sup>11</sup> Policy on the Presentation and Publication of Undocumented Antiquities, AIA, adopted by a vote of Council on January 4, 2020, <https://www.archaeological.org/wp-content/uploads/2020/01/AIA-Publication-Presentation-Policy.pdf>

This policy supercedes the earlier “Resolution on the Presentation of Undocumented Antiquities at the AIA Annual Meeting” and the “AJA Editorial Policy on the Publication of Recently Acquired Antiquities.”.

<sup>12</sup> The original policy, which was first announced in 1978 by Brunilde S. Ridgway and Tamara Stech Wheeler in their initial editorial statement, grew out of a series of resolutions passed by the Council of the Archaeological Institute of America in December 1970 and December 1973. The first of these resolutions endorsed the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property, stating that the AIA condemned “the destruction of the material and historical records of the past by [the] plundering of archaeological sites ... and by the illicit export and import of antiquities.” The last of these resolutions, which was adopted on 30 December 1973, stated that the Annual Meeting of the AIA “should not serve for the announcement or initial scholarly presentation of objects in conflict with the Resolution on antiquities,” which was adopted in December 1970.

<sup>13</sup> Descriptions of “Vehicle / Venue” and “Form” are intended to reflect alignment with ASOR’s Definition of “Initial Publication or Announcement”, <http://www.asor.org/about-asor/policies/definition-of-initial-publication> ; modifications reflect harmonization with existing AIA policy.



publication or announcement does not attach if an object is only referenced generally, for example, by its transaction, owner, or as part of an unspecified cache (e.g., "X purchased a hoard of 100 artifacts / coins / ostraca / papyri, etc.").

Citation and [non-prov.] designation in a vehicle / venue of the AIA : Publication or presentation in a vehicle / venue of the AIA of any object acquired by an individual or institution after December 30, 1973 without prior documentation or evidence of legal export from its country of origin must mark the object consistently with the designation [non-prov.], e.g. Museum of Ancient Art 2005.076 [non-prov.]. The first mention of the object in an AIA abstract, paper, poster, or publication must include a reference that clearly identifies the venue / vehicle of initial scholarly publication or announcement and contains the following text, "This object was acquired after December 30, 1973; there is no evidence of its documentation before that date or its legal export from the country of origin.". (...). The object's ownership status may be clarified further at the discretion of the author. This same designation should mark objects published or presented as exceptions that emphasize the loss of archaeological context or acquisition history.

**Objects discussed in reviews :** Reviews of exhibitions, catalogues, or publications that include material acquired after December 30, 1973 should note whether any objects were acquired without evidence of prior documentation or legal export from their country of origin. Mention of specific objects in reviews should conform to the guidelines above. Reviewers should indicate if it is unclear whether the objects in the exhibition, catalogue or publication conform to these standards. Reviews of such exhibits or catalogues should contain a link to the acquisitions policy of the museum or exhibition venue.

#### **4. *Policy on Scholarly Presentation and Publication of Ancient Artifacts, Society of Biblical Literature, (SBL)*<sup>14</sup>**

Members of the Society of Biblical Literature encounter issues related to the authenticity and provenance of ancient artifacts (hereafter Artifacts), including but not limited to ancient texts (including papyrus, inscriptions, cuneiform tablets, and codices). This policy applies to SBL program session presentations at Annual, International, and Regional Meetings (hereafter Programs) and books and serials published by SBL Press (Publications). SBL Affiliate sessions shall also be reviewed for conformity with this policy.

1) The Society of Biblical Literature endorses the guidelines for the treatment of antiquities laid out in the American Schools of Oriental Research Policy on Professional Conduct (approved 18 April 2015). Specifically, section III, parts D and E, are to be applied to SBL's Programs and Publications.

2) When their proposals or manuscripts deal with such materials, members shall be asked to submit relevant information on ancient Artifacts for all conference paper proposals and manuscripts for publication (hereafter Submissions). It is further noted that the submitter of a paper or publication is to inform the Program Unit Chair (hereafter PUC) and Series or Serial Editor (hereafter SE) if any of this information changes prior to presentation or manuscript Submission.

3) PUCs and SEs should familiarize themselves with the ASOR policy when considering Submissions. If a Submission conflicts with the standards of the ASOR policy, the PUCs and SEs are expected either to reject it or work with the submitter to resolve the conflict with the policy.

4) Council will establish and maintain an Artifact Advisory Board (AAB) that will serve in an advisory capacity for the PUCs, SEs, and Council when issues arise related to artifacts in SBL Submissions.

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<sup>14</sup> *Policy on Scholarly Presentation and Publication of Ancient Artifacts, SBL*, [https://www.sbl-site.org/assets/pdfs/SBL-Artifacts-Policy\\_20160903.pdf](https://www.sbl-site.org/assets/pdfs/SBL-Artifacts-Policy_20160903.pdf)

The AAB will comprise four members including one Council member. When a Submission is rejected due to a conflict with the policy, the PUC or SE will inform the chair of the AAB, which will keep track of all such conflicts.

This policy will be in effect for Submissions for the 2017 Annual Meeting as well as for Press Submissions beginning in 2017. Council will review the policy and process no longer than two years after its adoption. This will give ample time to determine how the ASOR policy relates to the needs of SBL and its members, and how the process operates within SBL Programs and Press.

## **5. Editorial Policy on the Publication of Recently Acquired Antiquities, American Journal of Archaeology (AJA)<sup>15</sup>**

On 4 January 2020, the Council of the Archaeological Institute of America adopted a new version of its policy on the publication of unprovenanced antiquities, specifically, objects acquired by a private or public collection after 30 December 1973 for which there is no earlier documentation or evidence for legal exportation from the country of origin.

In accordance with resolutions of the AIA Council, it has been the policy of the AJA not to provide “the announcement or initial scholarly presentation of any object in a private or public collection acquired after December 30, 1973, unless its existence is documented before that date, or it was legally exported from the country of origin.”. The intent of this policy is to deny such unprovenanced objects the appearance of legitimacy that publication in the AJA would confer.

If an undocumented object has received appropriate initial presentation, then it may be discussed or cited in the AJA, but it must be explicitly marked as unprovenanced. From now on, the identification of such an object must invariably include the designation “[unprov.]”. In addition, the first mention of an undocumented object in an AJA article, report, or note must be accompanied by the citation of its initial scholarly publication or announcement, and the reference must include the following statement: “This object was acquired after 30 December 1973; there is no evidence of its documentation before that date or its legal export from the country of origin.”. If the object also appears in the Association of Art Museum Directors (AAMD) Registry of New Acquisitions of Archaeological Material and Works of Ancient Art (<https://aamd.org/object-registry/new-acquisitions-of-archaeological-material-and-works-of-ancient-art/browse>), the reference should include a link to the relevant entry.

The AJA will comply with the spirit as well as the letter of the new AIA policy. It could be argued that a brief mention of an unprovenanced object in the AJA is not equivalent to providing its initial scholarly presentation and so would be permitted by the AIA’s policy, and there has previously been some ambiguity around instances of this kind. However, even the brief mention of an undocumented object in the AJA confers some appearance of legitimacy, and the AJA will henceforth apply the strictures of the new policy to any mention or citation of undocumented objects. Thus, to be very clear: an object in a private or public collection acquired after 30 December 1973, the existence of which cannot be documented before that date, or for which there is no evidence of legal export from the country of origin, or that has not previously received appropriate initial scholarly publication or announcement, may not be mentioned, cited, discussed, or illustrated in the AJA. In the interests of transparency, the AJA will also ask that authors include the year in which an object was acquired (that is, permanently accessioned) when citing any object held in any private or public collection. For objects acquired before 30 December 1973 and for documented objects acquired after that date, the identification of the object should include the acquisition date. For undocumented objects acquired

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<sup>15</sup> Revised Editorial Policy on the Publication of Unprovenanced Antiquities, AJA, 2020, <https://www.journals.uchicago.edu/doi/epdf/10.3764/aja.124.2.0175> ; Editorial Policy on the Publication of Recently Acquired Antiquities, AJA, 2005, <https://www.archaeological.org/wp-content/uploads/2019/05/AJA-Editorial-Policy-on-the-Publication-of-Recently-Acquired-Antiquities.pdf>

after 30 December 1973, the identification should include the acquisition date followed by the designation “[un-prov.]”<sup>16</sup>. The flowchart included here illustrates if and how an object in a private or public collection may appear in the AJA. Aspects of AJA’s previous policy remain in effect. The AJA may publish the initial scholarly presentation of an unprovenanced object if the Editor-in-Chief believes that “the aim of publication is to emphasize the loss of archaeological context or acquisition history.”. Reviewers of publications, catalogues, and exhibitions should state whether objects included in the publication or exhibition were acquired after 30 December 1973 without prior documentation or evidence of legal export from the country of origin and should follow the provisions for articles, reports, and notes when specific objects are mentioned. For exhibitions and exhibition catalogues, the new policy requires that the reviewer provide “a link to the acquisitions policy of the museum or exhibition venue.”<sup>17</sup>.

## **6. Resolution Concerning the Illicit Trade in Papyri, American Society of Papyrologists (ASP)<sup>18</sup>**

2. Effective 1 August 2007, its membership shall not participate indirectly in the buying or selling of the papyri and objects described in item 1. The ASP acknowledges that indirect participation is a complicated matter with varying degrees of complicity; it therefore leaves the determination of appropriate behavior to the prudential judgment of its individual members<sup>19</sup>. No action, however, that adds significantly to the commercial value of the papyri and objects described in item 1 should be considered remote (and therefore acceptable) cooperation<sup>20</sup>. For example, ASP members should not authenticate illicit material for the benefit of antiquities dealers or other sellers. Moreover, the ASP declares that the publication, presentation, and/or exhibition of such material shall not occur under the Society’s auspices (for example, in its Bulletin or at its Annual Meeting) unless the author, speaker, or curator includes a frank and thorough discussion of the provenance of every item<sup>21</sup>.

## **7. Principles of Conduct for Contract Archaeology, European Association of Archaeologists (EAA)<sup>22</sup>**

<sup>16</sup> To avoid any uncertainty, the acquisition date should be specified separately even when a museum accession number includes the year in which an object was acquired (e.g., City, Museum of Ancient Art GR-2003-632, acq. 2003 [unprov.]).

<sup>17</sup> The previous policy required only that reviews “should state that the exhibition or publication in question includes material without known archaeological findspot”, see 2005, p.135.

<sup>18</sup> Resolution Concerning the Illicit Trade in Papyri, ASP, adopted August 1<sup>st</sup>, 2007, <https://www.lib.berkeley.edu/sites/default/files/asp-resolution.pdf>

<sup>19</sup> Some examples of indirect participation: Buying “legal” objects from a dealer whom one knows to be engaged in illegal activity; accepting a contribution from a dealer known to be engaged in illegal activity.

<sup>20</sup> The definition of “significant” is left to the conscience of the member.

<sup>21</sup> Enforcement of the publication/presentation restrictions is the responsibility of the editorial boards of BASP and the ASP monographs and the program committee, as applicable; in extraordinary matters (e.g., a special exhibit sponsored by the Society), the ASP Board (or its designate) has responsibility. The ASP recognizes that acquisition data are often imperfect or even nonexistent; for this reason, it considers a good faith effort to illuminate an object’s provenance to be sufficiently thorough. If a party believes that serious harm will result from the disclosure of provenance, that party may petition (in writing) the appropriate editor-in-chief or committee chair for an exemption. Violations of the other components of this resolution will not result in sanctions.

<sup>22</sup> Principles of Conduct for Contract Archaeology, EAA, <https://test.e-a-a.org/EAA/About/Codes/EAA/Navigation/About/EAA/Codes.aspx?hkey=714e8747-495c-4298-ad5d-4c60c2bcbda9> ; (last consulted on February 18<sup>th</sup>, 2025).

## 2. EAA Principles for archaeological research

### 2d. Publication of decontextualised archaeological artefacts

1. Decontextualised artefacts are objects that have been removed without archaeological recording or excavation documentation from a depositional environment, site or monument. Examples of decontextualised artefacts can include: metal-detected finds, objects from the art market, or objects without excavation records that come from, for example, old collections.
2. The publication of decontextualised artefacts is a difficult matter and treated differently by various archaeological associations and institutions. Publication can effectively sanction the further decontextualisation of as yet undiscovered finds, and can, directly or indirectly, add to the financial valuation of such artefacts. EAA members should not normally participate in the publication of undocumented antiquities, unless the work is intended to
  - i. highlight suspected forgeries offered for sale on the art market ;
  - ii. contribute to the investigations of relevant authorities (e.g., the police or State archaeological agency) ;
  - iii. clarify the collection history and provenance of the artefacts.
3. It is well-known that forgeries are fraudulently sold and bought as originals on the art market. References to or publication of decontextualised objects should mention any possibility of a forgery. In this way, the publication itself may reduce instead of increase the monetary value of the object. Prior to publication, local laws will have to be addressed; for instance, in Italy, the Soprintendenza has to be informed before the publication of the object. If the archaeologist has a reasonable suspicion that offences against the law were committed and have not already lapsed under eligible statutes of limitation, they should report the case to the relevant authorities, who can properly investigate the matter.
4. A decontextualised object can still bear relevant information, and hence might be of interest for archaeological research. If clear information of doubtful, illicit or unknown find circumstances is provided, together with a clear statement of the problems associated with the provenance, publication of such objects might be justifiable. In this case, publication can prevent later falsified provenance by, e.g. art market dealers, indicate looting or illicit acquisition, and help States to eventually make claims for restitution and repatriation of the object. By providing all details about the doubtful origin of artefacts, archaeologists can raise public awareness about the irretrievable loss of archaeological context, the dynamics of the art market, and the history of collecting.

## 8. European Journal of Archaeology Publications Ethics Policy, European Association of Archaeologists (EAA)<sup>23</sup>

### Ethical oversight

The ethical oversight of the EJA<sup>24</sup> extends to issues such as consent to publish, publication on vulnerable heritage, and ethical conduct of research using cultural and human remains.

We expect ethical approval to have been secured for all research published in the EJA.

<sup>23</sup> European Journal of Archaeology Publications Ethics Policy, EAA, file:///C:/Users/Delorme.A/Downloads/EJA%20Ethics%20Statement.pdf

<sup>24</sup> European Journal of Archaeology (EJA), published by the EAA.

Indeed, where relevant, ethical clearance and IRB decisions should be noted in the final manuscripts. In accepting the terms and conditions of the EJA, authors guarantee that their work was produced free of research misconduct.

In line with the EAA's Code of Practice (1.6) which states that 'Archaeologists will not engage in, or allow their names to be associated with, any form of activity relating to the illicit trade in antiquities and works of art, covered by the 1970 UNESCO Convention on the means of prohibiting and preventing the illicit import, export, and transfer of ownership of cultural property. Archaeological material knowingly obtained illegally from unprovenanced sources should not be published in the EJA. Work dealing with human remains must have been undertaken according to national legislation and informed by professional standards. In line with BABAO's Code of Ethics<sup>25</sup> (6), we request that 'Where applicable, images of human remains should not be published without consideration to the views of any demonstrated genealogical descendants or affiliated cultural communities'.

It is the responsibility of corresponding authors to obtain consent to submit work to the journal from all co-authors, before the work is submitted. Submissions to special issues of the EJA are subject to the same editorial standards as all other submissions to the EJA, and may be rejected by the Editors of the EJA.

The EJA advocates freedom of scholarly expression and, therefore, reserves the right to publish criticisms of published work and of scholars, including any firmly substantiated claims of misconduct, and to report them to professional organisations and higher authorities for further investigation.

The EJA will seek to support EJA authors who can produce convincing evidence that they have been bullied or harassed by other scholars for the views that they have expressed in the EJA. The editors reserve the right to edit peer reviews, including reviewers' requests that authors cite their own work.

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Code of Ethics of the British Association for Biological Anthropology and Osteoarchaeology.

**I. Common points and differences between the policies mentioned**

<b>Policy</b>	<b>Publishing unprovenanced objects</b>	<b>Exception(s)</b>
<b>Policy on professional conduct ASOR (E. 4)</b>	<p><b>E. 4.</b>  <b>Yes, but</b> publications and presentation venues of ASOR <b>shall not serve as the initial place of publication or announcement of any object acquired by an individual or institution after April 24, 1972.</b></p> <p><b>With 3 exceptions : E., 4., a., b., c.</b></p>	<p><b>E. 4.</b></p> <ul style="list-style-type: none"> <li><b>a.</b> the object was documented as already being in a collection before April 24,1972; and further, if that object is no longer in its country of origin, it must have been legally exported;</li> <li><b>b.</b> the object was acquired after April 24, 1972 but it is considered to be a forgery and is published as a forgery;</li> <li><b>c.</b> the object's publication or announcement serves primarily to emphasize the degradation of archaeological heritage.</li> </ul>
<b>Policy on the Presentation and Publication of Undocumented Antiquities, AIA</b>	<p><b>Yes, but</b> publication and presentation venues of the Archaeological Institute of America will not serve for the initial scholarly publication or announcement of <b>any object in a private or public collection acquired after December 30, 1973, unless its existence is documented before that date, or it was legally exported from the country of origin.</b></p> <p><b>Publication or presentation in a vehicle / venue of the AIA of any object acquired by an individual or institution after December 30, 1973 without prior documentation or evidence of legal export from its country of origin must mark the object consistently with the designation [non-prov.]. (...) The object's ownership status may be clarified further at the discretion of the author. This same designation should mark objects published or presented as exceptions that emphasize the loss of archaeological context or acquisition history.</b></p>	<p>An exception may be made if, in the view of the Editor or Program Committee, <b>the aim of publication is to emphasize the loss of archaeological context or acquisition history.</b></p>

<b><i>Policy on Scholarly Presentation and Publication of Ancient Artifacts, SBL</i></b>	Applies <b>E. 4 of ASOR' Policy on professional conduct.</b>	Applies <b>E., 4., a., b., c. of ASOR' Policy on professional conduct</b>
<b>Editorial Policy on the Publication of Recently Acquired Antiquities, AJA</b>	<p>Applies <b>AIA' Policy on the Presentation and Publication of Undocumented Antiquities.</b></p> <p>In accordance with resolutions of the AIA Council, it has been the policy of the AJA not to provide "the announcement or initial scholarly presentation of any object in a private or public collection acquired after December 30, 1973, unless its existence is documented before that date, or it was legally exported from the country of origin.". The intent of this policy is to deny such unprovenanced objects the appearance of legitimacy that publication in the AJA would confer.</p> <p>If an undocumented object has received appropriate initial presentation, then it may be discussed or cited in the AJA, but it must be explicitly marked as unprovenanced.</p>	<p>Applies <b>AIA' exceptions from its Policy on the Presentation and Publication of Undocumented Antiquities.</b></p> <p>The AJA may publish the initial scholarly presentation of an unprovenanced object if the Editor-in-Chief believes that "the aim of publication is to emphasize the loss of archaeological context or acquisition history.".</p>
<b>Resolution Concerning the Illicit Trade in Papyri, ASP</b>	The publication, presentation, and/or exhibition of such material shall not occur under the Society's auspices unless the author, speaker, or curator includes a frank and thorough discussion of the provenance of every item.	

European Journal of Archaeology Principles for archaeological research, EAA	<b>Publication can effectively sanction the further decontextualisation of as yet undiscovered finds, and can, directly or indirectly, add to the financial valuation of such artefacts.</b>	EAA members should not normally participate in the publication of undocumented antiquities, <b>unless the work is intended to :</b> <ul style="list-style-type: none"> <li>i. <b>highlight suspected forgeries offered for sale on the art market ;</b></li> <li>ii. <b>contribute to the investigations of relevant authorities (e.g., the police or State archaeological agency) ;</b></li> <li>iii. <b>clarify the collection history and provenance of the artefacts.</b></li> </ul>
European Journal of Archaeology Publications Ethics Policy, EAA	<b>Archaeological material knowingly obtained illegally from unprovenanced sources should not be published in the EJA.</b>	