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www.arqueologiapublica.es

Online Journal in Public Archaeology

FORUM

The looting of archaeological heritage

In 2012, in addition to AP Journal Volume 2, JAS Arqueología also published a book in Spain about the looting of archaeological heritage: *Indianas jones sin futuro* (Indianas jones without future), by Ignacio Rodríguez Temiño. We then realised there was an urgent need to debate this issue more thoroughly at an international scale, to show how different things can be and try to find better strategies for the protection of archaeological heritage.

While the forum was being designed, a special issue of Internet Archaeology on looting was published (Issue 33) and new projects started to emerge. This shows an increasing interest in these topics and opens the way for wider debates and perspectives.

At first, we thought metal detecting was the main topic to be discussed. Then we started to realise it was just a small part of a wider problem: looting. This is how we decided to initiate a series of forums for the coming years, with a focus on different aspects of looting, and from different perspectives*.

PART I (vol. 3 – 2013) Beyond metal detectors: around the plundering of archaeological heritage.

PART II (vol. 4 – 2014) Conflict and looting: alibi for conflict... and for the looting of archaeological heritage.

PART III (vol. 6 – 2016) Beauty and money: a market that feeds looting.

PART IV (vol. 7 – 2017) Managing development: from the building of a country, to the destruction of archaeological heritage.

**Participation is open for anyone interested, for both published and unpublished parts. We would like the debate to constantly flow among topics.*

PART IV

MANAGING DEVELOPMENT: FROM THE BUILDING OF A COUNTRY, TO THE DESTRUCTION OF ARCHAEOLOGICAL HERITAGE

With the fast development of major cities around the world, many archaeological sites appeared. The birth and growth of urban archaeology is in some way the birth and growth of a protective system that started to regulate what could or could not be done when building new infrastructures.

In 1966, the National Historic Preservation Act (USA) stated on its section 106 the need to conduct archaeological research in those developments funded by the Federal Government. Soon enough, some States promulgated their own regulations on this line, as well as other countries did. In Europe, the London Convention in 1969 already raises awareness on the destruction and looting of archaeological heritage, and the need to regulate and communicate findings for the good of all. It does not directly refer to construction, but environmental laws would cover this gap.

Nevertheless, the unstoppable construction of buildings, roads, pipes, etc. needed further action. The French model started as a kind of blackmail to developers, according to Laurent Olivier (2016), but in some way worked, although to a high cost for the profession. Archaeologists became diggers whose only task was to empty plots for construction, leaving the scientific role of the profession in Academia. This was not different in many other countries that chose a commercial model. Power was (apparently) with developers.

But how could power be with the developers if laws were with archaeology? This paradox is one of the most interesting topics to take into account in current archaeological practice and archaeological heritage management models need to approach it urgently.

Why? Because together with the alienation of professionals in their practice lays a constant destruction of archaeological heritage.

Sometimes legal, sometimes illegal, the looting of archaeological heritage linked to construction projects is undeniable.

This forum intends to delve into the way different management models cope with the destruction of archaeological heritage linked to construction; in terms of prevention, mitigation, and prosecution.

How does the model deal with threats? What are the consequences of destroying archaeological heritage during construction? Is there a sustainable solution for all this?

State-consented destruction of archaeological sites: the Dakar Rally in Northern Chile (2009-2015)

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Since 2009, the South American cone has become the scenario of the Dakar Rally, which operated from 1978 to 2007 between Europe and Africa. The geographical shift was a decision taken by the Amaury Sport Organization (ASO) due to the possibility of terrorist attacks. Thus, other deserts had to be conquered. Through agreements of ASO with different countries, the rally began first between Argentina (2009 – present) and Chile (2009 – 2015), being joined later by Perú (2012-2013, present), Bolivia (2014 – present), and Paraguay (2017). I will briefly address the situation of the Dakar Rally in Chile, which constitutes a unique, emblematic case of the destruction of cultural heritage, due to reasons that involve the state, the vacuums in current legislation and the mobilisation of various stakeholders against the rally.

The high-speed, off-road crossing of some 500 vehicles (motorcycles, trucks, cars and side by side) in each Dakar rally raid has left traces of irreparable damage to a rich and diverse material record over six regions of Chile (c. 1600 linear km N-S), from the coast to the Andean piedmont. The most challenging and full cross-country stages of the rally took place in the Atacama Desert, traversing between 1000-3000 km in each tournament. Far from the concept of *terra nullius* attached to desert spaces, several distinct human occupations have left their imprints in this territory, from early hunter-gatherers (c. 12800 AP) to the saltpetre boomtowns of the late 1800s. Among the sites at risk by the event, are numerous shell middens, settlements and burials along the coast; Early Formative villages (3500 – 2500 AP) developing initial agricultural technologies in the desert hinterland; ancient trails

⁵ CONICYT PAI/ Concurso Nacional Inserción en la Academia, Convocatoria 2016, Folio 79160085.

constructed and used by different farming and herding societies, as well as the geoglyphs, stone structures and settlements associated with them, in a time span that goes from the Early Formative to the Inca period (AD 1450-1530), many of which continued in use until last century.

The National Monuments Council (Consejo de Monumentos Nacionales, CMN]), the public organization dealing with tangible heritage, reports damage to 318 archaeological sites in the seven years of the Dakar Rally (Colegio de Arqueólogos de Chile, A.G. [CARCH] 2015; Table 1). This is however, a moderate number, as the *pre* and *post facto* impact assessments did not evaluate the totality of the areas crossed by the tournament: they did not consider last-minute changes to routes; pilots getting lost and making their own trails; rally fans going to the event parking at random or attempting to be pilots themselves, leaving their trails behind.

Dakar edition	Sites found	Sites damaged
2009	No information	5
2010	147	52
2011	556	126
2012	272	24
2013	150	14
2014	319	6
2015	291	91
Total	1735	318

Table 1. Evaluation of sites before and after each edition of the Dakar Rally. Source: CARCH 2015.

Here, the State has played a leading role in the destruction of archaeological heritage, with its public organizations involved. The National Monuments Act 17.288 defines that archaeological sites and remains are under the custody and protection of the state. However, the National Sports Institute (Instituto Nacional de Deportes, IND) was the sponsor of the Rally Dakar in Chile, paying to ASO some four million dollars per event, without taking the necessary measures to protect archaeological sites. The legal system, has dismissed most legal actions presented against the rally, despite the fact that damage to archaeological sites is typified as a felony (Art. 38, National Monuments Act 17.288), arguing formal reasons without addressing the contents of the injunctions and complaints (see CARCH 2015; González 2014). The National Defence Council (Consejo de Defensa del Estado, CDE) that resolves the legal actions and defence of public organizations has not replied to the CMN's official requests of addressing the IND's penal, civilian and administrative accountability in the destruction of archaeological heritage. Thus, in the existence of a dispute between two public institutions, the CDE has abstained from action.

In addition, the Dakar Rally has taken place outside of the Environmental Impact Assessment System (Sistema de Evaluación de Impacto Ambiental, SEIA), to which all investment and development projects in Chile must comply with by law. The General Environment Act N°19.300 defines the type of projects and/or activities that must undergo the SEIA in cases of generating or presenting environmental impact (Art. 10). Since the operation of sports events is not indicated in this article, it is not possible to compel the IND to submit the rally to the SEIA. And there was no will of the IND to submit the race voluntarily. As there is no specific legal frame for archaeological assessments in sport events, the rally falls into the illegality of heritage destruction. Here, archaeology is just one of the components damaged by the Dakar Rally; its existence outside the SEIA also affects the evaluation of flora and fauna, which maintain fragile ecological balances in the desert, as well as the generation and disposal of toxic residues. According to a 2012 report by ASO (Bade 2013), during that year, the event discarded 5.250 litres of used oil, 16.500 k of contaminated solids, and 12.200 tyres; 60 tons of waste were collected from camps and roads, and the CO₂ emissions generated reached 15.500 tons. Considering that

the IND's mission is to "contribute to a healthy, active and happy quality of life of all people" (IND n/d, my translation), I do not see how the sports public organization holds up to its mission by the destruction of cultural heritage and the unnecessary contamination of the desert and environment in general.

Finally, the indifference of public institutions before the destruction of archaeological heritage opened a common ground of struggle that united the efforts of civil, environmental, indigenous, heritage and scientific organizations as well as individuals, which took the case to national courts and the media (see González 2014). In the case of the CARCH, professional association of archaeologists – of which I am member, therefore use as an example – its first incursion ever in courts was related to the Dakar Rally in 2010. Since then, it actively participated in several legal actions against the event, contacted parliament members and the media, and sought to create awareness and make visible the damages to cultural heritage. In addition, the CARCH articulated several related organizations from Argentina, Bolivia, Peru and Chile, publishing statements against the operation of the Dakar in our countries (v.gr., *Le Monde Diplomatique* 2016). Through different actions, it was possible to bring and position the matter of heritage destruction to the public eye, unprecedented in the national scene. During the event itself, several archaeologists and other civilians participated as onlookers, filming and evaluating the damages to archaeological sites *in situ*. Since the institutions responsible of the event did not make themselves accountable for the destruction of cultural heritage, then there was the option of catching *in fraganti* those pilots that damaged it. Here, the arrest of two European pilots by the Police of Investigations (Policía de Investigaciones, PDI) was possible due to the photographs and videos that showed them crossing a demarcated area, signalling a pre-Hispanic road⁶.

By the very nature of the Dakar tournament, in terms of territorial extension and unpredictability of the routes, preventive measures that can be taken to protect archaeological sites will

⁶ The most incredible and unfortunate aspect of the case was the declaration made by one of the detained, the Italian pilot Matteo Casuccio: 'These guys, you wouldn't imagine how they got for four rocks out of many of a mountain. Not that I was passing through the middle of the Coliseum. *That* is an archaeological ruin. If they went to Rome they would hallucinate' (Naranjo 2015, my translation).

never suffice. The 2015 Dakar Rally was the last in Chile; however, presidential elections held on December 2017 gave the victory to right-wing candidate Sebastián Piñera. Shortly after, it was announced that his government would seek to bring the Dakar Rally back in 2019 (Emol 2017). In the time being, the 2018 edition will continue to be held in the territories of Peru, Bolivia and Argentina, over the remains of a shared past and history. Thus, the battle against the rally is not over yet, and possibly needs be reignited.

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