
Abstract

Metal-detecting or treasure-hunting can be variously a hobby, a business and a crime, which is engaged in by citizens, residents and visitors (who are, primarily, tourists). This chapter studies metal-detecting in, and the trafficking of metal-detected cultural goods from, East Asia. Using open-source evidence, such as online forums and social networks, this chapter explores the conduct of activity in China, including Tibet, Hong Kong and Macau; Taiwan; Japan; the Korean peninsula, encompassing North Korea and South Korea; and Mongolia. Where possible, it also uses empirical indicators to gauge the scale of activity.

Activities include looting-to-order, “boutique” trafficking, crisis antiquities trafficking and organised cultural property crime. This chapter documents mail trafficking and online trafficking. It also identifies mechanisms for training and collaboration or co-offending through local and international partnerships, such as couchsurfing and profit-sharing. It observes how illicit detectorists identify cultural objects, in order to value and market the proceeds of their crime, and how they evade prosecution and dispose of their illicit assets. While piecemeal, the evidence indicates that such studies are viable means of identifying, investigating and analysing cultural property crime. It also suggests that source-end regulation is necessary, but insufficient; market-end regulation is essential.

Keywords
corruption; death penalty; illicit antiquities trade; metal-detecting; online trafficking; organised crime; transnational organised crime

Introduction

“Metal-detectors” are a range of instruments of electromagnetic induction that are used to find metals on and behind surfaces, underground and/or underwater. While metal-detectors have a wider range of uses, the practice of “metal-detecting” is the search for metal objects for collection. Metal-detecting is sometimes conducted to find lost property such as jewellery and other recently-deposited objects, which are commonly categorised as modern losses. However, as is suggested by a common alternative identifier, “treasure-hunting”, and by specialised “coin-shooting”, “relic-hunting” and “treasure-hunting” detectors, common targets are ancient artefacts, historic objects or otherwise cultural goods.

Metal-detecting can be a hobby, a business and a crime, which is conducted by visitors (who are, primarily, tourists) as well as residents and citizens. The scale of loss of cultural objects to metal-detecting in East Asia is not yet known. However, a lot of cultural property
is lost to metal-detecting in Western Europe\(^1\), Eastern Europe\(^2\) and beyond; a lot of cultural property is lost to looting in some territories of East Asia; and, the 'humble'\(^3\) metal-detector is amongst the 'simple[st]'\(^4\) and most efficient tools for looting in East Asia, whether that looting is performed by a part-time criminal entrepreneur or an organised crime group. So, practice among detectorists is instructive for understanding of practice among looters and traffickers.

**Method**

Due to a lack of legislation and/or precision in legislation, typically, at least some form of metal-detecting activity is not illegal according to the letter of the law and/or not prosecutable in practice. For example, eyewitness testimony or video recording as well as the product of the act may be required for conviction. Due to a dearth of offline monitoring and/or online monitoring, potential offenders may rarely be identified offline and may never be identified online. Hence, illicit detectorists may hide in plain sight, visible amongst (at least ostensibly) licit detectorists. These actors often form online communities, where they study metal-detecting and interpretation of cultural objects, as well as buy, sell and exchange metal-detecting equipment and cultural objects.

In order to gather such evidence, Google Scholar was searched for ‘antiquities’ and ‘looting’ plus ‘territory name’ in English. Facebook Groups, Facebook Pages, Google Scholar and Google Web were searched for “metal detecting” or “treasure hunting” plus ‘territory name’ in English. Facebook Groups, Facebook Pages and (albeit cursorily) Google Web were searched for ‘metal’ and ‘detecting’ plus ‘territory name’, then ‘treasure’ and ‘hunting’ plus ‘territory name’, in English, Chinese, Hmong, Japanese, Korean and Mongolian. Google Web searches minimised results about security by including ‘forum’.

**China, Tibet, Hong Kong and Macau**

*Cultural property law on the mainland, incorporating Tibet*

In China and Tibet\(^5\), antiquities underground or on the ground belong to the state; excavation and export are licensed activities.\(^6\) When export is not prohibited, it is licensed,

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5. Officially, Tibet Autonomous Region or Xizang Autonomous Region.
for *ethnic minority* cultural relics from 1966 or before; *historically, artistically or scientifically valuable* cultural relics from 1949 or before; or *any* cultural relics from 1911 or before.7

Thus, unlicensed detecting for modern losses would appear to be legal. Yet modern losses would exclude all cultural objects from 1911 or before, some cultural objects from as recently as 1949 and some other cultural objects from as recently as 1966. Furthermore, looters commonly identify their activity as ‘robbery of tombs [dàomù]’8 or ‘tomb-robbery [mù jié]’.9 This leaves little doubt about its targets, its (il)legality and their understanding of its (il)legality. With a grinning wink, a detectorist in China told detectorists abroad that it was not permitted to use a detector to extract cultural objects, yet it was permitted to collect cultural objects that had (ostensibly) been acquired from the market.10

While capital punishment for cultural property crime has technically been ended, antiquities traffickers continue to be ‘sentenced to death with a two-year reprieve’.11 Evidently, at least in relation to other offences, this peculiar sentence does sometimes result in the application of the death penalty.12 Even when someone has published their own material that demonstrates their own illicit activity, there remains a risk that (re)publication would put them at (greater) risk of capital punishment. Rather than creating a permanent record of this activity that is out of the control of the actor, potentially incriminating statements are anonymised. They are augmented with already formally published material, such as reports in newspapers, in order to outline the online management and scale of potentially illicit activity.

**Cultural property law in Hong Kong**

In Hong Kong13, it is illegal ‘to excavate and search for antiquities’ at a monument (or proposed monument) with a detector without a licence. It is also illegal to ‘remove’ any ‘relic’, any object that was made or modified by a human before 1800, from a monument (or proposed monument), or to ‘remove’ any believed relic from its findspot without a licence or emergency.14 Yet, it is implicitly permitted to conduct unlicensed detecting at unprotected sites, thereby to recover objects that have only been made or modified by a human since 1800.

**Cultural property law in Macau**

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8 This form of the term was identified in Frank Fang and Larry Ong, ‘China Fights Losing Battle against Tomb Robbers’ (*Epoch Times*, 16 March 2016) <www.theepochtimes.com/n3/1993683-china-fights-losing-battle-against-tomb-raiders/> accessed 29 November 2017.
9 This form of the term was machine-translated from English, then confirmed as used by the community.
10 Source withheld.
13 Officially, Hong Kong Special Administrative Region.
14 Antiquities and Monuments Ordinance to provide for the preservation of objects of historical, archaeological and palaeontological interest and for matters ancillary thereto or connected therewith 1997.
In Macau\(^\text{15}\), all ‘archaeological finds[...] are owned by SARM [achados arqueológicos[...]] são propriedade da RAEM]‘ and should be curated in a museum or other cultural heritage institution. Both ‘destruction of archaeological objects or remains [destruição de objectos ou vestígios arqueológicos]‘ and unlicensed export are prohibited.\(^\text{16}\)

*The scale of potentially illicit activity*

Looting is ‘simple’ and increasingly ‘professional’.\(^\text{17}\) Yet, considering the legal situation, online communities cannot be expected to provide meaningful evidence of the scale of potentially illicit activity. The broader political situation may discourage online management. For instance, internet connections and even mobile connections in Tibet and Xinjiang are periodically shut down, sometimes for months.\(^\text{18}\) Still, a wide range of online forums for treasure hunters number in single digits, tens, hundreds and thousands. Some online forums for ancient coin dealing number in the tens of thousands. As well as detecting by local residents in the centrally-administered regions, there is at least some evidence of beachcombing detecting by permanent foreign residents, flexpatriates and tourists in the special autonomous regions (SARs) of Macau and Hong Kong.

However, in recent years, a foreign resident in Hong Kong seemingly could not find any local online community and sought advice in an international forum.\(^\text{19}\) Still now, there appear to be very few, very small online communities for detectorists in the SARs, such as one with around 7 members\(^\text{20}\) and another with around 4 members\(^\text{21}\).

Due to the social situation, many detectorists in the SARs may engage online in national Chinese-language communities or international English-language communities. Nonetheless, significant detecting populations elsewhere sustain local as well as national and international online communities, so the dearth of online communities in the SARs does suggest a dearth of detectorists there.

It is very difficult to make an empirical estimate of the scale of looting in any territory, let alone in a geographical, socioeconomic and political entity such as China. It is exceptionally difficult to infer a national estimate from regional data, since the relative proportions of “professional” and “amateur” looters, as well as the total rates of looters, vary within as well as between provinces.

\(^{15}\) Officially, Macau Special Administrative Region.

\(^{16}\) Lei de Salvaguarda do Patrimônio Cultural 2013.

\(^{17}\) Fang and Ong (n 8).


\(^{20}\) Metal Detecting Club Hong Kong, ‘Metal Detecting Club Hong Kong’ (*Facebook*, 24 November 2017) <www.facebook.com/groups/682090825187239/> accessed 29 November 2017; it is also known as the Hong Kong Metal Detecting Club.

Nonetheless, it has been estimated that there are perhaps 100,000 ‘professional’ looters, according to two insiders in Shaanxi province\(^2^2\), or ‘full-time’ looters, according to the Chinese Academy of Social Sciences\(^2^3\) and a member of the Archaeologist Association of Jiangsu, Ni Fangliu\(^2^4\). These seem to be alternative phrasings of the estimate that, by 2010, there were ‘already over 100,000 [...] grave robbers’, including full-time ‘professional[s]’ \(\text{and}\) part-time ‘amateur[s]’ who supplemented incomes from agriculture and other labour (according to an insider, cited by state newspaper Chu Tian Jin Bao).\(^2^5\)

That estimate was made with regard to just six provinces.\(^2^6\) Thus, there were apparently 100,000 looters amongst then approximately 330,380,000 inhabitants of Gansu, Hebei, Henan, Hunan, Shaanxi and Shanxi.\(^2^7\) For a range of reasons, regions outside this sample may have fewer “amateur” or entrepreneurial criminals. For example, Xinjiang\(^2^8\) is exceptionally securitised, so exceptionally rare sites are plundered by atypically few, well-connected, professional criminals.\(^2^9\) Yet other provinces, such as Anhui and Jiangsu, are known looting ‘hotspots’ on a par with Hebei, Henan, Shaanxi and Shanxi.\(^3^0\)

Despite the massive flows of cultural objects across China’s borders, that number of looters might still seem to be overestimated. However, there is also an internal market of 70,000,000 private collectors\(^3^1\), due to which there has been an observable shift in consumer markets\(^3^2\). At least some of those collectors deliberately collect ‘recently looted objects to avoid the risk of buying fakes’.\(^3^3\)

Furthermore, according to public police data, between the mid-2000s and the mid-2010s, full-time looting operations have come to span ‘[from] Xinjiang in the northwest [to] Guangdong in the southeast’.\(^3^4\) Plus, in recent years, ‘thousands’ more migrant urban labourers and farmers have been inspired to start tomb-raiding by popular culture, in the form of novels, television series and films.\(^3^5\) This is compounding existing threats to ethnic

\(^{23}\) Wang (n 3).
\(^{25}\) Fang and Ong (n 8).
\(^{26}\) Fang and Ong (n 8).
\(^{28}\) Officially, Xinjiang Uygur Autonomous Region.
\(^{30}\) Wang (n 3).
\(^{31}\) Wang (n 3).
\(^{34}\) Ge (n 24).
\(^{35}\) Ge (n 24); Qin (n 33).
minorities in regions that are subject to intensive development and consequent influxes of migrant workers, such as Tibet. Thus, it is possible to assume that there is perhaps 1 looter in 3,304 inhabitants. On that basis, it is possible to infer the activity of perhaps 405,869 looters across China (in a population of then 1,340,910,000). This estimate is an estimate of the number of looters, instead of an estimate of the number of detectorists. However, as noted, metal-detecting is a simple and efficient means of looting. So, practice among detectorists is still instructive for understanding of practice among looters and traffickers.

**Metal-detecting and online management**

The internet caused a 'big bang' for looting and trafficking. Self-education, "professional" training, equipment, co-offenders – from looters to advisers to financiers – and antiquities are ‘easily accessible’ through online forums of specialist communities, as well as chat rooms, e-commerce platforms and online marketplaces. For example, looter Zhuanshengdianlunhui advertised a profit-sharing tomb-looting enterprise in the Ancient Tomb Bar of Baidu Tieba: ‘Apprentices and Partners Wanted! Those who are brave and diligent give me your contact details’. He found 65 applicants, ‘many of whom provided their QQ numbers’ for online contact.

Discussions on Baidu, amoBBS and other online platforms address such subjects as the technical capacity of detectors; the purchase of detectors; the home-made, hand-built manufacture of ‘do-it-yourself metal-detectors [DIY jīnshǔ tǎncè qǐ]’, including the sale of complete kits for assembly; the usage of detectors to find treasure; and the nature of the treasure. One seemingly full-time, entrepreneurial detectorist seeks international advice on detecting devices; appeals for manufacturers and/or distributors, in order to become their promoter and/or dealer; and negotiates his trades on Facebook.

Detectorists use other online communities, too, such as ones for technology experts and arts and crafts enthusiasts. Naturally, this enables them to get the benefit of the wisdom of specialists in other subjects. Treasure-hunters’ use of generic communities, and the size of specialist treasure-hunting communities, may also partly be explained by active enforcement of laws and policies on handling of antiquities, as suspect actors scatter from disrupted networks and novice participants do not immediately find specialist communities.

Activity is also discussed in foreign detecting forums. Affirming the expected, a detectorist-and-collector in South Korea revealed that he knew that ‘coins [were] being found on a weekly basis’, because he was buying ‘Chinese coins from a coin dealer in N.Y.

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38 Wang (n 3); Shao (n 4).
39 Ge (n 24).
40 Chao Wang, ‘The Amateur Tomb Raiders Pilfering China’s Artifacts’ (Sixth Tone, 9 September 2016) <www.sixthtone.com/news/1301/chinese-tomb-raiders> accessed 29 November 2017; see also Ge (n 24); Fang and Ong (n 8).
41 Ge (n 24).
42 Ge (n 24).
43 Source withheld.
State who gets them from a contact’ in China.\textsuperscript{44} This demonstrates not only the existence of regional markets among “source countries”, but also the potential complexity of supply chains, as antiquities flow out of one source country in East Asia, through a market country in North America, then into another source country in East Asia.

In one case, according to an accomplice abroad, an illicit antiquities dealer in China was ‘aware’ that, ‘by law’, ‘anything found in the soil should be handed over to the local government’, but he ‘knew where to look and when to do it’.\textsuperscript{45} He wanted to hunt for ‘old artifacts’,\textsuperscript{46} buried hoards of coins, jewellery, statues and boxes of those who had been forcibly displaced by the Cultural Revolution.\textsuperscript{47} To avoid the risk of buying a counterfeit detector via Taobao in China, the dealer arranged for a non-detectorist to buy and import a detector from the USA.\textsuperscript{48} To do so, the non-detectorist sought and received technical advice from the members of an online forum in the USA. According to a foreign resident detectorist in China, dealers would get into ‘big trouble’ if they sold religious relics in public, but they do sell such relics, they just ‘do it in private’ instead.\textsuperscript{49}

At least some foreign residents conduct dangerous, but legal, detecting for modern militaria in Hong Kong. Some explicitly reject ‘insensitive’ detecting of such material ‘for [their] own gratification’\textsuperscript{50}, rather than for the advancement of historical understanding. Still, there does not appear to be a significant amount of detecting by foreign residents or international tourists.

One permanent foreign resident, who appeared to have been in China for more than a decade, stated that he had ‘never’ even ‘heard’ of any others.\textsuperscript{51} Another said that there were ‘not many’.\textsuperscript{52} That permanent foreign resident, from the United Kingdom in western China, does it ‘regularly’. He has ‘never’ been stopped, been questioned or feared any risk of negative consequences for his actions. However, that may be because there are laws for ‘everything’, yet almost no enforcement of any of those laws, in his opinion. It may also be because he detects in sparsely-populated, mountainous and rural areas, which manifestly makes it more difficult for those laws to be enforced.\textsuperscript{53}

\textsuperscript{44} hikeinmts, ‘Metal Detecting in China’ (TreasureNet, 18 May 2009) \texttt{<www.treasurenet.com/forums/asia/79629-metal-detecting-china.html#post1391046> accessed 29 November 2017.}

\textsuperscript{45} ansumei, ‘Newbie Question’ (TreasureNet, 23 October 2017c) \texttt{<www.treasurenet.com/forums/toolshed/556765-newbie-question.html#post5580747> accessed 29 November 2017.}

\textsuperscript{46} ansumei, ‘Newbie Question’ (TreasureNet, 22 October 2017b) \texttt{<www.treasurenet.com/forums/toolshed/556765-newbie-question.html#post5579566> accessed 29 November 2017.}

\textsuperscript{47} ansumei, ‘Metal Detecting in China’ (TreasureNet, 23 October 2017d) \texttt{<www.treasurenet.com/forums/asia/79629-metal-detecting-china-3.html#post5580819> accessed 29 November 2017.}

\textsuperscript{48} ansumei, ‘Metal Detecting in China’ (TreasureNet, 22 October 2017a) \texttt{<www.treasurenet.com/forums/asia/79629-metal-detecting-china-2.html#post5579549> accessed 29 November 2017.}

\textsuperscript{49} Source withheld.

\textsuperscript{50} Eg Craig, ‘Finds and Discoveries in HK’ (Gwulo: Old Hong Kong, 6 April 2009) \texttt{<https://gwulo.com/comment/8333#comment-8333> accessed 29 November 2017.}

\textsuperscript{51} Source withheld.

\textsuperscript{52} Source withheld.

\textsuperscript{53} Source withheld.
He extracts relics, such as Qing Dynasty coins; twentieth-century conflict archaeology, such as civil war militaria; and other cultural objects, such as Communist symbols. The twentieth-century militaria and symbols are probably not protected, at least as cultural objects. However, the Qing Dynasty reigned from 30th October 1644 to 12th February 1912. It seems unlikely that all of his many Qing Dynasty coins were minted in the final 43 days of its 97,614-day reign.

**Metal-detecting tourism**

Indicating the potential value of cultural goods that are extracted through “tourist” detecting, reportedly, a ‘Professional Treasure Hunter’ spent ‘around $1200 for a round trip from Egypt to Hong Kong’ and ‘made a profit overall’, after two weeks in Hong Kong and four weeks in Thailand, when all of the finds were from beachcombing and underwater detecting and most of the finds were modern losses.

Like Macau and Hong Kong, the centrally-administered regions of China probably experience at least some detecting tourism, as it features in online forums for detectorists in other countries. One detector from Russia, who wanted to hunt twentieth-century conflict archaeology in China, had been discouraged when he learned that detecting there was ‘prohibited’. However, he smiled once he realised that the situation in China was ‘just like in Russia’, ‘forbidden, but [the] state doesn’t persue [sic – pursue] it hardly’. In other words, it was not possible legally, but it was ‘possible practical[ly]’.

While the strategy is more widespread, there is an exceptionally active online detector in the USA, who relentlessly queries the existence or meaning of prohibitive or restrictive laws, seemingly in order to spread the perception that permissive regulation is the international standard. As well as at least two detectorists who were permanent foreign residents in China, elsewhere in the same thread of conversation, he queried the detectorist in Russia who had decided not to detect in China.

Even if you could remember the forum where you read that, and even if you did have a link, here’s what would probably happen: The ‘source’ there would merely be someone saying ‘it’s illegal’. Death penalty, etc[...]. And if you were to

54 Source withheld.
59 SilverReciever 2017b (n 58).
find the person who typed that, and had asked him: ‘What is your source?’, he too would probably answer: ‘I read it on a forum somewhere’.  

He discourages detectorists from ‘asking purist archies [archaeologists] and lawyers’, as applicable laws are not ‘applied’ in practice, unless someone takes out a treasure chest and start[s] making a big news stink about it. In a similar fashion, one of the permanent foreign residents in China advised others not to attract attention, unless they had the government’s permission. Otherwise, they would spoil the activity for ‘everyone’. This would not make sense unless ‘everyone’ was doing it without the government’s permission.

**Taiwan**

*Cultural property law*

As the Taiwanese government was the Chinese government in 1930, it implemented the Law of Preservation of Antiquities. This established state ownership of antiquities underground or on the ground, state licensing of excavation and state licensing of export. However, due to a 2005 amendment to the 1982 Cultural Property Preservation Law, ‘chance finds’ underground or underwater are ‘not unequivocally national property’ anymore. If they are willing to take the risk of a legal challenge, alleged “chance finders” and collectors may assert ownership.

The level of risk is unclear. A USA-based detectorist queried the existence of a law against detecting (in China, due to a misremembering of his acquaintance’s activity in Taiwan), then commented, ‘[n]ot that it would stop’ his acquaintance anyway, ‘but it [would] give him a chuckle’. Still, detecting for antiquities may be legal and detectorists must be assumed to be licit detectorists.

*Metal-detecting, online management and the scale of potentially illicit activity*

By some accounts, there are ‘many’ aspiring detectorists in Taiwan, yet there does not appear to be a significant market for detectors, as there is only one ‘ridiculously expensive’

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61 Tom_in_CA 2017a (n 60).  
63 Source withheld.
65 Chen (n 64) 71.
distributor. Nonetheless, there appears to be very little trace of online management. Seemingly, some detectorists themselves do not know and cannot find online communities, so they appeal for detecting partners in generic forums.

Although it is comparatively very small, one Facebook group grew from 24 to 54 members within the space of a year. It is unlikely that the offline detecting population has more than doubled within the same period. This tentatively suggests that existing yet offline detectorists may be shifting towards online management of their offline activity, thereby becoming visible.

Outside designated, legally-protected sites, ‘especially’ on private land, the legal uncertainty has produced ‘serious problems with treasure-hunting’. This again suggests that there is a significantly greater number of local detectorists, who are either undervisible, because they participate in internationalised Chinese-language online communities, or invisible, because they operate offline.

The total number of active detectorists may still be very small. One online forum was founded by a local resident who was married to a permanent foreign resident from the USA, so it should have become a hub of activity for Chinese-language and English-language detectorists. Yet it was ‘archived’ – closed – due to ‘lack of activity’.

Some foreign residents both prospect for raw gold and detect for ancient coins and other relics. As well as to find partners, they use online forums to identify finds. Detecting tourists, who collaborate with local residents as well as foreign residents, are also active. A USA-based Chinese detectorist has engaged in detecting tourism in Taiwan ‘[without] any problem in the world’ and has ‘corresponded with hunters from there’, too.

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71  Chen (n 64) 71.
75  Tom_in_CA 2016a (n 66); see also Tom_in_CA 2016b (n 66).
Even at the smallest scale, this may involve foreign exploitation of local knowledge and extraction of assets. Upon digging up some votive offerings at the site of a former ‘temple or shrine’, one seemingly Germany-based intermittent foreign resident begrudgingly shared some of the Qing Dynasty coins with the local who had identified the site and some other local observers, because he did not want to tell them that he was ‘raiding’ their ‘fancy little old temple site’ and they were ‘not part of the fun’. Then, he ‘pretended’ to leave, waited to be alone in the dark and resumed detecting with a ‘head-mounted light [headlamp]’. Then, he went back ‘around midnight’ the next night and dug up yet more coins.

Japan

Cultural property law

When any owner or other occupant of land uncovers ‘remains’ or other ‘unearthed articles’, they must notify the Commissioner for Cultural Affairs ‘without altering the status quo of such remains’, except for minimal emergency interventions. Ownerless goods or “lost property” must be reported to the police. When ‘buried object[s]’ are ‘object[s] of cultural property’, those objects are taken by the police and delivered to a board of education. Ownerless cultural goods belong either to the exchequer or to the prefecture – in other words, either way, the state. Moreover, it is specifically illegal to damage, discard or conceal “important cultural property”, or otherwise to alter a historic site, destroy it, damage it or cause it to deteriorate.

Metal-detecting and online management

One permanent foreign resident from the USA recognises that it is generally ‘not okay to just find things’ in Japan, so detecting ‘can be a hassle’, because it is ‘misunderstood’. Presumably, there is an innocuous reason that, whenever they detect anywhere other than beaches and parks, it is ‘at night and [they] have a look out in place’; they have extracted ‘some real valuables that way’.

A USA-based detectorist instead suggested that as long as he was ‘discreet’ and ‘stay[ed] away from obvious historic landmark[s]’, the temporary migrant worker would be able to detect ‘unbothered’. Likewise, a then Japan-based detectorist implied that ‘no one’ would ‘bother’ anyone who was detecting illegally, ‘as long as’ the detectorist was ‘not creating

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76 Benjamin52 2014a (n 74).
77 Benjamin52 2014a (n 74).
trouble’. Another USA-based detectorist cautioned that “anything” found by any “method” including “Eye Balling” must be turned into [sic – turned in to] the “Police”. Another Japan-based detectorist reassured that, according to a more experienced personal acquaintance, there was ‘enough ambiguity about stuff dug out of the dirt’ for detectorists ‘to work fairly unhindered’. Elsewhere, a Sweden-based detectorist suggested with a wink that, if the police ‘stop[ped someone] on the beach with [their] goodies’, they would ‘still [be] on the beach’, so they could argue that they could not report and deliver their finds until they went to the police station ‘later’.

Yet another permanent foreign resident learned that ‘anything’ that was found, then not delivered to the police, was ‘considered [to be] stolen property’! Consequently, he sought ‘a connection with the local police’. He found ‘a friend with a connection in the department’, with whom he secured ‘an informal meeting’. Through his friend, he ‘found out’ that, if he went ‘to sell any precious metals, the buying shops’ would not ‘check with the police’, so ‘some “padding” [might] be possible’. He would ‘probably prefer to only pad with the things that probably weren’t lost [within] the last 3 months’ because, ‘[i]f most people respect the law, it would look pretty bad’ if one who did not was ‘a crazy foreigner’. Yet his explicit plan was not to report and deliver those finds for which he had plausible deniability, then to sell those finds to buyers who would not establish the illicit nature of the finds, who would then unknowingly destroy the evidence that linked the illicit finds to the illicit finder. In other words, his explicit plan was not to respect the law. He noted that he would also be the ‘benefactor’ if it became a ‘pain’ for the police to process ‘new finds every weekend’.

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87 JapanBeachMan 2011a (n 86).
90 It is not clear whether this is a misunderstanding of the law or wishful thinking about the process. Necessarily, the police release lost property that has not been claimed within three months of the delivery of the property to the police. Obviously, the police do not release lost property that has not been claimed within three months of the report of its loss. First, property might not be found and delivered to the police within three months of the report of its loss. Second, the police would only know that property had not been claimed within three months of its loss, if they could identify the object and the date of its loss, in which case they would have identified the rightful owner.
91 JapanBeachMan 2011c (n 89).
92 JapanBeachMan 2011c (n 89).
A USA-based (non-visiting) detectorist complained that the relevant laws and guidelines were ‘riddled with words [such as] “cultural…” and “historic…” and “antiquities…” and so forth’ when, ‘if someone is hunting the tourist beaches (where it’s predominantly jewelry hunting, not “antiquities”)’, it was ‘no problem’. However, a USA-based dealer in ‘relics’ (of militaria) had ‘racked up some treasure’ while ‘MDing Okinawa’s beaches’, as he appeared to demonstrate with a photograph of 32 mineral-encrusted swords and 2 mineral-encrusted pistols.

Public discussion of the law demonstrates not only standard language games and legal obfuscation, but also moral regulation by the public and destruction of evidence by detectorists. One foreign resident had sought out conversation amongst detectorists, appealed for ethical conduct and highlighted key clauses in legislation and other official documentation that were publicly available in English.

Another apparently foreign resident, who had been targeting historic Samurai sites, explained that he had ‘gone looking for[…] relics’. He ‘thought’ that he had ‘treaded [sic – trodden] very carefully’, although ‘maybe’ he had ‘not and ha[d] been noticed’. Hence, he had ‘had some of [his] posts deleted’, ‘[j]ust in case’, and planned ‘to ask’ a moderator or an administrator ‘to remove’ other implicitly incriminating evidence.

**The scale of potentially illicit activity**

According to authorised national distributors for two international manufacturers, detecting is ‘still virtually unknown in Japan’, so it is currently a ‘great opportunity’. Although there are local hobbyists, including ones who use non-local usernames, detectorists agree that ‘very few people[… metal detect in Japan’. It is such a ‘vere [sic –

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99 Kiwisan 2012b (n 97).
101 Coins4Cheese (n 65).
very] very rare hobby’ that one detectorist had ‘never seen another MD’er’. He had gone beachcombing and intended to go underwater detecting ‘at night’, for which he sought advice on waterproof devices.  

Many online detectorists appear to be foreign residents. One foreign resident, who also ‘hadnt [sic – hadn’t] seen anyone else’ do it there, suggested that there might be so few other detectorists simply because international brands charged 66 per cent more for their products in Japan than elsewhere. However, another detectorist recommended ‘bu[ying a detector] from a forum member with a good rep[utation]’. Such a private trade would circumvent the public market and incidentally reduce public sales figures.  

Alongside a couple of even smaller online communities, one English-language Facebook business page has around 77 fans. Yet, one social group in an international forum has around 86 members. As such, these numbers seem to be unrepresentatively low. Thus, they cannot be used as minimum numbers to estimate the size of the detecting community.  

**Metal-detecting and online management**  

As elsewhere, detectorists find detecting partners, and organise partnered and group detecting of archaeological sites, through international forums. Less knowledgeable hobbyists get identifications from more knowledgeable hobbyists, as more knowledgeable detectorists may get identifications from cultural heritage professionals. For instance, ‘lol [laughing out loud]’, one explained that, if he is ‘completely stuck’ for an answer, he consults ‘a co-worker[…] in the archeology department, who knows’ that he has a detector.  

Techniques that are developed by detectorists in one territory are shared with detectorists elsewhere, so their collective intelligence circumvents regulation. Once, an aspiring detecting tourist asked an online forum in the USA about the legality of detecting in Thailand. A USAF/NATO crew chief, who had served in Japan (as well as Germany and the UK), responded. He shared techniques for undocumented export-import that had ‘worked in other places’. The USAF/NATO personnel recommended: ‘Paint everything

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103 MarkTwa8n (n 102).  
black and mail it out[...]. I personally have a C-5’ military cargo transport aircraft ‘that brings me and my treasure home.’

When he and his detecting partner(s) ‘recovered the bones, dog tag [identity tag], watch, and few coins’ of a Japanese soldier in Okinawa, they appear not to have delivered the dog tag to the Japan Self-Defense Forces (JSDF), for the identification and return of the missing person to their family. Rather, he ‘traded that dog tag for a very nice Japanese bayonet (that [he] still ha[s])’ in the USA. He did not say what they did with the soldier’s other possessions or bodily remains.

**Metal-detecting tourism**

There is evidence of detecting tourism in both directions between Japan and the rest of the world. One USA-based detector advertised its possibilities by noting that he ‘still [had] a Japanese WWII dog tag’, which he had removed from the USAF’s Yokota Air Force Base. Like finding partners for everyday detecting, detecting tourists find international hosts online. An experienced detector abroad offered to assist an inexperienced detector in Japan by engaging in couchsurfing, profit-sharing detecting tourism. He would bring ‘two detectors’, ‘hunt everyday [sic – every day] and split the proceeds’. Meanwhile, a foreign wife-local husband detecting couple in Japan proposed a detecting ‘exchange’ with detectorists in Austria, where unlicensed detecting is ‘prohibited’, or elsewhere in Europe.

**The Korean Peninsula (North Korea and South Korea)**

**Potential capital punishment of cultural property crime in the Democratic People’s Republic of Korea (DPRK)**

In North Korea, exceptionally harmful theft, trafficking and illicit trade of personal wealth, national wealth and state assets, which encompass all cultural assets, are punishable by death. Offences specifically include trafficking of metal goods, which encompass all metal cultural goods.

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111 Steve (Fairfield) 2004b (n 110).
113 Steve (Fairfield) 2004a (n 112).
**Cultural property law in the Republic of Korea (RoK)**

In South Korea, the Cultural Heritage Committee of the Cultural Heritage Administration controls excavation of buried cultural heritage. When any ‘buried cultural heritage’ is discovered, it should be reported to the Cultural Heritage Administration ‘without making any changes in the existing state’. It is illegal to ‘excavate[ ] buried cultural heritage’, or any site that is ‘deemed to conceal the buried cultural heritage’, without permission from the Cultural Heritage Administration. It is also illegal to facilitate unlicensed excavation, to conceal movable cultural heritage, to engage in unlicensed export, to facilitate unlicensed export. Furthermore, it is illegal to attempt to commit, or to conspire to commit, any of those acts.119

**The scale of potentially illicit activity**

Due to totalitarian control, abject poverty and almost entirely absent internet, there appears to be little potential for either detecting or online management in North Korea. According to local detectorists, even South Korea has only ‘just started’ detecting120, although it is quickly becoming ‘very fashionable’121.

Yet, an English-language social network only has around 3 members, of whom 2 are detectorists abroad, including the administrator.122 While the membership statistics are not displayed, based on the number of conversation threads and the number of posts in those threads, a Korean-language online forum may have as few as two members.123 However, more Korea-based detectorists are visible in online forums elsewhere. These numbers are unrepresentatively low and cannot be used as minimum numbers to estimate the size of the detecting community.

**Metal-detecting and online management**

As elsewhere within the region, many Korea-based detectorists seem to be foreign residents; some Korea-based detectorists are also active in other countries in the region. This may partly be due to extreme overpricing of international brands124, which limits the potential for local participation. They exchange information on “productive sites” and

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identification of finds. One advertised that ‘most’ of his ‘korean [sic – Korean] holed coins have been found using a detector’, so he had ‘many varieties not listed in any reference book’. If there were ‘many’ types that had never been documented, they would be exceptionally significant and their unscientific extraction and disappearance into the private market would be exceptionally harmful. However, it should be remembered that, elsewhere, fake objects have been advertised as “metal-detector finds”, in order to lend false legitimacy.

One USA-based detectorist appeared to be a cautious, licit detectorist, as he had warned detectorists elsewhere that ‘relic hunting’ for militaria was ‘sometimes illegal’. He had found ‘religious items’, ‘[m]ost’ of which he had left, some of which he had taken.

He presented two that had been ‘in the middle of nowhere’. He had also found coins, arrowheads, axe heads and other unidentified objects.

Mongolia

Cultural property law

Unlicensed ‘use of special tools and metal detectors’ is prohibited specifically ‘in the area of immovable historical and cultural memorials’. Furthermore, unlicensed ‘paleontological and archaeological prospecting, excavation and research’ are prohibited generally. In addition, unlicensed export of cultural objects is prohibited. Like the other territories under discussion, while these laws have been instituted in principle, they have not been implemented effectively in practice, due to a dearth of monitoring and enforcement.
Even with increased technical capacity for law enforcement, effective control would be difficult. According to the General Police Department, smuggling methods are becoming ‘more advanced[...] more difficult to catch’.\(^\text{133}\) However, they do not need to be very advanced to be very effective. As an illicit dealer spontaneously advised a perceived customer, ‘just wear it as a necklace when you go through customs, and no one will stop you’.\(^\text{134}\)

**Online management and the scale of potentially illicit activity**

There does not appear to be significant evidence of online management of detecting in Mongolia. One local detectorist sought advice on the targeting of sites on a generic English-language thread on Reddit.\(^\text{135}\) There are various potential reasons. The historically nomadic society may have produced and consumed relatively few metal objects, which it deposited sparsely across an expansive territory. So it may simply be less productive to engage in detecting there.

While internet access in Mongolia is similar to China in overall proportions of populations, Mongolia has a much smaller population in the country with a much rarer language internationally, so the Mongolian-language detecting population may simply be too small to sustain a significant online community.

More fundamentally, there is an intense cultural prohibition on grave-robbing. There is a ‘detest[ation]’ of ‘any attempt to touch graves, or even wander around graveyards’, such that ‘burial spots are forbidden areas’ that people are expected not to enter.\(^\text{136}\) Even licensed professionals, who have performed surveys, have refrained from scientific excavations.

However, according to an artisanal miner, while detecting was ‘not popular’ before, it is now ‘increas[ing]’ in popularity.\(^\text{137}\) There is evidence of ‘treasure hunting’, both before and ‘particularly’ since marketisation in 1990, when Buddhist objects with religious value gained financial value as well.\(^\text{138}\)

**Metal-detecting**


An archaeological survey documented that ‘robbers[...] with metal detectors’ had been caught in the act at the monastery of Züün Khural and that there was evidence of ‘loot[ing]’ by ‘treasure hunters’ with detectors, at the monasteries of Tariatyn Deed Khuree, Khoshuu Khural and Guchin Jas. Identified in another report, there is an online dealer of metal-detected cultural objects with around 3,715 fans. Based on a poll elsewhere, which indicated that 6.58 per cent of online detectorists were not active detectorists, it is possible to infer that there are at least 3,471 active detectorists among a population of around 3,027,398 (as of 2016). Thus, it is possible to infer that there is at least 1 illicit detectorist amongst 872 people.

As advertised by a detector manufacturer, there is also detecting tourism. Some detectorists work in pairs and target ‘artifacts’ such as ‘rare coin[s] or jewelry’, including ‘medieval Chinese coins’ and 17th-19th-century objects, across Mongolia (eg lecturer Vladimir Pavlovskiy, who ‘display[s]’ some finds in the museum of G. I. Nevelskoi Maritime State University, Vladivostok, Russia).

Crisis antiquities trafficking

Between the 1990s and the 2000s, privatisation and industrialisation increased poverty. Thus, poverty-stricken herders turned to subsistence digging for a supplementary income, ‘sell[ing] precious objects, such as antiquities, to tourists’. Since then, natural disasters have been ravaging herders’ livestock, in cycles that are being intensified by climate change and worsened by human action to compensate for the consequent poverty and insecurity.

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139 Mongolia’s Buddhist Monasteries Project, ‘Züün Khural’ (Mongolia’s Buddhist Monasteries Project, 2007a) <www.mongoliantemples.org/index.php/mn/%D0%B3%D0%B0%D0%B7%D1%80%D1%8B%D0%BD-%D0%B7%D1%83%D1%80%D0%BD-%D0%B3/1021?view=oldtempleen> accessed 29 November 2017.
147 Williams (p 132).
Hence, according to archaeologist Prof. Ulambayar Erdenebat, illicit digging of precious metal grave goods has increased even more, as a matter of ‘survival’; exploiting the situation, intermediaries contract ‘locals to dig up burial sites’.

**Discussion**

**Dangerous business**

In East Asia as elsewhere, cultural property crime can be a dangerous business. Looters are gassed by their energy generators and buried alive in collapsed holes. Metal-detecting of (especially twentieth-century) conflict archaeology is dangerous to the community as well as to the metal-detectorists, as munitions sometimes explode after extraction. Unexploded ordnance (UXO) is cause to be ‘careful’ across the region. Yet its unsafe extraction persists, even in licit detecting.

For instance, in South Korea, a permanent foreign resident military historian and his colleague had metal-detected a nineteenth-century battlefield site, where they found militaria and ‘other relics’. The academic detectorists ‘gave’ a ‘live Schenkl [artillery] shell’ to the Korea Army Museum ‘for deactivation’. In other words, they appear to have removed the object and transported the unstable explosive to a public institution, rather than marked the location and alerted professional explosive ordnance disposal (EOD) technicians.

**Diversity in crime, diversity in consumption**

There is diversity in the perpetrators and mechanisms of cultural property crime in East Asia. Looting/trafficking is a means of subsistence for poor and insecure members of local communities; a source of profit for criminal entrepreneurs, networks and groups, including

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149 Steeds (n 134).
153 Stefan Burford, ‘I Haven’t but Would Imagine that There Would Still Be Lots of Ordinance Left There, Careful’ (Facebook, 3 December 2016) <www.facebook.com/groups/MetalDetectingThailandAndGlobalDiggers/permalink/1757522147833973/?comment_id=1757545761164945> accessed 29 November 2017; Pfeil 2016d (n 127).
155 Duvernay (n 154).
illicit excavation tourism operators\textsuperscript{156}, and a means of asset extraction for tourists and expatriates, where the assets are sometimes converted into financial assets through sale, sometimes kept as cultural assets through collection.

Risky goods encompass all kinds of cultural objects, even human remains (eg from Tibet\textsuperscript{157}). Looted, stolen and/or illegally exported goods are commonly trafficked in “boutique” operations, for assembly of personal collections, disorganised sale into grey markets or pre-arranged delivery to market-end dealers and collectors. They are also trafficked in industrial supply chains by organised crime groups, for example, in China\textsuperscript{158} and Mongolia\textsuperscript{159}.

Such criminals sometimes conduct looting-to-order for collectors or dealers\textsuperscript{160} and ‘often’ traffic cultural goods online.\textsuperscript{161} Activity is often facilitated and sometimes even performed by corrupt law enforcement agents, government officials and/or archaeologists.\textsuperscript{162}

As well as global markets, there are thriving regional and national markets, which drive the looting. For example, according to an illicit dealer in Ulan Bator, collectors in China are the primary consumers of antiquities from Mongolia as well as China.\textsuperscript{163} Meanwhile, in Taiwan, Japan and South Korea, tourists and expatriates appear to constitute significant numbers of extractors as well as consumers.

Throughout the process, from extraction to consumption, the internet facilitates the functioning of the illicit trade. This encompasses selection, purchase and use of equipment; identification of targets; extraction, processing and transfer of assets; and identification of trainers, advisers, financiers, partners and sellers/buyers.

\textit{Paint it black: the practical impossibility of source-end control}

As demonstrated by testimony from detectorists across the region, they can use home-made, hand-built metal-detectors, so ownership of detectors is extremely difficult to trace. They can go detecting in obscure locations or at night, so that use of detectors (or, more generally, extraction of cultural objects) is extremely difficult to identify. They can engage in private online trading, so that handling of metal-detected cultural goods is extremely difficult to trace.

\textsuperscript{156} Shuzhong He, ‘Illicit Excavation in Contemporary China’ in Neil Brodie, Jenny Doole and Colin Renfrew (eds) \textit{Trade in Illicit Antiquities: The Destruction of the World’s Archaeological Heritage} (McDonald Institute for Archaeological Research 2001), 23.


\textsuperscript{158} According to the Ministry of Public Security of China, cited by Zhang (n 22); see also China Daily, ‘Protection of Relics Needs More Resources’ (ECNS, 18 November 2010) <www.china.org.cn/china/2010-11/18/content_21369720.htm> accessed 29 November 2017; He (n 156) 19-21.

\textsuperscript{159} Zoljargal (n 133).


\textsuperscript{161} According to the Ministry of Public Security of China, cited by Zhang (n 22).

\textsuperscript{162} RFA (n 36); Zhang (n 22); Fang and Ong (n 8).

\textsuperscript{163} Steeds (n 134).
If detectorists illicitly export more unwieldy portable/movable cultural heritage, and ‘portableised’ immovable cultural heritage (which has been extracted from something that was not supposed to circulate as a matter of course), they may need to use more complex smuggling methods. However, if detectorists illicitly export “very” portable antiquities, such as jewellery or coins, they may simply wear it or mail it. Hence, source-end regulation is necessary, but insufficient; market-end regulation is essential, to minimise the potential for profit that drives the extraction.