

MU: With reference to the case related to the damage to an archaeological find of particular value for cultural heritage - an ornamented ivory plaque (more precisely: mammoth ivory) from Stajnia Cave and dating back over 40,000 years, which damage is the result of excessive ¹⁴C dating by a team of researchers led by S. Talamo from the Max Planck Institute in Leipzig (Germany), I would like to kindly ask you to take a position on several important issues. They concern the assessment of the integrity of the find, i.e. determining exactly which of the bone fragments obtained at the site were included in the documentation of the Heritage Protection Service as integral parts of this artefact, and the assessment of the decision made by the employees of the Max Planck Institute to conduct an additional, destructive analysis of the monument. In particular, I would like to ask for your position on the following issues:

1. MU QUESTION: Does WKZ [*Wojewódzki Konserwator Zabytków = regional Heritage Protection Service office*] confirm the fact that - as S. Talamo's team claims - WKZ only has knowledge about 2 fragments of the plaque, marked with field inventory as S2222 and S23100, or, on the contrary, in the available WKZ documentation and correspondence (e.g. permission of 2011-04-12 regarding the temporary transfer of an artifact abroad for the purpose of carrying out analyses) related to materials from research at J. Stajnia has been going on since beginning also information about the S23101 fragment as its integral part?

WKZ ANSWER: The local office had knowledge of three fragments of the plaque. This results from the documents collected in the archive: an inventory of materials to be transported to the Oxford Radiocarbon Accelerator Unit for the purpose of analyzing ¹⁴C, an application for a permit to export the archaeological find abroad, and permit No. 1/11 of April 12, 2011. The application for the above-mentioned permit clearly states "The transported collection includes bones marked with inventory numbers SG2 and S22222, S231000 and S23101, which constitute fragments of one archaeological find". In the inventory of materials to be exported for the purpose of analysis, the three inventory numbers given above are marked "Fragment pendants with drilled holes." In view of the facts confirmed by documents, it is difficult to respond to the claims of the research team from the Max Planck Institute in Leipzig, quoted in your letter, other than as deviating from the actual situation.

2. MU QUESTION: Which institutional entity had the WKZ permit to conduct archaeological research in the Stajnia Cave in the 2010 season (no. 175/10 cz-52/10 of 2010-07-23), from which the mentioned artefact comes and who was personally indicated in the above-mentioned permission as a research director?

WKZ ANSWER: Excavations of the Stajnia Cave (identification AZY:91-52/8, Mirów st. 4) were carried out based on the permits of the Silesian WKZ: No. 158/07 (cz-60/07) of 2007-07-25 No. 76/08 (cz-42/08) of 2008-04-16 No. 191/09 (cz-68/09) of 2009-07-28 No. 175/10 (cz-52/10) of 2010-07-23. In all these permits, including the permit no. 175/10 (cz52/10) you mentioned, the applicant was Mikołaj Urbanowski PhD, then representing the Department of Archeology of the Institute of History and International Relations of the University of Szczecin. All the above the permits indicate Mikołaj Urbanowski PhD as the research leader.

3. MU QUESTION: To the knowledge of WKZ, has any other institutional entity or any other researcher received WKZ consent for archaeological research at the site Stajnia Cave and/or for independent analysis of archaeological materials from the above-mentioned site in the period between the beginning of research at Stajnia Cave (2006 - survey, 2007 - beginning of stationary research) and the commencement of the procedure for submitting research materials to the PMA (2018) [*PMA = Polish Archaeological Museum*] ?

WKZ ANSWER: From conducting research based on permits No. 158/07 (cz-60/07), no. 76/08 (cz-42/08), no. 191/09 (cz-68/09), no. 175/10 (cz- 52/10) to date, no application has been submitted by any other institutional entity or researcher to issue a permit to conduct archaeological research in the Stajnia Cave. Until the research materials are transferred to the WKZ or directly to the institution indicated by the WKZ, the institution indicated in the permit and the archaeological research manager are responsible for the research materials. In this respect, the permits contain appropriate conditions relating to the obligation to document and report, prepare materials and submit them to the WKZ in order to make arrangements and issue an appropriate decision on the place of their storage.

4. MU QUESTION: In the light of applicable national law or international conventions recognized by the Republic of Poland in the field of heritage protection law, can it be presumed that any other institutional entity or any other researcher, was able to make independent decisions regarding archaeological materials from the Stajnia Cave during this period, resulting in their partial or total destruction without consultation with the director of research / resp. with an institution keeping a permit for research in Stajnia Cave / resp. - if it was not possible to contact the above-mentioned people - without agreement with WKZ?

WKZ ANSWER: In accordance with applicable regulations, objects that are archaeological finds discovered, accidentally found or obtained as a result of archaeological research are the property of the State Treasury. The place of storage of archaeological finds is determined by the WKZ (...) [Art. 35 of the Act on the Protection and Care of the Heritage]. Full processing of research results requires appropriate analysis of materials obtained during excavations. Bearing this in mind and the importance of the discoveries, the Silesian WKZ agreed to carry out such activities outside the country, issuing an appropriate permit - a one-time permit for the temporary export of a monument abroad (to the territory of the European Union) No. 1/1 and dated 2011-04-12. Determining the necessary scope of analysis of archaeological materials rests with the researcher/research team, as well as responsibility for their state of preservation. Apart from the information resulting from the application for a permit for export abroad, about the scope of analysis (i.e. AMS 14 C) and the intention to perform them at the Oxford Radiocarbon Accelerator Unit, no other needs were reported.

5. MU QUESTION: Taking into account the fact that according to a disposal of research director, the plaque from Stajnia Cave was brought to the Max Planck Institute solely for the purpose of conducting non-invasive analysis related to determining the material from which it was made, and 14C dating had already been performed in a renowned center in Oxford (respecting the condition of the find - only a small, unornamented fragment of S23101a was destroyed): did the WKZ record before 2019 any attempt by S. Talamo's team to contact the Heritage Protection Service in order to obtain consent to change the original scope of analysis and obtain consent to perform a destructive analysis related to the subsequent 14C dating of the find?

WKZ ANSWER: No other needs for necessary or additional analysis were reported by any institution or researcher until 2019. Only in February 2019, the Max-Planck-Institut informed and issued a reverse to accept paleozoological materials from the Stajnia Cave for additional analysis (DNA, 14C) - 9 inventory items.

6. MU QUESTION: In the absence of such contact, can it be assumed that the additional dating of the plaque using the 14C method performed at the Max Planck Institute, without consent of the research director, the first one (University of Szczecin), or the final administrator of the materials (PMA), and not consulted with WKZ, is it an acceptable research procedure and falls within the legal framework related to the protection of cultural heritage?

WKZ ANSWER: The Silesian WKZ is aware of the fact that activities within the framework of cooperation between researchers, based on mutual, environmental trust, are not regulated by contracts or legal regulations. Regardless of the above, taking into account the responsibility of the research unit and the archaeological research manager, the final administrator of the materials representing the State Treasury should have knowledge of the intended research process, including the need to perform additional analyses. In the case of complex issues, the WKZ office would then be able to take a position taking into account the opinions obtained from other bodies (researchers, specialists, lawyers).