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INTERNATIONAL ASSOCIATION OF DEALERS IN ANCIENT ART

## IADAA NEWSLETTER FEBRUARY 2020

### ***Jurisdiction over-reach is the latest trend for source countries***

News that the Egyptian parliament has passed new legislation outlawing the private ownership or trade of an Egyptian antiquity outside Egypt (see <https://bit.ly/2PaEjxF>) is just one example of how source countries appear to be trying to force their will on individuals and countries beyond their jurisdiction.

As this newsletter shows, countries are turning more and more to the use of Memoranda of Understanding to restrict or ban the import and trade of their cultural heritage elsewhere. This is understandable in cases such as Yemen (see below), but less so with Turkey, as cultural heritage lawyer Kate Fitz Gibbon argues in her Cultural Property News article [Turkey claims all art and artifacts: centuries of multicultural history and trade denied](#). Fitz Gibbon's organisation, The Committee for Cultural Policy, has submitted testimony on Turkey's proposed MoU with the United States, arguing that it does not meet the legal criteria set out by Congress.

"In this request, the Turkish government aims to use an agreement designed to protect weak countries from outside looters as political cover for actions that harm the cultural interests of Turkish minorities," says Fitz Gibbon.

This overreach includes an attempt by Turkish President Recep Tayyip Erdogan "to overturn modern Turkey's secular foundations by redesignating museums as mosques and taking other actions harmful to minority rights".

As she also argues, Turkey's claim for cultural heritage protection is counter to its own treatment of cultural sites within its borders; as another news story, below, details, its Ilisu dam project has devastated historic sites, which just happen to be important to the Kurds.

Having subsumed the Antiquities department within its Tourism department, Egypt recognises that its cultural heritage is central to the revival of its tourism industry and the attraction of foreign currency to boost its economy. An accord between Egypt and Greece in February, also reported below, aims to put pressure on other countries to return cultural heritage items to them, a move that, if successful, would undoubtedly contribute to this revival. While it makes

economic sense for those countries, this extensive campaign risks breaking moral codes in its apparent attempt to reclassify anything legally sold and exported from their borders in the past as stolen.

Turkey's MoU bid smacks of kleptocracy, as do other developing policies from source nations around the world. These go against the spirit and the articles of the UNESCO Convention, celebrating its 50th year in 2020. Such abuse will do nothing to build trust and co-operation between nations, whilst damaging the credibility of organisations like UNESCO and Congress if they ignore it or even endorse such moves.

As Fitz Gibbon argues, if the US grants Turkey its wish under the US Cultural Property Implementation Act, it will allow the Turkish government to continue to violate the human rights of its minority communities; undermine US policy and reward autocratic government; and deny access to their history and artistic achievement to US citizens whose families lived in Turkish territory for thousands of years.

### ***A gaming billionaire's questionable Trove of ancient artifacts is raided by Bulgarian authorities***

Artnet News: February 3: Bulgaria's richest person, Vasil Bojkov, has been detained in Dubai following the seizure of his assets, including a hugely valuable collection of ancient art, by the Bulgarian authorities. Charged in his absence over alleged offences ranging from organised crime and extortion to blackmail, the seizure of items from his 3000-piece collection of ancient artefacts housed at the Thrace Foundation, set up to oversee it, is linked to suspicions that they may have questionable provenance.

The Foundation has accused the authorities of mishandling the pieces during the seizure, while the authorities countered that they had brought in experts from the National Museum of History in Sofia to manage the process.

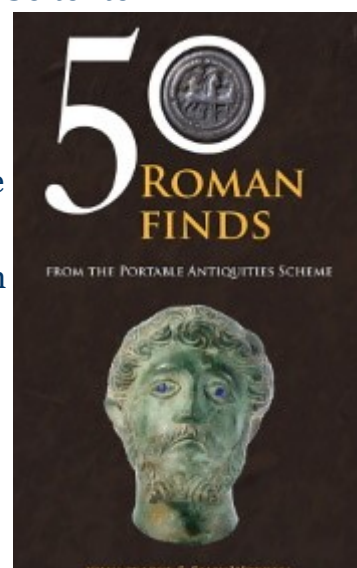
<https://bit.ly/2PbubVg>

### ***50 Roman finds from the Portable Antiquities Scheme***

The media in the UK has been celebrating the contribution of metal detectorists in discovering and helping to preserve ancient artefacts under the Portable Antiquities Scheme. Several articles mark the publication this month of the book *50 Roman finds from the Portable Antiquities Scheme*, details of which may be found at the link below.

At the same time, an alert has gone out over 'nighthawking', the practice of rogue detectors raiding sites at night (see second link below).

<https://bit.ly/3bR7G1G>



<https://bit.ly/2wfNyWA>

### ***Trump's Impeachment Lawyer Alan Dershowitz May Have Owned Looted Antiquities, an Art Crime Expert Says***

Artnet News: February 7: These allegations against Alan Dershowitz have been made before, but what is interesting about this 1400-word article is that even the 'experts' it quotes admit that no evidence exists to support their suspicions. It is one thing accusing someone of breaking the law, but it is something else to write a major article about how someone's possessions "may potentially" have been illicit on the basis of no more than a gut feeling arising from the lack of documented pre-1970 provenance for some items.

Having made the attack, Erin Thompson, an art crime professor at John Jay College, then back pedals, stating: "I don't think Dershowitz has purchased anything especially suspicious," said Thompson, "but he has participated in a marketplace that many—including myself—believe to have serious ethical issues."

So what really appears to be the focus of her criticism is not, as the headline implies, the possibility of Dershowitz owning illicit objects but the whole concept of a trade in antiquities. In other words, this is not a news report about potential crime but an ideological opinion piece.

The article includes further allegations based on unsubstantiated suspicions from critics of the trade, which don't help bearing in mind that there are serious points to be made about protecting vulnerable archaeological sites, especially in times of war.

<https://bit.ly/2SJMjI6>

### ***US-Import restrictions imposed on archaeological material from Jordan***

Lexology: February 7: US Customs and Border Protection have imposed additional restrictions on the import of antiquities and archaeological items from Jordan ranging in date from the Palaeolithic period (approximately 1.5 million B.C.) to the middle of the Ottoman period in Jordan (A.D. 1750).

<https://bit.ly/2uRAqXG>

### ***Caught: Smugglers attempt to ferry 269 artifacts out of Egypt:***

Albawaba.com: February 9: This article is useful as a summary of recent cases investigating the theft and smuggling of Egyptian antiquities and because it includes statistics relating to the issue. Perhaps the most interesting is the following: "From 2011 to 2014, Egypt lost \$3 billion from the theft of artifacts from archaeological sites, museums and places of worship, according to the Washington-based group Alliance Archaeology."

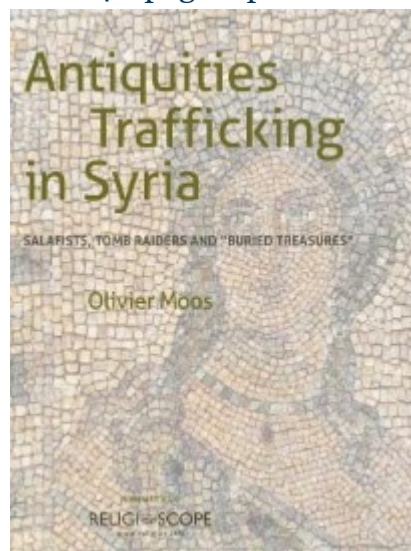
A brief check lists no organisation under that name in Washington, but it does list one in Australia whose chief activity appears to be supporting archaeological and heritage management skills. Whether the \$3 billion figure is accurate or not is hard to tell because the ultimate source for it is not clear.

<https://bit.ly/2V6xAZm>

### ***Report: Salafists and antiquities trafficking in Syria***

Religion.info: February 11: This is a summary linked to a 40-page report on this subject. Its main conclusions relate to

organisational structures linked to looting and trafficking and the importance of Islamic law in relation to that. The evidence tallies with what emerged from the May 2015 Abu Sayyaf raid: that jihadist groups issue digging licences and charge a 20% levy on finds under Sharia law. One page 17 the report questions how a particular Salafist group, Hayat Tahrir as-Sham (HTS: the Organisation for the Liberation of the Levant) monitors activity without a dedicated department. The levels of money involved become the focus on



page 24, where it states: “A knowledgeable source estimates that al-Nusra gained well over US\$ 6 million through the looting of the Jabal al Zawiya between 2014 and 2016.” Unfortunately, this makes it no clearer how reliable this claim is.

“A further claim puts the taxes raised by HTS at US\$500,000 in 2018. “If this estimate is correct, taxable antiquities – i. e. the cultural assets collected by teams not affiliated to HTS and registered by the group’s Office of Economics – generated a total of around US\$2,500,000 in the territory under HTS control. “If we assume that our understanding of the way in which the trade is structured is correct, this figure does not include income from the sale of antiquities by teams directly contracted by HTS, because they are not subject to zakat al-rikaz, and neither does it include the cultural assets excavated by tax-exempted groups affiliated to HTS.”

Again, however, the source and their reliability are not clear, being identified only as “an HTS member”.

The report acknowledges: “We were not able to ascertain if or under what circumstances HTS’s Office of Economics might have access to the revenues of groups affiliated to HTS,” but goes on to conclude: “A conservative estimate of the total revenues that HTS and its affiliates gained in 2018–19 through the trade in antiquities should therefore probably be closer to US\$5 million.”

It quotes numerous other examples of illicit activity, though these are largely anecdotal, so again it is not possible to establish a clear picture of the extent of

crime or the monies raised.

<https://bit.ly/38IR7D3>

### ***Turkey to bring back two cultural artifacts from UK***

AA.com: February 13: This report details the prospective return of an ox-driven cart sculpture and a three-piece Sidamara sarcophagus, both dating back to 3000-2000 BC.

Dealing with the cart, the article states: “The report was submitted to London Turkish Culture and Tourism Office, after which the auction house was asked to stop the sale. After the rejection of this request, British police were contacted to support the authorities to stop the sale.

“Following the efforts by the Ministry of Culture and Tourism’s Cultural Heritage Directory and London Turkish Culture and Tourism Office, the owner of the artifacts was contacted. The owner revoked his property rights on the artifacts and agreed to bring them back to Turkey.”

Bonhams, the auction house involved, tells a rather different story: “The Turkish Embassy contacted us one week before our sale to tell us that, due to similar pieces being in museums in Turkey, this piece must also be considered stolen. We responded and requested specific information pertaining to the wagon consigned to us. They failed to provide anything. However, as part of our own responsibilities to our vendor, we informed them of this approach by the Turkish officials. They independently decided to generously agree to make a voluntary repatriation to Turkey. This was gratefully received by the Embassy, who even extended an invitation to the owners to travel to Ankara, at the Embassy’s cost, to meet the Minister for Culture and Tourism and receive thanks for the voluntary handover. It was a lot softer and kinder than the reporting reflects.”

<https://bit.ly/2HS1yIZ>

### ***Ex-minister’s brother jailed for smuggling Egyptian antiquities***

Arab News: February 15: Raouf Ghali, brother of Youssef Ghali, the former finance minister under Hosni Mubarak, has been fined LE 6 million and jailed for 30 years for smuggling antiquities out of Egypt. One of his alleged three accomplices was Italy’s ex-honorary consul Ladislav Skalal, convicted in his absence on smuggling charges recently.

<https://bit.ly/3bUV6i7>

### ***Rumors swirl that Greece’s demand for the Parthenon Marbles could gain traction in the Brexit trade battle***

Artnet News: February 19: A leaked draft EU mandate has led to mass media speculation that the UK will be forced to hand over the Elgin Marbles to Greece as part of trade negotiations. The draft mandate does not refer to the marbles,

instead focusing more generally on addressing “issues relating to the return or restitution of unlawfully removed cultural objects to their countries of origin”. However, the UK has already signed up to all existing EU legislation on this matter, including the new EU import licensing laws, while also abiding by the UNESCO Convention, so it is difficult to see what additions could be made, even if the UK were willing to abide by them, that would emanate from EU law without contravening other laws and rights established to protect human rights and property rights, notably the statute of limitations.

Far more likely, it would seem, is that continuing political pressure to return the marbles on moral grounds could win through. However, if this succeeds, then other nations applying such pressure will find it harder to retain their own disputed treasures.

Athens Mayor Kostas Bakoyannis is backing a city council decision to send a letter to the British Government demanding the marbles’ return.

<https://bit.ly/2vOcaWs>

<https://bit.ly/2TmbIGO>

### ***‘Priceless’ ancient coins in test case returned to Cyprus***

Coin World: February 21: What at first glance appears to be another straightforward restitution case turns out to be anything but – instead this was a test case over import restrictions from Cyprus, the challenge being brought by the Ancient Coin Collectors’ Guild.

The coins are Roman Empire from 81BC to 217AD and were seized during an air cargo inspection arriving in Baltimore from London in 2009. They had been bound for a Missouri collector and were valued at around \$200.

Peter Tompa, an attorney and executive director of ACCG told Coin World that the coins had been legally exported from London despite the import restrictions, having been purchased and exported according to EU law. He added that they had been fully declared at the US border and should have been allowed entry on that basis.

The seizure appears to have taken place as a result of the reversal of the burden of proof, with the US authorities insisting that, having not secured direct permission from the Cypriot authorities to import the coins (even though they were exported from the UK), the burden was on the owner to prove that the coins were not illegally imported, not for the authorities to show that they were. Tompa stated: “This is not the case of stolen cultural patrimony but government over-reach.”

<https://bit.ly/391eEze>

### ***Greece – Egypt join forces against antiquities smuggling***

GTP: February 24: Egypt’s Antiquities Minister, Khaled Ahmed El-Anani, has agreed to boost joint efforts, with Greek Culture Minister Lina Mendoni, to

protect cultural heritage, prevent trade in illegal antiquities and promote tourism.

“El-Anani, who was in Athens on an official visit and earlier met with Greek Tourism Minister Harry Theoharis, agreed to a bilateral agreement between Greece and Egypt, and to a trilateral deal including Cyprus on the protection of cultural goods, including antiquities and works of art from illicit trafficking,” the article reports.

“The deal also foresees the organization of an international conference on the subject with the participation of culture ministers from countries facing high risk of antiquities smuggling.”

El-Anani also used the trip to back Greece in its claim over the Parthenon Marbles as pressure steps up on Britain to return them.

<https://bit.ly/2Tlawnh>

### ***‘History disappears’ as dam waters flood ancient town***

Middle East Online: February 25: This article charts the rising water levels from Turkey’s giant Ilisu Dam and how they are gradually submerging Hasankeyf, a town and area settled by humans for millennia.

Also being lost in the flood are ancient buildings, such as the stone pillars of an ancient bridge that once spanned the Tigris.

<https://bit.ly/32uOgeX>

### ***Washington Imposes Restrictions to Prevent Trafficking in Yemeni Antiquities on its Soil***

Al-Aswat: February 26: Washington has imposed restrictions on importing Yemeni archaeological and ethnological material as part of an effort to prevent trafficking.

“Under the regulation, the restrictions apply for a period of five years to some archaeological and ethnic items,” this article reports. “The period is implemented from the date on which Yemen requests the imposition of these restrictions until September 11, 2024, unless it is renewed.”

<https://bit.ly/2wJU2NJ>

### ***Aussies held over Beirut haul of ancient artefacts***

The Australian: February 27: Two Australian/Lebanese dual nationals have been arrested after allegedly trying to smuggle 60 ancient artefacts, including some that appear to be from Syria, out of Lebanon. They were arrested at Beirut airport en route for Dubai.

“Peter Edwell, a Macquarie University expert on the region’s ancient history, said it was difficult to assess the pieces from a single photograph but many of them looked genuine.

“He said some appeared to be from Syria, where looters have taken advantage

of the civil war to excavate tombs.”

Dr Edwell said that some of the items, shown below, were cheap oil lamps that would make about \$75, but that other glass vessels photographed might be worth more, estimating a value of \$12,000 for the entire haul.

“It’s not high-end stuff,” he said. “There aren’t any coins in there. Coins are often the ones that fetch higher values.”

A member of IADAA who is an expert in this field and has inspected the photograph below deems most of what is depicted as fake, notably the four marble heads in the centre and the glasses to the right. The small pottery spindle flasks and the oil lamps appear to be authentic, and worth a few hundred dollars.

<https://bit.ly/386MfH>



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