



INTERNATIONAL ASSOCIATION OF DEALERS IN ANCIENT ART

# IADAA NEWSLETTER MAY 2021

## **THE ANTIQUITIES TRADE: A REFLECTION ON THE PAST**

Following her involvement in the February conference to mark 25 years of the UNIDROIT Convention, ADA chairman Joanna van der Lande was invited to contribute a major article on the history of the antiquities trade, including the issues that have dogged it over the years and how attitudes have developed along the way.

To be published by UNIDROIT later in the year, it has been previewed in three parts by Cultural Property News.

## **CircArt and the British Museum – a great opportunity wasted**

Cultural Property News: May 2021: This extensive personal comment from Ivan Macquisten, adviser to IADAA and the ADA, who was heavily involved in negotiating the terms of the trade's involvement in this project, explores what went wrong and why. His conclusions act as a warning for all of those involved about the consequences of the project's failure to meet its aims.

## **Incredible hoard of Roman treasures discovered by amateur metal detectorists in Ryedale to be auctioned**

Yorkshire Post: April 27: A stunning hoard of Roman-era treasures found in a field in Yorkshire by metal detectorists has been cleared for sale at auction. Known as the Ryedale Hoard, it is thought to have been buried as part of a religious ritual in AD160.

The artefacts include a bust of the Emperor Marcus Aurelius, a ritual bronze figures of Mars and knife with a horsehead handle, as well as a large bronze Plumb bob.

The items were released for private sale after the detectorists reported the objects via the Portable Antiquities



Scheme, handing them to the Yorkshire Museums Trust, and they were declared treasure. They are valued together at £90,000 for the auction at Hanson's Auctioneers (*Photo courtesy of Hanson's*).

### **Kim Kardashian Must Forfeit an Ancient Roman Sculpture That Experts Say Was Looted From Italy**

Artnet News: May 4: This article is interesting because it highlights the pre-eminence of bilateral agreements between the US and other countries and how those can take precedence over more basic legal rights.

A statue being imported to the US – purportedly for Kim Kardashian, although she denies this – in 2016 was detained by customs as it did not have the correct paperwork. Missing was a document, such as an affidavit or export licence, that showed legal export from its country of origin. It had also been classified as an antique aged over 100 years, rather than archaeological material, for customs purposes.

Customs became suspicious because of a discrepancy in the description of the piece between two invoices, one relating to the sale by Galerie Chenel in Paris to dealer Axel Vervoordt in 2012 (“a large draped statue”), the other to Vervoordt’s sale to Kardashian, or someone using her name (a “fragment”).

Further confusion arose over the fact that the statue had been seen on Vervoordt’s stand at TEFAF Maastricht in 2011 – before he purchased it – but Galerie Chenel said it had been on loan to him at the time.

Olivier Chenel also noted that the complaint failed to mention the earlier sale at German auction house Hampel in 2010 “as the information was given to them [investigating officials] at the time”.

“The decision to seek definitive forfeiture of the sculpture came after an archaeologist from Italy’s Ministry of Cultural Heritage analyzed the work in February 2018 and identified it as a copy of an original Greek sculpture executed during the early to mid-Roman Empire,” writes Artnet.

“The expert also linked the sculpture to Italy through comparative scientific and iconographic elements. They noted that it had never been reported as a fortuitous find, nor been subject to a request for an export license from Italy, both of which have been required by law since 1909.”

Artnet noted that this was the information on which the archaeologist determined that the sculpture was “looted, smuggled, and illegally exported from Italy”. In other words, its new status as illicit is based not on proof but on an educated guess, including the assumption that it was exported from Italy after the 1909 law was introduced, and the application of the reversal of the burden of proof under the bilateral agreement.

This demonstrates that property rights under the US Constitution and other human rights laws and treaties now come second to bilateral treaties.

Despite other articles noting that the statue’s illicit status had not been proved – a point raised by Vervoordt in Artnet – their general assumption is that it must have been. None seems to have picked up on the guilty-till-proven-innocent aspect of this case as they rush to judgment.

Other articles have stated as fact that the statue was looted, including in their headlines, despite the fact that this has not been shown. As a result, other assumptions have fed an anti-trade agenda.

At least one article, on legal blog lexology, notes how the US scrutinises anything deemed to be an antiquity very closely, citing the Cultural Property Implementation Act (CPIA) and statute 19 U.S.C. § 2609(a), calling the US government’s authority in this arena “vast” and adding: “Importation of art and antiquities is highly regulated in the United States. In addition to the customs laws that apply to all importations, there are special statutes and regulations controlling the importation and exportation of art and antiquities.”

- Other news sources report that Kardashian denies ever buying the piece. One theory is that someone else used her name during the import process.

### **Anyone Can Identify And Report Stolen Art Instantly With New Interpol App**

Forbes: May 6: "Interpol launched a new mobile phone app Thursday that lets users search and identify stolen art pieces using image-recognition software, a tool authorities hope will help recover lost artwork and prevent trafficking," this article reports.

Based on Interpol's 52,000 item database of stolen art and objects, the app could prove useful. However, without expert knowledge of the relevant objects – and the fact that the Interpol database is far from comprehensive – its potential impact may not be as significant as heralded.

### **Looted rare statue identified by the British Museum is returned to Libya**

iNews: May 10: This the latest on a rare 2,000-year-old statue from Libya seized at Heathrow Airport in 2013 after being misdeclared in customs documents. It is thought to have been illegally excavated in the ruins of Cyrene in 2012 during the aftermath of the uprising against Libyan despot Muammar Gaddafi.

"The fresh surface of the marble suggested that the stone had only been out of the soil for a short period, indicating strongly that the veiled statue had been looted and illegally smuggled out of Libya," the report continues.

"A subsequent court case ruled that the 4ft-high artefact, worth up to £1.5m, had indeed been illicitly imported into the United Kingdom with the aim of being sold on London's antiques market."

According to some reports, the statue had been seized while possession of "a dealer", although they were not identified. However, at least one report mentioned that the importer was a Jordanian businessman.

Some reports, including this one, upgrade the status of the statue from "believed to be looted" in their copy to "looted" in their headlines.

### **More than 60 arrested in 31 countries in raids to recover €10m of stolen artefacts**

The National News: May 12: The results from the latest operation in the Pandora series, fighting transnational cultural property crime arise from seizures in 31 countries.

Here, Europol (and Interpol) report a total of 67 arrests and the recovery of 56,400 items during the four-month operation. More than 300 investigations have been launched as a result.

"Recovered objects included archaeological finds, furniture, coins, paintings, musical instruments and sculptures," the article notes. Also seized by Slovakian police were several hundred Second World War grenades.

A single investigation France led to the seizure of 27,300 archaeological artefacts and the arrest of a suspect "who now faces a prison sentence and a fine of several hundred thousands of euros". This would appear to be the case of the metal detectorist Patrice T, reported as being possession of 27,400 items, including 14,154 Roman coins from a single 'hoard', when arrested in Belgium, as reported in December.

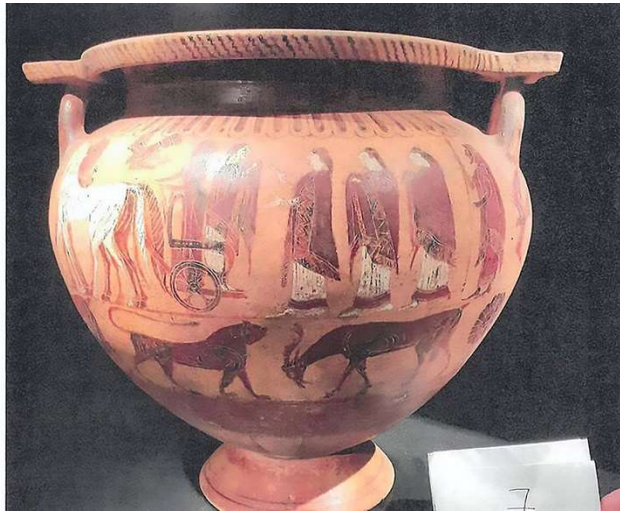
Archaeological objects featured among 7,700 items seized in Spain, while a wide range of cultural objects seized in Italy also included archaeological pieces.

"Two Greek nationals were arrested by the Hellenic Police for trying to sell six marble and clay antiquities for €150,000," the report adds.

This is considerably more detail than has been released in past reports from these transnational operations over the past decade, but we have yet to see a summary of successful prosecutions arising from them or how many items among those seized were later confirmed as illicit and, of those, how many were antiquities or archaeological pieces.

Such data would be invaluable in assessing the scale of trade in illicit cultural property and forming better policy to tackle it, especially if it included statistics on items shown to have financed terrorism or other types of conflict.

Bearing in mind how central such concerns are to the authorities in every country, it is baffling as to why this data is not forthcoming.



*Above left: An earthenware vessel seized by police. Europol. Above right: Other highlights promoted by Europol as being seized during the latest episode of Operation Pandora.*

- As an adjunct to the Interpol app article above, expertise is essential in correctly identifying items seized. One of the highlights selected by Europol from seizures during this latest exercise and pictured here is an pottery vessel. However, having been assessed by a specialist dealer, it is thought almost certainly to be fake.

Another of the Europol photos used to highlight the success of the operation and also shown here is a selection of unimportant sherds of minimal value.

If significant pieces of archaeological and monetary value have been seized, they have not been pictured in the official Europol statement.

### **Mosul Cultural Museum on the way to reopening (translated from German)**

MünzenWoche: May 13: Detailing the destruction of the museum under ISIS, its recapture and now the programme to rebuild it, this article has some interesting things to say both about the fate of the collections there and the efforts to restore it to its former glory.

On the collections, it states: "Incidentally, many of the objects that were so demonstratively destroyed were by no means originals. A large part of the valuable exhibits had already been brought to Baghdad after the Gulf War in 1991 and after the Iraq War in 2003, where they were safe, as the former Governor of Mosul, Atheel al-Nujaifi, made clear."

The article continues: "The often-read, long-refuted claim that they had been spilled on the antique market en masse to finance a terrorist regime, served to enforce stricter cultural property protection laws in 2015, and for many art market connoisseurs it was a terrifying testimony to how superficially the daily press researched what was happening (and researched)."

It also explains how some museum employees had "saved [objects] from destruction by smuggling them into Nineveh," according to Richard Kurin of the Smithsonian Institution. On the effort to rebuild, the article notes how, at the request of the Iraqi government, funding and expertise have poured in through the co-ordination of ALIPH

(International Alliance for the Protection of Heritage in Conflict Areas), with support from the Smithsonian, the Louvre and the World's Monuments Fund following swiftly. Even the pandemic did not prevent work from continuing, with online training for local staff being given from Paris.

The article concludes: "Since summer 2020, the museum building has been further stabilized, rubble removed, sanitary facilities installed, even a small exhibition in the outdoor area could give an idea of what a museum brought to life might one day look like again. In February 2021, experts from WMF visited the museum in Mosul and planned the next one Steps. The international support should make it possible to finally reopen the museum in the next few years in order to show the valuable cultural heritage of the country on site."

This positive news demonstrates how it is possible even for a country emerging from as destructive a conflict as that in Iraq to go a long way to fulfil its obligations under Article 5 of the UNESCO Convention – leading the way for others to follow.

The confirmation that the extensive looting, trafficking and terrorism financing claims linked to items in the Mosul Museum were untrue shows once more how the misery of the Iraqis has been exploited by those promoting disinformation to pursue separate agendas.

Perhaps it is time this form of exploitation is investigated more thoroughly. As former US presidential candidate Hilary Clinton urged in a [Guardian interview](#) on May 6: "There has to be a global reckoning with disinformation" because of its threat to democracy.

### **Egypt plans to organize many events that shed light on tourist, archaeological destinations**

Egypt Today: May 18: This is one of a series of articles explaining how Egypt plans to integrate beach tourism with its historic sites to boost revenues by billions of dollars. The Government has created a number of [incentives for investors and others](#) helping with the scheme, which includes a number of events to create global publicity, such as the grand parade of royal mummies through Cairo recently.

On a visit to Dubai, Dr Khaled El Enany, Egypt's Minister of Tourism and Antiquities said the country was keen to reclaim its stolen and smuggled antiquities abroad.

### **Saudi Arabia, Greece to establish cultural weeks, loan antiquities to each other**

Saudi Gazette: May 19: A Saudi proposal to exchange antiquities with Greece on a loan basis took another step with meetings between the culture ministers from both countries.

"The meeting included discussing the clauses of the proposed plan, which comprise establishing cultural weeks between the two countries, loaning of antiquities from both sides, and donating a sculpture of art to the Greek Republic to be placed in one of the most prominent locations as a symbol of cultural cooperation between the two countries," the article reveals.

### **To Preserve Ancient Mosaics, Experts Are Burying Them Underground**

Hyperallergic: May 19: The Getty Institute has been working with the authorities in Tunisia, Lebanon and Cyprus to protect ancient mosaics from damage and looters by burying them once more.

"To bury the mosaics, archaeologists first cover the site with a material such as soil, sand, or gravel," the article explains. "Subsequent layers are added and separated by a permeable membrane, like plastic netting or the synthetic geotextiles typically used in agricultural filtration."

It details examples of projects being undertaken.

### **Two new museums open at Cairo airport**

Arab News: May 20: Egypt used International Museum Day to unveil two new museums at Cairo Airport. Terminal 2 houses a 100 square metre display space showing 304 artefacts, while Terminal 3 has 59 exhibits on show. Together they span nearly all of the eras of Egyptian civilisation.

Minister of Tourism and Antiquities Khaled Al-Anany said that “the two museums contribute to achieving one of the strategic objectives of the ministry’s sustainable development plan. The plan aims to raise the competitiveness of Egypt’s tourist destinations by enhancing marketing and promotion activities to attract the largest possible number of tourists.”

### **Bill would prohibit export of sacred tribal items**

The Cordova Times: May 21: The STOP Act seeks to protect native American culture and increase penalties for stealing and trafficking, as Cultural Property News also notes.

“The legislation explicitly prohibits the export of tribal culture heritage obtained in violation of the Native American Graves Protection and Repatriation Act and Archaeological Resources Protection Act.”

The legislation would also create a mechanism to return illegally exported items.

The concept behind this piece of legislation is supported by the legitimate trade in tribal art, although there are some concerns about potential unintended consequences. To that end the US trade association The Authentic Tribal Art Dealers Association (ATADA) submitted testimony to the House Committee on Natural Resources Subcommittee for Indigenous Peoples of the United States on May 20.

The testimony begins by listing the provisions that ATADA supports, but then moves on to what it is sees as problem areas. These address proposed obligations that might expose legitimate dealers to unfair risk, commit the trade to compliance measures that would be difficult or even impossible to meet, and interfere with due process while adding disproportionate costs in time and money to the compliance procedure.

ATADA notes: “The stakeholders affected by this bill include millions of Americans who own artworks and crafts created by Native American artisans, many of which were purchased from Native American artisans at the Santa Fe Indian Market, now in its 100th year.”

Its summary criticism continues: “The bill’s provisions will be burdensome for American businesses, Native and non-Native alike. It will require detailed applications for export. It will long delay exports and discourage purchases by overseas tourists. It will require every tribe to set up a system to respond to applications – without adequate funding. Only \$3 million is provided to establish it this system among approximately 600 federally registered tribes and Hawaiian organizations. It will inevitably depress markets for goods made by thousands of Native American artisans, past and present, tainting perfectly legal artworks with illegality and harming the interests it purports to protect.”

It is interesting to note that many of the concerns raised reflect similar issues with legislation concerning MENA antiquities. Perhaps Congress and other legislatures could take this opportunity to look at these issues more closely and devise better targeted legislation that offers the sort of protections needed without coming into conflict with legitimate trade and personal property rights.

### **As the Taliban rises, uncertainty looms for Afghanistan’s historic treasures**

National Geographic: May 21: This article considers the likely risks to cultural heritage in Afghanistan following the withdrawal of western troops. Although the Taliban has pledged not to inflict further damage on statues, monuments and other items found at ancient sites, it is feared that they will not be able to resist returning to their avowed fight against the depiction of people and animals in art as offensive to Islam.



### **Revoke of EU cultural goods regulation could leave Northern Ireland exposed**

Antiques Trade Gazette: May 26: News that the UK will revoke the European Union import licensing regulations has been expected, if not this quickly. However, UK Blue Shield believes that this may create a vulnerable border between Ireland and the UK in Northern Ireland, making it more susceptible to the trafficking of cultural objects. While not opposing the revocation, Blue Shield argues that border controls will be unprepared to “handle the challenges of maintaining distinct systems for the import of cultural goods into different parts of the UK” and has “significantly underestimated the risks this might pose to the increase of illicit trafficking through Northern Ireland”. As IADAA has long argued, the EU import licensing regulations are disproportionate because they include provisions that will make it all but impossible for some legitimate trade in cultural property to continue, while the premise on which the regulations are based is deeply flawed as the European Commission’s own extensive research into the issue failed to find evidence of the problem the legislation sets out to solve: trafficking in cultural property that has led to terrorism financing.

### **Art traffic: the Louvre exhibits ancient pieces looted in Libya and Syria** **(Translated from the French)**

Le Parisien: May 26: This article has the following as its introductory sub heading:  
*‘For the first time in France, six works seized by customs and still under seal, are exhibited at the Louvre. The aim is to raise public awareness against the trafficking of cultural goods which generates more than 10 billion dollars per year in the world.’*

As usual, although these items may well have been looted and trafficked, in reporting the detail the article reveals that considerable uncertainty remains despite the emphatic nature of the statements around them.

An ongoing investigation into four busts means that nothing has yet been confirmed about their origins or how they came to France, although the article states as fact that they left Libya in the aftermath of the Arab Spring.

Of other statues of funerary deities, the exhibition curator Vincent Michel insists that they come from the necropolis of Cyrene with the declaration: “When you’ve seen one, you’ve seen them all!”

Two bas reliefs displayed as illicit antiquities may also not be what they seem, as their labelling reveals: “The context, dating, origin and even the authenticity of the two plaques remain to be clarified.” They are “probably from Syria”, the article claims.

The \$10 billion figure is attributed to UNESCO, whose track record on checking facts is poor, as numerous articles and reports arising from IADAA investigations have shown over the past few years, culminating in its inaccurate insistence on this figure in its shameless but fraudulent advertising campaign *The Real Price of Art*, last year (see IADAA’s October and November 2020 newsletters, where we expose this bogus figure and the true nature of the campaign).

The fact that this article promotes such a bogus figure without question, as well as promoting as illicit material items whose status still have significant question marks over them, undermines its credibility. As those who campaign against the trade so often insist, provenance is all, so surely it is also incumbent on the media and those seeking to highlight the problem of illicit cultural property to follow the same standards. That does not appear to be happening here.