



IADAA NEWSLETTER OCTOBER 2021

Joint statement of 12 Art Market trade associations internationally

The following speaks for itself and has now been published in several leading art market trade publications, including [The Art Newspaper](#) and [ARTNews](#) in the United States:

Help prevent trafficking in Afghanistan's cultural heritage

The Afghan crisis has given rise to serious concerns about the fate of the country's heritage under the Taliban. Some media reports claim the Taliban have pledged to protect cultural heritage sites and artefacts and to prevent looting. Others raise fears that what happened to cultural heritage previously under the Taliban may happen again.

Illicit digging for artefacts can destroy important archaeological sites, something the art market does not want to unwittingly facilitate. Allowing such artefacts to enter the market compromises the legitimate art and antiquities market and goes against our trade associations' professional and ethical standards, which are reflected in our written codes.

The art trade must be prepared to do what it can to ensure that any illicit cultural property coming out of Afghanistan does not make its way on to the market. To that end, as trade associations we will continue to alert our members and others to the heightened risks involved. We will continue to support law enforcement in publicising news of stolen and trafficked items to prevent them from entering the market.

The Antiquities Ministry in Afghanistan comes under the authority of the Ministry of the Interior Affairs. The current acting Minister of the Interior is Sirajuddin Haqqani, a terrorist wanted by the FBI and with a bounty of up to \$10 million on his head. Because of this, governments must also be careful about returning artefacts to Afghanistan under the Taliban.

Signed,

Art And Antique Dealers League of America (AADLA, USA)
Associazione Antiquari D'Italia (AAI, ITALY)
Antiquities Dealers' Association (ADA, UK)
British Antique Dealers' Association (BADA, UK)
Comité Professionnel des Galeries d'Art (CPGA, France)
Czech Association of Antique Dealers (AS, Czech Republic)
Federación Española de Anticuarios (FEA, Spain)
International Association of Dealers in Ancient Art (IADAA, Int'l)
Kunsthändlerverband Deutschland e.V. (KD, Germany)
LAPADA the Association of Art & Antiques Dealers (LAPADA, UK)
Syndicat National des Antiquaires (SNA, France)
Syndicat National des Maisons de Ventes Volontaires (SYMEV, France)

N. Macedonia holds 8 for antiquities smuggling, illegal digs

ABC News: September 30: A police operation ended with the arrests of eight men and seizure of items linked to looting with plans for trafficking abroad, this article notes. “They seized a large number of artifacts, including ancient figurines and jewelry, as well as firearms, metal detectors and computer hard drives, but gave no further details.”

Mexican special crime unit to hunt down illegally trafficked artworks

Art Newspaper: October 1: Mexico is setting up a special crime unit to locate and chase looted artworks and antiquities, Mexican president Andres Manuel López Obrador has said. The article continues: “The announcement was made during the opening of the exhibition La Grandeza de México at the Museo Nacional de Antropología this week following the successful recovery of various archeological pieces due to be sold in Italy.”

However, as noted in the September newsletter, it has not yet been demonstrated that the items seized in Italy were illicit despite the apparent determination of the senior Carabinieri officer in charge of the case to pack them off to Mexico.

Mexico now appears to consider any cultural property that originated from within the country to be illicit if held or traded elsewhere (*see further protests about sales in Paris, below*). It objects to any sale regardless of the circumstances or lack of evidence to show it is illicit.

Reclaiming what has truly been looted and trafficked is one thing, making a grab for all and sundry irrespective of its status is another.

Yorkshire Museum acquires 'truly exceptional' Roman bronze hoard

BBC News: October 13: Welcome news that the Yorkshire Museum has acquired the Ryedale Hoard, an 1,800-year-old collection of ritual artefacts discovered in North Yorkshire in May 2020.

Acquired thanks to a large donation from an American supporter, the pieces include a bust of Emperor Marcus Aurelius and are said to be among the finest known from Roman Britain. They are due to go on display next spring.

Found along with the bust were a statuette of the god Mars and – previously unseen among recovered Roman artefacts in the UK – a plumb bob, the hoard (**shown below**) had been sold at Hanson’s auctioneers earlier this year for £185,000. (*Photo courtesy of Hanson’s*)



Has Interpol become the long arm of oppressive regimes?

The Guardian: October 17: The significance of this piece to the art market comes from its focus on a series of weaknesses within Interpol. A lack of resources, expertise and intelligence has left the organisation vulnerable to being exploited by oppressive regimes who use it by proxy to target innocent dissidents.

Focusing initially on the case of a Russian businessman who threatened to expose official corruption, the article reveals how Russia used Interpol to lay charges of major fraud against him. However, as a specialist found, there was no substance to support the charges: “Ted Bromund, who testified in Kharis’s case in the US as an expert witness, spent days scrutinising the case files and came to believe that the charges were baseless. ‘They don’t seem to have any substance whatsoever,’ he says.”

What the article has to say next is revealing about the lack of due diligence among other law enforcement bodies: “Far from indicating that Kharis had committed a crime, Bromund wrote later in his testimony, the notice “proves only that the Russian Federation filled out the appropriate Interpol form”. Interpol declined to comment on Kharis’s case, beyond confirming the status of his red notice.

“US immigration authorities did not share this view of Interpol’s request, however. The Department of Homeland Security used it to argue that Kharis was a “flight risk” and he was detained in San Francisco in 2017. Kharis spent the next 15 months in California prisons.”

The extended article goes on to detail a number of other transgressions, including human rights violations, wrongful arrests and the hounding of asylum seekers.

“Interpol’s constitution forbids the organisation’s use for political matters and it announced in 2015 that it would remove a red notice if that person had been recognised as a refugee,” it continues. “Its work must also fall within the spirit of the Universal Declaration of Human Rights, which demands fair trials and free speech, and prohibits arbitrary arrests. Interpol says it screens every wanted-person request. In an organisation with such seemingly clear safeguards, what is going on?”

Interpol certainly does rebuff politically motivated request to act against individuals, the article points out, but is also vulnerable to exploitation because of the low level of proof required to issue a red notice for action and an often misguided belief that its members are acting in good faith and providing accurate information.

“Among the easiest ways to craft misleading arrest requests is to accuse people of financial crimes such as money laundering, whereas a murder charge requires evidence of a dead body and political charges may break Interpol’s rules.”

The article notes that Interpol’s Secretary General Jörgen Stock is “unexpectedly open about the threat to Interpol’s credibility”.

Although the focus may be on political oppression, this systemic weakness – shared by other law enforcement organisations as noted – shows how they can be manipulated for propaganda and other purposes, as appears to be happening in their interactions with the international art and antiques market.

So far, the media tends to take what these organisations have to say at their word. Perhaps a few more articles like this one will teach them to apply the same rules of evidence to these official organisations as they do to individuals and art market bodies when interviewing them or appraising them in news reports and analysis.

Assessing crimes against cultural property 2020

Survey of Interpol member countries, September 2021

Interpol: October: The Guardian article discussed above could have hardly been more timely in light of this survey, which raises more questions than it answers. “Given the international

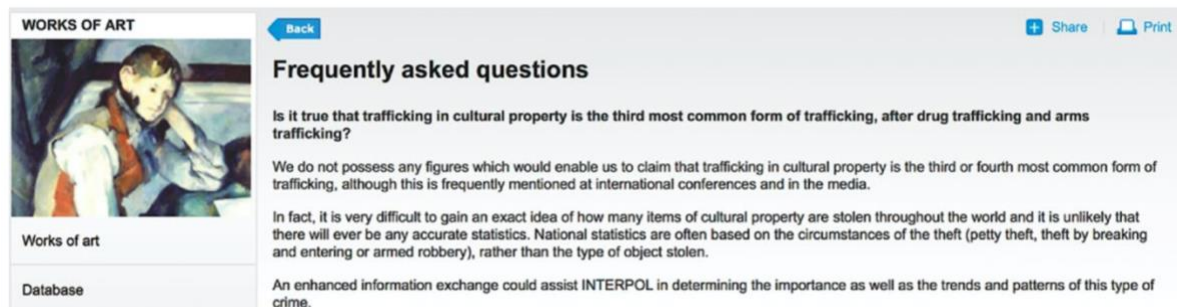
nature of the illicit traffic of cultural property, the information reported in this survey is a starting point to better understand the numerous aspects of this complex crime,” the introduction claims. Unfortunately, it is a claim that is not supported by what follows, which really only serves to confuse the picture.

To set the scene it offers a section on context, which claims that that “the illicit traffic of cultural property from conflict zones, particularly from the Middle East, has been linked on several occasions to the financing of terrorist activities. One example of this international awareness is expressed in the Council of the European Union conclusions on Preventing and Countering Terrorism in June 2020, which underlines how terrorist groups generate income from these crimes.”

This section is worth reading twice, because on the first reading it seems to say that specific cases of trafficking have conclusively been linked to terrorism financing. However, closer reading reveals it to be far more ambiguous. In fact countless cases have been ‘linked’ to claims of terrorism financing, but without any evidence to demonstrate this, and this is all that it really seems to refer to. If they have a headline case or cases proving the link, why not publicise them? We have all been waiting years for that to happen.

It goes on to claim: “...multiple analytical reports produced by INTERPOL underline how the illicit traffic of cultural property is a global phenomenon...”. How does that square with Interpol’s long-standing caveat (carried on its website, as shown here, until March 2019)?: “We do not possess any figures which would enable us to claim that trafficking in cultural property is the third or fourth most common form of trafficking, although this is frequently mentioned at international conferences and in the media.

“In fact, it is very difficult to gain an exact idea of how many items of cultural property are stolen throughout the world and it is unlikely that there will ever be any accurate statistics.”



The screenshot shows a webpage with a header 'WORKS OF ART' and a 'Back' button. The main heading is 'Frequently asked questions'. The question is: 'Is it true that trafficking in cultural property is the third most common form of trafficking, after drug trafficking and arms trafficking?'. The answer states: 'We do not possess any figures which would enable us to claim that trafficking in cultural property is the third or fourth most common form of trafficking, although this is frequently mentioned at international conferences and in the media.' It further explains: 'In fact, it is very difficult to gain an exact idea of how many items of cultural property are stolen throughout the world and it is unlikely that there will ever be any accurate statistics. National statistics are often based on the circumstances of the theft (petty theft, theft by breaking and entering or armed robbery), rather than the type of object stolen.' A final note says: 'An enhanced information exchange could assist INTERPOL in determining the importance as well as the trends and patterns of this type of crime.' There are 'Share' and 'Print' icons in the top right corner.

The numerical data in chapter 2 is equally frustrating. While impressive bar charts display numbers of offences, arrests and offenders, they do not profile the nature of the offences, compare arrests with convictions (a statistic that is never given), nor confirm that those called offenders have indeed been convicted of an offence rather than simply arrested. Bearing in mind the earlier emphasis on terrorism financing, it would have been appropriate to highlight how many and which offences had been incontrovertibly linked to terrorism financing, but Interpol misses the opportunity to do so.

The Stolen Objects section is no clearer because of the way it groups categories of items. In total, Interpol registered 854,742 items seized in 2020 globally. Dividing the seizures into continents, the overwhelming majority are listed as library materials (472,933 or 55% of all seizures globally) seized in Europe.

What about antiquities, the chief focus of the report? These are not even listed as a category. Instead we have archaeological items, sculpture, religious items and others as categories, which may all include antiquities. So no clear picture again.

A further section on illicit excavations provides no clearer a picture when it comes to antiquities, citing the number of illicit excavation sites reported but not what was there or what was taken.

Included in the mix is a section on vandalism, damage and attacks on cultural property, which add to the statistics on offences but again shed no light on trafficking or terrorism financing, which continues to be the focus as the report moves on to the next section on organised crime and smuggling. Here we are told that while some thefts are opportunism (i.e. stealing as many objects as possible from a private home, or carrying out illicit excavations at various sites) “intelligence received by member countries” point to thefts taking place “on commission for specific objects desired by particular collectors”. Not exactly detailed analysis with evidence to support it, then, just more idle gossip.

The following section shows where the real problem lies. While in Africa the majority of crimes were committed against antique shops (18%) and private homes (16%), and in America and Europe against private homes (both 22%), in Asia it was against archaeological sites (26%) as well as private homes and shops (each 17%).

It is noteworthy that the rather sketchy map of smuggling routes used to traffic cultural property, according to Interpol, does not show a route between the Middle East and Europe, while the accompanying text states: “Europe has been identified as a destination area from most countries in the other regions of the world.”

A further section on forgeries follows, before the report ends with a series of appendices starting with a report on Operation Pandora V and its success. Yet again, though, as with all of the international operations held since 2014, while Interpol lists the number of checks made, as well as the number of investigations, seizures and arrests, nowhere does it report how many of those seizures turned out to be valid and how many arrests led to convictions. These are surely the real measures of success, yet none of the international law enforcement agencies has ever publicly published these figures to IADAA’s knowledge. The lack of clarity, superficial analysis and reporting included in this document indicate that it is yet another exercise in promoting the work of Interpol rather than its effectiveness. Space is given over to promoting its new ID-Art app and its 52,000 object database. Interpol’s efforts to co-ordinate intelligence across the globe are made in a worthy cause and certainly have the potential to address real problems effectively. These problems need addressing, but this document appears to sacrifice that imperative in the interests of self-justification.

We need to be able to have confidence in the authorities’ ability to deal effectively and fairly with those they oversee. This survey does nothing to reassure us that this is happening.

It is notable that numerous media articles have simply reported what Interpol has to say without conducting any analysis of its worth, thereby spreading its message unquestioned. Particularly noteworthy is the [article published by Homeland Security Today](#), which mentions that more than half of the items



seized were located in Europe but fails to mention that the overwhelming majority of these (accounting for 55% of all items seized globally) were library materials. Equally notable was the **Interpol image** it chose to accompany the article, which pictured antiquities – and those they chose to show were little more than a few broken sherds, **as can be seen here**.

It all started with a Roman bowl bought for 75p: antiquities dealership Charles Ede celebrates 50 years in business

The Art Newspaper: October 11: Congratulations to IADAA member Charles Ede Ltd on 50 years in business. This interview and profile in the Art Newspaper is entertaining, informative and insightful.

Recalling that “being a dealer in antiquities today is a very different prospect to that of 50 years ago”, current directors Martin Clist and Charis Tyndall, shown here (*image courtesy of Charles*



Ede Ltd) reflect on the major changes, from the advent of technology as a business tool to the sea change in scrutiny of the market as it exists today.

The company still has stock books from the 1960s together with records of every item among the 30,000-plus it has sold since first opening its doors in 1971.

Two of the characters who loom large in the company’s history are Charles Ede himself, who transferred his focus from folios to antiquities after spotting a Roman bowl in a Cecil Court shop window more than a decade earlier, and Charles’ son Jamie, now Honorary President of IADAA and the driving force behind the association’s foundation in 1993.

Father and son worked closely together until Charles died in 2002, with Jamie continuing at the held until just the last few years.

Now Clist and Tyndall have brought their own stamp to the business. Martin, a board member of IADAA, has a Contemporary art background. His Whitechapel Gallery tutelage under Sir Nicholas Serota, who now chairs Arts Council England, is more than evident in the accomplished stand displays at some of the world’s leading fairs. Charis brings her academic acumen to complement his business skills; together they make a formidable partnership.

You can read the full interview with Art Newspaper Art Market Editor Anna Brady by clicking the link in the title above.

Artifacts looted from Syrian national museums seen in the office of a Lebanese official

Ennab Baladi.net: A fascinating article that illustrates the complexities surrounding the whole issue of looting, smuggling and claims relating to cultural property.

Published by a Syrian media organisation, the article accuses a Lebanese politician, Nohad Machnouk, of possessing antiquities looted from Palmyra during the rise of ISIS.

The evidence is provided in a still from a TV interview that pictures the disputed artefacts on display in the politician’s office (*shown here*).

The first point of note is the muddling of claim and fact: the headline states the claim as fact, whereas the politician – a former Lebanese Minister of the Interior – says they have

been in his possession for more than ten years and have been properly registered with the ministry “according to the standard laws, some of which ban their transport out of Lebanon, in order to protect them from trade”. Although Machnouk’s accusers offer no actual proof for their claims, they



do have some authority. One, Saad Fansa, co-founder and governing board member of El-Adiyat Association for the Protection of Antiquities in Damascus, said that the pieces had been looted from Palmyra.

‘Fansa told *Enab Baladi* that these statues were stolen from the Palmyra Museum during 2014 and 2015, that is when Nohad Machnouk held the position of Lebanese Minister of Interior twice,’ the article continues. ‘This contradicts Machnouk’s story that the statues he had ten years ago [sic] and “are registered at the Culture Ministry according to the standard laws, some of which ban their transport out of Lebanon”.’

Importantly, Fansa added “that Syria has been plundered by many countries, including Russia, Iran, and Turkey, via their members on the ground. The so-called Islamist factions, the Syrian regime forces, and their allies on the ground, including sectarian-based groups such as the Syrian National Defense Forces, contributed significantly to the antiquities trafficking.”

According to Syrian journalist and defender of Syrian antiquities, Omar al-Buniya, it also transpires that the Syrian authorities do not have antiquities archives with descriptions of looted artefacts, according to Directorate-General for Antiquities and Museums (SDGAM). “Al-Buniya pointed out that the SDGAM is to blame for the losses of many historical artifacts in the country, not to mention the fact that the Syrian government itself used to smuggle archaeological artifacts,” the article continues. “Moreover, it did not archive them on purpose so that they could be easily smuggled, according to al-Buniya.”

This infighting, claim and counter-claim raises serious questions over the handling of restitution claims in the case of artefacts that can be shown to have been looted. Is there a risk that they are being returned to the very people who looted them in the first place?

Key Initiatives Announced at UNESCO's International Conference to Fight Against Illicit Trafficking of Cultural Property

Africa News: October 23: Reporting back on the UNESCO forum in September, it gives the impression once again that art market stakeholders were invited to play an equal part in the debate, which they were not.

Despite all of the existing initiatives and new laws introduced to nominally tackle looting and trafficking (but in reality designed to restrict the legitimate market more and more), new measures are announced. These include the adoption of a European Union action plan against illicit trafficking of cultural property in 2022, which will be conducted in consultation with UNESCO.

With regards to Orphan works, this article states: “The experts particularly highlighted the problems of unique objects cut off from their archaeological context and the fraudulent provenance used to circulate stolen objects. The discussion showed that the art market

must mobilize to protect itself from traffickers who disguise the provenance and traceability of cultural property.” This utterly ignores the extensive measures already adopted by the art market or the debate about how to address the Orphan works issue.

Ancient gold ewer returned to Turkey after V&A expert links it to illicit antiquities trade

Art Newspaper: News that the Victoria & Albert Museum has returned an important gold ewer to Turkey, which had been in the celebrated Gilbert Collection since 1989.

As the report notes, no evidence of illicit activity linked to the ewer has been found, but its association with Los Angeles antiquities dealer Bruce McNall, who sold it to Gilbert, and McNall’s link to Zurich restorer Fritz Bürki, himself later linked to convicted trafficker Giacomo Medici, prompted enough concern to presume that it had been looted.

Provenance curator Jacques Schuhmacher, who had been checking the Gilbert Collection and highlighted the piece said: “How the ewer left Turkey remains unknown, but there is no known export licence or plausible account of its origin. Every individual known to have handled the ewer before it was sold to Arthur Gilbert has been linked to illicit antiquities.”

The Art Newspaper explains that the decision to return the ewer to the Gilbert Collection (which then volunteered to repatriate it) fits with the UK government’s 2005 Combating Illicit Trade guidelines for museums acquiring or borrowing antiquities, which stipulate: “Museums should acquire and borrow items only if they are legally and ethically sound. They should reject an item if there is any suspicion about it, or about the circumstances surrounding it, after undertaking due diligence.”

While the assumption of illegality may be understandable because of the links, it is far from certain that the ewer was, in fact, acquired illicitly (despite the headline in Yahoo News and other media outlets).

A follow-up commentary in the Art Newspaper sets out why the Gilbert Collection was right to return the ewer. It is a well-argued case, but again assumes that the piece was definitely looted in the late 20th century. While it may have been, as the authorities have noted, they have no evidence to show this.

Dutch court: Crimean treasures must be sent to Ukraine

CP24: October 26: This details the important ruling of the fate of a hoard of Scythian treasure loaned to a Dutch museum just before Russia annexed the Crimea from Ukraine in 2014.

The treasure comes from Crimea, but if returned there would come under Russian rather than Ukrainian jurisdiction. It was the court’s task to decide whether to do this or send the treasure back to Ukraine itself as it is now.

A lower court had ruled that Ukraine should receive the treasure, a decision now upheld by the Appeal Court, which decided that while the trove originates from Crimea and therefore “may be considered part of Crimean cultural heritage, they are part of the cultural heritage of the Ukrainian State” as it has existed since independence in 1991.

The court added that “the cultural interest that lies in preserving the museum pieces is a public interest of the Ukrainian State that carries great weight”.

Mexico Voices Protest To France Over Auctioning Cultural Heritage Pieces

UrduPoint: October 29: Another example of Mexico attempting to override property rights and enforce its own laws internationally (*see another story above*), this article reports on a new protests at Christie’s selling Pre-Columbian works at auction in Paris.

At no point does Mexico challenge the legal ownership of the items being offered for sale. Instead, its objections are based on the belief that commercialization of historical treasures

encourages international crime and theft of cultural property, and “the priceless pieces on sale are thus deprived of their cultural, symbolic and historical essence”. In other words, this is an attempt to force its ideological stance on the global market without offering compensation for doing so.

Stoke Mandeville: Roman sculptures HS2 find astounding, expert says

BBC News: October 29: The highly controversial HS2 programme to build a major rail link between London and the North in England has had an unexpected bonus: the discovery of an “astounding” set of Roman sculptures.

“Two complete sculptures of what appear to be a man and a woman, plus the head of a child, were found at an abandoned medieval church in Buckinghamshire,” the BBC reports. “The discoveries at the old St Mary’s Church in Stoke Mandeville have been sent for specialist analysis.”

Trade delivers reality check to money laundering regulators

Cultural Property News: October 30: This detailed analysis of evidence surrounding US proposals to regulate antiquities under new anti-money laundering rules relating to the Bank Secrecy Act offers a number of home truths.

Set against a backdrop of dramatic and headline-grabbing but unsubstantiated claims regarding trafficking and terrorist financing, this article takes a measured approach to the issues at hand and summarises the views of major players who have submitted their views to the US government in the recent consultation process.

“The justifications for imposing money-laundering regulations on antiquities dealers are claims that illegal wealth generated by the antiquities trade is penetrating the U.S. economy and that funds are going to terrorists and criminal enterprises,” the article explains.

As with the multitude claims of this nature made against the legitimate market, looking at the evidence reveals a rather different picture.

Usefully, *Cultural Property News* begins by setting out a list of questions from the market to FinCEN, the US Treasury department’s Financial Crimes Enforcement Network, which is overseeing this process.

Bearing in mind that the proposals specifically target antiquities, it is somewhat surprising that the US Government has done so without defining what antiquities are. That task is part of the ongoing work.

Subsequent questions drill down to essential aspects of the business of trading, from what roles various people must fulfil as part of compliance to how businesses typically operate. One of the fundamental questions which has still not been clearly answered despite the priority of preventive measures in this area is: *What are the money laundering, terrorist financing, sanctions, or other illicit financial activities risks associated with the trade in antiquities?*

This intelligence failure illustrates the fundamental issue in any discussion of the antiquities trade: those shouting the loudest against the industry tend to be long on rhetoric and drama, and short on facts.

Anti-trade campaigners also tend to have little understanding (or interest) in why the industry operates in the way that it does. Coincidence does not equal causation. Frequent criticism of the market arises over what is seen as its secrecy and lack of transparency. The assumption is that dealers and auction houses have something to hide. As this article points out, however, contractual obligations with clients, along with data protection laws often dictate that trade professionals cannot divulge the names of those they do business with publicly even if they want to.

One of the chief concerns surrounding the impending legislation is the level of burden it would place on an industry largely made up of micro businesses that do not have the resources to comply fully with what is being proposed.

Closer study of antiquities demonstrates that they are not a good fit for money launderers: "Their inventory turns over slowly, their clients are academically minded rather than fashionable celebrities, and their markets are limited."

Prices also tend to be low compared with more liquid and popular areas of the market: "Cash transactions in amounts over \$10,000 are virtually unknown. Dealers maintain close relationships with clients and know their special interests; a buyer for an expensive item who was not knowledgeable in the field would stick out immediately as suspicious."

CINOA's very detailed submission goes some way to supplying the vital data regarding transactions that has been missing for so long. The American Tribal Art Association (ATADA) does the same.

A number of key points emerge from all of this:

- Independent statistics, whether from the World Customs Organisation, Europe's Financial Intelligence Units or academic studies like the RAND Report, simply do not support the claims of those who argue that trafficking and terrorism financing is major problem linked to antiquities. In fact, terrorism financing is singularly marked by its absence.
- Arguments used to persuade the US government to clamp down on antiquities usually focus on Contemporary art as examples of where things have gone wrong.
- Where problems have arisen, almost always those involved in breaking the law have not been part of the art market at all, but common criminals simply using artworks as collateral. To take action against the market as a result is akin to prosecuting auto salerooms as a means of tackling carjacking.