



IADAA NEWSLETTER NOVEMBER 2021

Safeguarding Cultural Heritage in Conflict Zones: A Roadmap for the G20 to Combat the Illicit Trade in Cultural Objects

The Antiquities Coalition policy proposal to the G20: October/November 11

Seeking to increase its influence among G20 nations, the Antiquities Coalition published this policy paper in October, with founder and chairman Deborah Lehr addressing the associated conference via video conference to set out the main goals.

Whilst first stating that illicit antiquities are funding terrorism across the Middle East and Africa, she undermines the significance of this claim by agreeing with Interpol that no reliable statistics on the size of the illicit trade exist.

She then admits that policy is made on the basis of anecdotal evidence – a significant admission bearing in mind the wealth of claims and demands regarding art market regulation she and the AC have made over the past seven years, as well as the fact that making policy on this basis goes against the rules of evidence in the Mission Statement of the European Commission President.

Lehr highlights the \$175 million worth antiquities “recovered” by the New York District Attorney’s office in the last three years. For recovered, read seized, as the validity of a number of significant seizures is under question and have been subject to legal challenge. Having admitted that little reliable intelligence is available regarding trafficking, Lehr then calls on the G20 to launch a publicity campaign to help people better understand the threats from cultural racketeering.

She calls for support for more Memoranda of Understanding, bilateral agreements whose small print reveals that they give priority over US law to the demands of third countries calling for the return of artefacts despite being unable to show that their status is illegal. Better control of artefacts offered via social media (whether fake or real) is a growing problem and one that Lehr also addresses, calling on G20 nations to update their measures and look at establishing new international institutions to tackle the issue.

As usual with anti-trade campaigners, another demand is capacity building, to include dedicated teams of law enforcement on top of those already looking at cultural heritage crime.

Perhaps the most interesting proposal is for an annual summit, involving politicians, law enforcement and even the art market, a body noticeable by its exclusion at most events like this.

Lehr offers the services of the Antiquities Coalition to the G20 and calls for everyone to come together to realise their shared goals. However, not everyone shares the same goals. While all honest actors are against crime involving art and objects, experience tells us that sharing goals in this way simply means an expectation that the art market will fall in line with the goals of its detractors. We await genuine engagement made in good faith.

US And Bahrain Agree To Work Jointly In Combating Illicit Trade In Cultural Property

Republic World.com: October 29: The announcement of another joint agreement, this time between the United States and Bahrain, to work together “to stop the illicit trade in cultural art”.

According to the article, “In the statement, both sides have highlighted the rise in cases of ‘antiquities looting and trafficking’.”

What’s more, as it continues, “the two countries have informed that they have been alerted due to the increase in antiquities looting, smuggling and ‘money laundering and terrorist financing in the wider market,’ the US State Department said in a statement.”

Both countries are also apparently “alarmed by growing evidence of antiquities looting and trafficking, as well as money laundering and terrorist financing in the wider art market, and believe these activities are a severe threat to the cultural heritage of our nations...”.

This is all strong stuff – strong on rhetoric, that is, but very short indeed on supporting evidence.

If, as these statements claim, the problem is so endemic and growing, why are those campaigning for yet more restrictions on the art market so coy when it comes to providing the evidence to support their position?

We read lots of allegations and assumptions, but precious little when it comes to evidence of trafficking and nothing at all linking antiquities looting and trafficking to specific instances of terrorism financing. So how thorough has the US government been in its fact-checking due diligence before publishing these statements?

Noting Deborah Lehr’s comments to the G20 about the lack of data and intelligence (see above), this seems to be another example of policy made on the basis of anecdote.

Bearing in mind the political pressure applied to the art market, it is inconceivable that any proven example of terrorism financing being funded by antiquities trafficking would not be heavily promoted in the media. Yet so far this has not happened, which begs the question as to how the US State Department substantiates its above statements?

Mexico’s heritage ‘not for sale’, culture minister says

France 24.com: November 4: Further attempts at intervention by the Mexican government as it insists its domestic laws should overrule human rights and property rules globally.

Ignoring the legal sale and export of artefacts from its cultural heritage over many years, Mexico now argues that any sale anywhere of cultural property that originated within its borders encourages looting and is a crime in itself.

Without providing a shred of evidence, it insists claims that two pre-Hispanic pieces now being offered at auction in France were obtained “illegally”.

“According to Mexican law, any piece of national heritage that is permanently outside the country, not temporarily for an exhibition or cultural cooperation, comes from an illegal act,” said Culture Minister Alejandra Frausto in a bid to apply Mexican laws introduced since 1959 retroactively.

Auction houses like Christie’s have robustly defended their rights to sell such items where no evidence has been provided to show an item is illicit and due diligence checks support the consignor’s wishes.

Paris has long been a centre for such sales, but Mexico doubtless hopes that its new declaration of intent, signed with France in July, will help it bypass such considerations in the same way that bilateral agreements between the United States and numerous other countries have been doing.

It is notable that this article concludes with the bogus statistic that UNESCO continues to promote despite knowing for more than a year that it is groundless: that illicit trade in cultural goods generates nearly \$10 billion a year.

Art market money laundering crackdown spreads from UK to the US, but what impact is it having and are businesses taking it seriously

Art Newspaper: November 5: Expert views on how negotiations over AML regulation proposals are going. Arguably the most interesting element is what they perceive as differing views between countries on where value thresholds should apply for the application of AML measures.

“Indications so far are that the US and UK have very different views on the appropriate threshold,” they write. “In 2020, the US Office of Foreign Asset Control urged caution for transactions with works of art estimated at \$100,000 or more. This is more than ten times the threshold used in the EU Directive, which covers transactions of more than €10,000 (approximately £8,430), but closer to the Swiss threshold of CHF100,000.00 (approximately \$108,380).”

New AI app for identifying cultural assets – Grütters: “Facilitate the fight against illegal trade” (translated from German)

German Culture Ministry Press release: November 9: The announcement of testing for the new KIKu app launched in January this year (see January newsletter).

“When investigators and customs officers use the KIKu app, they use a smartphone to photograph the cultural property to be inspected from several perspectives,” the release explains. “These images are then compared with a database of cultural assets on the basis of an AI process. The app then provides further information about the respective object within a few seconds. In addition to information about age and country of origin, the app also gives warnings if the cultural asset is reported as stolen. On the basis of this information, the authorities can then decide whether the object should be secured and the provenance should be checked more closely by experts.”

However, with little or no expertise themselves on the subject, the authorities may end up inundating experts. Existing measures taken by German customs over imports and goods in transit have resulted in dozens of objects being left in limbo in storage because the customs officers have neither the expertise nor the information to decide on whether they should be seized or returned to their owners. Taking the wrong decision could leave them open to legal action.

Interviewed by Handesblatt on the subject, IADAA chairman Vincent Geerling declared the KIKu project “a waste of money”, adding that the system “cannot distinguish a forgery from an authentic work and it cannot differentiate between illegally and legitimately traded objects. You always still need experts for both.”

Photos: Sixteen ancient Egyptian artifacts seized at Safaga seaport

Egypt Independent: November 11: This article pictures items seized at Safaga seaport after a tip-off that someone was trying to smuggle antiquities out the country. It gives no details on who the smuggler was.

Despite International Outcry, Christie’s Sale of Pre-Columbian Artifacts Went Ahead—But Almost a Third of the Objects Failed to Sell

Artnet News: November 11: The backlash against museums and western colonialism has proved a powerful motivator in kickstarting a major programme of restitution of artefacts. Many of these pieces will have been seized by occupying powers over the years, while others will have been traded and exported legitimately. The difficulty is in distinguishing between the two, especially as documentation to show legitimate transactions, if it ever existed, rarely survives decades or centuries on.

In dealing with claims from source countries, the authorities must distinguish between what is being reclaimed as national patrimony in response to colonialism, on the one hand, and claims relating to looted and trafficked items on the other.

The first are based on ideology, the second on tackling crime.

However, deliberately or otherwise, these two separate concerns have become inextricably confused, both by nations making claims for restitution and the media in reporting on cases. Typical of this are the claims made in recent months by the Mexican government against sales of Pre-Columbian art in Paris, mainly at Christie's. The Mexicans, having declared all such artefacts national property on an ideological basis, are attempting to criminalise the sale of pieces held legitimately abroad after being honestly traded.

Such legitimate pieces are now deemed "illicit" in its new interpretation as it refers to pieces that are privately owned in conflict with Mexico's new policy. As such, they may not be illegal, but they are deemed "illicit" by those who believe that such private ownership is unethical or immoral.

This article, with its loaded headline, illustrates this confusion. It's loaded because it assumes that Christie's have acted wrongly. What *Artnet News* does not do is to question whether the outcry had any valid legal basis. Instead, it quotes Mexico's First lady, Beatriz Gutiérrez Müller's "concern about the commercialization of cultural property," in light of the "the devastation of the history and identity of the peoples that the illicit trade of cultural property entails."

This may be an ideological view with which some people might sympathise, but it is not a legal basis on which to interfere with Christie's sale, nor is it proof that a crime has taken place.

However, the article confuses the separate and distinct issues by adding to its reporting on the outspoken campaign against any trade by stating: "This outspokenness follows a declaration signed by France and Mexico in 2020 agreeing to strengthen the battle against illicit trafficking in cultural property."

More clarity and discernment is required if sensitivities surrounding trade in cultural property are to be dealt with in a fair and even-handed way.

Greek prime minister tries to broker deal for return of Parthenon marbles

The Guardian: November 13: One of a number of articles on Greece's latest efforts to reclaim the marbles. In this instance, Kyriakos Mitsotakis has offered to loan Greek treasures to the British Museum if the marbles are returned.

The British Government has again said it is a matter for the BM to decide.

"The Greek government has been encouraged by what Mitsotakis also described as a 'pivotal step' this September by the UN agency's advisory committee promoting the return of cultural property," *The Guardian* reports.

"For the first time, it unanimously adopted a decision recognising that the 'case has an intergovernmental character and therefore the obligation to return the Parthenon sculptures lies squarely on the UK government,'" Mitsotakis said.

The Greek government has added to its case with news of the current status of the marbles, says the report.

"Greek demands for repatriation have been further fuelled by revelations of water damage in the Duveen galleries where the 'exiled' frieze, metopes and pedimental sculptures that once adorned the Acropolis are exhibited. A leaky roof has meant the carvings have been off-limits to the public for almost a year, with the British Museum's website noting that 'due to regular maintenance works' its Greek rooms are 'temporarily closed'."

China launches webpage on the fight against illegal trafficking of cultural relics

Global Times: November 15: Apparently, this initiative by the National Cultural Heritage Administration (NHCA) covers ancient art and artefacts from all over the world, not just those relating to China itself.

One item shows a statue of a woman stolen from Syria in 2014 and later smuggled into Europe, the article reports.

“The illicit trade in antiquities is the main source of funding for armed groups,” the NCHA’s website states, demonstrating how little it has researched the subject.

Looking for a Stolen Idol? Visit the Museum of the Manhattan D.A.

New York Times: November 17: Another unquestioning PR article for the New York District Attorney’s office in its efforts to tackle illicit antiquities.

“Bogdanos’s crew, known officially as the Antiquities Trafficking Unit, is very much a victim of its own success,” it states. “Set up in 2017, with the approval of the Manhattan district attorney, Cyrus R. Vance Jr., to curb the smuggling of cultural heritage, it has seized 3,604 illicit items valued at \$204 million. Of that, 1,323 objects have been returned to countries of origin like Mexico, Afghanistan and Tibet.”

What it does not do is to question just how many of these seizures were justified. How many of these items were truly illicit? How many have been returned as a result of bilateral agreements bypassing legitimate property rights rather than because they were actually stolen?

These are vital questions that should be asked by the *New York Times* and others.

Another surrounds the 2,281 artefacts retained in custody by the DA’s office. What state are they in and how is ADA Bogdanos ensuring optimum conditions for their preservation?

The Tomb Raiders of the Upper East Side

The Atlantic: November 23: Yet another profile of New York Assistant District Attorney Matthew Bogdanos and his antiquities unit portraying him as the crusading hero and the trade largely as crooks.

The article refers to a 2005 op-ed Bogdanos wrote in the *New York Times* describing the antiquities trade thus: “the cosy cabal of academics, dealers and collectors who turn a blind eye to the illicit side of the trade is in effect supporting the terrorists killing our troops in Iraq.”

He is also reported to have claimed at the time that antiquities were proving to be a “cash cow” for terrorists. *The Atlantic* notes that the May 2020 RAND study found “insufficient evidence for his claim”.

Bogdanos counters: “I have never said and never will say that all antiquities trafficking is funding terrorism—that’s absurd ... But some is, and some’s enough.”

It’s an odd retort, because no one has ever claimed he said “all” antiquities, but he has certainly argued that it was a massive problem in the wake of ISIS, and he has certainly rowed back from that narrative now.

The most startling insight into his character follows directly on from this. The article describes how he pretended to have won approval for an antiquities task force within the DA’s office years before he actually did.

“So why had he pretended otherwise?”

“You know how when you want something to happen, you say it as if it’s true?” he asked me.

“Maybe some people do, I thought. But about your employer? In the *Times*?”

If Bogdanos is admitting making things up to suit his agenda, as seems to be the case here, what other claims are to be trusted? Surely his new boss, Alvin Bragg, who takes over from Cyrus Vance Junior in January 2022, should look into this?

Three looted Palmyra sculptures seized in Geneva freepport return to Syria

The Art Newspaper: November 24: The final episode in a story that has been running or more than a decade.

“The sculptures dating from the second or third century were smuggled into Switzerland in 2009 or 2010, before the outbreak of the Syrian war. Customs officers discovered them, along with one looted piece from Libya and five from Yemen, during a routine check at the freepport in 2013,” the article explains.

Dozens of Cyprus’ ancient artefacts returned

Cyprus Mail: November 24: The widow of an American collector has returned 38 artefacts to Cyprus. The artefacts had been left to her by her husband, who had been the president of the board of trustees of the Cyprus American Archaeological Research Institute-CAARI. The pieces had originally been collected by Katherine Grayson Wilkins’ father-in-law, who had been US Ambassador to Cyprus in the 1960s. She is pictured here during the official presentation, returning them to Cyprus.



Hertfordshire Bronze Age axe hoard found by detectorist, 13

BBC News: November 24: A 13-year-old girl on her third expedition metal detecting with her father has uncovered a hoard of Bronze Age axes. Dating to around 1300 BC, they include a total of 65 artefacts found in a field in Royston, Hertfordshire.

Archaeologists were called in to excavate the hoard, which will be sent to the British Museum.

Shropshire's prehistoric treasures saved for all to enjoy

Shropshire Star: November 25: Shropshire Museums has announced the acquisition of seven separate prehistoric hoards for permanent display in the county. Successful fund raising secured the finds, which include jewellery, daggers, chariot fittings, spearheads and razors described as “nationally important”. The most celebrated piece is a gold bulla, described as “one of the most significant pieces of Bronze Age gold metalwork” ever discovered in Britain.

1,500-year-old Roman mosaic depicting battle from Homer's Iliad that was found by landowner's son out for a walk during lockdown is revealed to be the FIRST of its kind in UK

Daily Mail: November 25: An extraordinary discovery by a farmer and his son on their land in Rutland in the East Midlands of England, it has been described by experts as the “most exciting” Roman discovery of its kind in the UK in the last 100 years.

The 9.5 x 6.4 metre mosaic, shown here, depicts Achilles and his battle with Hector from Homer's the Iliad. It is thought to have been the floor in a room of a large Roman villa occupied between the third and fourth centuries AD.

