



An Albuquerque Foundation Has Returned a Dozen Ancient Relics Discovered in an Old Storage Box to Mexico

Artnet News: July 28: A curious and illuminating article about the repatriation of ancient objects to Mexico. The items in question had come to light in a museum audit, having been held in storage for 15 years in a box marked 'pre-Columbian'.

"Immediately alarm bells started going off in our heads," Andrew Rodgers, the Albuquerque Museum Foundation's president and C.E.O., told the *Associated Press*, and the foundation launched an investigation into the provenance of the objects.

The assumption was clearly that these pieces were looted and smuggled out of Mexico and so should be returned.

However, research by the museum revealed that they had been sold by a New York woman in 1985 to the donor who had presented them to the museum in 2007.

Tracked down, the New York woman said that she had bought the pieces either from roadside vendors in Mexico or in New England.

"I don't think anybody had malintent," Rodgers said. "I just think there was not much clarity or much transparency in that sort of a practice 30, 40, 50 years ago."

Still, the importance of adhering to today's ethical standards around repatriation was not lost on the C.E.O. Returning the objects, he said, was the right thing to do, Artnet News commented.

"Heritage assets such as these belong in Mexico, where they can be properly preserved, studied, and displayed," Rodgers said in a statement.

So, clear evidence that Mexico's draconian new cultural heritage law holds sway within the USA despite there being no evidence of any wrongdoing in the acquisition of the artefacts. Initially driven by the cloud of suspicion that the pieces had been looted and trafficked, the museum ultimately returned them under the guise of 'ethics' but really because of the extreme political ideology of the Mexican government.

At the same time, with the museum's president and CEO stating that they belonged in Mexico where they 'can be properly preserved, studied, and displayed,' he effectively declared that his own institution was not up to the job of doing this. Hardly the greatest vote of confidence from the man in charge.

Meanwhile the *JNews* quotes the *Wall Street Journal*, which has revealed how Mexico has been following a policy of harassment of auction houses and propaganda via social media in order to sway public opinion that private ownership of cultural property is unethical and to reclaim any artefact of significance up for sale globally, regardless of its legal status.

This is very different from claiming items that have been looted and trafficked.

"Mexico is also coordinating with political and law-enforcement officials in the US and Europe," the article states. "A UNESCO official said in an interview that Mexico, more than almost any other country, routinely appeals to the United Nations cultural agency to intervene in pending auctions."

Mexico argues that trade in artefacts encourages looting, a controversial and unproven claim that is not really at the heart of its argument for repatriation. Instead, Diego Prieto Hernández, the chief of Mexico's National Institute of Anthropology and History, explains:

“We’re talking about a heritage with enormous symbolic weight. For Mexico, these are sacred cultural goods that shouldn’t be bought and sold commercially.”

To argue their case against auction houses, the Mexican authorities say they can’t provide evidence that items up for sale were stolen because “We didn’t have cameras in the 19th century”.

“Then what about a catalogue?” [the auction houses say when asking for evidence that items are illicit]. “The problem is there are so many archaeological sites it would be difficult to catalogue everything with the resources we have,” replies Alejandro Celorio, the Mexican Foreign Ministry’s top legal adviser.

So the authorities are employing the same provenance arguments that they dismiss when demanding unequivocal documentary evidence of legality from the trade.

Antiquities trafficking: a former executive of Agence France Museums indicted for ‘whitening’

California 18: July 28: The next step in the scandal surrounding senior staff and consultants of the Louvre and Louvre Abu Dhabi as the spotlight falls on its acquisitions. Now former executive of Agence France Museums Jean-François Charnier has been indicted for money laundering by facilitating the false justification of the origin of the property of the perpetrator of a crime or misdemeanour and placed under judicial supervision. In other words, he is accused of overlooking questionable provenance in the museum’s acquisition of Egyptian antiquities, thereby abetting a crime.

Evidence that Chaunier, the previously indicted former Louvre director Jean-Luc Martinez and others ignore warnings in favour of good relations with the United Arab Emirates appears to be behind the charges, according to Artnet News, quoting a report from the Central Office for Combatting Trafficking in Cultural Property.

Noémi Daucé, the curator of heritage who had been arrested alongside him, has been released without charge.

Will US Renew Libyan Art Embargo During Civil War?

Cultural Property News: July 28: Cultural Heritage lawyer and scholar Kate Fitz Gibbon addresses the controversial application for the renewal of Libya’s 2018 Memorandum of Understanding on Cultural Heritage with the USA.

As Fitz Gibbon notes, it is controversial for a number of reasons:

- The original MoU was pushed through without the usual process of Congressional comment and in agreement with only a faction within a fragmented Libyan government.
- Renewal would be to reinforce the agreement when the country remains plagued by civil war with no effective national government (so the return of objects would put them at great risk).
- Little or nothing is being done currently to protect Libyan archaeological sites.
- Much of Libya’s cultural heritage loss is the result of illegal internal land development, not international trafficking.
- The real priority should be funding to support Libya’s crumbling cultural heritage sector.
- The current Libyan request fails to meet four key legal criteria set by Congress.
- Libya is an abuser of human rights, not a valid US partner.
- The current MoU denies the rights of religious minorities, such as Jews, who have been driven out of Libya.

The article goes into detail on each of these points, showing just how compelling the case is for the US to let the agreement lapse.

Instead, as Fitz Gibbon argues: "If CPAC (the US Government's Cultural Policy Advisory Committee) insists on recommending an agreement with Libya, the only legal alternative under the CPIA would be to terminate the current MOU and implement Emergency restrictions only on site-specific objects exclusive to Libya that are subject to current looting and for which a demonstrated U.S. market exists."

Cultural Property News includes [another Fitz Gibbon article](#) on how Libya has oppressed Jews and destroyed their cultural heritage within the country.

British Museum proposes new 'Parthenon partnership' with Greece in bid to end deadlock over Marbles

Art Newspaper: August 1: British Museum deputy director Jonathan Williams is quoted as saying that the BM "will loan the sculptures [to Greece]... provided they will look after them and return them".

This does not fit in with the view of the Parthenon Project, which states: "'We need a forward-looking, mutually beneficial agreement, in the form of a cultural partnership between Greece and Britain. This would see the Parthenon Sculptures permanently return to their rightful home in Athens and other wonderful Greek objects displayed in Britain for the first time, making sure this exchange works for both sides."

Whatever one's view, however, it is very difficult to imagine the Greek authorities returning the marbles to the UK once they had taken possession of them. Bearing in mind Greek public opinion and the unassailable belief that they were stolen and so are held in the UK illegally, any return to the UK once loaned would spark universal outrage on Greek soil.

Michael Steinhardt resigns from NYU's board of trustees

Washington Square News: August 2: The latest episode in the Steinhardt affair, with the former collector stating: "I regret that my antiquities collecting has impacted the university and distracted from the important work of the faculty and global community. As a result, I have decided to step down as a Life Trustee."

A deep learning approach to fight illicit trafficking of antiquities using artefact instance classification

Scientific reports/Nature: August 2022: This abstract and introduction to the study of antiquities trafficking goes into significant statistical detail about the effectiveness of its approach. However, it also demonstrates its failure to check sources, quoting the figure of \$2.2 billion as the annual value of such trafficking – possibly because the 2013 source it quotes is behind a paywall. In fact the source of 2013 article is UNESCO, whose claim can be worked back through a variety of sources to decades-old figures quoted as opinions in media articles or committee proceedings in the UK Houses of Parliament which refer to something else.

Today, even UNESCO states that it has stopped quoting figures for trafficking because no one really knows what they are.

This begs the question as to just how effective and scientific this learning approach really is.

Investigators Say Collector Had Suspect Art and Lots of Chutzpah

New York Times: August 8: Much in the news this month has been Georges Lotfi, a Lebanese dealer/collector turned informer, who fed intelligence to the New York District Attorney's office regarding antiquities crime.

Now, according to the NYT, apparently having thought himself safe from prosecution because of his co-operation, Tripoli-based Lotfi finds himself on the wrong end of criminal charges relating to looting and trafficking.

According to the DA's office, Lotfi was so confident of escaping detection himself that he invited the authorities to inspect antiquities he was holding in storage in New Jersey – presumably in the hope of having them cleared for sale.

Lotfi himself is reported as saying “he invited the investigators in to look at some of his artifacts because he was interested in loaning some — not selling them — to an American museum”.

“In a phone interview after the arrest warrant was filed, Mr Lotfi said he was shocked by the allegations brought against him and that he had provided information to law enforcement for years in an effort to end the illegal activities around antiquities,” the NYT reports. “Mr Lotfi said the antiquities he bought were from licensed dealers and that his collection is sanctioned by the Lebanese government.”

Items seized run into millions of dollars in value.

“I am not a smuggler,” Lotfi told the NYT. “I am a collector.”

He says he has nothing to hide and that he acquired his antiquities legally.

The Art Newspaper gives much more detail about pieces that have reportedly passed through Lotfi's hands.

Getty to return illegally excavated Orpheus sculptures, some great antiquities, to Italy

Los Angeles Times: August 11: The New York DA's office under Assistant District Attorney Matthew Bogdanos has also been involved with the J. Paul Getty Museum in Los Angeles. Following the investigation, the museum has decided to return a highly significant sculpture group, Orpheus and the Sirens, to Italy.

J. Paul Getty bought the group shortly before his death in 1976. Neither the museums nor Bogdanos are currently revealing any information behind the decision to return the group.

However, the DA's office said that an ongoing and active criminal investigation showed that the group had been trafficked.



“Sculptural Group of a Seated Poet and Sirens,” Greek, 350–300 BC; terra cotta with polychromy, also known as “Orpheus and the Sirens.” (Image: J. Paul Getty Museum)

Benin Bronzes must not be returned to Nigeria as it ‘profited from slavery’

Daily Telegraph: August 15: As IADAA pointed out in the March and May 2022 newsletters, selective memory has played a large part in championing the cause for the return of the Benin Bronzes to Nigeria from the British Museum and other institutions.

Now, however, a US campaign group seeking justice for the descendants of slaves has reportedly called on the Charity Commission in the UK to prevent the bronzes from being returned to Nigeria.

The *Telegraph* article explains how the Restitution Study Group's demand is based on its argument that Nigeria profited from slavery. A letter from the group to the Commission reportedly states: "We ask that you reject any request to transfer them to Nigeria. The Kingdom of Benin, through Nigeria, would be unjustly enriched by repatriation of these relics. Black people do not support slave trader heirs just because they are black. Nigeria and the Kingdom of Benin have never apologised for enslaving our ancestors. We ask that you not approve the transfer of these relics."

The bronzes were made from manilla, brass bracelets used as currency by slave traders and acquired by the oba [king] of Benin as part of a centuries-long policy of selling Africans into slavery. Many of those slaves ended up in the plantations of the Caribbean and in America. Having passed the Slavery Act in 1807 to prevent the import of slaves, the British set up the West Africa Squadron, a naval fleet to patrol the West coast of Africa to prevent the Atlantic slave trade. They followed this up with the Slavery Abolition Act in 1833 to outlaw all trade in slaves and the fleet went as far as blockading the Kingdom of Benin's neighbour, Dahomey – a very active slave trading nation – in 1851.

The article also explains that the RSG's leader, lawyer Deadria Farmer-Paellmann, wants the bronzes to stay in Western museums so that the diasporic descendants of slaves – and not the descendants of African slave traders – can more easily access them and learn about the slave trade.

"We want France, UK, USA and other museums to know they should keep the Benin Bronzes for the real victims, the descendants of the enslaved who paid for them with their lives, not the slave traders' descendants," she is reported as arguing.

Twitter feed on the killing of Khaled al-As'ad

Historian Christopher Jones: August 18: Interesting thread on the 2015 killing, by ISIS of Khaled al-As'ad at Palmyra. Jones argues that the Assad regime harnessed the killing for propaganda purposes to win sympathy from Western powers. He refutes the long-reported claim that the reason al-As'ad was killed was because he refused to reveal the location of antiquities, stating that ISIS carried out the execution after failing to persuade him to tell them where to dig for gold.

Jones sets out his arguments and evidence along the thread, arguing that President Assad has politicised antiquities to prevent Western powers intervening in the conflict.

'Return Rosetta Stone to Egypt' demands country's leading archaeologist Zahi Hawass

The Art Newspaper: August 22: Zahi Hawass, the face of Egyptian antiquities and former Antiquities Minister, has launched a call for the British Museum to return the Rosetta Stone. He further announced that he will launch an official campaign for the purpose soon.

Hawass also wants the Berlin Neues Museum to return the bust of Nefertiti and is reclaiming the sandstone Zodiac ceiling from the Louvre.

"I believe those three items are unique and their home should be in Egypt," he told *The National*, according to the *Art Newspaper*. His demands appear to be taking advantage of the general trend towards the reclamation of cultural property by source countries.

Despite the widespread support Hawass is likely to enjoy, his claim over the Rosetta Stone may not prove as straightforward as other such demands. In his much-vaunted 2019 book *Who Owns History? Elgin's Loot and the Case for Returning Plundered Treasure*, human

rights lawyer Geoffrey Robertson QC supports the return of many treasures, but not the Rosetta Stone.

“Cultural property should belong to the nation to whose people it means the most,” writes Robertson.

He believes that the Koh-i-Noor diamond (a forced ‘gift’ to Queen Victoria) and the Elgin Marbles (hacked off the Parthenon under the eyes of bribed officials) should be returned to their countries of origin, but not the Rosetta Stone (“an abandoned piece of granite until its hieroglyphics were deciphered by French and British scientists after it was deposited in the British Museum, where for that reason it should stay”).

He adds: “For items of universal importance, such as the Marbles and the Rosetta stone, the question should turn on where they can best be studied and appreciated – the former, obviously, in the New Acropolis Museum dedicated to their story, but the latter should stay in the British Museum where it has been deciphered and remains the most popular exhibit.”

Biden appoints archaeologists, museum leaders and Acquavella Galleries director to US committee advising on imports of cultural property

Art Newspaper: August 22: An extensive reshaping of the US Government’s Cultural Property Advisory Committee (CPAC) has included the appointment of an art dealer.

This is significant because the 11-member committee rarely includes any representative of the art market and is dominated by academics and archaeologists whose advice and decisions have shown them to be largely anti-market.

“The appointments represent a near-total turnover of the 11-member committee, which brings together experts from the art market, museums, archaeology, anthropology and related fields, as well as three members representing the public interest,” the article reports.

The market appointee is Michael Findlay, a Scots-born director of New York’s Acquavella Gallery, specialists in Impressionist, Modern and Contemporary Art. He is a former Christie’s director who has already advised the US government as a member of the Internal Revenue Service’s Art Advisory Panel.

CPAC remains dominated by academics, archaeologists and curators, so whether there will be much of a shift in approach to the art market is moot.

Six months of war in Ukraine sparks scramble to protect cultural heritage

The National: August 23: A useful article on the challenges of protecting cultural heritage, it focuses on the work of Blue Shield and how it is advising countries to prepare the ground for the protection of its heritage during conflict.

This shows that states parties to the UNESCO Convention can take positive steps to meet their Article 5 obligations so that when conflicts arise, they are prepared.

Memphis Seizes Ancient Egyptian Artifact

US Customs and Border Protection media release: August 25: This is a textbook case of how bilateral agreements are being used to deprive people of their property.

Presented as though a crime has been committed, the release tells how Tennessee customs officials seized what they thought to be a 3,000-year-old canopic funerary jar top (pictured below) at the port of Memphis on August 17.

Few details are given over the reasons for its seizure, other than to report that it was being shipped to a private buyer in the US from a dealer.

“CBP worked with subject matter experts at the University of Memphis Institute of Egyptian Art and Archaeology to determine that the artifact was authentic,” the release continues. “It

is an Egyptian canopic jar lid of the funeral deity named Imsety. Canopic jars were used to hold the internal organs of mummies and Imsety specifically protected the deceased's liver. The lid is likely from the Egyptian Third Intermediate Period, 1069 BC to 653 BC, making it potentially 3,000 years old."

(As it happens, trade sources consider the piece to be a fake.)

The release goes on to say that the shipper "also made contradictory statements regarding the declared value of the item, and CBP seized it".

However, the chief reason for its seizure is that it "is on a list of items protected by bilateral treaties and falls under the CPIA 19 USC 2609; designated archaeological materials of cultural property imported into the U.S. subject to seizure and forfeiture".

As set out in previous newsletters, the [CPIA 19 USC 2609](#) exclusion has nothing to do with criminality; it simply enforces a bilateral agreement for the purpose of fostering diplomatic relations with Egypt – and in doing so it overrides the US Constitution and human rights conventions with regards to property rights.

[The US/Egypt Memorandum of Understanding](#), signed on November 30, 2021, now makes it all but impossible to import Egyptian antiques and antiquities into the US.

It covers archaeological material, such as the jar, dating from pre-historic times up to 1750AD.

Notably, the terms of approval for import have been restricted further than the previous MoU from 2016. Beforehand, if shippers could show documented proof of original legal export from Egypt (whenever that was – maybe even centuries ago) or documentation that the current Egyptian authorities were satisfied that it had been exported legally, then it could be imported. Under the new MoU that has been confined just to the latter, with import being banned "...unless the Government of the Arab Republic of Egypt issues documentation which certifies that the exit of these materials from Egypt was legal".

It is quite clear that Egypt has no intention of doing so, rendering even legally acquired and held items automatically subject to seizure and return to Egypt, as it would appear in this case.

At no point does the media release explain any of this attack on civil liberties.

