



***The principle of reality – A study day at Unesco drew attention to the need to involve the art market in the fight against the trafficking of cultural property. (Translated from French)***

Art & Encheres: December 16: This article arises from a debate between art market representatives, academics, UNESCO and law enforcement on cultural property trafficking on December 5 in Paris.

Several issues of interest arose, from the level and value of trafficked items to how much legal intervention should take place.

Despite it being accepted for some time that no clear picture exists as to the level of trafficking, Colonel Hubert Percie du Sert of the OCBC (Central Office for the Fight against Illegal Trafficking in Cultural Property) insisted on promoting the bogus claim that illicit trade in cultural property is third only to that of weapons and drugs.

Archaeologist Professor Vincent Michel acknowledged that art trafficking “is very difficult to assess”, while Gianpetro Romani, head of the cultural patrimony department at the Carabinieri, deemed the task “impossible”, since inventories of looted sites remain “fragmented”. Fallo Baba Keita, specialist in heritage in Africa, agreed, noting the lack of clear data from museums.

Some statistics do exist, however, as journalist Vincent Noce highlights in this article. Italy identified 22,500 trafficked items in 2022, including 1,300 fakes, with an estimated total value of €22 million. At the same time, the OCBC seized €10 million in criminal assets (but the article does not state whether these were cultural objects). From 2014 to 2021, Interpol recorded nearly 10,000 offences, half of them in Europe. Not acknowledged was the fact that ‘cultural property’ includes 13 separate categories, including household goods, which can make up the bulk of items seized.

Even if this only gives a partial picture of what is going on, as the information comes from only 74 of Interpol’s nearly 200 member states, these data provide a more realistic idea of trafficking levels, Noce argues, showing them to be nowhere near that of drugs, weapons, human trafficking or counterfeit goods. His is an argument further supported by consistent figures reported from the World Customs Organisation over the past five years, as well as data coming from Financial Intelligence Units in major market countries.

None of this has stopped law enforcement, NGOs and politicians calling for more and more legislation and further restrictions on the movement of cultural goods. Here, Colonel Hubert Percie du Sert stressed the need for a harmonised European plan, an idea likely to be thwarted by those who disagree, one of whom, the Inspector General of Dutch Heritage, Marja Van Heese, considers that the art market is sufficiently regulated in her country.

To give some idea of just how many different initiatives are being undertaken just in the EU to rein in the art market now, here is a partial list:

- Regulation (EU) 2019/880 on the Import of Cultural Goods 2019 (DG TAXUD)
- EU Anti Money Laundering legislation - specifically targeting galleries (DG FIN)
- Restrictions on bio-diversity - impacting antiques (DG ENV)
- Action Plan to fight the illicit trade of cultural goods (DGs EAC, TAXUD, HOME, JUST)
- EC tender for research on the fight against trafficking of cultural goods (HORIZON)

- FATF study: Money Laundering and Terrorist Financing Associated with Arts, Antiquities and other Cultural Objects (2022) (Third Draft)
- UNESCO International Code of Ethics for Dealers
- Feasibility Study for a European asset registry in the context of the fight against money laundering (AML) and tax evasion

Many of these appear to overlap, and it is not clear how aware these projects are of each other. They face many of the same challenges and make many of the same mistakes, without appearing to learn from them.

As IADAA has long argued, whatever else they do, lawmakers should focus on gathering more reliable data, communicating better with key official bodies including the Financial Intelligence Units, and encourage better data reporting at a national level by customs and other law enforcement bodies. Most of all, they need to engage with the art market properly at the earliest opportunity, taking notice of all the intelligence it has gathered.

***A New Art Trafficking Report Commissioned by France's Culture Ministry Says Its Museums Must Tighten Up Their Acquisitions Policies***

Artnet News: November 23: Titled "Improving the Security of National Museum Acquisitions", a new report commissioned by the French Culture ministry in the wake of The Louvre Abu Dhabi scandal puts museum acquisitions policies centre stage.

Of particular concern to the authorities is the potential to the reputation of the State, which is so closely associated with the museums sector.

It appears that the purpose of the report is not just to tighten up procedures to help institutions avoid acquiring stolen material, but also to see what can be done to steal a march on the more dominant UK art market post-Brexit.

"In short, effective "reaction is necessary to guarantee the capacity of France's influence," to "increase trust in the French market," and to help in the fight against money laundering and financing terrorism, both of which are interconnected to the sale of looted art," the article states.

It is telling that, as the article notes, "The over 70-page document, reviewed by Artnet, doesn't focus on one single incident but delves into how art is acquired and offers means to check and balance that process." Like other studies, the authors appear to be long on theory but short on evidence.

"New checks and "certificates of integrity" that demonstrate expertise, particularly related to provenance and authenticity for the purpose of public sales, are also on the agenda. Other recommendations include: establishing an alert system when there are doubts about an object's origin."

***Looted antiquities returned to Turkey and Italy were seized from New York home of Met trustee Shelby White***

Art Newspaper: December 1: Yet another mass seizure by New York Assistant District Attorney Matthew Bogdanos and his Antiquities Unit, the return of this collection is based on 'reasonable cause' to believe that the artefacts in question were stolen.

As IADAA has argued for a long time, depriving someone of their possessions permanently on such low-level evidence seems unconstitutional at the very least.

"According to the documents, they constitute evidence of criminal possession of stolen property in the first, second, third, and fourth degrees, as well as of a conspiracy to commit those crimes," the article continues. If so, then the prosecution case is that the owner, allegedly revealed to be Shelby White was "knowingly" in possession of stolen property at various values, including individual items worth more than \$1 million. That should place a

significant level of proof on the DA's office when it comes to the artefacts themselves. So, what is that evidence?

It is interesting that while the *Art Newspaper* pulls no punches in describing the artefacts as 'looted' in its headline, *Yahoo News* leads with a more circumspect 'potentially looted' in lifting the story from the former publication.

ADA Bogdanos has declined to comment because the case is active.

### **Archaeologist urges Sotheby's to cancel auction of 'illicit' artefacts**

The Telegraph: December 3: Another attempt by anti-trade extremist Christos Tsirogiannis to scupper an antiquities auction, this time at Sotheby's.

The article describes him as claiming that the pieces in question are linked to discredited dealers and the illicit trade. Of course, as usual, what he does not claim is that the items themselves are illicit, because he does not have the evidence to show this.

Tackled over this inconsistency, he "dismisses their arguments that photographs of antiquities in the hands of discredited dealers does not prove that they were looted:

"Photographic evidence from the same archives has been used in the past for the repatriation of hundreds of antiquities so far."

This does not address the argument at all since thousands of antiquities have been repatriated on little or no evidence at all, but for other reasons, such as bilateral agreements. What it does do is highlight the abundant potential miscarriages of justice so far.

When one of the items was withdrawn from sale, he also assumes that this "demonstrates a lack of due diligence, as it would not have made it in the sale if [such antiquities] were properly checked." This is simply guesswork as he can't possibly be sure of the reason for withdrawal (It later emerged that the consignor withdrew the lot). Such claims require due diligence themselves, but Tsirogiannis appears to have excused himself from this duty. He also ducks the question as to why he neither approaches the auction houses themselves directly nor provides them with the evidence he has to back his case, information he gleans from privileged access to archives that he knows the auction houses and trade cannot inspect.

Instead, as everyone in the trade knows, his first port of call is always the media, the object seeming to be to cause maximum embarrassment to the auction house in question. Sotheby's responded, saying: "Should he [Prof Tsirogiannis] decide to contact Sotheby's to share the information he holds, we would look forward to supplementing our extensive provenance research."

Tsirogiannis has made it clear that he has no intention of taking such action.

This means that he expects auctions and other sales to be abandoned based on his unsubstantiated claims, a position some might see as arrogant.

It is noticeable that the *Telegraph* chooses to put the word illicit in inverted commas in its headline. Perhaps it has as little faith in the reliability of Tsirogiannis's claims as others.

### **The British Museum Is Said to Be Reaching a Deal With Greece on the Parthenon Marbles. But the U.K. Warns It Can't Break Up Its Collection**

Artnet News: December 5: The British Government has reportedly warned the British Museum that, under current regulations, it cannot break up its collection and return the Parthenon Marbles to Greece. The move comes in response to behind-the-scenes talks between the BM and the Greek government about how a return might be achieved.

While *The Guardian* claimed that talks were preliminary, *The Telegraph* stated that they were advanced, with references to a 'long-term cultural partnership' between the museum and Greece.

The UK government position appears to be hardening against a return, though, according to a [Daily Mail article](#), published two days later. In this, Culture Secretary Michelle Donelan viewed a return as a “very dangerous and slippery road” that would “spark a wave of demands for the return of other artefacts held in Britain”.

Highlighting the challenge at the centre of the ethical debate on returns, she added: “Where does it end?”

Speaking about wider considerations on returning items, she said: “It's also very difficult to know who to give these things back to. We're talking about very ancient items in many respects.

“There are certain examples where it is not clear over exactly who the owners are. And others where I would argue it is more clear that we have a direct link to ownership.

But, certainly, I think the current status quo is working and we should protect it.”

### **Museum buys top collection of carved stones**

The Dutch National Museum of Antiquities in Leiden has acquired a unique collection of 444 cameos – one of the most important from antiquity.

“This purchase allows us to compete with the top international institutions, such as the Hermitage in Saint Petersburg, the British Museum in London and the Metropolitan Museum in New York,” says director Wim Weijland. “We also want to become a European

research centre for gems and cameos.”



The collection includes objects dating from Classical Antiquity, the Middle Ages up to the 17th century. It comes from Derek Content, an American of Dutch descent. The museum bought almost his entire collection for more than €5.4 million. Around half of this sum was contributed by the Rembrandt Association. The acquisition has made the Leiden museum's holdings of cut stones one of the top collections in Europe.

In the future, the museum will use the new cameos in temporary exhibitions and educational programmes.

About 200 carved stones have already been given a place

in the permanent exhibition about Greeks and Romans.

Derek Content started collecting cameos 50 years ago. The Content Family Collection has grown into one of the largest private collections in the world. Parts of it have been on display in the Ashmolean Museum in Oxford for over a decade.

The collection contains numerous ancient cameos, including technically complex feats, unique specimens in their original settings and 93 text cameos. It is the largest privately owned collection of its type and has been published in full several times, most recently in 2018.

The Leiden museum took over management of the national collection of carved stones in 2013, when the Geldmuseum in Utrecht closed its doors. The national collection was largely formed by Stadtholder William IV, William V and King William I. These included Mesopotamian scroll and postmark seals, Greek and Roman ring stones, Egyptian scarabs and 548 cameos. Most of these cameos do not date from antiquity.

A 2016 exhibition and lecture series included Martin Henig, Emeritus Professor of Archaeology at Oxford, who went on to introduce the museum to Derek Content, and that developing relationship eventually led to discussions about the future of the Content collection.

As well as raising the money for the purchase, the Leiden museum had to address the issue of provenance. “It seemed too time-consuming to examine all 444 cameos,” says museum

director Wim Weijland. “We therefore made a selection of 108 cameos that were most relevant to us. We then approached the ethical code committee of the Dutch Museum Association with the question as to whether provenance research for that group would suffice. The committee rejected that. We then conducted provenance research for all cameos.”

That research revealed 12 cameos had links with some dealers involved in the trade in illegally excavated antiquities and falsifying provenance histories. “That does not mean that the cameos bought from them were illegally excavated,” says Weijland.

“To be on the safe side, the 12 cameos that come from the traders with a criminal reputation will not be included in the National Art Collection, the state’s art collection, for a period of ten years. That makes it easier to return [them] in the event of a claim.”

Having taken legal advice from law firm Stibbe, and consulted the heritage inspectorate, as well as gaining permission from his supervisory board, Weijland decided to proceed with the purchase.

The museum has devoted three years to documenting the cameos and their provenance and wants to have an ongoing open debate about the collection’s provenance as only 36 of the 444 can be traced back before 1972, when the UNESCO Convention first came into force. The Netherlands ratified the Convention in 2009.

The museum will continue to conduct provenance research in the future. To this end, Content also donated his entire archive and library to the museum.

In taking this extensively considered approach, the museum hopes to establish an unrivalled central repository for research, which will include thousands of photographs and prints of cameos donated by Derek Content.

### **US campaign group sues Smithsonian over return of Benin Bronzes to Nigeria**

Art Newspaper: December 6: In August we reported how US campaigners the Restitution Study Group (RSG) were calling on the UK’s Charity Commission to prevent the Benin Bronzes from being returned to Nigeria. The group, whose ancestors were African slaves, objected to the restitution on the grounds that it meant returning the bronzes to the descendants of slave traders: “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.”

Now the RSG is leading a lawsuit to prevent the Smithsonian from returning their bronzes, following the official transfer of ownership of 29 bronzes to Nigeria at a ceremony on October 11.

As RSG founder and executive director Deadria Farmer-Paellmann, herself the descendant of Benin slaves, argues: “We specially oppose the return of the 16th-to 19th-century metal bronzes because they were made with melted manilla currency [that] the Benin Kingdom was paid in exchange for our ancestors they sold to European slave traders.”

The RSG’s legal challenge has so far failed. The court denied that they had established an ancestral link to the bronzes, adding that even if they had done so, “such an attenuated connection would not give rise to the type of ‘concrete and particularised’ injury necessary for standing”.

The court also ruled that the Smithsonian did not appear to have acted beyond its statutory authority.

This has not deterred the RSG, which states that the court is wrong on “critical facts” and plans to continue its legal challenge.

Whatever the legal niceties of the case, the optics appear to create a double standard. Statues and names of benefactors with the slightest links to historic slavery are being removed from public view on a wholesale basis, to the echo of widespread condemnation for those links. At the same time, the Benin bronzes – objects with a far more tangible and direct link to slavery, to the point that many are made from melted down slave currency metal – are treated unquestioningly as treasures and returned uncritically to a nation that indulged in an extensive slave trade for 500 years or more.

***A 1,300-Year-Old Gold Necklace Found in an Early Christian Burial in England Is a 'Once-in-a-Lifetime Discovery,' Says Archaeologist***

Artnet News: December 7:

Archaeologists have discovered a gold necklace from seventh century Britain interred in the coffin of a powerful female leader.

“The necklace, known as the Harpole Treasure after the Northamptonshire village where it was discovered, is decorated with 30 pendants and beads fashioned from gold Roman coins and semi-precious stones,” the article reports. “The large

rectangular pendant features a cross, iconography that suggests the deceased may

have been an early Christian religious leader. The use of precious metals and stones suggests she was also very wealthy.”

The discovery is being described as a truly one-in-a-lifetime find.



Necklace reconstruction and layout side by side.  
Image courtesy of the Museum of London Archaeology.

***Archaeologists Have Unearthed the First Full-Color Portraits of Egyptian Mummies in More Than a Century***

Artnet News: December 8: Egyptian archaeologists have unearthed two full mummy portraits and further fragmentary portraits during excavations at Gerza, 75 miles southwest of modern Cairo. These are reportedly the first unique examples of such paintings to be found in more than 115 years.

The team also turned up mummies, papyri, pottery, and coffins all dating back to Gerza’s founding as Philadelphia during the Ptolemaic period (305-30 B.C.E.) through the Roman era (30 B.C.E.-390 C.E.).

Also uncovered were several coffins of different styles, some of them in the human



One of the newly discovered Fayoum mummy portraits.  
Photo: Egypt’s Ministry of Tourism and Antiquities.

form and others in the Greek form with a gabled roof, as well as a terracotta statue of Isis-Aphrodite, the fertility and love goddess, recovered from the wooden coffin of a young Greek girl stood apart from the cache.

### **Roman Treasure Stolen from British Museum After Metal Detectorists Forfeited it by Law For Safekeeping**

ARTNews: December 9: An extraordinary tale of how a trove of 28 Roman coins submitted for assessment by the British Museum via the Portable Antiquities Scheme were stolen from the local authority.

A better example of the Portable Antiquities Scheme working is the prosecution of two metal detectorists who chose to ignore the rules. George Powell and Layton Davies were jailed in 2019 for five years and six and a half years, respectively, for theft and their part in failing to declare a hoard of around 300 coins found buried in Leominster and thought to be worth £5.3 million. Only 31 coins and some jewellery were recovered.

The criminal pair's stupidity and greed was highlighted in court, as it was revealed that had they respected the law and followed the correct procedures in reporting the hoard under the Portable Antiquities Scheme, they would have been rewarded with hundreds of thousands of pounds.

The new court hearing arose after Powell decided to give further evidence of what had happened.

### **US Senate blocks major anti-money laundering bill, the Enablers Act**

International Consortium of Investigative Journalists: December 12: The Twitter outcry over The Senate blocking this bill was very loud indeed, with critics interpreting the move as a victory for the corrupt and crooked. The tone of this article appears to concur with that. However, despite not being explicit as to why they blocked it, Republican sources say they have reservations about the bill and clearly consider it is being rushed through without proper scrutiny.

"The Enablers Act should go through regular legislative processes," an aide said.

The art market opposes some provisions of the bill, but has been excluded from it in its current form; the US Treasury wants to focus on shell companies and the real estate sector as priorities before turning its attention to what it deemed the lower priority of art.

As this article notes, the American Bar Association objects to the bill on similar grounds, because it would "require some lawyers to identify and verify clients and to submit reports of suspicious financial activity to the U.S. Treasury".

Client confidentiality may be a valid consideration in business, but it is increasingly falling victim to legislation and compliance.

IADAA's analysis of the US Treasury Report noted that at least some of the claims made in it are based on inaccurate information. The risk of pushing the bill back in this way is that the art market might now be included in it earlier than expected; the advantage is that this landmark legislation might be subjected to better scrutiny.

### **For U.S. museums with looted art, the Indiana Jones era is over**

New York Times: December 13: As an overview of the politics surrounding provenance, international diplomacy and the return of museum pieces with questions hanging over their history, this article is a good introduction for the uninitiated.

It lacks nuance and detail; for instance, while citing 1970 as a definitive cut-off date for the legal export of artefacts because of its associations with the UNESCO Convention, it fails to explain that the date has little to no actual legal standing because so many countries

changed their laws to suit it or ratified the convention much later – Egypt in 1983, for example.

The article is very useful in stating certain facts explicitly:

- “...most significantly, U.S. authorities, both local and federal, have made the return of looted cultural heritage more of a diplomatic and law enforcement priority”.
- “The [Benin] bronzes... are not being given back as a matter of law, but, experts say, as a matter of morality”.

The U.S. is clearly focusing much more on this issue as these newsletters attest. The risk is that as the issue becomes more important politically and diplomatically, the temptation is to cut corners legally, thereby trampling on legal rights, a morally questionable move itself. Yet that is what appears to be happening as these newsletters have also attested in detail over many months.

### **US officials return antiquities looted from Iraq Museum in 2003**

Art Newspaper: December 16: This is possibly the first instance reported of items looted from the Baghdad Museum in 2003 being found and returned there.

“The seals were smuggled into the United States shortly after they were stolen, and between 2004 and 2009 were purchased through various galleries and online auctions by a private collector,” the article reports.

“Douglas Cohen, a spokesperson for the district attorney, tells The Art Newspaper that the tip came from an informant who had read *Thieves of Baghdad* (2005), a book by assistant district attorney Matthew Bogdanos about his experience trailing stolen antiquities. Cohen declined to share the names of involved collectors, auction houses and galleries.”

Notably, the article also states that “very little” of the material among the 15,000 artefacts taken from the museum has ever come to the United States.

The article does not give any details of exactly how the artefacts were identified as having been looted from the museum.

### **U.K. Archaeologists Say That Ancient Tools Discovered Around Stonehenge Point to a More Advanced Society Than Previously Known**

Artnet News: December 16: New research and scientific analysis of stone tools found at Stone Henge have led archaeologists to posit that the culture of ancient Britons 4,000 years ago was more advanced than previously thought. The theory is based on the discovery that the stones – discovered as grave goods – were used as part of a gold-working toolkit.