



The illicit trade in antiquities is not the world's third largest illicit trade: a critical evaluation of a factoid

Research paper by Dr Neil Brodie and Assistant Professor Donna Yates: Cambridge University Press: One of the most important pieces of research published in the past few years, this paper by two of the trade's regular critics effectively endorses much of what IADAA and fellow organisation ADA have found and reported in their own research over the past eight years. The authors draw similar conclusions.

At least one critic, archaeologist Michael Press, [challenges the assertion](#) that reliance on the bogus claim results in poor policy. However, this claim and additional bogus data of this nature were central to justifying the introduction of the highly restrictive [2019/880 regulation](#) on import licensing as the [European Commission's 2017 Fact Sheet](#) clearly demonstrates.

[The Art Newspaper](#) picked up the report on July 28. The *Art Newspaper* has carried significant reports on similar topics over the past few years, and this article is accompanied by a sidebar link to [its excellent coverage](#) of UNESCO's fraudulent advertising campaign, *The Real Price of Art*.

On July 30, Dutch media outlet [NRC interviewed Yates](#) about the report in her capacity as Assistant Professor at Maastricht University. In the interview Yates reiterated her findings, adding that the [2020 RAND report](#) proved that any illicit trade in antiquities could not be worth billions of dollars – a logical point earlier noted by IADAA's own analysis.

She also stressed a point she and Brodie have previously argued: that money is not the point and that it is really about the damage caused to archaeological heritage by illegal excavations: "Coins from an illegal dig may be worth as little as \$100, but that illegal dig may have destroyed an entire site of scientific information," says Yates. As IADAA has often argued, if NGOs and governments turned their attention and resources to protecting such sites, as obliged by [Article 5 of the 1970 UNESCO Convention](#), rather than hounding the legitimate trade, they would go a long way towards solving the problem.

For a full review of the Brodie & Yates report, read the analysis published on our Linked In account at the [Antiquities Forum](#).

'The most illiquid property you can have is a Greek vase': Vincent Geerling on the challenges facing the antiquities trade

The Art Newspaper: July 5: An interview with IADAA chairman Vincent Geerling to mark 30 years since the association's foundation, it covers all the challenges that the trade has faced and continues to face.

Echoing the findings of the Brody and Yates report referred to above, Geerling notes that much of the opposition to the antiquities trade and wider art market is based on bogus data and fake news, and he cites the overbearing restrictions introduced under the new German regulations in 2017 in this context.

The interview also provides the opportunity to highlight mistakes made by UNESCO, Interpol and others in position of authority and influence – errors for which the trade and collectors have had to pay the price.

Asked about money laundering regulation for antiquities, he points out that a Greek vase is the most illiquid item you can own and is therefore unfit for laundering money. Most helpfully, it draws attention to the threat posed by the impending enforcement of the EU import licensing regulation in 2025.

Zahi Hawass comments on auctioning Statue of Pamiu at Sotheby's

Egyptian Independent: July 5: A surprising and welcome admission from the great figurehead of Egyptian antiquities, Dr Zahi Hawass, that it is possible to have legal sales of such artefacts in the West.

Referring to Sotheby's sale of an Egyptian basalt block Statue of Pamiu (the Cat), he stated: "Our Egyptian antiquities were officially sold until 1983, until Law 83 was enacted, and the archaeological missions that were working to discover antiquities in Egypt used to get 50 percent of the archaeological discoveries.

"Not every piece that is offered for sale in an auction abroad is stolen."

Customs Repatriation to Greece Raises Questions

Coins Weekly: July 6: Collector and lawyer Peter Tompa is among the best informed experts on the subject of cultural heritage law and repatriation when it comes to US policy.

He is also one of the few experts to question the US policy on exploiting bilateral agreements known as Memoranda of Understanding under the cloak of apparent crime fighting, as appears to be the case here.

His article begins on this point: are the coins being repatriated here stolen or not? While Customs officials refer to them as though they were, it is clear that evidence to support such a claim is lacking and that the return to Greece has been authorised on the basis of the US/Greek MoU – a very different set of circumstances.

Tompa points out that the process has fallen victim to mission creep and seems now to ignore the premise on which the MoU was established: that it would not be retroactive.

"Photos of the coins that were repatriated suggest that such self-restraint has been forgotten."

Whatever the real status of the coins, such presentation ceremonies feed into the ego and ambition of law enforcement and government agencies, who all want to take credit for beating crime and forging stronger cultural and political relations between countries.

Forgotten in this round of mutual back slapping are citizens' rights and natural justice.

Whatever the authorities think, the ends don't justify the means if they are dishonest.

This well-informed article traces the origins of US policy via the Cultural Property Implementation Act (CPIA) through the intentions of Congress to the reality of enforcement and how it differs radically from what is happening on the ground now.

Tompa focuses on coins, but as this newsletter has documented over the years, antiquities are equally susceptible to such legal overreach.

Maître Yves-Bernard Debie: «La provenance de ce masque est particulièrement bien documentée» (The provenance of this mask is particularly well documented)

Le Journal des Arts: July 11: Cultural heritage lawyer Yves-Bernard Debie continues his counterattack against the defamatory Liberation article against IADAA chairman Vincent Geerling and vice chairman Antonia Eberwein.

In addition to the points already reported in the [June newsletter](#), he adds some important

Information. This includes the fact that police documents show that the person who reported the Eberwein mask to the police was an Egyptologist working at the British Museum, who also advises collectors.

Debie also reveals that he has taken further legal action on behalf of his clients to secure the release of the mask and has sought a Constitutional Court review of how the police have handled the case.

What is curious in this case is that so much time has been spent investigating a mask that has such



an extensive provenance compared to others – and that the investigation has continued for so long even after the authorities acknowledged that the seized mask (shown here on the *right*) was not the one shown on Facebook (shown on the *left*) that had led the British Museum official to report Eberwein to the authorities.

An attempt in the original *Libération* article to smear the dealers by claiming that they had close links with the Simonian family (they did not) also falls apart under Debie’s scrutiny: “Neither Vincent Geerling nor Antonia Eberwein traded with the Simonians, but they very well could have. The question is not whether we have worked with people who today are in legal trouble, the question is when, how and concerning what objects. Furthermore, there is no connection between my clients’ mask and the Simonian contacts.”

It should be further noted that despite *Le Monde* accusing the Simonians of trafficking, no evidence has so far shown that they were.

As Debie points out: “In France, as in many countries, the owner of a work is presumed to be acting in good faith and does not have to demonstrate it. It is, in particular, for this reason that the French State refused to ratify the UNIDROIT convention of 1995 which institutes a reversal of the burden of proof.”

Can coins be imported to Italy

Coins Weekly: July 13: An important piece of news that has gone under the radar until now, this Italian Ministry of Culture statement is potentially ground-breaking in the way it challenges current thinking on cultural heritage.

Essentially the statement addresses conflicting priorities between private property rights and the Italian state’s desire to protect its cultural heritage, and how this conflict addresses proof of ownership.

As newsletter subscribers will know, recent years have seen a significant shift in attitudes among state authorities and law enforcement towards the idea of reversing the burden of proof regarding the legitimate ownership of antiquities and ancient coins, despite private property rights being enshrined in all fundamental clauses of international human rights conventions and in both common law and natural justice. Guilty until proven innocent has almost become the new normal.

Now, however, some signs exist of a fight back against this fundamentally undemocratic idea. This statement is one of them, and it has an additional welcome twist.

It arose after Italy's Directorate-General of the Department of Archaeology, Fine Art and Landscape sought advice from the legal department on how to interpret Article 72 of the Cultural Property Act. As *Coins Weekly* notes: "This article governs the import of archaeological (numismatic) objects originally from Italy and demands extensive proof of origin."

The legal department's head, renowned professor of law Antonio Tarasco, came back with a surprising statement, acknowledging competing views. On the one hand, some lawyers argue that protecting Italian cultural heritage is a priority that renders significant objects as state property unless private ownership can be proved (reversal of the burden of proof); on the other are lawyers who argue that private ownership should take priority except in the most exceptional circumstances.

This dichotomy led the professor to look at the part documentation has played over the years in establishing ownership rights for coins in Italy. The first thing he noted was that as late as the 1980s, retaining proof of purchase was highly unusual. But he also noted that in 2009, his department insisted that "proper documentation issued by the countries of origin" was essential in establishing the lawful circulation of objects.

Importantly, this meant that any certification issued on import had to be renewed at the appropriate time or the Italian State might take possession of the item in question.

Fast forward to 2021, however, and Italy's Court of Cassation – the highest appeal court which focuses only on how laws are interpreted – re-established the priority of private ownership without automatically having to provide supporting documentation (innocent until proven guilty).

Professor Tarasco points out that this meets the test of proportionality and reasonableness (just as IADAA has been arguing needs to happen with the EU import licensing regulation 2019/880). Of particular note is what Professor Tarasco has to say about this: "Forcing citizens (be they collectors or professional numismatists who buy abroad) to provide (almost fiendishly extensive) proof of the legitimate origin of the coins they buy, which must even date back to before 1909 [when Italy's patrimony law was passed], is ultimately making it more difficult to buy – and therefore import into Italy – significant numismatic material that may one day enter public collections."

The welcome twist Professor Tarasco adds at the end of his statement argues that making imports more difficult is actually damaging to Italian cultural heritage: "If we look closely, we can see that this approach – even if applied with good intentions – will not result in Italy protecting its national cultural property, but rather losing it."

A fascinating statement from the head of the legal department of Italy's Ministry of Culture, then. With all this in mind, how does Professor Tarasco view Italy's application of [Article 4 of the EU regulation 2019/880](#) from June 2025? It insists on the sort of "fiendishly extensive" documentation and evidence that effectively reverses the burden of proof in the way he

decries here. And how does he feel about the [Memorandum of Understanding](#) Italy shares with the United States, which does exactly the same?

Professor Tarasco has highlighted the importance of proportionality and reasonableness here – qualities echoed in the [European Commission President's guiding principles for policy](#). If the Italian government's leading legal authority on the issue, together with its highest court, acknowledges that private property rights have priority over what may be seen as the national interest in this way, how can it continue to move forward with either the new EU law or its MoU?

Benin king to keep bronzes returned by UK

Telegraph: July 13: An update to the ongoing controversy over the Benin Bronzes. It is undisputed that the Oba of Benin is the descendant of a family of slavers, so why are the Bronzes being returned to Nigeria by Western countries being handed over to him? This was not what museums and governments aiming to make reparations intended.

As before, the descendants of slaves traded by the state of Benin continue to protest. The *Telegraph* reports slave-descendant Esther Stanford-Xosei – campaigning with the Restitution Study Group in the UK – as saying: “Some of these bronzes now being returned are ‘blood bronzes’, paid for with our lives. The case of personal ownership by the Oba is therefore morally unjust and illegitimate.”

Ms Stanford-Xosei has argued that the bronzes should not be consigned to the personal property of one individual but be held for the descendants of slaves “trafficked into the diaspora, and their progeny”.

In Nigeria, no acknowledgement has been made of the Oba's family history as slavers. Now it is clear that the President of Nigeria's gift of some of the returned bronzes to the current Oba was not a one-off. A new decree rules that they will all be returned to him. Talk of building a museum to house them remains vague and funding for the purpose uncertain, making the notion of them going on public display far from assured.

“It is understood that the University of Oxford, which has sought to return 97 Bronzes from the Pitt Rivers and Ashmolean museum collections pending approval from the Charity Commission, is now ‘monitoring the situation’ with regard to the official change to the Oba decreed by the Nigerian president,” the *Telegraph* reports.

“The University of Cambridge, which agreed to return 116 artefacts at its Museum of Archaeology and Anthropology, decided to pause the repatriation process after learning that the Nigerian president declared the Oba to be their owner.”

The Jordan Times goes further in its story, [The Benin Bronzes' Bungled Return](#), written by Helmut K. Anheier, professor of Sociology at the Hertie School in Berlin, and Adjunct Professor of Public Policy and Social Welfare at UCLA's Luskin School of Public Affairs. He accuses Nigeria of politicising the restitution process, thereby putting it in peril. He also highlights the moral conflict at the heart of this issue: “There are also growing concerns over the Oba's moral claim to ownership of the bronzes. Throughout the eighteenth and nineteenth centuries, Ewuare II's ancestors actively participated in the transatlantic slave trade, hunting down members of neighbouring tribes and selling them to European merchants in exchange for copper and bronze manillas. These materials were subsequently used to forge statutes and plaques. It could be argued, therefore, that if any group had a

moral claim to the bronzes, it would be the descendants of those enslaved and sold by the Oba and his forces. One solution, advocated by the New York-based Restitution Study Group, is to keep the bronzes where they currently are. Doing so would ensure that the greatest number of rightful ‘owners’, the descendants of slaves, now largely residing in the Americas, would have the opportunity to view ‘their’ property.”

Most damningly, he notes that “both Germany and Nigeria essentially decided to overlook these historical circumstances”, adding that key stakeholders, including both governments, curators and restitution groups “lacked a shared narrative regarding the legal and moral rights to the stolen artifacts and their interpretations of the relevant history differed significantly”.

Professor Anheier’s suggestion is to bring in UNESCO as an intermediary, but as it, too, has ignored the Oba’s role in slavery, that may not be such a wise choice.

Meanwhile cultural heritage lawyer Kate Fitz Gibbon has conducted an in-depth interview with Deadria Farmer-Paellmann, founder and director of the RSG, and Bruce Afran, the noted civil rights and constitutional law attorney, for [Cultural Property News](#). This provides fascinating first-hand insights into their views and arguments. One of Farmer-Paellmann’s chief criticisms

is the lack of context brought to many of the museums holding bronzes in Europe: “Right now, I’m in Europe because we have found that in most museums there is no mention of the slave trade origin of the bronzes. One of the few places that we see any mention – and it’s not enough – is at the University of Pennsylvania, which holds the second largest collection of bronzes in the United States. They have 188 of them. We’ve been in communication with the curator there to discuss how can we all work together to ensure that the right thing happens with the bronzes. We find that their presentation of the bronzes is exemplary. They at least mention the slave trade. But in Europe, we’ve been to the Horniman Museum, we’ve been to the British Museum and to Oxford. There is no mention of the slave trade origin of the bronzes. It’s quite shocking to see that.”



Restitution and Repatriation: A Practical Guide for Museums in England

Arts Council England: Clear guidance from Arts Council England, published last year but promoted again to boost understanding about how to approach claims over objects, the document includes the following useful flowchart:

Italy demands Louvre return 'looted' antiquities

The Local.com: July 14: Italy is demanding back seven items which it says were looted and sold to The Louvre in the 1980s and 90s. *Le Monde* reported that Italian Culture Minister Gennaro Sangiuliano made the demand in a letter in February.

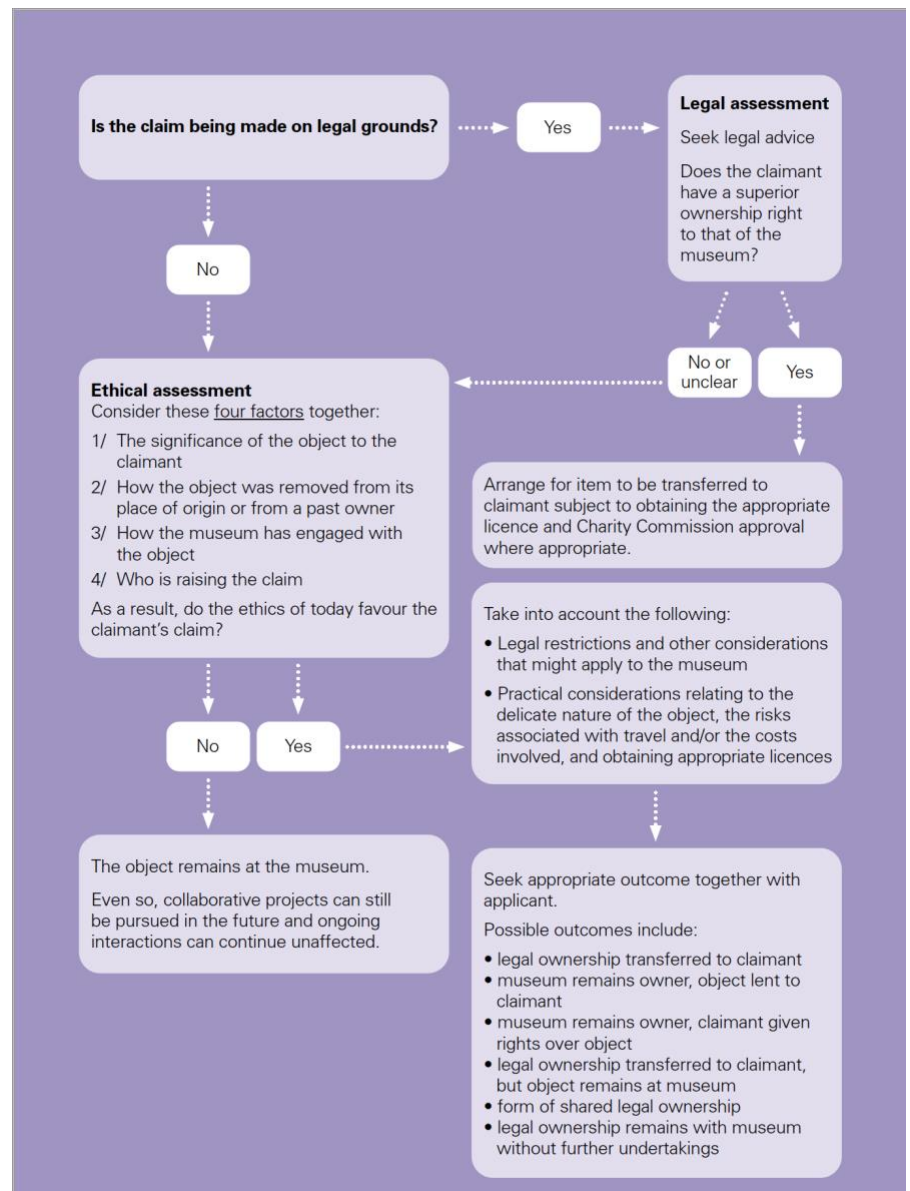
The antiquities include an ancient Greek amphora and vases are said to have been traded by Italian dealers convicted or suspected of trafficking in artworks.

Of perhaps most significance was the reaction of the president of The Louvre, Laurence des Cars, who is reported as saying: "I consider that works of doubtful provenance are a stain on the collections of the Louvre."

Taken at face value, this could mean that The Louvre might now divest itself of anything in its collection that does not have a clear provenance, presumably whether challenged over them or not. That would result in the largest deaccession exercise in history.

How and why the UK Treasure Act is changing

The Antiquities Forum: July 28: The U.K. Treasure Act is changing to protect heritage more effectively. ADA chairman Joanna van der Lande was one of several experts interviewed by the UK parliament publication *The House* about what was behind the move and its significance. The link here leads to her more in-depth views on the subject.



Hartwig Fischer to step down as British Museum director next year

East Anglian Daily Times: July 28: British Museum director Hartwig Fischer is to step down next year, with the search for his replacement starting in the autumn.

Although he has not disclosed details of his next position, his statement made it clear that he will play an international role in cultural heritage protection: "Looking ahead, I am excited about the next phase of my career, moving beyond the institutional framework of a single museum to engage in the rescue and preservation of cultural heritage in times of climate crisis, conflict, war, and violence." Could that be a senior role within UNESCO?

Although Mr Fischer has spent his time as director developing the masterplan for the renovation of the historic building and the redisplay of its collection, the British Museum has been making most headlines from the heated debate over the Elgin Marbles, Benin Bronzes (see above) and restitution issues.