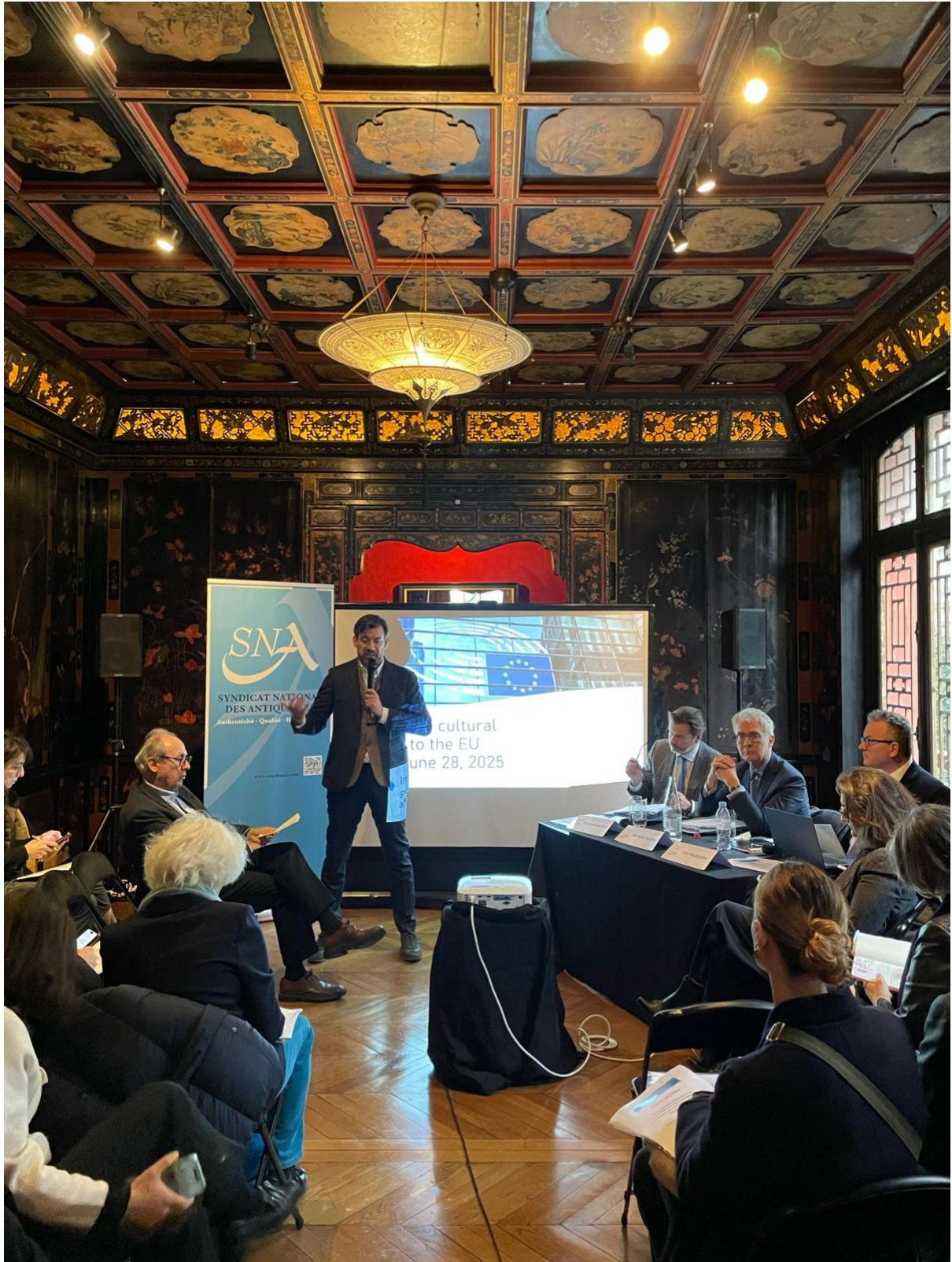




The French trade comes to the fore in campaign over EU import licensing regulation



Above: SNA President Mathias Ary Jan addresses the February 29 gathering, with the speakers pictured right.

Paris: February 29: The Syndicat National des Antiquaires, France's leading association of antiques dealers, has launched a campaign to fend off potential damage to the market from EU Reg 2019/880, which is due to be enforced from June 28, 2025. IADAA has welcomed the move, which reflects its own concerns and work towards similar goals in tandem with the UK's Antiquities Dealers' Association.

The SNA made clear its intent with a media launch and round table presentation for dealers, auctioneers and collectors at The Pagoda of Paris on February 29, inviting IADAA adviser Ivan Macquisten to speak alongside two leading cultural property lawyers, Maîtres Pierre Valentin and Yves-Bernard Debie, who is also Director General of the Parcours des Mondes, the September fair specialising in Tribal, Asian and Ancient Art.

The event was titled *The alarming future of the Art, Antiquity and Archaeology Market at the hands of a 'grotesque' European directive*. It focused on how the regulation's measures would severely impede the international market from operating, putting trade within the EU at a distinct disadvantage compared with non-EU markets like the US, UK and China/Hong Kong.

Macquisten first addressed journalists, setting out the background to the law, how assumptions that led to its foundation were wrong and based on false data, and highlighting several areas where it would have a severe and damaging impact on the art and antiques market both in the EU and beyond it, as well as in the property rights of ordinary citizens. The regulation was deeply flawed, poorly drawn up, disproportionate in its likely impact on the market compared to its potential success in meeting its aims, and counter to human rights conventions, he argued.

Maître Valentin gave a technical overview of the law and its implications, highlighting uncertainties that remained for importers and setting out scenarios to illustrate why it could prove so damaging. Both he and Macquisten agreed that it left too many questions unanswered, set impossible standards of proof for importers and risked undesirable and unintended consequences.

Maître Debie presented an impassioned argument regarding the law's embedded concept of the reversal of the burden of proof, a concept that went completely against France's civil code in its presumption of guilt unless innocence could be established.

Equally passionate challenges from two of the journalists present demonstrated how important it is for the market to get its message across so that the public understands the validity of the trade's concerns.

In presenting to dealers, auction houses and collectors, Macquisten explained that solutions were possible via negotiations with both the French government and the European Commission, with legal instruments available for consideration in the quest to improve the law.

The event appeared to galvanise dealers and auction house representatives, and the SNA is looking at next steps. Meanwhile IADAA and the ADA have been consulting experts in Brussels on strategy and options and are already making progress on this front in tandem with their role on the European Commission Art Market consulting group. More to come as this issue evolves.

The cheap and easy way to gain diplomatic influence can cost individuals and vulnerable groups dearly

Cultural heritage Memoranda of Understanding may be good for diplomacy but can damage citizens' rights

As anyone from the art market involved in the international world of cultural heritage will know, dealers, auction houses, buyers and sellers have long been the unjustified targets of governments, NGOs and law enforcement.

The message has been that the looting and trafficking of cultural property from vulnerable nations – many of whom are in an almost permanent state of crisis or war – is funding terrorism. Stolen items smuggled to Western markets lead to a flow of cash in the other direction to pay for bombs and bullets, they argue.

The problem is that despite innumerable research projects, studies and other initiatives to show this over the past 20 years and more, evidence of the art market's role in this is so thin on the ground as to be all but non-existent.

Independent studies, such as the ground-breaking [RAND Corporation report](#) of 2020, state that open source evidence clearly demonstrates that the antiquities market could not possibly sustain the billion-dollar level of international crime it is accused of fomenting. This has not prevented bodies like the European Union, the United States Government and others competing for influence in strategically important countries like Egypt, Iraq and Syria from introducing proposal after proposal – so numerous that they seem to be falling over each other for precedence – to tackle the perceived problem.

Campaigner highlighting injustice

Collector and cultural property lawyer Peter Tompa has been at the vanguard in highlighting abuses of power and influence when it comes to policy in this field.

[His latest article](#), published by *Cultural Property News*, shows how the US State Department has been harnessing bilateral agreements ([Memoranda of Understanding](#)) involving works of art and ancient artefacts to curry favour in geopolitics. In doing so, it is acting against the will of Congress and against the interests of private citizens, including vulnerable ethnic and religious groups, he believes.

At the heart of the problem is the fact that MoUs effectively reverse the burden of proof over the ownership of cultural property at the point of import; you're guilty until deemed innocent. Importers to the United States must secure a current licence from the source country covered by the MoU confirming that the imported item in question was originally exported legally from there, whenever that might have been – and it could have been centuries ago.

So, this would apply to a Roman vase that could have left Italy during the 18th century, having been purchased by a wealthy young man on the Grand Tour, and has since changed hands and moved countries numerous times. How likely is it that the current importer would hold paperwork from that original sale and export that would convince the Italian authorities to issue such a licence? But that is what Article 1 of the [MoU with Italy](#) stipulates if Customs are not to seize the vase and send it back to Italy.

Similar agreements are in place with 30 other nations, from China to Yemen.

Tompa has previously highlighted the fact that MoUs can also deprive vulnerable minority groups, such as the expelled Jews of Libya, of their moral and legal rights in reclaiming their cultural patrimony. Instead, under the terms of the MoU, objects are returned to these peoples' oppressors in the states from which they have been expelled or subjugated.

So, how can the State Department justify this rapid spread of these agreements?

Lack of funding for archaeologists has forced many of them to earn a living doing something else, Tompa notes. "Thanks to government largess, however, lucrative new opportunities have arisen for a select few archaeologists working with State Department bureaucrats to help justify cultural property Memorandums of Understanding (MoUs) or "emergency import restrictions."

'Jihad against private ownership'

For many, this is an easy choice to make: “Not surprisingly, such work often draws those most committed to the view that cultural artifacts should be clawed back from U.S. collectors and museums for the benefit of countries that have been victimized in the past by Western colonialism. Most collectors, dealers and museum curators have no idea about all the State Department money that is funding this jihad against the private ownership of cultural goods in the U.S.”

Tompa looks at who is running what he describes as a “cottage industry”.

“The U.S. State Department Bureau of Educational and Cultural Affairs (ECA) and its Cultural Heritage Center have done more than anyone to grow this new cottage industry through grants and contracts as part of their ‘soft power’ efforts that seek to make hostile third world governments ‘like us more’,” he writes.

He also explains how the State Department circumvents restrictions imposed by Congress on the former’s ability to exploit MoUs for its own ends.

As always, following the money provides a clearer picture. The State Department needs better evidence of looting and trafficking to justify MoUs. It also needs to show that recipient source countries have appropriate controls in place to protect their cultural patrimony.

Tompa notes that critics have asked how much of an incentive those being funded have to come up with what the State Department wants. He describes the long-established American Society of Overseas Research (ASOR) as a major grant recipient and “evidence maker” for some of the most difficult to justify MoUs and cites examples of how those receiving hundreds of thousands of dollars in funding may be creating false narratives to suit the State Department’s purposes.

Tompa provides several examples of concerning behaviour, in one case citing an archaeologist associated with ASOR, working under a \$600,000 State Department contract, who was identified as the source for a widely reported false claim that the ISIS terror group’s profits from antiquities looting were “second only to the revenue the group derives from illicit oil sales”.

Where is the media on this?

This is explosive stuff and a potentially dream investigation for any curious journalist worth their salt, involving, as it does, vast sums of money, Washington insiders and international policy that favours countries with questionable human rights records. So far, though, both the mainstream and leading art market media outlets have remained silent, leaving experts like Tompa to do all the heavy lifting. This is curious when one considers how frequently and keenly the widespread media reports any example (alleged or actual) of crime involving cultural property.

The harnessing of such bilateral agreements for geopolitical gain – with art traders and private citizens paying the price – has long been a subject of concern. Could fear among journalists of falling out with influential advocacy groups who act as regular story sources be the reason for their apparent lack of interest?

This hands-off approach from hacks may be emboldening the State department. Tompa writes: “The State Department acting as both decision maker and facilitator for cultural property MoUs raises other concerns. More recently, the State Department has dropped all pretense of following the intent of the CPIA (Cultural Property Implementation Act) by showering additional funding on archaeologists to facilitate new and renewed cultural property MoUs.”

What we are seeing on a widespread basis is not the development of evidence-based policy, but policy-based evidence as the stakes rise among MENA nations and in the Far East, as

well as in Central and South America. Security, diplomatic influence and other issues may be the real concerns, but cultural heritage Memoranda of Understanding are the currency by which a favourable position can easily and inexpensively be achieved. While that is understandable, the conditions under which they are being issued raise serious ethical, moral – and in the case of the U.S. Constitutional – questions, particularly about the rights of citizens and vulnerable groups, as well as fundamental principles of law.

Let's not forget that the same U.S. citizens having their goods seized are also unwittingly funding this unjust process. So far, no one in authority has made any serious challenge to this process. It is about time that changed.

Stolen Greek Antiquities Return Home from Bern, Switzerland

GTP: February 2: One of several stories on this subject

with headlines announcing that the pieces in question were stolen, it is striking that the report itself does not claim so.

In fact, as becomes clear, the fragments – one of a marble ionic capital, the other of an inscription, *both shown here* – were voluntarily surrendered by Swiss citizens with no indication that either had been stolen or illegally exported. “The period when the pieces were removed from Greece is unknown, the ministry said.”

As the report goes on to reveal, the pieces were not returned to Greece on the basis that they were illicit, but as a direct result of the bilateral agreement between Switzerland and Greece which effectively gives Greece the right to reclaim them.

The poor quality of the reporting is evident in the contradictory paragraphs that follow each other towards the end of the article:

“The successful repatriation of these artefacts underscores the effectiveness of bilateral agreements established by Greece with numerous countries,” the ministry said in its announcement.

“The repatriation of the looted pieces is a result of various initiatives aimed to raise awareness on the issue of antiquities trafficking.”

1,700-year-old artifacts illegally headed to Illinois head back to El Salvador

CBS News: February 2:

The main point of note in this report is the false claim – yet again – by Homeland Security that trafficking in antiquities is a “multi-billion dollar” trade. In this case it even has John McCabe of Homeland Security Investigations announcing it on screen during a media event, *right*.



The U.K. Amends Law for Museums and Galleries Seeking to Repatriate Objects

Artnet News: February 5: If adopted, the new law will give more power to institutions to repatriate items within their collections.

“The act, [introduced in September 2022](#), allows charities—including national museums—to dispose of objects where there is a compelling moral obligation to do so,” the report explains. “Museums had previously been limited by the National Heritage Act 1983, which had restricted the trustees of major U.K. institutions like Tate and the Victoria & Albert from deaccessioning objects from their collections except under certain circumstances, such as if they are a duplicate or beyond repair.

“The application of the Charities Act to museums meant that low-value items could be deaccessioned without seeking authorization. Meanwhile, higher-value objects could be deaccessioned with permission from the Charity Commission, attorney general, or a court.” Excluded from the newly granted permissions are international transfers of property from sections 15 and 16 of the act, so charities will still need to seek the commission’s approval. National museums and galleries are expressly noted.

Students Make Major Breakthrough in Use of A.I. to Decipher Ancient Scrolls

Artnet: February 7: In what is being described as a “game-changer”, a trio of international students has made a breakthrough in deciphering ancient scripts using Artificial Intelligence. The result is a \$700,000 prize for the German, US and Swiss students.

A.I. helped them read several passages containing 2,000 ancient Greek letters from a scroll carbonised by the eruption of Vesuvius in 79AD.

The students were competitors in the [Vesuvius Challenge](#), which was launched last year by the University of Kentucky computer scientist Brent Seales to encourage A.I. experts the world over to get involved with the unique challenge of deciphering these long lost ancient texts.

“In the past decade, scientists have succeeded in producing highly sophisticated, three-dimensional CT scans of the scrolls. Thanks to the powers of A.I. and computer vision, Seales and his team of researchers at the University of Kentucky have been able to straighten out or ‘virtually unwrap’ these tightly layered scrolls. They then trained algorithms to detect the ink, which did not show up clearly on scans.”

An estimated 5% of the antiquities trade is illicit

Several [reports](#) have started to quote this figure in recent months. It is clearly nonsense as it is impossible to measure the clandestine activity which would surround any criminal activity. So where does it come from?

Step forward Assistant Director-General for Culture of UNESCO Dr Ernesto Ottone Ramirez, who has extensive form in promoting bogus figures to suit his organisation’s cause.

In this case, the claim can be traced back to a [Euro News. Business](#) article of April 13, 2022. Strangely, its explanation of how the figure was arrived at conflicted with UNESCO’s own estimate of such crime quoted in the same article, the bogus \$10 billion announced in its 50th anniversary campaign for the 1970 Convention in 2020. By the *Euro News. Business* figures, 5% would come out at \$2.5 billion.

Nonetheless, Ottone is directly quoted thus: “Since 20 or 30 years, it has become a very huge shift in some parts of the market, and it represents five percent of the market with a huge volume of money that these deals now where it has become easier to traffic antiquities.” For extra emphasis, the report includes a video of the Assistant Director-General giving the same thoughts in an interview.

This report was published just nine days before Dr Ottone finally admitted in an email to IADAA that no one really knew any reliable figures relating to illicit trade, and that, as a

consequence, “UNESCO no longer refers to the specific global figures relating to illicit trafficking of cultural property”.

The question remains as to when, in the nine-day interval between giving the interview and making the admission to IADAA, Dr Ottone came to the right conclusion.

The Danger of Returning the Ghanaian ‘Crown Jewels’

History Reclaimed: February 8: A detailed analysis and argument by English historian and former Cambridge Professor David Abulafia, this article notes distinctions between looted material, spoils of war, gifts and wider claims for the repatriation of cultural patrimony.

Decisions appear to be made out of confusion and misguided principles, he argues.

His focus here is on the Victoria and Albert Museum’s decision to loan the Ghanaian ‘Crown jewels’ to Asantehene Otumfuo Osei Tutu II, the current king of the Asante, for exhibition in the Manhyia Palace Museum in Kumasi. The loan may be renewed with no end date, effecting a complete handover in all but name.

“No one seems to be denying that the loans are a trial run for a much bigger and more controversial loan that might very well also become permanent = the Elgin Marbles,” he concludes.

The Asante jewels made their way to Britain by various means: compensation for a British raid on the capital; trade; and donations from the last colonial administrators of what was then then known as the Gold Coast. “But the lyre was a gift from the Asante ruler to a British diplomat. It is not totally idiotic to suggest that returning diplomatic gifts is a breach of protocol, even after two centuries.”

What Abulafia sees as equal “infectious madness” is Spain’s proposals to return the pre-Colombian Quimbaya Treasure preserved in the Museum of America in Madrid. “It contains 122 gold and copper figures. Colombia is known to want these artefacts to be sent back, even though they were a gift to the Spanish royal family way back in the nineteenth century. Once again it seems entirely graceless to demand the restitution of freely donated objects where the legal title of Spain is not in doubt.”

Taken to its conclusion, this catch-all demand for repatriation is an insult to those who considered the items as being significant enough to make diplomatic gifts out of them, says Abulafia. He also criticises the repatriation drive for depriving many people of the chance to observe and appreciate other cultures: “Let’s make it as difficult as possible for people from across the world to see Asante gold, the Benin Bronzes or the Rosetta Stone. That means pulling down the shutters on large parts of the history of humanity, just when the valid argument is being presented that large parts of great continents such as Africa and South America have a long history that is well worth studying – and therefore worth seeing on display in the great world museums.”

Such a policy also means that the British Museum must make “rock-solid arrangements” for the return of any and every object sent out of the UK for display. “Otherwise, the proposals from the BM and the V&A are what a colleague of mine used to call the thin end of the avalanche.”

French tourist jailed in Egypt after souvenir mistaken for 4500-year-old antiquity

Euronews.Travel: February 9: This tale would be comic if the consequences for the victim had not been so serious. It also reveals a distinct lack of respect for human rights and the exercise of law in Egypt.

The trouble began when the French tourist, a lawyer named only as Nathalie, was arrested at customs on her return from holiday in Egypt when a figurine was found in her luggage. Despite having bought it from the shop of a luxury hotel, where other examples of the

figurine were on display, instead of accepting it to be a modern replica, customs decided it was a looted 4,500-year-old original.

Taken to a police station, her court-appointed lawyer told her she would be presumed guilty unless she could prove her innocence, according to the report. "It was very hard to see the extent to which he did not defend my interests," says Nathalie, who was gaining an insight into the local judicial system.

She was left in unpleasant conditions under arrest for two days before appearing court, where the gallery owner who sold her the figurine was summoned in her defence. Despite the evidence highlighting customs' error, the judge halted proceedings but did not dismiss the case, with only the intervention of the French Ambassador leading to her release. Even then, instead of an apology and compensation for her trauma, Nathalie found that the charges against her had not been dropped, and she remains banned from Egypt for life. However, she is determined to clear her name legally.

Word of the Day: antiquity

New York Times: February 14: A quirky, light-hearted column in the NYT, this issue carries the subheading: *This word has appeared in 78 articles on NYTimes.com in the past year. Can you use it in a sentence?*

Along with a one-second recording to show how the word is pronounced, it gives as an example of one of the 78 articles an October 30 piece jointly written by veteran journalists in this field, Graham Bowley and Tom Mashberg, [*Who Looted an Ancient Roman Shrine? A Village Finally Tells.*](#)

Review committee unanimously rejects restoring casing blocks to Menkaure Pyramid of Giza

Ahram Online: February 15: "The Menkaure Pyramid Review Committee (MPRC) has unanimously rejected a plan to restore the granite casing blocks scattered around the base of the smallest of three Pyramids of Giza for thousands of years onto the monument to preserve the universal and archaeological value of the site," this article reports. The review was set up after a major backlash from influential archaeologists and historians within Egypt and beyond, who were concerned that both the materials and processes being used to restore the pyramid were inappropriate.

The committee stressed the importance of maintaining the pyramid's current state and its report noted: "It would be impossible to ascertain the exact original position of any of the casing blocks. Therefore, it is impossible to return any of them to their original location on the pyramid. Consequently, any re-installation of the casing blocks would change the ancient, original fabric and appearance of the pyramid, which would conceal important evidence of how the ancient Egyptians designed and built the Pyramids."

Hezbollah-linked Picasso and Warhol stash raises red flag to art world

The National News: Very concerning news that Contemporary and Modern fine art linked to a sanctioned individual with links to Hezbollah had been sent to London for sale. This detailed report explains how dozens of works of art belonging to Beirut gallery owner Nazem Ahmad were seized from storage near Heathrow after he sent them to the UK for sale. A further nine pictures were handed over to police when they visited Phillips in London.

Mr Ahmad is suspected of being a financier of Hezbollah, faces sanctions and is wanted for trial in the United States. It is thought that an amber warning issued regarding storage centres by the UK's National Crime Agency recently was the result of the seizures.

Phillips told the National that it had acted immediately after becoming aware of the US concerns: "In February 2020, Phillips provided a full list to the US Department of Justice of

all properties held by us belonging to Mr Ahmad,” the report quoted a statement from the auction house as saying. “When the UK police subsequently requested to take possession of the property belonging to Mr Ahmad, Phillips fully and promptly complied.”

Rena Neville, of anti-money laundering specialists FCS Compliance, noted that the case was unique in linking terrorism, money laundering and art storage, but added “everybody that I know everywhere in the world in law enforcement really believes this is happening and says they see it”.

AML regulations now governing the UK are designed to prevent potential sales such as this from happening, with their focus on Politically Exposed People and checks on the ultimate beneficiaries of such deals.

Strongmen Find New Ways to Abuse Interpol, Despite Years of Fixes

New York Times: February 21: An in-depth investigation exposes how Interpol is still being undermined by autocrats and despots as they abuse its processes to bypass democracy and target dissidents.

Investigative reporter Jane Bradley, who interviewed and recorded more than 50 current and former Interpol and government officials, diplomats, lawyers and others as she dug beneath the surface of Interpol processes, explained how human rights were being abused through its systems: “Belarus and Turkey, for example, have turned Interpol’s database of lost and stolen passports into a weapon to harass dissidents or strand them abroad. Abuse of this important antiterrorism tool got so bad that Interpol temporarily blocked Turkey from using it. Belarus is now subject to special monitoring after Interpol spotted a wave of politically motivated entries, officials said.”

This report was published the day after the Antiquities Forum – IADAA’s partnership with the ADA – [published its own latest findings on Interpol data](#) relating to the art market. This much briefer report explains how various claims made relating to looting, trafficking and terrorism financing are not backed up by reliable data, and how Interpol’s website still promotes the now universally debunked claim that trafficking in cultural property is third only to that in drugs and weapons.

D.A. Bragg Announces Return Of Two Paintings To Peru

Manhattan District Attorney’s Office media release: February 16: This release on the return of two stolen paintings, taken from a church in 2012, is remarkable for two reasons: it points to a lack of more important seized artworks and artefacts to publicise, justifying the Antiquities Trafficking Unit’s 20 staff and budget; and the official statistics published by the D.A. have taken another unusual turn. Previously, the D.A. claimed to have returned property to 26 countries; here it is 25. For the first time, to IADAA’s knowledge, the release credits a market professional for helping in the investigation, in this case Doyle auction house.

We urgently need a treasure trove system that matches England's

The Herald, Scotland: February 20: Scotland is reviewing its Treasure rules, which are different from England and Wales’s highly successful Portable Antiquities Scheme. The PAS has been a great success because it recognises the interests of landowners, finders and the Crown, providing a tried and tested policy that ensures all are rewarded while protecting not just the found objects themselves but, crucially, the find spots and context of the finds. Failure to reward the finder has led to criminal concealment of finds in France.

As this letter from Scottish journalist Neal Ascherson to the *Herald* explains: “PAS employs 40 ‘Finds Liaison Officers’ across England and Wales, and has recorded almost 1.5 million objects, almost all found by metal detectorists. Unofficially, the PAS had three main aims: to end the ‘war’ between professional archaeologists and metal-detector clubs, to recruit

‘treasure seekers’ as genuine assistants in archaeological research, and to demonstrate that the rewards for reporting found treasure were often far richer than profits from criminally hawking it on the illegal antiquities market.”

While the English law largely covers gold and silver items, with a few additional categories, the Scottish law has a far wider reach, to include iron and flint, and deems all finds made on ownerless ground to be the property of the Crown. Crucially, because the Scottish regulation does not allow for rewarding finders such as metal detectorists in the same way as the PAS, no one really knows how many discoveries never come to light.

Adopting the PAS model in Scotland is the obvious thing to do.

British Museums puts recovered gems on display

The British Museum has created a display centred on gems recovered from among the 2000 or so objects missing, stolen or damaged from its collection following the uncovering of long-term thefts allegedly by a member of staff. The majority were classical gems and items of gold jewellery, and both the media coverage of the loss and the ongoing recovery process has sparked a renewed public interest in these objects.

“Today the British Museum reveals a new display that will explore the significance of classical gems and the impression they have left throughout history,” the BM said in an official statement. “Seen as a window onto the ancient Mediterranean world, they were used as seals, worn as jewellery or collected as objects of beauty in their own right.”

Items on display include two Roman glass gems from the late 1st century BC to early 1st century AD: an intaglio which features a profile bust of Minerva and a cameo with a bust of Cupid.

Tom Harrison, Keeper of the Department of Greece and Rome, said: “We are delighted to be able to put on this exhibition and showcase some of the stunning recovered gems which are now safely back in the Museum’s collection. It’s also an interesting opportunity to cast some light on an underappreciated and very beautiful art form. A huge thanks goes out to all those who have lent support and helped us in the recovery programme.”

Official thanks, as highlighted in accompanying signage to the exhibition, acknowledges the part played by the antiquities trade in alerting the museum to the problem and subsequent advice and negotiations.

The exhibition runs daily from 10-7 until June 2.



**One of the gems on display:
an ancient glass intaglio with
Bacchus leaning on Silenus.
Image courtesy of the British Museums**