



Sir John Boardman (1927-2024)



Sir John Boardman conducting research. Image courtesy of the Classical Arts Research Centre, Oxford, via X.

Sir John Boardman OBE FBA Hon RA, Emeritus Lincoln Professor of Classical Art and Archaeology at the University of Oxford and an Honorary Fellow of the Magdalene College Cambridge for 40 years, was not just the pre-eminent scholar of Archaeology and Ancient Greece, he also proved to be a remarkable friend to the antiquities trade and collecting. Sir John, who died on May 24, aged 96, published numerous notable works, including *The Greeks Overseas* (1999), *Persia and the West* (2000), *World of Ancient Art* (2006), and *Archaeology of Nostalgia* (2002).

Born in 1927, and educated at Chigwell School and Magdalene College, Cambridge, his early career included three years as Assistant Director of the British School of Archaeology at Athens, while later he served as an Assistant Keeper in the Ashmolean Museum, Oxford, and then Reader in Classical Archaeology and Fellow of Merton College, Oxford.

By 1963, Sir John had become a fellow of Merton College, Oxford, going on to succeed John Beazley as Lincoln Professor of Classical Archaeology and Art. Having been knighted in 1989 and frequently cited as “Britain’s most distinguished historian of ancient Greek art”, he retired in 1994, his long life bringing him another 30 years of research, study, and influence. This influence included the development of a simple, logical and compelling assessment of the ancient world as being divided into three geographical zones, with accompanying

characteristics that did much to inform their art. These were the nomadic peoples of the north, the farming and city peoples of the temperate zones and the inhabitants of the hotter zone at the tropics. As the *Telegraph* obituary noted: “Nomads, he found, whether in Asia, Europe or America, tend to have an art based on small, portable figures, often animals; monumental architecture is largely confined to the temperate zone, while in the tropics art largely based on the human form, with an emphasis on ancestors.”

He took part in excavations in Smyrna, Crete, Chios and Libya, and his awards included the Kenyon Medal (1995) from the British Academy and the Onassis Prize for Humanities (2009). Sir John was especially concerned with the art and architecture of ancient Greece, particularly sculpture, engraved gems, and vase painting.

When it came to the sensitive and combative debate surrounding antiquities in the context of Middle Eastern conflict – especially over the past ten years – Sir John was a robust defender of the trade and argued that we all have a responsibility to prevent looting and smuggling, including those nations from whom artefacts are removed. Article 5 of the 1970 UNESCO Convention puts the primary burden on the country of origin, as he reminded us. As the Convention summarises: “It is essential for every State to become increasingly alive to the moral obligations to respect its own cultural heritage and that of all nations,” he said. In recent years he considered the merits of antiquities whose find context could not be traced and the threat of the move towards the reversal of the burden of proof when it came to the legitimacy of objects.

In 2017, he wrote an article for *Cahn’s Quarterly*, titled *Academic Censorship*, that touched on the subject, beginning: “A majority of the books published in the last fifty years about ancient art have depended on illustration of objects which are not from controlled excavations, and to pretend that they are therefore illegal, useless and misleading is, of course, absurd, yet this is the logical conclusion to be drawn if the extreme view about ‘academic’ or ‘moral’ integrity is accepted, and all objects not from controlled excavations are ignored.”

In the article Sir John argued that it was very doubtful whether sites could ever be controlled effectively. As an example of an artefact that is out of context but useful, he gave a silver chalice of no known provenance in the Bible Lands Museum, Jerusalem of around A.D. 500.

“It is no doubt from the Palestine area and its Latin inscriptions show it to have been made for a Eucharist ceremony – “Holy is God, holy the mighty one, holy the immortal one, have mercy on us” – typical for the Eastern Orthodox Church. Its lack of detailed provenance cannot disqualify it as a record of Antiquity.”

Unlike so many other academics, Sir John proved himself impartial in search of history and the truth: “Some years ago it was said that in Turkey boys who found antiquities on an ancient site could sell them to dealers who would then supply them with forgeries to sell on to tourists/collectors. Yet the recent publication of some 500 Roman seals, gems and rings, picked up over some 30 years by a family walking over the fields concealing the ancient city of Caesarea (S. Amoral-Stark & M. Hershkovitz, *Ancient Gems, Finger Rings and Seal Boxes from Caesarea Maritima: the Hendler Collection*, 2016) shows how much is still on the surface, and no less valid as evidence than excavated material.”

Demonstrating just how relevant the study of Ancient Greece remains to this day, less than 24 hours after Sir John’s death, a new study using volunteer marines from today’s Hellenic Forces to test the effectiveness of Greek Bronze Age body armour revealed just how good it would have been in protecting Mycenaean soldiers 3,500 years ago.

Longstanding ATG columnist and former Christie’s specialist Richard Falkiner still owns a Greek scarab that Sir John published when he first became acquainted with him in 1963. “He was very easy to have discussions with, even those to those who knew infinitely less than him,” he said.

European Court of Human Rights rules against the Getty Trust's claim of human rights breach against the Italian State over demand for return on Victorious Youth

The latest development in the long-running dispute between Italy and The Getty Trust over the Ancient Greek statue known as Victorious Youth has been a ruling in favour of Italy. The statue, dating to c.300-100BC, was famously recovered from the Adriatic sea off Fano in 1964 by Italian fishermen before selling to The Getty for \$4 million in 1977.

Attempts have been made to recover it before, but the conflicting claims were complicated by a 1968 Court of Cassation ruling that no evidence existed to show that the Statue belonged to Italy. Though recovered by Italians, it was of Ancient Greek origin and is thought to have been lost in a shipwreck on its way to Italy in Roman times, pointing to its origins outside Italy. However, even this remains uncertain, so its exact origins are not clear, and claims remain that it was found in what were then international waters.

Nonetheless, Italy has pursued its campaign over the years – claiming ownership on the basis of discovery – with The Getty robustly defending its position in return.

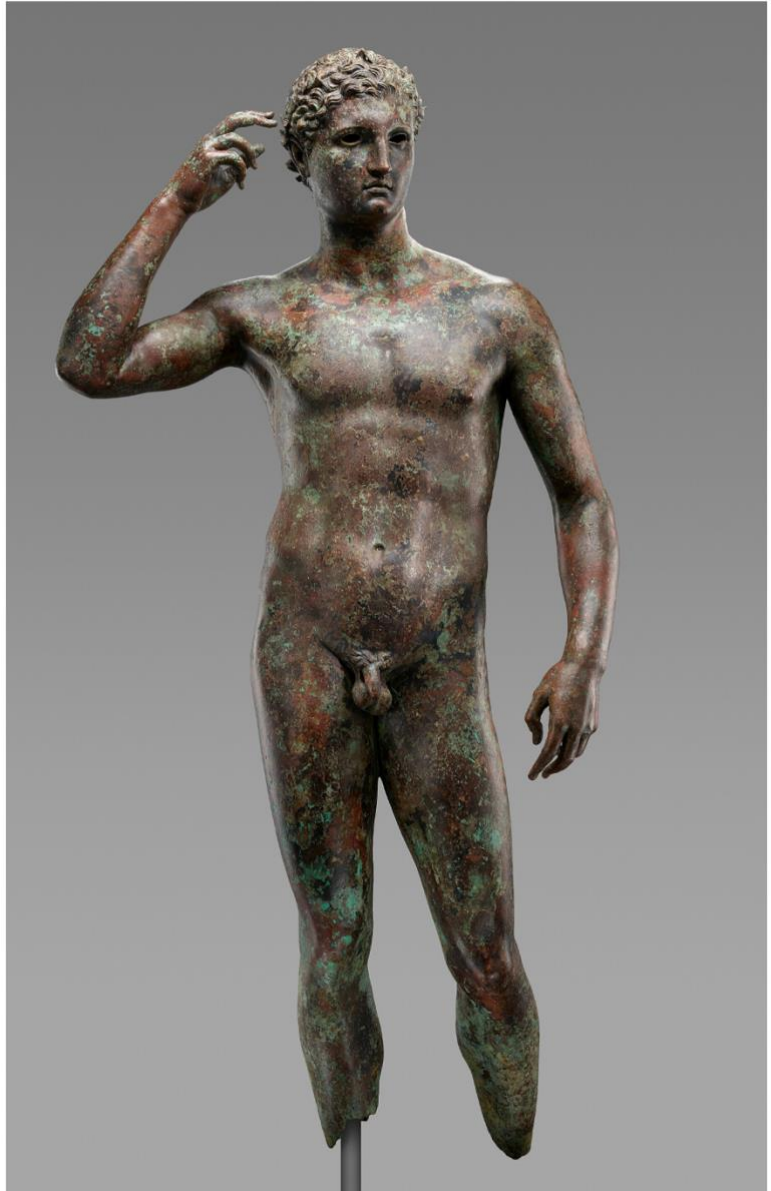
The latest ruling arose after The Getty took the case to the ECHR arguing that Italy was in breach of Protocol 1, Article 1 of the European Convention of Human Rights because it was interfering with the Getty's right to enjoy its property unmolested.

It's worth recalling the Article in full: *"Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.*

"The preceding provisions shall not, however, in any way impair the right of the State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure payment of taxes or other contributions or penalties."

Several points of interest arose in the detailed and complex judgment.

1. The J Paul Getty Trustees argued that their property rights had been violated by the Italian claim. However, the ECHR dismissed their argument as the claim was made against the Trust and not the individual Trustees.
2. The question remains as to whether the statue should be considered a national treasure of Italy, bearing in mind its uncertain origins, although Italy itself has no



Victorious Youth. Image Getty Museum open content

doubts and its patrimony has enjoyed international recognition. Recovery will depend on the United States recognising that patrimony and intervening to return the statue.

3. Italy's claim had also impeded the Trust from disposing of its property as it wished – for instance in exhibiting it in Italy for fear of being seized. If the Trust's ownership stood, then the claim would amount to a breach of Protocol 1, Article 1 ECHR.
4. With the Trust in possession of the statue since 1977, it could assume to have acquired a proprietary interest in it. However, its unique status as an Italian national treasure meant that the state's interest superseded the private interest here.
5. The Trust's case was damaged by its failure to exercise due diligence to the standard that could be reasonably expected bearing in mind the importance of the statue.
6. The Trust had known that under the relevant domestic law there was no time limit on the Italian State making a claim despite the intervening period of decades since its acquisition and, anyway, the Italian State had tried to reclaim the statue more than once already. This meant that the Trust could not have a legitimate expectation of retaining the statue unchallenged.
7. The Italian authorities were not deemed blameless, with the court noting that they had been negligent in some areas during their attempts at recovery. However, it also noted that the Italians had effectively been working in a legal vacuum as there had been no binding international legal instruments in force at the time when the statue had been exported. By contrast, the Court stressed that nowadays, "in a similar scenario, the domestic authorities would be under a duty to strictly comply with the time-limits and procedures laid down in the 1995 UNIDROIT Convention".

In summary, the court viewed that public and national interests, as cited under Protocol 1, Article 1 of the ECHR, took precedence on the basis that the statue was an Italian treasure. It further viewed the Getty's perceived negligence on due diligence to weaken its case. The longstanding dispute meant that the Getty could reasonably have expected to be challenged over the statue.

The ruling took place in chamber at the ECHR, reinforcing Italy's right to pursue its claim. Both sides have three months to request a Grand Chamber hearing to reach a final ruling. While ECHR rulings are binding on states parties to the court, the US is not one of them, but it does have agreements to co-operate with Italy on such matters.

The Getty is not backing down, saying in statement to Associated Press: "We believe that Getty's nearly fifty-year public possession of an artwork that was neither created by an Italian artist nor found within the Italian territory is appropriate, ethical and consistent with American and international law."

- This case has interesting implications. Undisputed is the fact that the statue is of Ancient Greek origin, even if its exact place of creation is unknown. Although brought ashore in Italy – and claimed as Italian on the basis that the boat that salvaged it carried the Italian flag – it is not clear whether it was discovered in Italy's territorial waters. If not, it would seem that Italy's claim to patrimony would not meet the requirements of Article 4 of the 1970 UNESCO Convention, which defines "property which... forms part of the cultural heritage of each State". The discovery took place in 1964 when agreements regarding sovereign territory of the seas were different from today. Italy did not come to an agreement with Yugoslavia over territorial waters and boundaries in the Adriatic, where the statue was found, until 1968, while the United Nations Convention regarding such matters was not established until 1972. Italy may stress the matter of illegal export, and The Getty may not have been as thorough as they should have been in their due diligence, but neither of these factors, in themselves, affect whether or not the Italy would meet the 1970 UNESCO terms for the statue being an Italian national treasure. Ultimately, then, Italy might still be able to rely on a claim of illegal export.

Metropolitan Museum of Art and Kingdom of Thailand Sign Memorandum of Understanding

Media release from The Met: April 26: Further evidence of The Met heading down the restitution road as it attempts to future proof itself against embarrassing claims of holding illicit material. In this case the agreement was accompanied by a display of two statues handed over to the Thai government by The Met at an earlier date.

Bill Introduced to Facilitate Lawful Trade of Ancient Coins

Coin Week: April 30: A corrective to the misconceived introduction of import restrictions on Cypriot coins imposed in 2007 by the State Department against the advice of the Cultural Property Advisory Committee. As *Coin Week* notes: “No import restrictions were imposed on ancient coins for some 25 years after the CPIA came into law. This is not surprising; ancient coins were items of commerce that circulated widely in ancient times, making it difficult for modern nation states to claim them as their ‘cultural property’.”

Coin Week says that having decided to ignore CPAC advice in 2007, the State Department “then misled the Congress and the public about its actions in official government reports”. In the interim, further import restrictions have been added to cover ancient coins from an additional 16 states, including China, Greece, Italy, Syria and Yemen. Another four are under consideration.

As with many ancient and even fairly modern collectables, coins rarely have paperwork that proves their licit origins and movement across borders, but without them, import is banned. This seems ridiculous bearing in mind the original purpose of coins: to facilitate trade over distance, including internationally.

As antiquities and other dealers across the world know only too well, restrictions are made to be retroactive, demanding the production of documents which were not required at the time of acquisition. Such proof “often includes citation to an auction record predating any restrictions when the vast majority of collectors’ coins are not valuable enough to be sold at auction,” states *Coin Week*.

The changes now being adopted to the Cultural Property Implementation Act finally introduce more reasonable measures.

“This technical correction to the CPIA allows for the import of coin types on ‘designated lists’ with evidence the numismatic material was acquired lawfully, is of a known type, and is not the direct product of illicit excavations within a State Party after the effective date of any import restrictions on coins.”

Now we need a similarly reasoned approach to address the EU import licensing regulations and other planned regulation whose effect promises to be devastating for legitimate markets.

Afrodescendants Claim Rights to Benin Bronzes—They Belong to All of Us

Law, Politics, And Art: May 1: For once, an article focusing on those protesting against the return of the Benin Bronzes to the descendants of the slave traders whose actions earned them the metal to make them.

The New York-based Restitution Study Group (RSG), which represents descendants of those sold into slavery, has long called for the bronzes to be retained in public institutions in the West for the benefit of public learning, and so that those descendants of slaves retain access to them. Instead, they have been returned wholesale to Nigeria, whose government has handed them over the Oba, direct descendant himself of the bloodthirsty king who sold off those he and his army had not already slaughtered.

Acknowledging that “moral argument may override legal title”, the RSG finds it “astonishing that institutions have not conducted full provenance research before ‘repatriating’ the

bronzes, and that the claims of descendants of transatlantic enslaved Africans has been ignored in this sphere". This is exactly the argument that IADAA and others have been making for years on the subject.

"The descendant community's rights to and interests in the bronzes have been ignored for too long. Western institutions have adopted a reductive and indeed proto-colonial approach to the bronzes' provenance by focusing solely on the British raid in 1897 and ignoring the circumstances in which the bronzes were created in the first place and the material from which they were cast," the RSG argues.

They want the current Oba and government of Nigeria to acknowledge past wrongs – domestic media coverage in Nigeria has airbrushed the facts about this entirely in its coverage – noting that slavery remains a problem in Africa: "A recent CNN report has revealed how Benin City is the heart of modern-day human trafficking."

While the objects are of importance and the repatriation of the bronzes an affront to natural justice, the failure to address modern slavery is far worse.

Major antiquities smuggling ring busted in Izmir, over 3,380 artifacts seized

Turkiye Newspaper: May 6: News of a major seizure of antiquities from various civilisations during raids across nine locations, in which five suspects have been detained.

More bilateral agreements with flawed terms

Cultural property Blogspot: May 6: Cultural property lawyer, collector and campaigner Peter Tompa has alerted collectors and the market to problems with three new proposed Memoranda of Understanding between the USA and Ukraine, Ecuador and Jordan. While protecting cultural property is to be supported, the terms of these MoUs are overbroad, he argues, and a major concern for collectors.

"Although the State Department and their "partner" archaeological advocacy groups claim that import restrictions are directed at current looting of archaeological sites, their impact is much broader," he writes. "In fact, they have allowed foreign governments to "claw back" coins and other cultural goods legally sold and available for export on open markets in Europe. State and Customs then conduct elaborate "repatriation ceremonies" where they claim they are returning "stolen property." The reality most often is simply that some unfortunate collector was unable to provide provenance information that just does not exist for most low value items like coins. Of course, all this goes against the fundamental Anglo-American view that the burden of proof always is on the government to prove guilt, but it is expediency in the name of 'soft power' that prevails here."

IADAA is one of a number of trade organisations that have answered Tompa's clarion call to comment on the proposals prior to their consideration by the Cultural Property Advisory Committee (CPAC) whose recommendations are central to policy decision on culture in Congress.

This is the text of IADAA's commentary as submitted by chairman Vincent Geerling:

"While we understand the sentiments behind bilateral agreements that seek to protect and preserve cultural property in the context of patrimony – and especially so in the case of Ukraine, bearing in mind its current crisis – we fear that the extent to which these Memoranda of Understanding will apply will lead to unintended and undesirable consequences.

As experts in cultural property, our members and their client collectors form part of a sensitive ecosystem that affords such protection on a long-term basis. Their interest and financial commitment support ongoing research and scholarship – including the upgrading of due diligence and provenance standards – as well as an active legitimate market that attracts new interest. Indeed, the original code of conduct drafted by UNESCO for the market

in 1999 was based on the code of conduct previously drafted by and for my organisation, IADAA (and that of CINOA).

This mutual interest sustains the sensitive cultural balance between the more active fields of collecting and scholarship, on the one hand, and the more passive fields of institutional and study collections in the understanding of other cultures.

We fear that the extensive reach of the proposals now under consideration will upset that vital balance. If restrictions are such that they deter collectors and dealers from continuing to invest in and study these fields, scholarship will be the loser and contributions in terms of money, objects and expertise from the market towards institutions will inevitably diminish. Under such conditions, interest and focus on a given area of culture fades, which ultimately leaves it more vulnerable to depredation and loss, not just of the objects themselves, but also of the learning and understanding that surrounds them. This, in turn, weakens the links between cultures.

In consideration of this, we would ask that you consider less drastic action, in keeping with the required conditions for MoUs as set out in the Convention on Cultural Property Implementation Act, 19 U.S.C. § 2601. Instead, we ask you to introduce measures that would strike the balance of sensitivity referred to above, allowing the private sector to support the ethical and moral principles that the MoUs set out to preserve.

England and Wales's Portable Antiquities Scheme provides an excellent template for success in such endeavours, its benefits including extensive evidence of new data, learning, historical knowledge, especially regarding context, and scholastic debate.

It should also be possible to operate a reasonable digital export certificate scheme, which would have the benefit of creating a permanent record, adding to the provenance of individual items, putting them at less risk of illicit exploitation. To include coins in the Jordan MoU would effectively put the people of Jordan at a distinct disadvantage as these coins are openly and legally traded there. It would be logical to restrict the measures to coins that only circulate in Jordan itself.

Attention should be focused on illicit exports rather than on creating a blanket ban that would also destroy currently legitimate activity.

This would also have the benefit of balancing the public interest with the increasingly overlooked property rights of private citizens, as enshrined in the Fifth and Fourteenth (section 1) Amendments of the United States' Constitution, as well as in Article 17.2 of the Universal Declaration of Human Rights. To proceed with the proposals as they stand, unchecked, would risk chipping away even further at hard-won democratic freedoms under generally accepted principles of international law which accept innocence by default and the need for evidence of guilt."

British Museum explores repatriation of more contested artefacts

The Telegraph: May 11: Further talk about the Parthenon Marbles exploring the possibility of reviving the idea of loaning them to Greece – but only if the Greek Government publicly acknowledges British ownership. This is highly unlikely bearing in mind the political and cultural fallout for Greece in doing so.

Korea updates term for 'cultural property' after 6 decades

The Korea Times: May 17: This move by Korea could herald similar changes across the world as countries attempt to reclaim anything and everything cultural that originated within their borders – and bypass their commitments under the 1970 UNESCO Convention on illicit cultural property in the process.

As this article notes, a new law means Korea now uses the term 'national heritage' instead of the term 'cultural property' – a political move that will ease the path for restitution and the appropriation of private property.

The irony is that one of the reasons given for the change is that it “ aims to better reflect the current international standards used by organizations like the U.N. cultural agency UNESCO”. Another is that “cultural property,” was considered too commercial, focusing on the artifacts as mere objects rather than embodying their true cultural significance, thereby unwittingly admitting what the real agenda is.

Interview: Syrian heritage at risk as U.S. blockade threatens antiquities: official

English News China from Xinhua.net: May 18: A perfect example of how geopolitics exploits the issue of culture, this report is ostensibly an interview with Mohammed Nazeer Awad, head of the General Directorate for Antiquities and Museums in Syria. In fact, it is a thinly veiled Chinese attack on the USA, claiming that an economic blockade of Syria by the US has proved “catastrophic” for the management of cultural heritage in Syria.

“The blockade slowed down the restoration of historical buildings that were destroyed during the war, as many materials needed for restoration came from abroad,” the article states.

“The most destructive entity is the American presence in areas rich in antiquities, whether by its presence or by its support of other entities that may contribute to the destruction of Syrian antiquities,” Awad is reported as saying.

The lack of subtlety with this propaganda continues:

“As the world is observing International Museum Day on May 18, Awad forwarded a message expressing gratitude to those who helped manage and protect Syrian cultural heritage during the war, particularly highlighting the support from China.

“I hope we can establish more exhibitions or other cultural activities in China to support us in informing the world about what happened to our artifacts and our country during the war,” he concluded.

To mark International Museum Day, Xinhua makes [a similar attack on the US regarding Iraq](#).

“In the first days of the U.S.-led coalition forces’ occupation of Baghdad in 2003, thousands of priceless artifacts were systematically looted from the Iraq Museum,” it starts. Adel al-Mubarak, an archaeologist and history teacher at Baghdad-based al-Iraqia University, then berates the US: “They did not protect the museum from organized gangs and thieves,” before *Xinhua* itself takes over as chief prosecutor: “The irresponsible withdrawal of U.S. forces from Iraq at the end of 2011 led to a sudden security vacuum, offering a respite for the Islamic State (IS) extremist group to develop and grow, which took control of large swathes of land in northern and western Iraq in 2014.”

For all the bilateral agreements, sanctions and other restrictions introduced supposedly to safeguard vulnerable sites, US policy cannot escape blame when international rivalries come to the fore. It’s a message spread further by media outlets in Africa, Sri Lanka and elsewhere that have run the story after taking it off the newswire.

Roma Numismatics to close doors this week

Antiques Trade Gazette: May 20: A sorry end to a saga of dishonesty and stupidity on an epic scale, while it may be possible to feel sorry for the staff at Roma Numismatics as their employment there comes to an end, the same cannot be said for the boss Richard Beale, who founded the firm in 2008.

Having pleaded guilty to a series of charges connected with criminal possession of stolen property and the falsification of documents relating to the headline-grabbing sale of the Brutus Eid Mar gold aureus for £2.7 million in 2020, he now faces up to 25 years in jail, although that is likely to be reduced.

London-based Roma published results of £16m in 2022 and £12.5m last year. Now it is gone. The fall-out from Beale’s dishonesty has been spectacular. Not only have his own employees

suffered, but the potential damage to the antique coins market and the wider art and antiques market cannot yet be counted.

This is why IADAA has long – and rightly – stated that “the trade has more incentive than anyone else to stop the crooks because of the damage they risk causing the reputation of the legitimate trade”.

British Museum Recovers More Missing Artifacts

The Collector: May 20: News that located 268 more artifacts that were reported stolen from its collection last year, bringing the total recovered objects to 626 so far.

“The British Museum said it is currently chasing “new leads” for an additional 100 missing objects.”

Advocacy Alert: Preserving Ecuador, Jordan, and Ukraine - YouTube

May 20: This video promotes these agreements as purely about protecting heritage sites but makes no mention of the conditions of the bilateral agreements or what they mean for the rights of US private citizens.

As several of the trade and collecting bodies have pointed out in their submissions to the US Cultural Property Advisory Committee (see above), which will be assessing them prior to making its recommendations, the bilateral proposals are highly restrictive, not in the interest of cultural heritage as written, and have significant implications for the rights of private citizens.

If anyone should be paying slavery reparations, it's West Africa

The Telegraph: May 20: The Reverend Michael Banner, Dean of Chapel at Trinity College Cambridge, has calculated that Britain owes more than £200 billion to the Caribbean as reparations for slavery. As the author of this commentary notes, however, those calculations take no note of Britain's leading role in abolishing slavery nor of the compensation already paid. It also takes no note of the leading role African nations played in supplying the slave trade and benefiting handsomely from it.

Professor Lawrence Goldman, Emeritus Fellow in History at St Peter's College Oxford writes: “If we are to pay for the sins of our fathers, surely the descendants of the Oba of Benin, the King of the Asante and many others beside should be paying as well?”

Meet the man causing cracks in the antiquities trade

The Economist: May 23: Despite assurances to the contrary and three and a half hours of interviews with trade experts (all but completely excised here) this article fails entirely to explore the evidence provided to its author regarding the credibility of the Manhattan District Attorney's Antiquities Trafficking Unit.

Instead, we are left with another paean to Assistant D.A. Matthew Bogdanos. Disappointing, and an opportunity missed for the journalist in question to have made his mark with a ground-breaking story, for which he had been given extensive information that could be independently verified.

Switzerland returns a statue and two Mesopotamian reliefs of great significance to Iraq

The Federal Council, via the Portal for The Swiss Government: May 24: According to the Swiss authorities, the three items in question were seized during a “criminal procedure” in the canton of Geneva in 2023, following which “the main accused party in the case was given a custodial sentence for contravening the Cultural Property Transfer Act (transfer of stolen or looted cultural goods) and document forgery”. The objects, pictured below, were two large Assyrian reliefs from the 8th century BCE, from the archaeological site Nimrud-

Kalhu, and the fragment of the royal bust from the 2nd-3rd century CE from the ancient city of Hatra.

According to the official statement, “The objects were discovered and indexed during official excavations in 1846/47, 1959 and 1976. They were subsequently illegally removed from Iraq on an unknown date and in unknown circumstances.”

No details were given about how and when the objects were stolen, nor who the individual prosecuted was. As one dealer told IADAA, however: “Ask all my colleagues, but objects like these are absolutely no-go or red flags to us. None of us would dare touch such things without the proper paperwork.”

Images courtesy of the Federal Office of Cultural Affairs

