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Customs and shipping fiasco – a cautionary tale of what’s to come once the EU enforces its new import regulation after June 28, 2025

If you want to get an idea of how enforcement might work under the European Union’s new import licensing regulation after June 28, 2025, here is a cautionary tale.

Earlier this year, a dealer in Paris bought two fairly inexpensive canopic jars from their California-based owner, whose great grandfather – a friend of the celebrated Egyptologist and finder of the tomb of Tutankhamun, Howard Carter – had had them in his possession for many years.

The jars were despatched to the dealer in Paris at the beginning of May. The dealer was soon notified of their arrival in Paris, but they never made it as far as the gallery. It turned out that they had been held by Customs for inspection, and the dealer duly offered Customs all the paperwork they had for them. The Customs officials did not require the paperwork, wanting only proof of purchase, which was duly supplied. They continued their inspection and checks, which included contacting the Egyptian authorities to see whether the jars had been listed as stolen or illegally exported. After two months, satisfied that jars had been legally sold and imported to France, Customs released them back to the courier service, but again they never arrived. Having heard nothing, at the end of July the dealer contacted the courier service to find out what was going on, only to be told that they would soon be delivered but that delays were due to the shipping agent being on holiday.

Knowing that they were about to leave on holiday, the dealer advised the courier service that they should ensure the packages be delivered no later than August 4. Although reassured that this would happen, they did not arrive by the deadline.

Service proves ‘undeliverable’

When the dealer checked again with the courier service, they said that they had attempted to deliver them but the address was wrong. The dealer then confirmed the delivery address but asked for the packages to be held until their arrival back from holiday at the end of August, a request registered with the tracking service. Despite this, three further attempts were made to deliver the packages without any effort to try to contact the dealer, and the packages ended up back in storage. On August 20, the shipping company deemed the packages ‘undeliverable’ and decided to send them back to the USA.

By coincidence, a shipping agent at the airport in Paris who had been involved in the earlier Customs checks had spotted the packages being returned and stopped them, contacting the dealer by email on September 2 to let them know, and confirming that they would be returned to the courier service once more for delivery the following day.

Again, the dealer heard no more and the packages never arrived.

Contacting the courier service once more, they learned that the packages had been dispatched to the airport again for return to the USA.

This time the dealer emailed the same shipping agent, who said that they would try to get them off the plane, later confirming that they had managed to do so. Refusing to leave anything further to chance, the dealer then went to the airport to pick up the packages in person but found that one was missing. They were told it had probably

already been sent back to the USA. On inspecting the other package, they found that Customs had not repacked it properly and its contents were broken.

So despite clearance from Customs after inspection and contact with the Egyptian authorities, one package has now been returned to the USA where, according to the US Memorandum of Understanding with Egypt, it risks being seized at Customs and sent back to Egypt, while the other has been mishandled and, far from being protected under the Customs process, has instead been destroyed.

To make things worse, the delay in returning the package to the dealer has taken it over the 90-day limit for making an insurance claim for the damage, as the shippers have now confirmed.

This is just one example of the problems faced by art market professionals when importing to the European Union. What will it be like after June 28, 2025, when Customs will have to check a vast number of additional packages it has not had to deal with before?

A Collector Sues to Fight Seizure of Roman Bronze Statue

Artnet News: September 5: A rare case of an individual standing up to the demands of the Manhattan District Attorney's Antiquities Trafficking Unit, this involves California collector Aaron Mendelsohn, aged 74.

Manhattan D.A. Alvin Bragg has filed a lawsuit demanding that the collector hands over a bronze sculpture of a bronze male nude that it argues was looted from the Turkish site of Bubon in the 1960s. The D.A. claims jurisdiction because the statue once passed through New York.

In response, Mendelsohn's lawyers have stated that by threatening criminal prosecution rather than allowing for a civil case, the D.A. is trying to intimidate their client into yielding up the statue without giving him a proper chance to explore the evidence that casts doubt on his ownership. They also dispute the Manhattan D.A.'s claim to jurisdiction in California.

The New York Times reports that according to court papers, Mr Mendelsohn bought the statue from New York's Royal-Athena Galleries for about \$1.33 million in 2007. The statue had previously been in a Boston private collection which had acquired it in Switzerland.

At the time of the sale to Mr Mendelsohn, Cornelius Vermeule, then curator of classical antiquities at the Museum of Fine Arts in Boston and the "undisputed authority" on the matter, had endorsed the statue as having come from Bubon. Was the statue part of a grouping looted from Bubon by villagers in the 1960s? Mr Mendelsohn's lawyers court filing stated: "The evidence presented by DANY does not provide a sufficient basis to conclude that the Bronze Male was looted and illegally exported from Bubon in the 1960s, let alone that it originated from Bubon in the first place."

"DANY's claim of origin rests on inconsistent and incomplete historical records, unreliable testimony from a single witness about an event that happened over fifty years ago, and highly suggestive photo arrays and sequences of various bronze statues shown to that single witness."

Further challenging the D.A.'s authority, Mr Mendelsohn's lawyers argued that he had owned the statue for 17 years but "the statute of limitations for criminal possession of stolen property under New York penal law is five years," meaning the opportunity for prosecution has expired.

The case has arisen at a time when the Cleveland Museum of Art and The Institute of Chicago are also fighting back against the Manhattan D.A.'s relentless pursuit of antiquities it believes were looted.

As this newsletter has often reported, the complete lack of transparency surrounding the D.A.'s claims leave a huge question mark over their validity.

When challenged, the ATU has refused to disclose who has been valuing seized items for return, an important consideration in justifying its existence, especially when

those valuations appear to be vastly exaggerated when reviewed by market professionals.

If the valuations are exaggerated, then just how reliable are the claims that items have been looted? As Mr Mendelsohn's lawyers have noted, by threatening criminal prosecution, the D.A. does not have to fully disclose the evidence on which it relies. With so many items seized in the USA and elsewhere being sent back to source countries on the basis of suspicion rather than hard evidence, as in another case involving the Museum of Fine Arts Boston, the ATU's credibility on this score is wearing thin. The decision of two major institutions and a collector to fight back appear to confirm this.

The Netherlands Repatriates Three Stolen Egyptian Artifacts

Art News: August 30: Another example of where the story does not support the headline – and where claims that items have been looted are not supported by the evidence. In this case, the lack of hard evidence is revealed in the fifth paragraph: “Both the faience shabti and the painting are **thought to have been** illegally exported out of Egypt after grave robberies that took place in 2014.” [Emphasis added].

Reports of 'large-scale looting' at Sudan National Museum

Museums Journal: September 4: “There are reports of mass looting at the National Museum of Sudan in Khartoum amid the country's ongoing civil war and humanitarian crisis,” the Journal reports.

Further reports claim that satellite images satellite have shown evidence of a “large-scale looting and smuggling operation” by the Rapid Support Forces (RSF) military group at the museum, with some artefacts trafficked to South Sudan.

The national museum houses the world's largest and most comprehensive Nubian archaeological collection, along with artefacts from other ancient civilisations including the Kingdom of Kush (8th-4th century BCE) and the medieval Kingdom of Alwa.

UNESCO has stepped in, promising to organise training in Cairo for members of law enforcement before the end of the year, and to continue satellite monitoring of vulnerable sites.

Egyptian campaign intensifies efforts to repatriate famed bust of Nefertiti from Germany

The National News: September 8: Leading Egyptologist Dr Zahi Hawass has launched a petition for Germany to return the celebrated bust of queen Nefertiti to Egypt.

He hopes to raise at least one million signatures to reclaim the 3,400-year-old bust which has been on display at the Neue Museum in Berlin since its discovery in 1912.

U.S.A. has introduced import restrictions to protect Ukraine's cultural heritage

US Federal register: September 10: U.S. Deputy Secretary of State for Management and Resources Richard Verma has confirmed that the U.S. is to introduce emergency measures to help Ukraine protect its heritage.

In his Cultural Property Observer blog, collector, campaigner and expert cultural property lawyer Peter Tompa argues that the measures, as well as those regarding Yemen, are heavy handed and go too far: “Both sets of import restrictions again demonstrate that the Biden-Harris State Department places a premium on expediency over legality and the interests of American collectors and the small and micro businesses of the trade in cultural goods,” he writes.

Calling the Ukraine restrictions “exceptionally broad, he says: “Such import restrictions authorize the detention, seizure and repatriation of coin types made in what is today Ukraine or occupied Crimea that circulated in quantity elsewhere as well as issues made elsewhere that primarily circulated well outside of present day Ukraine”, adding: “As with ancient Roman Imperial coins, such coin types that are widely and legally sold in legitimate markets in Europe are now in danger of confiscation on entry into the US unless the importer can “prove” they were out of Ukraine as of the September 10, 2024 effective date of the regulations.”

Tompa is frustrated that even though these concerns were raised in written and oral comments on behalf of the American Numismatic Association, the Ancient Coin Collectors Guild, and the International Association of Professional Numismatists, they were ignored. “Additionally, by issuing ‘emergency import restrictions’ rather than entering into a cultural property MOU, the State Department avoided having to consider ‘less drastic measures’ raised in these comments. Such ‘less drastic measures’ like the creation of a Portable Antiquities Scheme and a web based system for issuing export permits would have been particularly appropriate here since Ukraine allows a large internal market for the cultural goods that are now embargoed as well as the purchase and sale of metal detectors.”

D.A. Bragg Announces Return Of 14 Antiquities To The People Of Türkiye

Manhattan District Attorney media release: September 12: Further evidence of the Antiquities Trafficking Unit in New York turning its attention to museums with the return of items seized from the Santa Barbara Museum of Art and the Getty, both in California.

Of the two bronze pieces highlighted, the Santa Barbara Museum’s 3rd Century bearded head of a man is said to have been looted from Bubon in Tukey in 1966, while the Getty’s head of a youth, dating to a similar period, is said to have been looted three years later from the same site.

The two cases also demonstrate the controversial claims of legal oversight outside its Manhattan jurisdiction of the ATU.

Also included in the return package to Turkey are coins associated with the disgraced former coin auctioneer Richard Beale.

The D.A.’s office has put a value of \$8.3 million on the 14 pieces returned but has not said who provided the valuations.

The release provides an update regarding the number of and value of items seized by the ATU, as well as associated data: “During District Attorney Bragg’s tenure, the ATU has recovered almost 2,100 antiquities stolen from more than 30 countries and valued at more than \$230 million. Since its creation, the ATU has convicted 16 defendants for cultural property trafficking offenses, filed extraditions for 6 others, recovered more than 5,700 antiquities valued at more than \$450 million, and returned more than 4,600 to more than 25 countries, with another 1,000 scheduled to be repatriated in the coming months.”

As has happened in the past, the new figures do not match up with earlier claims. A D.A. media release on May 2 this year claimed that the total value of recovered items during D.A. Bragg’s tenure was more than \$250 million – now that claim has been reduced by \$20 million although the number of countries affected has risen from more than 25 to more than 30, while the number of items has risen from more than 2,000 to almost 2,100.

MFA Boston Returns a 2,500-Year-Old Necklace to Turkey

Artnet News: September 5: News of another return to Turkey, this time a gold necklace decorated with carnelian dating to 550-450 BC, from the Museum of Fine Arts in Boston.

According to this report, the necklace, *shown here*, was “very likely looted from a tomb in 1976” – in other words, not direct evidence yet again.

As the report goes on to explain, the necklace “had been acquired by the museum from a London dealer in 1982, a time when the art and antiques trade was much less scrupulous about ensuring an item’s origins were not marred by crime”.

This ignores the fact that provenance was not the consideration it is now for anyone, not just the art and antiques trade – an important distinction, without which a false picture is created of attitudes at the time.

Usefully, the report also goes on to detail the level of proof and thinking behind the view that the necklace was probably looted, an explanation that illustrates just how low the level of proof is to instigate repatriation: “the possibility that the necklace may have been looted was first brought to the museum’s attention by a scholarly essay from 2015. It noted that a strong resemblance to some beads and other fragments that are on display at the Turkish archaeological museum Manisa. These pieces had been excavated in 1976 at the Bintepe Necropolis Area, following reports that the site had been targeted by looters. It seems likely, given the similarity between the artifacts, that the necklace had already been stolen from the same site.

Preservation of Cultural Heritage of Religious and Ethnic Minority Communities in Iraq through Award to the Antiquities Coalition

USAID media release: Undated: An announcement that The United States Agency for International Development (USAID) has awarded the Antiquities Coalition \$1 million for a new project “reserving the Cultural Heritage of Minority Communities of Iraq.”

As the release explains, “Working closely with the teams from CNMO, the Syriac Heritage Museum, and Yazda, USAID and the Antiquities Coalition will help to



Necklace from 550-450 BCE, returned to Turkey by the MFA Boston in 2024. Photo courtesy the MFA Boston.

digitize and conserve thousands of pieces from their collections, including manuscripts, photographs, and other archival materials. The project will also provide training and equipment to the teams to establish digitization labs and document intangible cultural heritage, such as stories, songs, and traditional practices. Finally, with support from USAID and the Antiquities Coalition, the partners will develop online and in-house exhibitions to share these precious artifacts and traditions with the world.”

Another example of shared commitment to preserve cultural heritage: US envoy Eric Garcetti on return of antiquities to India

The Economic Times, India: September 23: One of numerous articles about the return to India of 297 items of trafficked cultural property from the United States, it clearly demonstrates the direct link between bilateral agreements on culture and soft power diplomacy. In this case the return was made during a meeting between Indian Prime Minister Narendra Modi and US President Joe Biden. As Modi welcomed the strengthening cultural ties between the two nations afforded by the recent Memorandum of Understanding, “he also apprised the gathering of how India has become a key player in mobile manufacturing – from being an importer to an exporter, digital public infrastructure adoption. He added that the day is not far when Made in India chips will be available in America”.

As the article also reported, “Later on Sunday (local time), Prime Minister Modi interacted with the CEOs of leading US-based companies to foster greater collaborations between the two countries in the cutting-edge areas of AI, quantum computing, semiconductors, and biotechnology, among others.”

Lisa Nandy: Tories’ ‘violent indifference’ to the arts damaged access to culture

The Guardian: September 24: A speech from the new Culture Secretary in the UK points to the British government taking new steps towards returning the Parthenon marbles to Greece.

Iraq's archaeological sites face neglect despite potential to boost economy, experts say

Shafaq: September 24: According to Iraq's Ministry of Culture, Tourism, and Antiquities, only 10% of Iraq's 18,000 identified archaeological sites have been excavated, yet many more of those that remain untouched by archaeologists have been “marred by neglect and lack of development opportunities to contribute significantly to the economy”.

As in Egypt, the government is now looking at how to exploit the sites for tourism, but the neglect of the sites presents it with a challenge on this front.

CPAC Meeting on New Agreements or Emergency Restrictions for Lebanon and Mongolia and Renewal for El Salvador

Cultural Property Observer blog: September 24: Cultural property lawyer, coin collector and campaigner Peter Tompa's blog reveals what he said to the Cultural Property Advisory Committee over US proposals regarding the return of items to Lebanon as war approaches: “CPAC should reject any cultural property MOU or emergency import restrictions with Lebanon. US Customs should not be made the ‘culture cop’ for a government dominated by Hezbollah, a terrorist group and proxy for Iran's dictatorial regime. Additionally, no decision should be made to repatriate artifacts to Lebanon when Israel and Hezbollah are gearing up for a full scale war. Repatriated antiquities are in danger of being destroyed or sold to fund Hezbollah's jihad against America and Israel.”

He dismisses claims by the State department that MoUs simply prevent trafficked items from entering the US. “They are actually applied far more broadly as

embargoes that ‘claw back’ common items like coins that are available for sale and export from legal markets abroad, particularly in Europe. Once a coin type is ‘listed’, US Customs can assert its authority to detain, seize, and forfeit similar coins under the assumption they ‘belong’ to the particular country for which import restrictions have been granted.”

Ancient sword bearing name of Ramesses II discovered in Egypt

AllIsrael News: September 24: One of the more spectacular discoveries of recent times is a bronze sword inscribed with the name of Rameses II. Found at the old military fort at Tell Al-Abqain in the northwest Nile Delta of Egypt by a team of archaeologists, it is thought to be about 3,200 years old.

“The ancient weapon was found in one of the mudbrick structures that were once military barracks and storage rooms for weapons and provisions. It was in a small room close to an area that could have been vulnerable to attack or intrusion, leading researchers to conclude that the sword was a weapon intended for use rather than purely decorative,” the report reveals.



The bronze sword (Photo: Egyptian Ministry of Tourism and Antiquities)

Longtime Art Authentication Nonprofit IFAR to Shut Down After 55 Years

ARTnews: September 27: The International Foundation for Art Research is to close down after 55 years. It appears that finance is at least one important factor behind the decision.

The organization, founded in 1969, is a nonprofit education and research organization that provides “information on authenticity, ownership, theft, and other artistic, legal, and ethical issues concerning art objects,” according to its website.

Questions about Manhattan DA’s Antiquities Grabs and Restitutions to Turkey

National Review: September 28: With a subheading that reads “Woke ideology? Shakedown? Abuse of power? A good idea gone bad?”, this article is one of the few examples of journalists questioning the activities of Manhattan Antiquities Trafficking Unit – a concern IADAA and the trade have been airing for years.

While praising the ATU's work but adds: "Good causes can become schticks and, in the case of the Manhattan DA's stolen-art division, at the very least questionable. Lots of art has been seized and returned to wronged families and countries. Many times, I've thought, *This makes sense*. Over the past few years, as I've seen and learned more, I've tweaked my take. Has the restitution movement become a shakedown machine? Is it infected with the woke anti-colonialism disease?"

The writer, National review Art Critic Brian T. Allen, who once sat on the board of the Holyoke Museum, says: "Everyone with whom I've discussed the art-trafficking division said "abuse of power" and "shakedown," unless they were too frightened to talk. I'm old-fashioned and look at law enforcement as an ally and friend, not an oppressor. The questions I'm raising are on everyone's minds."

Expanding on the D.A.'s powers, Allen sets them in the context of fake news: "We live in an era of hoaxes. "Weapons of mass destruction," Russian collusion, Covid's from the Bat Cave not the Leaky Lab, "the Earth is broiling," and "sharp as a tack" are among them. Impressionable people believe that meanie Brits and Americans looted antiquities willy-nilly. Museums and rich collectors need to shed them to decolonize since we gringos are all colonizers and evildoers."

Addressing the issue of 'probable cause', which he describes as 'squishy', Allen adds: "It's the standard to get a search warrant. Lots of judges don't know how to say "no." And once your bronze is seized, and even if the gendarmes are polite, wipe their feet, and wear white gloves, you're trapped in the process. You lose sleep. You get the spotlight treatment. Lawyering up is pricy, so you're now eating Friskies instead of caviar."

As for jurisdiction, and how the Manhattan D.A.'s office can impose its will on places as far away as California, Allen explains: "The DA's office argues that every work of art of great value at some point comes through Manhattan. And, even if not, DAs tend to stick together. What's a buddy DA in L.A. if he can't help a colleague in the Big Apple?"

Evidence justifying the return of seized items is about 50/50 but that will do, he says, before asking whether the return is the best outcome: "When a museum is forced to surrender an object, the public loses, and so does scholarship. Most of these restituted antiquities return not to public delectation in Italy, Greece, Turkey, Iraq, or Egypt, but to cold, dark vaults. These countries already have enough antiquities to choke every hydra in Lerna. And the decolonized don't get a refund. They swallow the loss. For a museum, these charity dollars go down the old stone cistern. All because of that preponderance of evidence, that little fraction of a fraction."

The conclusion is damning: "Unless a collector has very deep pockets and fire in his belly, it's likely that the DA will win through intimidation alone. This is unjust. Though the art-trafficking division has racked up convictions and returned more than 4,000 objects, I don't think it's ever won a case in a full-fledged trial before a jury. Most museums simply don't have the money to contest a claim. Even the Met is afraid."

As for statutes of limitation, despite the D.A.'s office saying stolen property is stolen property forever, "New York law says the statute of limitations on prosecuting stolen-property cases is five years. The Cleveland Museum has owned *The Philosopher* since 1986. It will make the case that it bought the sculpture in good faith."

Skewering the ATU's chief, Assistant D.A. Matthew Bogdanos, Allen writes: "The 'forever' rule makes for a self-aggrandizing dynamic. Who died and made one division of one department of one borough of one city the sheriff of omnium and gatherum?"

Just as important is the question as to why the Manhattan D.A.'s office is "carrying water for Turkey": "It's got a crypto-fascist, Jew-hating government. Turkey is in NATO, but with friends like Erdoğan, who needs enemies? Goodness, the Feds are now claiming that Turks, some in Erdoğan's government, have been funneling bribe money to New York's mayor for years, not for bronzes but run-of-the-mill, low-down

favours. Why do anything for them? And why are we enforcing laws dating to the Ottoman Empire?"

Finally, the article asks why 'Bragg's bruisers' and Homeland Security are targeting people like the 85-year-old Shelby White instead of focusing on criminal gangs plaguing New York.