



IADAA NEWSLETTER APRIL 2025

***Honouring statutes of limitation and fair compensation rules –
how to benefit bona fide owners of antiquities and countries of
origin***



This newsletter frequently reports on seizures and claims involving antiquities that might have been illegally exported from their countries of origin, often decades previously. The authorities and media almost always assume that the object is illicit – even when the evidence they report leaves that question open, which it often does. They also almost always ignore the Conventions and laws set up to protect the interests of the owners who have purchased these items in good faith.

Seizures prompted by suspicion and the identification of casual or incidental risk rather than hard evidence of wrongdoing fly in the face of every rule set down to safeguard citizens' rights.

Protecting individuals' property rights is an essential part of any democratic society, as made clear by [Protocol 1, Article 1 of the European Convention on](#)

Human Rights, Article 17.2 of the Universal Declaration of Human Rights, several amendments of the U.S. Constitution, and other laws and Conventions. Two standards apply here: fair compensation for any loss, and statutes of limitations on claims. Both exist for good reasons: to protect the innocent and to prevent historic and often ancient abuses from harming legitimate interests in the modern world, while establishing legal certainty. The latter is particularly important where evidence is unreliable, as is so often the case in judging whether an antiquity really was looted or illegally exported originally. As with the case of the 6th century B.C. Greek drinking vessel reported in last month's newsletter, applicable statutes of limitation and "fair and just compensation" appear to have been ignored completely by those who have a legal commitment to upholding them.

To recap, Article 8 of EU Directive 2014/60 on the return of cultural objects unlawfully removed from the territory of a Member State stipulates a statute of limitations of 30 years. In the case of the cup, that deadline passed in 2015 since the current owners bought it at Sotheby's in 1985.

Article 10 of the same Directive, together with Article 7 of the 1970 UNESCO Convention and Article 6 of the 1995 UNIDROIT Convention – both concerning illicit trade in cultural property – have special provisions for the "bona fide owner" or "innocent purchaser". Someone who bought an object in good faith, as one does when buying at renowned auction houses, is entitled to "fair compensation" or "just compensation" to be paid by the requesting state in case of repatriation.

It should be noted in the case of Article 7 of the UNESCO Convention that the return of the cultural good to the country of origin is *conditional* on fair and just compensation being paid to the bona fide owner. Note the wording:

"...provided, however, that the requesting State shall pay just compensation to an innocent purchaser or to a person who has valid title to that property."

Conventions designed to protect valid interests of all parties

The importance of the bona fide owner's rights is further underlined in both UNESCO and UNIDROIT by placing the burden of costs of returning an item to its country of origin on that country.

Essentially, the Conventions are drawn up to make countries of origin seriously consider whether the item in question is truly an object of *national importance*, as stipulated under Articles 1, 4 and 5 (b) of the UNESCO Convention.

The fact that UNESCO enshrines this priority so early on in several articles of the Convention acts as a buffer to prevent countries of origin simply clawing back anything they can get their hands on regardless of its merit or the merits of their claim. As the flood of claims, seizures and returns demonstrate, however, States Parties to the Convention, with the support of international law enforcement, simply ignore these essential provisions.

The fact that some people had been active in dealing in unlawfully exported antiquities between the 1960s and '90s only came to light later. Prior to this, collectors and dealers buying antiquities from leading auction houses and dealers had no idea that some objects might be problematic, and so by definition were innocent purchasers.

As we now know, some of the large scale smugglers and dealers kept photographic records, known as archives. The best known are the Medici archive (seized in 1995) and the Becchina archive (seized in 2002). That both men also bought legitimately at auction makes identifying illicitly excavated and legitimate objects in these archives a challenge. Archaeologists, academics, and the authorities simply assume everything that passed through their hands must be illicit when no evidence exists to show this, and nor is it likely.

One of the reasons IADAA was founded in 1993 was that it gradually became clear that some dealers might not be acting ethically or even legally. IADAA established a code of conduct and strict due diligence guidelines for its members. Inspired by IADAA and CINOA, as it has acknowledged in its recent review of the document, six years later in 1999 UNESCO set up its own code of ethics for dealers.

A rule of thumb in the art trade is that objects from private collections re-appear on the market about every 30 to 50 years. So, objects, sold in the 1960s and '70s, that, as we know now, might have been unlawfully exported, will have changed hands at least once or twice since that time. Their owners will have legal title under statutes of limitation; most are likely to be bona fide purchasers. This means that their possessions should not be seized under the law. It also means that where a claim is made and they agree to release the item, they should receive fair and just compensation from the claimant country.

The solution is quite simple

The grand sweep of returns we have seen in recent years as statutes of limitation and compensation rights are ignored must be causing significant issues when it

comes to conservation, storage, and display for countries of origin and their museums. Certainly, where less important pieces are seized and sent back, the chances of them being put on public display must be minimal.

How do we resolve the problem so that countries of origin get back the items of *national importance* that are poorly represented in public collections, if represented at all, while honouring compensation rights, and bona fide owners are left alone by the authorities when unjust claims against them arise, particularly for types of artefacts well represented in national and international museum collections?

IADAA believes that a proactive policy might be the answer. Where doubts arise over the validity of an antiquity's original export, but the statute of limitation has expired and/or the owner can demonstrate a bona fide purchase, it could be agreed that the country of origin would be granted first refusal when the object comes up for sale.

This would extend patrimony rights beyond existing boundaries established under laws and Conventions, as set out above. In honouring their commitment to the fair and just compensation clauses of those same laws and Conventions to which they ascribe, it would also help countries of origin refine their judgment on what really constitutes an item of national importance – an obligation they should already be honouring under Article 5 of the UNESCO Convention. In brief, if they must pay the market value for an object, will they still want it back? Where they decide they do not, this should then finally free the item in question from any further potential claim, allowing it to circulate unhindered on the market. A certification process for such objects could add to transparency and due diligence here.

The beauty of this solution is that it is simple and the legal and ethical precedents for it are already enshrined in international Conventions and laws. All we suggest, essentially, is that nation states who claim to honour their commitments to these Conventions and laws actually do so.

This system might finally put an end to the war of attrition between Professor Christos Tsirogiannis, who has exclusive access to the relevant archives, and the trade, as he could help the trade in identifying these objects with a view to launching the review process, as described above, with the relevant country of origin. This would have the added benefit of encouraging all provenances, including those names considered toxic by the trade, to be publicly recorded in auctions when known, making their whereabouts more visible to the trade and academics alike.

Opinion: It's Time to Make Collecting Great Again!

Cultural Property News: Another article that looks at how politics has played its part in encouraging the authorities to ride roughshod over citizens' rights and international conventions and laws. Peter Tompa is one of the leading campaigners and authorities in this area and provides an incisive overview of where the challenges lie, why they have arisen and what they mean for the unsuspecting.

Best of all, he proposes a practical solution for ironing out undue influence. This article is worth reading in full. It was first published in the American Bar Association Section of International Law, Art & Cultural Heritage Law Newsletter, Winter 2025 issue.

None of the world's top authorities able to supply accurate global data on cultural goods trafficking

Despite myriad figures for illicit trade worth billions or even tens of billions of dollars, no one can point to any reliable source for claims

A survey of a dozen of the world's top law enforcement agencies and government departments has revealed that none of them appears to have any accurate data regarding the value of cultural goods trafficking globally. This is despite multiple claims going back years of an illicit trade worth tens of billions of dollars.

Indeed, in at least one case – Interpol – the only reference to the size of the problem comes in a ten-year-old video still prominent on its website, in which former Secretary General Jürgen Stock makes the claim that the black market in art is as lucrative as the illicit markets in drugs, weapons and



counterfeit goods – a claim long since exposed as untrue.

Carried out on behalf of several art market trade associations, the survey sought responses from the European Commission, the EU Directorate for Culture, the European Anti-Fraud Office (OLAF), the US State Department, Interpol, Europol, the FBI, Homeland Security, the Financial Action Task Force, the UK's National Crime Agency, the World Customs Organisation and UNESCO.

Care was made to approach the correct source for such information in each case, and follow-up requests were made when advised by the relevant authority of a different source.

The aim was to get a clear picture of trafficking levels

The aim of the survey was to establish a clear picture of global trafficking data for cultural property.

“It is important to establish credible data to defeat the extensive misinformation and disinformation surrounding this subject, which plays a significant part in hampering effective policy making,” the authorities were told.

Each was asked the following: “Do you have any independently verifiable figures relating to the value of trafficking of cultural property, especially any global figures for the annual value of this risk area?”

And each was asked to supply the data and its sources if it was available. Not one did. More than one admitted that it didn't have the information or that it simply did not exist. These included organisations producing extensive reports claiming cultural goods trafficking is a huge problem.

Others either did not respond or directed the request to another source. In one

case, the UK's National Crime Agency, the request was met with refusal to respond on the grounds that it was not a public body.

No relevant data from Interpol or Europol

Despite mass data being made available for associated issues and other categories of risk via the World Customs Organisation annual Illicit Trade Reports, together with arrests and seizure data from Interpol and Europol via Operations such as Pandora, not one authority was able to provide any credible data on the size of cultural goods trafficking.

Having previously stated on its website that it had no data showing the size of the problem and adding that it never expected to have any reliable data on global trafficking in cultural property, Interpol says it is a "lucrative black market" and introduces its Cultural Heritage Crime section as follows: "Trafficking in cultural property is a low-risk, high-profit business for criminals with links to organized crime. From stolen artwork to historical artefacts, this crime can affect all countries, either as origin, transit or destinations."

Requests to both Europol and the World Customs Organisation have proved equally fruitless.

Europol directed the request to its website, which gives no such data. However, it had responded to an earlier request, stating: "We do not have these figures. Europol is not a statistical organisation – Europol's priority is to support cross-border investigations and the information available is solely based on investigations supported by Europol."

When emailed in February, asking why it no longer included any relevant data in its annual Illicit Trade Report on Cultural Goods, The WCO explained that global data on illicit trade "does not exist".

When emailed again in March, it did not respond.

No relevant data available from Eurostat

The European Commission's information service directed the request to Eurostat, but that does not have any relevant data.

The Financial Action Task Force directed the request to its 2023 report: Money Laundering and terrorist Financing in the Art and Antiquities Market. However, much of that report is based on historically inaccurate data and provides no credible figures for global trafficking at all. It also acknowledges that it does not have the data, stating on page 28: "The lack of reliable statistics concerning looting activities, especially from conflict zones, makes it difficult to assess the scale of the phenomenon. However, considering the volume of looted

archaeological goods seized in certain international or national police operations, it appears that this is a large-scale activity.” This view does not tally with the global data published by the World Customs Organisation.

The US State Department directed the request to the Office of Civilian Security, Democracy, and Human Rights, providing two phone numbers. One had a voicemail, so a request was left for an email address, with no result; the other number did not work. The weblink provided by the State department gave no information on the ‘Office’. Extensive web searching came up with no contact details. No further response came.

A March 12 response from the FBI referred the request to an online request form, which was filled in the same day. To date, no further response has arisen.

No relevant data from the European Anti-Fraud Office

A follow-up request elicited a response from the European Anti-Fraud Office (OLAF). It welcomed the attempt to gather credible data but said its work did not relate directly to doing so itself.

No responses came at all from the Directorate-General for Education, Youth, Sport and Culture (DG EAC) (Cultural Heritage Unit); UNESCO’s Information Service (for all UNESCO data); or Homeland Security.

Readers will have their own views as to what this means, but the complete lack of any reliable data – or any data at all in most cases – raises the question as to what the unending slew of claims over global trafficking in cultural property are really based on.

A more detailed summary of individual responses is available.

This article will be updated by any further responses of note.

Milestone discoveries: Revealing highlights from record years for Portable Antiquities Scheme and Treasure finds

The Past: March 29: A record year for the gold standard in recovery schemes operated by national governments, the Portable Antiquities Scheme registered 74,506 finds in England, Wales and Northern Ireland in 2023. Of these, 95% were made by metal detectorists, with 3.74% made by mudlarks or field walkers. The rest were chance finds during gardening, construction and agricultural work, as well as controlled archaeological excavations.

The earliest items found were 55 Lower Paleolithic (c.500,000-180,000 B.C.) hand axes, while numerous Bronze Age finds included weapons and tools, as well as hoards, the most notable of which was the Hambleton Hoard, a Middle Bronze Age cache of metalwork largely featuring jewellery.

Pictured here is a Roman knife handle in the shape of an asparagus spear, found in Nottinghamshire and measuring 81.5mm. The image comes courtesy of West Yorkshire Archaeology Advisory Service.



First-Ever Ancient Greek Theater Discovered in Lefkada, Ionian Islands

IDR: April 4: An archaeological excavation has unearthed the first-ever ancient Greek theater discovered in the Ionian Islands at Lefkada. It is located on Koulmos Hill, about three kilometers south of the modern city of Lefkada. The final unveiling comes eight years after excavations first started at the site.

ICCROM launches READY Project to safeguard cultural heritage from extreme risks

Emirates News Agency: April 5: One of the most challenging tasks of any individual or group involved in cultural heritage conservation and preservation is protecting vulnerable sites and objects in times of conflict.

Recognising this, The International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM) has devised a training programme to improve the understanding and skills of those faced with the task of carrying out such work.

The READY programme has been developed with various partners, including the European Union, and the first international training course will take place from May 2025 to February 2026. It is titled Safeguarding Heritage Collections, Living Traditions, and Practices in the Face of Disasters, Extreme Weather

Events, and Complex Emergencies.

Antiquities and Collectibles Are in Murky Tariff Territory. How the Industry Is Coping

Barrons: April 23: More evidence of why accurate customs codes are so vital comes in this article of how newly announced U.S. tariffs leave the international art market in a state of uncertainty.

Well-known cultural property lawyer Nicholas O'Donnell argues that President Trumps powers do not extend the authority to regulate 'informational' materials such as paintings, drawings, sculptures and prints. But O'Donnell also says that there is "more of a question mark" over ancient coins, rare books and other pieces under the relevant legislation, the International Emergency Economic Powers Act.

Peter Tompa, another specialist cultural property lawyer, writer and campaigner on cultural heritage matters, and executive director of the International Association of Numismatists, tells of a 'chilling effect' on the market resulting from this uncertainty. One example of this is the postponement of Swiss auction house Nomos 35's April sale of coins and medals until June in the hope of clarity by then.

Tompa argues that as ancient coins convey information in words and symbols – they are sometimes the only surviving artefacts shedding light on the history of a person or place – they should be covered by the exemption too. Other factors complicate matters further.

Expect more debate and articles on this issue.

Two New Arrests in Drents Museum Hest, But Ancient Romanian Gold Artifacts Remain Missing

ARTnews: April 24: Dutch police have arrested a 20-year-old man and an 18-year-old man in connection with the January 24 theft of Romanian artefacts from the Drents Museum.

According to police information, the 20-year-old suspect was seen in images recorded by security cameras at a hardware store in Assen acquiring tools later used in the raid on the museum.

"The investigation into the stolen masterpieces from the Drents Museum does not stop with these arrests," the police statement said. "Tracking down these pieces is still our priority."

The stolen artifacts included the golden helmet of Coțofenești and three golden

bracelets from 450 BCE that date back to the ancient Dacians, who inhabited parts of the Balkan region.

The Cotofenesti helmet was made of solid gold, weighed a little over two pounds, and featured elaborate decoration, including large studies and a scene sacrificing a lamb. It also dated back to 450 BCE.

Earlier arrests have left four others in custody.

Museum's Benin Bronzes Are Reclaimed by Wealthy Collector

New York Times: April 25: Another article that conducts an astonishing and dismaying airbrushing of history surrounding the Benin Bronzes. Here we learn that the Museum of Fine Arts, Boston, is to return a collection of the sculptures to collector Robert Owen Lehman Jr, who loaned them in 2013.

While the museum set the bronzes in some sort of context when the exhibition opened, focusing on the British punitive expedition in 1897 and subsequent plundering of the bronzes, it apparently made no mention of why the expedition was launched nor about the cruel practices and extensive slaving perpetrated by the oba, or king, of Benin over centuries – practices that the British led the way in trying to suppress.

This article makes the same error of omission.

It tells of how the museum had invited the oba to the exhibition's launch in 2013, and of how a new oba later got in touch to claim the bronzes for himself, leading to discussions within the museum about how to handle this.

"Those discussions ended this week with an announcement by the museum that almost all the items would be going back to Lehman."

The NYT quotes Matthew Teitelbaum, who took over as the museum's director in 2015, saying: "We strive to be a leader in ethical stewardship and reaching judicious restitution decisions... Unfortunately, we were not able to make progress on a mutually agreeable resolution for our gallery of Benin Bronzes."

Nowhere is the ethical question raised as to why anyone would return items that were literally made from the profits of slavery (melted down manilla, the slave currency, was used to make the bronzes) to the direct descendant of the people who sold others into slavery.

As subscribers will know, many of the Benin bronzes have been sent back to modern-day Nigeria on the understanding that they would be put on public display in a national institution. Instead, the Nigerian government has handed them over to the oba as his personal property.

"The repatriation is part of a broader reckoning within the art world about how

to handle vast amounts of cultural patrimony that were removed from global sites and then placed on display in Western museums,” says the NYT. However, we have yet to see any serious consideration of a reckoning for the oba slaving legacy, or the interests of those who were sold into slavery, the descendants of whom have also protested against the bronzes' return.

Perhaps Teitelbaum could have considered those interests when he says: ““We were constantly trying to align the various interests to achieve an outcome that honored history as well as the museum’s ability to display the works.”