



## IADAA NEWSLETTER MAY 2025

### *The Transparency question*

One of the oft-repeated claims from those who criticise the art and antiques industry is that its transactions are too opaque. Lack of transparency breeds suspicion and encourages crime, they argue.

While miscreants have undoubtedly taken advantage of the tradition of confidentiality surrounding private sales, dealer sales and auctions, critics ignore the valid reasons for not making every detail public: the right to privacy, contractual obligations and legal restraints such as GDPR rules. Nonetheless, the industry has recognised the need to build trust



and has become far more transparent than ever before; where it is possible to clarify, it also makes for better business. In some areas it has also been forced to reveal details that might otherwise have remained private: anti-money laundering rules, and the impending enforcement of the European Union's import licensing regulation are just two examples of this.

So, the question is: if transparency is such a good thing and the art and antiques industry must embrace it so vigorously, why are its critics becoming increasingly opaque in their own activities?

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Almost every day we hear of cultural goods being seized and returned to source countries. It is commonplace for these goods to be listed as looted, trafficked or illegally exported, but vanishingly rare for any evidence of this to be provided.

Much clear evidence does exist that these claims do not stand up when tested, which means that the public is being misled – deliberately or mistakenly – into thinking that the problem of illicit material is far greater than it really is. As has been argued on many occasions, a huge number of individuals and organisations have a vested interest in exaggerating the problem, usually for financial reasons such as the funding of projects, or to attract attention and influence, or all three.

### **Misleading media reports may be the result of poor resources or training**

Many media reports simply parrot what they are fed in press releases; curiosity among journalists appears to be an historic low point, perhaps because of deadlines, the 24-hour news cycle, vanishing resources, lack of training and poor pay. Media reports undermine the headlines under which they appear on a daily basis. As an example, take an article that appeared in the *[Hurriyet Daily News on May 20](#)*. Titled *Egypt recovers antiquities smuggled to Australia*, it tells of the retrieval of 21 objects including a funerary figurine and an Eye of Horus amulet “that had been smuggled to Australia”. No details of how the trafficking occurred are given, but the report does state: “Most of the items had been ‘on display at a renowned auction house in Australia, before it became clear that there were no proper ownership documents’, Supreme Council of Antiquities chief Mohamed Ismail Khaled said.”

So, no evidence of smuggling, just an absence of documentation – the situation in an overwhelming number of cases, and usually for perfectly good reasons ranging from the fact that export documents were either never issued because they were not needed at the time, or not kept once used because there was no reason to retain them. The one thing this article does not show, despite the headline, was that the items in question were smuggled. Indeed, it confirms that it has no evidence of this.

On May 21, the *[Jerusalem Post published an article](#)* on the return of “looted” items to Iraq following further investigations into the disgraced late dealer Robin Symes who died in 2023. Titled *The Met returns looted Sumerian and Babylonian artifacts to Iraq*, it was one of many such articles on the subject. As with all the others, Manhattan District Attorney Alvin Bragg praises the work of attorneys, analysts, and investigators “who are committed to undoing the significant damage traffickers have caused to our worldwide cultural heritage” but gives no details of what was uncovered. As we have been told before by the Manhattan Antiquities Trafficking Unit, we just have to take their word for it.

But why?

Symes is dead. What would interfere with any further investigation into him? He was certainly a crook, but what was the evidence uncovered? If it so damning, why not publish it? It could only reinforce D.A. Bragg’s opinion of his team.

Other questions have been raised over the ATU’s activities, not least how it values items it returns. The

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valuations sometimes appear vastly inflated, but the resulting figures naturally boost the ATU's influence and reputation at a time when the priorities of the D.A.'s office in Manhattan are being questioned. In October 2023, *Antiques Trade Gazette* asked the question as to who was conducting the valuations, only to be told "We have experts assess the objects at the time of each repatriation based on the legal definition of value under the law." No transparency there.

### **Suppositions rather than facts**

As Brian T. Allen concluded in article for the National review on October 5, 2024, titled *Manhattan's DA and Chicago's Art Institute Slug It Out*, the ATU appears to base its claims on suppositions rather than facts.

Other media reports claiming items have been looted mask the fact that returns are made on the basis of bilateral agreements. In other words, items have not been seized because they were illicit in any way. One such example came in October 2023 in Switzerland. Reported by AA.com in article titled *Return of dozens of ancient artifacts from Switzerland to Türkiye just 'a start': Turkish ambassador* – one of several news reports on the subject – it states: "Asked whether Bern knows when these artifacts entered Switzerland, Swiss official Fabienne Baraga told Anadolu that her team 'does not know' when these kinds of artifacts came to Switzerland as the artifacts only come to the Federal Office of Culture after a criminal proceeding is completed." Were they looted? Did they enter Switzerland illegally? We are not told. However, we are told: "The return of the artifacts occurred under a bilateral agreement signed on Nov. 15 last year that aims to prevent the illicit transfer, import and repatriation of cultural properties."

Such bilateral agreements typically reverse the burden of proof on relevant items as they are imported to a country, rendering them illicit unless the importer can prove that they were legally exported from the country of origin under local laws of the time, whenever that was. As so many of these items have been out of their source countries for generations, this is almost always impossible to prove. In summary, this leaves the circumstances here unclear.

So, yes, transparency is certainly a serious concern, but not simply when it comes to the trade. It is time for Transparency across the board.

### **Labour pours cold water on giving Elgin Marbles to Greece**

The Telegraph: April 30: Following recent widespread speculation that the UK government would soon hand over the Parthenon Marbles to Greece, this latest article seems to deny the possibility for the foreseeable future.

Media reports have discussed a speculative arrangement whereby the UK 'loans' the Marbles to Greece in exchange for a series of reciprocal loans of important Greek artefacts to put on display in London. The stumbling block to the arrangement has been the Greek government's refusal to accept any return as a loan, while UK law bars any permanent return of the Marbles.

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Now Arts Minister Sir Chris Bryant has gone public to confirm the impasse and its consequences: “He made clear that legal protections for artefacts under UK law ‘puts paid’ to any idea of a permanent deal for the marbles,” the article reports. “Under existing law, it would be impossible for there to be a permanent or indefinite loan,” he told his audience in a Palace of Westminster Great Committee Room debate, adding that the UK government had no intention of altering the rules.

### **Creative industries and growth boosted with new UK-India cultural agreement**

UK Government announcement: May 2: Tied into the UK’s new trade deal with India is co-operation on a raft of cultural ventures “helping to grow UK soft power”.

Buried in the footnotes of the announcement is the following: “The UK will work with India to support best practice and expertise on heritage conservation, museum management and digitisation of collections - including making knowledge contained in South Asian manuscripts more widely accessible, and the protection of cultural property, with both nations committing to combat illicit trafficking of cultural artifacts.”

What form the fight against trafficking will take is not explained. Will it be another Memorandum of Understanding, along the lines of those agreed by the USA, which extend patrimony rights well beyond the terms of the 1970 UNESCO Convention, with a significant impact on personal property rights?

### **Iraq’s important archaeological sites under threat from real-estate development**

Art Newspaper: May 6: A row has broken out over allegations that members of Iraq’s State Board of Antiquities and Heritage (SBAH) have abused the country’s so-called “investment law” to help push through developments that threaten archaeological sites. Many are now “buried under concrete”, it is claimed.

“They are destroying the country’s heritage, and they are doing it legally,” the *Art Newspaper* quotes one unnamed archaeologist as saying.

“Real-estate development has been allowed on important sites such as Al-Hira, the pre-Islamic capital of southern Iraq, which now partly lies under the Najaf airport; Old Basra, one of the largest cities in Iraq during the Islamic period; and in southern Hillah, near Babylon, as well as in Babylon itself. In Baghdad, Babylonian, Sassanid and Seljuk-era archaeological remains have all been demolished,” the article declares.

The fear now is that Tell Al Sayyagh is at risk. It covers 75 acres of sites dating to Kufa’s medieval golden age (seventh to eighth centuries) and is one of the last untouched sites from that time.

The problem is that the site is in the middle of modern-day Kufa, where land values are high. An application was made in 2017 to build residential units, but it was rejected – however, it illustrates the pressure campaigners for preserving the area are under. The same applicant has now been given the go-ahead to build something even larger worth tens of millions of dollars.

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### **New ICOM Red List Targets Illicit Trafficking of Greek Cultural Heritage**

Greek City Times: May 7: A new ICOM Red List highlights the nine categories of items most at risk from looting and trafficking: “These lists are tools for customs officials, police, museums, and art market professionals to recognise potentially looted items and prevent their circulation,” the article explains.

### **HBC’s artworks and collections help us understand Canada’s origins — and can be auctioned off**

The Conversation: May 13: The Hudson’s Bay Company has a history steeped in the Canadian character and stretching back to the earliest days of the modern nation. The result is that it has a huge holding of cultural artefacts that reflect not just that history but the ancient origins of the land and its indigenous peoples.

Now the HBC wants to divest itself of the responsibility and cost of holding onto these collections by selling them off at auction. Much to the outrage of historians, politicians and others, the courts have ruled that it is entitled to do so.

The stumbling block appears to be poorly drafted legislation aimed at preserving culture in the nation’s interests.

“This situation exposes the reach and limits of Canada’s [Cultural Property Export and Import Act \(CPEIA\)](#),” this article explains. “The act has provisions to delay or block export of cultural property, defined broadly as ‘[any cultural or heritage object, regardless of its place of origin](#), which may be important from an archaeological, historical, artistic or scientific perspective’. Yet, this legislation offers no guarantees that the objects will end up in Canadian museums or under Indigenous stewardship.”

### **Emergency Import Restrictions on Categories of Archaeological and Ethnological Material of Lebanon**

Federal Register: May 14: Owing to conflict in the region, the United States has introduced emergency restrictions on cultural property from Lebanon.

The measures were instigated by the Biden administration and are now being implemented by the Trump administration and came into effect on May 13. They will be in force until at least January 23, 2029.

The measures cover Archaeological material in the Designated List ranges in date from the Paleolithic period (approximately 700,000 years ago) up to 1774 C.E. Ethnological material in the Designated List includes: architectural elements; religious, ritual, and funerary objects; traditional garments and headdresses; weapons and armour; and manuscripts and handwritten documents, all dating from 1600 through 1918 C.E.; as well as early printed books dating from 1600 through 1850 C.E.

Further information is available via the link embedded in the title here.

Cultural property lawyer Peter Tompa, who is also Executive Director of the International Association of Professional Numismatists (IAPN), noted: “At the CPAC meeting, IAPN and others also pointed out that

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repatriating artifacts to a 'failed state' is no recipe for their 'protection'. Furthermore, they also pointed out such restrictions could benefit the Hezbollah terror group which effectively ran the Lebanese Government."

Tompa wrote on [precisely this subject](#) for his Cultural Property Observer blog last September.

He believes that the problem for collectors arising from this new policy is three-fold. "First, the lists are grossly overbroad, incorporating items that are also found regionally or even for items like coins internationally. Second, Customs (with the blessing of Judge Wilkinson of the 4<sup>th</sup> Circuit) believes all it needs to show is that an item is of a type on these increasingly overlapping designated lists before it can be detained, seized, and repatriated. Third, Customs (again with the blessing of the 4<sup>th</sup> Circuit) can apply these regulations as embargos on all 'designated' items imported into the US after the effective date of the regulations rather than having to show that they were illicitly exported from Lebanon after that effective date."

Tompa has expanded on his views in [a further CPO blog](#).

### ***Where do ethics, morals and the law really lie in India's claim to the Piprahwa gem relics?***

*Sotheby's proposed sale acts as a useful study in the dispute over rights between nations and individuals when it comes to cultural property*



Much in the news has been Sotheby's proposed (and then suspended) [sale of the Piprahwa Gems](#), [*shown here courtesy of Sotheby's*] a collection of gem relic duplicates found in a Stupa in 1898 on the estate of William Claxton Peppé close to the border of Nepal in North East India.

The story of their discovery and what happened afterwards is well documented: a reliquary urn found inside a stupa contained ash, some bone fragments, gold and gems.

But it was the inscription on the urn that caused the greatest excitement as it was interpreted to mean that

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the bone relics were the remains of the Buddha given to his own Shakya clan after his cremation. Under the [Indian Treasure Trove Act 1878](#), the British Crown claimed the find before dispersing it as follows: the bone relics were presented as a gift to King Rama V of Siam, while all the major pieces of gold and gems were donated to the museum in Kolkata. The remaining minor portion of duplicate gems was returned to the Peppé family.

Passing by descent in the family over the next century and more, they ended up in the hands of Chris Peppé and his two cousins in 2013. They conducted a great deal of research into their history and decided to put them on public display: “From the time we received the Piprahwa gem relics, my cousins and I have sought to make them available for viewing by the public (ideally a Buddhist public) to see at no cost to the institution borrowing them,” he says in Sotheby’s preview for the sale.

This led to six years of exhibitions around the world “from the Museum Rietberg in Zurich, the Rubin Museum of Himalayan Art and the Metropolitan Museum of Art in New York to the Asian Civilisations Museum in Singapore and the National Museum of Korea in Seoul”.

They also set up a website dedicated to the gems, giving access to all their research materials.

### **The outcry arose when the Peppés decided to sell**

The problem came when they decided to sell them.

Suddenly the Indian government stepped in to say that the sale was unlawful, against international conventions, unethical, and that the gems should be repatriated. The Indian Ministry confused the issue by adding the colonial exploitation argument to the claim. Was its demand based on law, ethics or morals?

[The Guardian](#) quoted the ministry as saying that the gem relics “constitute inalienable religious and cultural heritage of India and the global Buddhist community” and that they were “sacred grave goods ... inseparable from the sacred relics and cannot be commodified”.

Is the Indian government right? Several other questions need answering first.

There appears to be no dispute over ownership. The Indian Treasure Trove Act 1878 applied at the time of discovery and, clearly, the find was reported because of the Crown’s subsequent claim and what came after, including the return of a part of the find to the Peppé family.

Is India trying to do what so many other countries have been doing: insisting that the world honours laws introduced long after the fact so that they have retroactive tenure?

Legal opinion in a [Financial Times](#) article on the issue points to this.

Of vital importance – and not yet divulged via the media – is when the Piprahwa gems left India. If it was before current relevant legislation passed into law, then it may be reasonable to assume that they left legally. If not, then regardless of who owns them, they would have been exported illegally if a licence was not issued.

If we assume that the gems left India before 1972 (when [India’s Antiquities and Art Treasures Act](#) came into force) and did not need an export licence prior to that, then it is difficult to see how Indian law would

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apply, unless other relevant legislation existed at the time that has not come to light.

### **The Indian government may be outraged, but is it right?**

If the contents of the urn did indeed include the remains of the Buddha, then a strong moral case for their return might be argued, but while some scholars have interpreted the inscription on the urn to mean this, the facts are far from certain.

The Indian government's outrage might be understandable, but that does not mean its rights are being transgressed here, and if the gems were legally exported, it would appear to have no legal claim.

Without stipulating exactly which laws and conventions it argues would apply to the case, the 'moral' and 'ethical' elements appear to be little more than an attempt at emotional blackmail. Such emotional outbursts often act as cover for a poor argument, or lack of evidence. Effectively they want to inflict a substantial loss on a third party, with no costs to themselves, in pursuit of an asset grab, and to do so without damaging their own reputation.

This sort of attitude and behaviour is far too common these days and is exacerbated by the questionable practice of international relations using cultural property as a soft power diplomacy tool through vehicles such as bilateral agreements, also known as Memoranda of Understanding. These allow countries to bypass the norms of evidence, as well as international conventions such as UNESCO, to get what they want. It is exactly this arrangement that gives retroactive power to current national policy in making historic claims. If anything is unethical, it is this policy, but cross cultural misunderstanding means that this sort of approach may well be seen as perfectly acceptable in countries with little or no tradition of democracy or individual rights.

UNESCO's 1970 Convention on illicit trade in cultural property is extremely important because it sets out to avoid these situations by balancing conflicting interests between nations and individuals with valid rights.

### **The 1970 UNESCO Convention is the key to resolving the conflict**

India ratified the UNESCO Convention in January 1977, and so should stand by its principles and articles. Under Article 5 (b), these include "establishing and keeping up to date, on the basis of a national inventory of protected property, a list of important public and private cultural property whose export would constitute an appreciable impoverishment of the national cultural heritage".

While proposing lists of buildings and sites for UNESCO recognition, India – along with all other States Parties to the Convention – has failed to produce such an inventory, despite having had almost 50 years to do so. Why not if this issue is so important?

If the gems are as inalienable as the Indian government claims, then they would surely have made it onto such a list. Why has India been so lax in publishing it?

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If the Peppés are the rightful owners of the gems and exported them from India legally, and India really wants the gems back, then it should honour its commitments under Article 7 (ii) of the UNESCO Convention by agreeing to pay fair and just compensation for them to the owners. It will also need (at its own expense) to provide the documentation and other evidence necessary to establish its claim for recovery and return, and cover all ensuing costs associated with the return. At Sotheby's estimate of HK\$100m (£9.7m/US\$13m), this would be a good test to see just how important the gems really are to it and would also leave all parties to the dispute satisfied.

### **80 arrests and more than 37,700 cultural goods seized in major art trafficking bust**

Europol media release: May 22: This official release refers to the ninth international operation, under the name Pandora, targeting cultural goods trafficking. Covering 23 countries and taking place throughout

2024,  
it led  
to the



reporting of 258 cases in all.

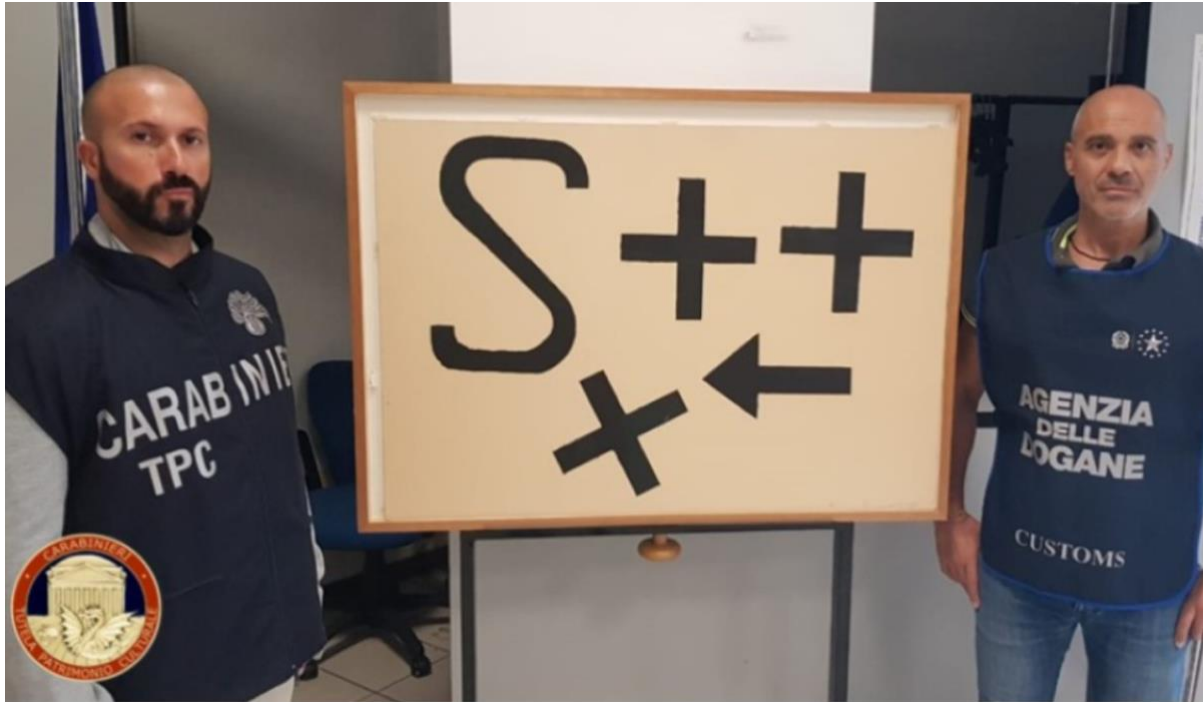
Among those targeted were metal detectorists – 69 detectors were reported as seized alongside 23 tools “commonly used for illegal excavations”.

“Many investigations are still ongoing, with further arrests and seizures expected,” Europol revealed.

Europol also provided images of operational highlights, as shown here, with the chief seizures involving antiquities coming in Spain, where the Guardia Civil were reported to have broken up a criminal group involved in archaeological looting in the city of Cáceres, the capital of the Extremadura region in the west of the country. Ancient coins made up most of the haul.

As the images of highlights also show, no major pieces were found, although some fakes were.

Interpol is a key partner of Europol in these operations. Most bizarre were the arguments and claims made



in [its media release](#) on the same subject.

Operational highlights included the Carabinieri's seizure of a picture thought to be by renowned artist Jannis Kounellis in a joint operation with the Italian Customs and Monopolies agency. It proved to be fake, but, as Interpol informed us: "Had it been genuine, its estimated value would have been around €100,000." Indeed, 'had it been', but it wasn't. So pleased were the Carabinieri with this important seizure that they even produced a publicity photograph, shown here, with two officers posing with the fake.

As Europol confirmed during a recent survey carried out on behalf of IADAA, it has no data showing the level or value of cultural goods trafficking globally. Previous requests for follow-up information on how many arrests have led to convictions in these operations, and how many of the items seized later had to be handed back as not trafficked, have never been answered in the decade and more since this initiative launched. Europol simply does not have that information, as it has previously confirmed. The question is: why not? Data is key to any sort of analysis of this area of crime and should be a priority. Without it, while the raids make for good headlines, they do not serve to tell us anything useful about the issue that might help provide solutions.

### **Greek Archaeologists Uncover Ancient Marble Workshop Filled With Unfinished Statues**

Artnet News: May 23: The wonderful white marble of the Greek island of Paros in the Cyclades was once

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used to create the Venus de Milo.

The fame of Parian marble, also employed in the construction of public buildings in antiquity, is such that the island became a hub for artists and culture. Now an archaeological dig at Floga, Parikia on the island has uncovered a large number of unfinished marble statues — “evidence of the organized production of artwork in an ancient sculpture workshop”. According to the Greek Ministry of Culture, the evidence suggests settlement as early as the late 5th century



B.C.E., with fragments of eating and drinking vessels. “But the residential nature of the settlement seems to have adapted to include the production of sculpture, around the end of the 3rd century B.C.E.”

The unfinished marble sculptures mainly depict Aphrodite, while clay heads of female figures, and other moulds and seals have also emerged. “There was also a thick layer of marble fragments and dust, suggesting the by-product of carving.”

As *Artnet News* argues, the discovery points to Paros being an important centre for helping shape the aesthetics of Greek civilization.

Shown here is an unfinished marble statue, possibly depicting Aphrodite. The photo comes courtesy of the Greek Ministry of Culture.

### **Tourist in Rome caught with part of Roman pillar on his scooter (translated from Dutch)**

NOS Nieuws: May 24: A German tourist has taken the concept of the souvenir to new heights (or depths) in Rome after being spotted riding around the city on an electric scooter with the base of a Roman column. “When police officers saw the 24-year-old man riding down the famous Via Veneto street, they stopped him. Between his feet was the base of a Roman pillar. The marble pedestal measures approximately 40 by 20 centimetres and weighs about 30 kilograms,” the article reports.

“According to international media, the tourist referred to the marble piece as a souvenir.”

The police soon concluded that it was ‘cultural property of historical and artistic importance’. Further

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investigations into the object, shown here on the scooter courtesy of the Carabinieri, and the tourist are underway.

