



Applying New Solutions for Cultural Heritage protection by  
Innovative, Scientific, social and economic Engagement

## **Artefacts, roots, networks: endangered archaeology and trafficking of archaeological objects**

*"The economic and social  
context of illicit trafficking in  
archaeological goods"*

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## FOREWORD

The University of Poitiers, as a member of the European ANCHISE consortium, hosted an international symposium from 8–10 November 2023 on “The Economic and Social Context of Illicit Trafficking in Archaeological Goods”.

The symposium brought together early-career and established researchers for two days from across Europe, the Middle East, and North Africa. Participants represented institutions from Afghanistan, Belgium, Egypt, England, France, Italy, Libya, Spain, Syria, Tunisia, Turkey, Ukraine, and Yemen. This event was made possible through the support of the *Maison des Sciences Humaines et Sociales* (MSHS) and the *Hellénisation et romanisation dans le monde antique* (HeRMA) research laboratory, in partnership with the European University Institute of Florence, and in particular with Agnès Favier. Special acknowledgement goes to Camille Blancher and Morgan Belzic (University of Poitiers), as well as to the ANCHISE management team and Michael Culture Association’s team for their valuable contributions.

I would also like to thank Maxime Girard (October 2024–2026), who took over from Morgan Belzic (February 2023–April 2024) at the HeRMA research laboratory within the ANCHISE project.

### ANCHISE

The ANCHISE Project (*Applying New solutions for Cultural Heritage protection by Innovative, Scientific, social and economic Engagement*), funded by Horizon Europe, was officially launched in February 2023 in Athens. Coordinated by the French School at Athens (EFA), under the direction of Véronique Chankowski, the project brings together fourteen European partners. Building upon the European Union’s action plan against illicit trafficking of cultural property and in the continuity of the collaborative NETCHER project, ANCHISE aims to establish a comprehensive framework for cultural heritage protection within and beyond EU borders. The project emphasizes the development of innovative technological tools and methods for heritage professionals, including museum staff, academics and law enforcement agencies.

### HeRMA

The most effective approach to protecting cultural heritage requires systematic implementation of interdisciplinary actions and a comprehensive, cross-sectoral strategy. This encompasses heritage preservation, legal frameworks, investigation procedures, and judicial processes – from object identification through investigation to the ultimate goal of returning stolen or looted items to their rightful owners or countries of origin.

The involvement of HeRMA laboratory (University of Poitiers) in the European ANCHISE project builds upon its long-standing commitment to addressing cultural heritage trafficking. Since its establishment in 2004, and particularly since 2012, the laboratory has developed significant expertise in this field. It stands as one of the only French institutions regularly organising conferences and study days on this topic, while also integrating trafficking-related content into its Masters programme and raising awareness through undergraduate archaeology and art history courses.

The laboratory’s specialised team includes six doctoral students, including Camille Blancher, and was strengthened by Morgan Belzic’s postdoctoral fellowship under the ANCHISE project. Further advancing this mission, the University of Poitiers established CelTrac (Trafficking Research Cells), which aims to:

- enhance academic research in the field;
- develop better understanding of organised crime patterns;



- create an essential multidisciplinary network benefiting both students and law enforcement agencies (*Office central de lutte contre le trafic de biens culturels*, customs, gendarmerie) and judicial authorities;
- coordinate scholarly activities related to trafficking studies.

### Symposium

The globalisation and acceleration of the antiquities market necessitate responses beyond national borders, requiring at minimum European-level coordination and reflection. Various national and international organisations, associations, and individuals are working to protect sites and artifacts through documentation and disruption of trafficking networks. These illicit activities not only deprive sites of their discoveries but also strip objects of their meaning by severing them from their contextual information.

The symposium highlighted several key challenges in confronting this issue. First, the identification of objects stolen from museums or private collections remains difficult, even when inventories exist, as appearances can be altered and documentation falsified. Second, and perhaps more critically, the market is flooded with looted objects from clandestine excavations – orphaned artifacts with no documented history. These anonymous objects, transformed solely into market commodities with fabricated histories and pedigrees, become nearly impossible to identify as illicit once they enter the legal art market, creating a troubling coexistence of legal and illegal objects.

The art market's vulnerability to such trafficking can no longer be ignored, as evidenced by weekly revelations of cases involving museums, dealers, experts, and collectors. Recent awareness has made provenance research for circulating or acquired cultural goods not just an obligation but a priority. This long-term work of reconstructing an object's journey and tracing its origins, whether legal or illegal, stands at the heart of both current debates and the European ANCHISE project.

This volume serves multiple purposes:

- to strengthen collective awareness by pooling data and information from Mediterranean-region stakeholders, highlighting both unique and common characteristics;
- to address emerging regional cooperation through various projects;
- to examine collaboration between actors throughout the process, from object identification to legal proceedings.

The contributors to this volume, representing public and private cultural institutions, state services, and academic research, share a common commitment to heritage protection.

The two days (8–9/11/2023) organised as part of the symposium were divided around four sessions:

- 1) A session devoted to the political economy and sociology of trafficking in cultural goods mainly focused on the Middle East and Europe.
- 2) A session devoted to archaeology in the face of looting and trafficking in the Mediterranean and the Middle East, addressing the issues of the origin and identification of threatened objects.
- 3) A session devoted to actors and routes, circulation and laundering: the heart of a reflection on the operating methods of transforming illegal objects into apparent legality.
- 4) A final session on the purpose of the journey of objects with a reflection on and through the art market and the fight against illicit trafficking, findings and perspectives.

This volume documents the symposium and aims to shed light on the trafficking of cultural goods. It includes summaries of the main actors and researchers who spoke at the symposium, focused through thematic analyses. The volume is organised into three parts:



- Part 1 – Political economy of looting and trafficking of archaeological goods in the context of major crises.
- Part 2 – Actors and routes, circulation and laundering
- Part 3 – Fight against trafficking: findings and perspectives

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# INTRODUCTION: Definition and state of research on trafficking in archaeological goods

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The destruction and looting of archaeological sites and illicit trafficking of cultural goods intensify during periods of political instability, making cultural heritage vulnerable to both opportunistic criminals and organised crime networks. Current events in Gaza, Yemen, Afghanistan, and Syria offer us a multitude of examples, constantly renewed, all around the Mediterranean basin and more widely in the Arab world. Beyond the symbolic and identity-related significance of certain destructions since the Arab Spring (2011), beyond the irreversible cultural and heritage loss and the attacks on the memory of nations, this is also an illegal trade that feeds a highly lucrative underground economy abroad as well as in Europe. Indeed, our subcontinent plays a key role in this damage to heritage: Europe is one of the main source regions, transit regions and market regions for illicitly discovered and traded archaeological goods.

This report, aimed at an audience who are not necessarily specialists in the field of archaeology, will focus on the dual theme of heritage damage and illicit trafficking of cultural goods in the MENA (Middle East and North Africa) region, from their illicit extraction (theft, looting) to their sale in 'market countries', whether in traditional European and American countries or in Asia, via different means of circulation, disposal and laundering on a global scale. We also look at the traffic from European soil itself.

The countries covered in this document are the starting point of a supply chain characterised by a rich heritage, inefficient or corrupt authorities, and an exceptional context such as war and internal political unrest, which weaken and expose heritage to all kinds of predators.

Our purpose is not to deal with all the objects affected by trafficking in cultural goods, but to focus on the archaeological objects presented and identified as the most vulnerable to traffickers, generally resulting from clandestine excavations. Thanks to up-to-date information, based on solid research data and a cross-disciplinary approach, our aim is to focus on objects, routes and networks, tracing the pathways of illicit trafficking in looted or stolen objects that illustrate the various vulnerabilities of art markets, and to analyse the current situation in the targeted regions.

This document will also outline the legal framework, identifying the main European and international conventions and resolutions, as well as national protection and repression laws.

Our objective is to present the challenges posed by the illicit trafficking of archaeological goods, to lay the foundations for scientific reflection, and to encourage the coordination of the various stakeholders and actors involved who are aware of the heritage urgency to curb the illicit trafficking of cultural goods. We will attempt to fill in some of the gaps in our knowledge of the phenomenon of illicit trafficking in cultural property, taking care to precise the terminology.

## Looting and trafficking in archaeological goods

### Archaeology and trafficking in archaeological goods: definitions

To bring the past to life, historians rely on texts and objects, i.e. any artefact made by human hands, from the largest temple to the smallest spoon, as well as environmental traces (remains of food or domestic animals, seeds etc.) associated with a settlement. All these elements are generally buried in the ground and can only be brought back to life through the rigorous archaeological work of a professional who respects the stratigraphic context in which the object is found.

#### *What is archaeology?*

Archaeology (study or discourse on that which is ancient, which belongs to the past) is a historical discipline of research and analysis of the past of human societies based on the analysis of material remains, traces, movable and immovable. Since its gradual emergence between the 15<sup>th</sup> and 19<sup>th</sup> centuries, archaeology has made a major contribution to the establishment of the historical sciences, making it possible to question, support or supplement knowledge acquired essentially through written sources. While there have always been ancient or remote forms of archaeology, modern archaeology essentially – but not exclusively – developed and formed a disciplinary field in Europe, starting with the Humanist movement of the late Middle Ages, and drawing on oriental and Asian experience. Today, this disciplinary field is widely shared throughout the world. Far from the Indiana Jones figure, archaeology is a matter for professionals and multidisciplinary teams where archaeologists and specialists work together, from biology to digital technology, art history or geology, to extract from the remains, fragments of understanding of human societies.

**Archaeological heritage:** According to Article L510-1 of the French Heritage Code, archaeological heritage encompasses “all remains, property and other traces of the existence of humanity, including the context in which they are set, whose preservation and study, particularly through excavations or discoveries, make it possible to trace the development of human history and its relationship with

Archaeology, despite occasional deviations from its humanist objectives, has made a major contribution to social progress and political debate, helping to combat racist or nationalist prejudices, for example, or to better understand our present-day societies. Archaeology has made it possible to reveal significant aspects of the human adventure, entirely forgotten civilisations, as well as significant details about the evolution of customs, techniques, science and the arts. Without archaeology, today's world would look very different. While this is not the place to discuss the usefulness of archaeology, we must remember that this discipline plays a key role in improving our knowledge of ourselves, and as such in the fight against all forms of obscurantism that drag our ideas and our societies down, towards division, conflict, violence and hatred. Archaeology plays a fundamental role in human self-understanding, and as such in the construction of individual and collective identities.

#### **Archaeology, a definition**

Simply put, archaeology is a multidisciplinary scientific approach to the discovery, interpretation and preservation of material remains associated with human activities of the past.

Originally, the idea of collecting archaeological objects was not necessarily part of a scientific approach. Art lovers and other collectors, both private and public, often sought only beautiful or strange pieces to fill their cabinet of curiosities, retaining what was old, beautiful and rare. Objects were then deprived of their stratigraphic context, removed from the ground without method and retained solely for their aesthetic or curiosity value. They were objects with no history, a situation comparable to artefacts removed from their context by unauthorised metal detection today. It took



a change in mentality during the 18<sup>th</sup> century to confer a new status on ancient objects. The discoveries of Herculaneum and Pompeii, or the prehistoric sites of Northern Europe, set in motion a shift in perspective in which the object was gradually perceived as a valuable source for knowledge of the past, without distinction of beauty. Historical knowledge can almost only be gained through the *in situ* study of remains, as mere collection leads to destructive loss of context.

Archaeological research is founded upon three main methodologies:

- **Stratigraphic excavation:** the in-depth exploitation of an archaeological site and its remains to interpret them, study the context, the relationships of the strata (layers) and their chronologically for understanding the history of the site.
- **Surveys:** the study of all traces of the adjustments made by human societies to their physical and living environment (for example, aerial surveys, but also surface pedestrian surveys enabling research by sampling the data observed or collected).
- **Material study:** analysis of artefacts exhumed or observed during excavations and surveys.

Archaeological excavation methods are often destructive by nature, although non-invasive methods of analysis have long been developed. This "controlled destruction" is compensated for by documentation and publication methods.

#### *What is trafficking in archaeological goods?*

Illicit trafficking in archaeological objects is part of a much wider trade in cultural goods.

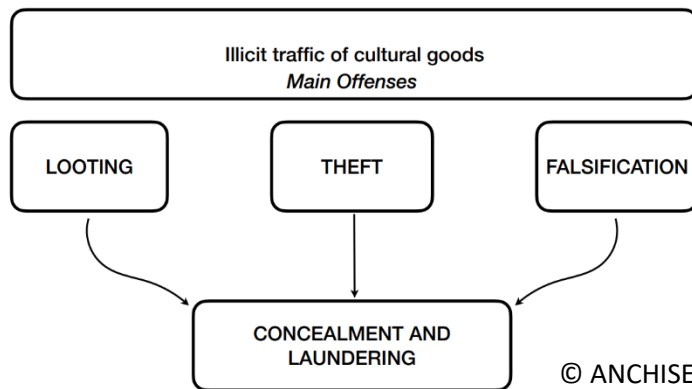
The trafficking in cultural goods means the illicit import, export and transfer of ownership of cultural goods, i.e. objects of archaeological, historical, prehistoric, literary, artistic or scientific interest which are defined by each State.

Illicit trafficking in cultural goods therefore covers all forms of embezzlement (theft, falsification, misappropriation, handling of stolen goods, laundering, etc.) relating to tangible cultural goods (a painting, a designer chair, a rare book, etc.) and intangible cultural goods (a piece of music, a film, etc.). Archaeological artefacts looted in war zones such as Syria and Iraq, and suspected of financing criminal networks, are commonly referred to as "blood antiquities"<sup>1</sup>.

#### **Archaeological property, Antiquity and "antiquities":**

*The archaeological object is a movable object from a land or water burial. They are usually given the name "antiquities", but these objects do not necessarily date back to the earliest period of history, Antiquity. Archaeological artefacts can come from older burial sites (prehistory) or from more recent ones, such as wrecks from the Second World War or abandoned factories from the industrial era.*

<sup>1</sup> <https://www.reuters.com/article/us-mideast-crisis-antiquities-analysis-idUSKBN0OQ16320150610/>, consulted 11/06/2025



In essence, archaeological property falls into the category of material goods and is only a portion of them.

An **archaeological object** is therefore a **material object**, a vestige of a more or less distant past, which has been **buried and forgotten** from several million years in the past, for the oldest remains, to just a few decades ago, for the most recent ones. Its nature, like its dimensions, can vary considerably, from a simple piece of wood or coal

to an element of monumental architecture or an entire shipwreck.

The reason there is a trade in archaeological goods is the existence of objects that are potentially valuable because of their shape, rarity, historical interest or material. Some objects can therefore be sold intact, restored or transformed, while others are simply dismantled or melted down to recover their precious elements.

*What distinguishes the trafficking of archaeological goods from other forms of trafficking in cultural goods?*

#### Decontextualisation

*This is the act of removing an object from its archaeological context without recording the information (written reports, surveys, photographs). In so doing, the looter destroys the context and renders the object an "orphan", depriving it of most of its scientific value.*

**By definition**, an archaeological asset has been buried and forgotten. It is therefore not known until it is discovered. However, if this discovery is made illegally and clandestinely through looting, the object cannot immediately be recognised as belonging to the heritage of a particular site, region, or country. Removed from its burial site without any scientific process, it loses all its informative value; this is irreversible damage. An archaeological object removed from its territory without being documented loses most of its identity. An archaeological object is not a renewable asset. Anything extracted from the ground, without proper observations, is almost lost to science and therefore to history.

This first difficulty is compounded by two other major problems:

- **cultural areas** occupied by ancient cultures or civilisations that do not match current **state borders**;
- many objects have been circulating since earliest antiquity through trade and conquest, so the **place of production** of an archaeological object does not necessarily correspond to the **place of discovery**. Discovering pottery in Italian soil does not mean it is Italian-made.

In fact, unlike stolen objects, looted archaeological artefacts are not documented, and it is almost never known with any certainty where, when, by whom and how they were unearthed, transported and exported for sale.

The sale and concealment of archaeological objects resulting from illegal excavation activities are therefore a **point of difficulty** for the application of law, whether national or international, as the **proof of looting** is, by nature, extremely difficult to provide.

*How do you determine the provenance of an "orphan" archaeological object?*

In archaeology, there is a major difference between objects in context providing historical provenance information and objects without context delivering no information at all. Archaeological provenance – to be distinguished from contemporary commercial provenance – concerns the origin of the object, its place of discovery, manufacture, use or conservation. It is a vital piece of data for archaeologists who, during an excavation, discover objects in context, i.e. they are scientifically located in time and space, in a stratigraphic layer.

In many cases, the exact archaeological provenance of an object is lost as soon as it is looted. Nevertheless, in the absence of stratigraphic data or documents providing information on the origin of an object, there are several methods for determining the provenance of an object that is often wrongly called an “orphan”.

Here are four examples:

- The most common method is typological analysis: certain types of objects (ceramics, sculpture, terracotta, glass, jewellery, etc.) are specific to a region, a site, a period... The shape of the objects alone can therefore be used to determine their geographical origin. Most objects are made, used and deposited in the same place.
- A more advanced method is stylistic analysis: for object types common to several regions, the style (in other words, the way of doing things) may be distinct from place to place. The same character, in the same position, may be depicted with slight variations depending on the place of production.
- Very rarely, the presence of inscriptions can shed light on the object's origin in terms of writing, language or inscribed content.
- Deposition traces (soil, organic or mineral elements that remain on the surface of the object) can be useful for verifying a possibility, but this requires highly advanced and relatively expensive technologies.

Organic or mineral materials may contain clues to the geographical origin of their manufacture, but this does not necessarily indicate where they were deposited.

*Please note:* certain categories of objects are by nature intended to travel and be exchanged: this is the case for coins or transport vessels (such as ancient amphorae). Their place of manufacture in no way implies their place of discovery, and *vice versa*.

#### Trafficking and illicit trafficking

*The term "traffic" refers first and foremost to the flow or circulation of goods, capital, objects, etc. There are different kinds of flows, most of them legal. Illegal traffic refers only to those that are prohibited. For simplicity's sake, the word trafficking can be used alone, in a negative way, in European languages, to designate illegal and clandestine flows: drug trafficking, human trafficking, arms trafficking... Current studies tend to show more and more connections between trafficking. Traffickers are multi-skilled smugglers; well-versed in routes and networks, they sometimes use the same routes for drugs as they do for archaeological goods. In some suspected cases, the objects in their "suitcases" are used as viaticum to finance the journey from Syria to Turkey, or from Libya to Tunisia.*

## Destruction of the archaeological heritage: the problem of looting

### *An alarming fact: the massive destruction of our archaeological heritage*

The main problem facing archaeology and archaeologists today is the unprecedented destruction, accelerated in recent decades, of unexcavated archaeological sites, due to three main factors.

1) The first factor is the **growth of the population and of human activities**, linked on the one hand to the mechanisation of the exploitation of natural resources (farming, mining, fishing, etc.), and on the other to the urban expansion that characterises our contemporary world more than ever. The

consequences of these activities, in particular climate change and pollution, are also having a serious impact on the preservation of these sites.

2) The second factor is the **looting of archaeological sites**, i.e. the exploitation of land containing the remains of ancient societies by individuals whose activity is not motivated by science. Archaeological pillage, otherwise known as "illegal excavation", is, in ascending order, the second biggest threat to archaeological remains. Furthermore, looting often goes hand in hand with the first factor: a great deal of looting takes place in the context of new construction, agricultural activities, deforestation or the development of mining projects. These two factors are therefore closely linked and interconnected.

3) The **activities of war**: bombing and the use of explosives in the context of armed conflict.

These attacks on heritage are not found everywhere, but they are clearly visible in certain countries. They take the form of direct attacks on particular antiquities, transforming sites into open-air antiquities supermarkets. This is the starting point for the illicit trade in antiquities. While assessing the scale and impact of these attacks is challenging, the cumulative effect of multiple isolated incidents proves highly destructive over time.

### Why loot?

The reasons why people illegally exploit archaeological sites without documenting them are diverse and vary considerably.

Nevertheless, the primary motivation is clear: archaeological sites can harbour valuable objects, "treasures", which naturally appeal to human desire, whether to seize "beautiful objects" for oneself (collecting) or to resell them, or to find valuable materials, starting with precious metals and stones. This is not a new phenomenon, and in this respect, archaeological looting today is no different from the grave robbers of antiquity.

The major problem with archaeological looting is that it is within anyone's reach; it does not require any special knowledge, since it starts with digging the ground in search of objects. No special technical skills are needed to probe the ground, which is teeming with objects that are easy to dig out with very little effort. The physical act of excavation requires minimal effort. Access to the ground in search of antiques creates a real vulnerability. The climate is sometimes so dry, the geology of the terrain so exceptional, that illegal diggers have every chance of discovering beautiful, well-preserved objects. Secondly, the objects will circulate more easily than weapons or drugs, since antiquities trade is not, by itself, illegal, making them easier to sell. Theft of antiques is an important alternative source of income in vulnerable regions,

especially in view of the worsening economic situation and rising unemployment, which is leading to an increase in the trafficking of antiquities and consequent looting. The illicit trade of antiquities serves two distinct purposes: for some, it is a genuine financial investment; for organised crime, it is eminently lucrative: the final sale price of an antique can be dozens of times its initial value when it leaves its country of origin, resulting in a considerable commercial margin.

#### What is an archaeological context?

*It is a relational set of archaeological assets, a place (or site) of discovery in which movable or immovable archaeological assets are in relation to one another.*

Archaeological looting is thus driven by greed for potentially valuable goods due to their form or material, which differs considerably from modern archaeology, which is primarily interested in the context rather than the object. Indeed, the looter has no use for the sometimes-insignificant traces discovered in their excavation: what would one make of fragments of charcoal, mollusc shells, bits of bone, sediment, remains of decomposed plaster, sherds of undecorated pottery? Yet this information



is scientifically even more valuable than a pretty statue or a gold ring, and can be used by archaeologists to date, analyse or reconstruct entire sites.

So, it is essentially out of an attraction for a real or imaginary "treasure" that many individuals, whether isolated or organised into groups, engage in the systematic destruction of archaeological sites – and thus of a common good, a heritage belonging to peoples and to humanity as a whole – on an occasional, frequent or professional basis, for their own personal gain.

There are several categories of looters, and **the lure of immediate gain is not systematic.**

Many are simple amateurs, eager to discover objects for their personal collection, only driven by their particular interest. They thus build up private collections of looted objects which, in the long run, can only lead to their being put up for sale before or after their death, or to the partial or total destruction of the objects. But even more numerous are those who, without excluding their interest in treasure hunting, are keen to make a profit from the resale of the relics discovered. Archaeological looting is therefore

intrinsically linked to an economic market, the exchange of objects from clandestine excavations, in other words the **illicit** (in the commercial sense of the term) **trafficking in archaeological goods**.

#### **Legal excavation, illegal excavation**

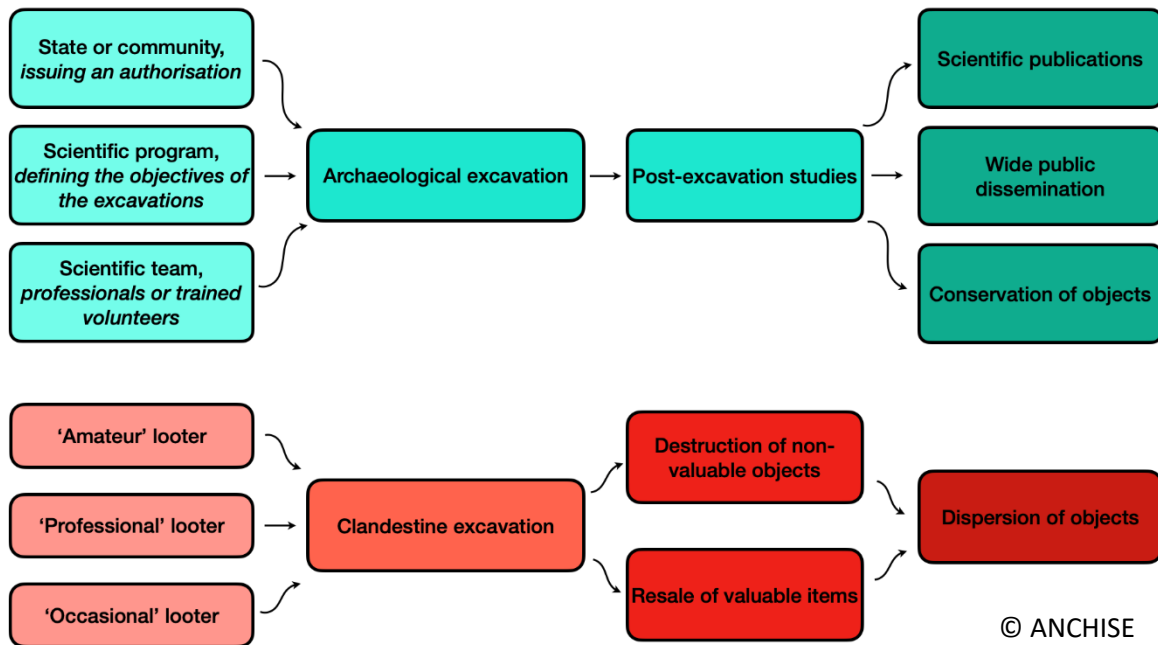
*In almost every country in the world, archaeology is governed by national laws that regulate the excavation process. States or local authorities grant prior authorisation for excavations to individuals, private companies or public institutions, based on a number of criteria. The first criterion is normally competence to excavate, and the primary objective is to document the dig.*

*Any other excavation to find ancient remains is therefore illegal, outside the law. It is **clandestine excavations** which form the main method of archaeological looting, and which are in essence undocumented.*

#### *The first consequence of looting: the destruction of contexts*

Archaeological looting is not just about stealing a buried object. The act of theft itself is a minor problem compared with the real concern: this object is part of a context which, from the moment it is destroyed by the removal of one of its elements, loses most of its value – which may be scientific, documentary, heritage, historical, social or spiritual – and is retained only for its commercial or aesthetic value. For instance, when opening a Roman tomb, the looter will only be interested in the valuables, particularly the coins. These coins, when found in context, minted in the name of an emperor, would have made it possible to give a chronological range and situate in time neighbouring tombs in the same cemetery.

**The destruction of the archaeological context by looting is irremediable.** The looter not only removes and obliterates objects considered worthy of interest, but also destroys archaeological layers, mixing them and the structures that contain them (tombs, building ruins...) often destroying fragile objects for lack of an appropriate extraction method, or even destroying objects considered of little value. In addition to the loss of value of the archaeological context, the looted object itself loses its scientific value.



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Much of the interest in a coin, a mosaic, a flint, a vase or a statue, to take just a few examples, lies in understanding when and how the object was created, used, and buried. In other words, archaeology offers the potential to reconstruct the daily lives of individuals through objects, and through them the lives of their creators and users. To take just two examples, an ancient marble statue can have a form that is in itself significant: we are interested in what it represents (a goddess, a hero, a priest, etc.), its style (and therefore its origin and dating), and we can try to determine its function (ornamental, votive, political, etc.). But only the archaeological context makes it possible to clearly specify the relationship of this sculpture with a culture, a site, a building, sometimes to know how it was displayed, and to scientifically determine a vast number of other elements by association, relationship, with nearby movable and immovable property. Similarly, a First World War helmet can in itself provide information (the date of its production or use in the conflict, the object's country of origin, its techniques, etc.). But it is only in context that it can provide much more information, linking it with a specific episode of the war, a specific battlefield location, if not the very individual who wore it.

It is all this information, **unquantifiable**, that is missing from a **decontextualised** object. Archaeologists often say that an object loses 90% of its scientific interest when it is without context – this percentage varies, of course, but it captures a symbolic reality. Furthermore, developments in technology are now making it possible not only to improve the techniques and analysis of archaeological excavations, but also to re-evaluate old digs: the heart of archaeology lies in documenting excavations and the objects discovered, through the scientific publication of results and the construction of archives that can be analysed at a later date using other methods and technologies. But this is precisely what is lacking in the case of looting. By its very nature, a looting –

in other words, illegal, illicit, and clandestine excavation – is an **undocumented dig**, preventing any analysis by future generations.

#### Provenance and origin: two words of interest in the life of archaeological objects

The term **origin** is used to designate the birth of the object from its place of discovery, production, use or conservation. Archaeological origin is a key datum: the object in context is scientifically located in time and space, in a stratigraphic layer.

The term **provenance** is used to designate the object's second life, i.e. the **modern journey of the ancient object**. The object's historical traceability establishes the object's journey, recording all stages (possessors, transactions, and successive places of preservation).

To illustrate this, let's take the example of a Greek vase:

This vase, of the "pélîkè" type (a kind of jug), decorated with red figures, was created in Athens around 470-450 BC; it was bought by a family and buried in their tomb in Bomarzo (Italy) during the same period. It was rediscovered in 1830, purchased and resold by a French collector in Paris in 1839, Magnoncourt, at an auction. It was bought by another Parisian collector, Pourtalès, whose collection was dispersed after his death at a second public sale in 1865. It was then purchased by the Musée du Louvre, where it remains today.



Fig. 1 : "Sur la piste des œuvres antiques", ventesdantiques.inha.fr, INHA/wedodata, 2024.

## The black market in archaeology

### *The second consequence of looting: the illegal archaeological market*

While some countries simply prohibit the sale of archaeological objects (with slightly differing definitions and dating), most states, including those in Europe, authorise the sale of archaeological objects, provided they do not come from recent illegal excavations. All the countries of the European Union, and a large majority of the world's countries, adopted the 1970 UNESCO Convention more than half a century ago. Some countries have even older regulations, which are used to distinguish between legal and illegal objects. Thus, any object discovered during excavations before the law came into force can circulate freely but is subject to prior declaration and authorisation.

On a global scale, therefore, there is a **legal archaeology market**, also known as the antiquities market, and an **illegal archaeology market**, also known as antiquities trafficking.

There is one obvious point to remember: legal antique collections are not so abundant as to account on their own for the number of all the objects circulating on the market today. The antiquities trade is therefore still fuelled either by so-called legal objects, discovered in countries where private ownership and trade of archaeological finds is recognised and authorised, or by looting and illicit trafficking from countries where the soil belongs to the state and/or trade (export/import) is regulated.

The market for archaeological goods has ancient origins. In the Euro-Mediterranean zone, as in Asia, it has existed since Antiquity, and reappeared occasionally in the Middle Ages, before gradually taking shape from the Renaissance onwards in Europe. The 19<sup>th</sup> century, due to the proliferation of archaeological excavations, was a real turning point, with the institutionalisation of antiquities sales and the creation of a whole economic system around dealers, restorers, experts, and auction houses, which continues to exist and forms a significant portion of the art market. Today's international archaeology market sees the circulation of antique and archaeological objects that have been sold for centuries, and, unfortunately, objects that arrive from recent illegal excavations.

### *How can we distinguish between legal and illegal markets?*

The problem of trafficking is the existence of a legal and open art market. The difficulty lies precisely in distinguishing between the legal and the illegal; the boundary between objects of licit origin and objects of illicit origin is not clear-cut.

Detection and enforcement methods used to contain other forms of trafficking cannot be applied here, due to the singularity of the goods in question and the ambiguity of art markets, mixing the sale of illegitimate goods with legitimate ones.

How, for example, can one distinguish between a vase discovered two centuries ago and another, from the same site and produced by the same craftsman, discovered illegally only two months ago? For this

reason, the trafficking of archaeological goods differs considerably from the rest of the trafficking of

#### **Legal market, illegal market**

*While some countries only tolerate internal economic exchanges concerning archaeological objects, most countries allow imports and exports of goods resulting from archaeological excavations, if these excavations are ancient or legal. The mechanisms vary from country to country, depending, for example, on whether partial or full ownership of buried objects is granted to the owners of the excavation sites.*

*The archaeology market is as old as archaeology itself. It began to take shape in Western Europe and East Asia (China and Japan) in the 18<sup>th</sup> century and grew steadily in the 19<sup>th</sup> and 20<sup>th</sup> centuries. The illegal market gradually developed, first with the proliferation of forgeries, from the mid-19<sup>th</sup> century, then with the supervision of excavations by states, between the end of the 19<sup>th</sup> and the beginning of the 20<sup>th</sup> century, which gave rise to the notions of legal excavations and clandestine excavations.*

cultural goods. In fact, most trafficking in cultural goods involves the theft or concealment of works of art (furniture, paintings, sculptures, etc.) or intellectual property rights. The object of the crime is generally known before it is put into circulation: whether it comes from an artist, a private owner or a public institution, the trafficked work is documented, and there are witnesses or testimonies to its existence.

In contrast, the illicit trade in archaeological objects mainly concerns objects whose very existence was unknown before their discovery by the looters. The only witnesses or testimonies are in the hands of delinquents and criminals, who have no interest in publicising the object's illicit provenance, but rather in regularising their commercial transaction.

In other words, archaeological looting, one of the two main factors in the destruction of the world's ancient heritage, exists mainly because of the possibility of reselling objects on an existing economic market, and is facilitated by the difficulty for authorities to distinguish and recognise the fraudulent origin of goods. In addition, such looting may be facilitated or encouraged by specific historical contexts, in particular contexts of social, political or economic crisis, such as conflict.

### *The profile of looters*

Archaeological artefacts are subject to strong speculative pressures, which increase the risk of looting, clandestine excavations and theft, and thus the development of an illicit market characterised by a high degree of opacity and the encounter of a multitude of profiles in the illegal path of the object, from simple amateurs to criminal groups. They are all united in their desire to use artefacts as a source of financing and/or enrichment.

**Looters:** those who exhume objects during clandestine excavations. Most attacks on cultural heritage are carried out by looters who have nothing to lose. They hope to find a treasure. While they may be unaware of the historical interest of their finds, they are increasingly aware of their market value, due in particular to the Internet. The plunder is driven by a combination of economic necessity and lack of awareness of heritage value. It is the lure of profit, encouraged by difficult economic conditions and the unexpected windfall offered by the sale of these objects. They work alone or for criminal networks. The following profiles, while not exhaustive, illustrate common types of looters:

- People without jobs due to unemployment, war, blockade, but also unemployed university graduates (for example: a looter specialising in archaeology and holding a master's degree in archaeology was arrested in the West Bank in 2018)<sup>2</sup>.
- Local connoisseurs, particularly farmers and shepherds in the Middle East, who are the most skilled and experienced looters. In fact, they put their sheep in caves and set up their tents in archaeological sites, in order to have residence, stability and to raise sheep. Additionally, in secret and after dark, they plunder antiquities. They use their intimate knowledge of the area to loot.
- The former workforce of archaeological missions: archaeological missions have always used the local population as a workforce for excavations since the mid-19<sup>th</sup> century; now experienced, they engage in the black market of stolen antiquities, becoming true professional looters who have sometimes created their own illegal antiquities excavation organisation.
- Treasure hunters: these may be people seeking wealth by finding treasure and gold, and specialising in smuggled objects. This group also includes those involved in trafficking, whether terrorist groups or opportunistic smugglers, who take advantage of the chaos to appropriate antiquities owned by museums or seek them out directly on archaeological sites. This is the starting point of the illicit antiquities trade. It is the looter who finds and feeds the illicit traffic, whether or not they habitually do so. What's more, it will be easier to sell objects from clandestine archaeological digs, which are unknown and have never been inventoried, unlike known objects from museums or reserves.

**Intermediaries:** these are versatile smugglers, who either specialise in this particular type of traffic, or participate in a multitude of other trades such as arms, drugs, oil/petrol, human beings.... Armed

<sup>2</sup> Pers comm. an official of the Ministry of Tourism and Antiquities for Southern Palestine.

with their experience, these intermediaries enable antiquities to leave the territory of origin and cross a first border clandestinely. While criminal organisations profit from illegal trafficking, it is above all the intermediaries in the resale and “handling of stolen goods” networks who enrich themselves. Conservators and corrupt experts are other indispensable intermediaries: vases or sculptures that have emerged from the ground are usually covered with a calcareous deposit, or metal pieces corroded, requiring the intervention of a conservator who removes all signs of a recent exhumation: it is the conservator who cleanses the object of all suspicion and makes it attractive to the future buyer. It is also the expert, accustomed to writing notices, who creates false provenances with apparent legality, mixing genuine and verifiable data with those that are not.

**Corrupt dealers:** those who sell archaeological objects whose dubious, suspect or clearly illicit origin they know. Working within a theoretically legal framework, they offer their customers the assurance of a “bona fide” acquisition.

**Careless or abused purchasers:** they buy, on their own behalf or on behalf of a public or private institution, voluntarily or involuntarily, objects derived from the trafficking of archaeological goods. Alongside the big collectors, there is a whole myriad of small collectors; recent court cases often testify to the lack of diligence or time taken to verify provenance.

*Nota bene:* the same individual can have several roles, facilitated by the fact that anyone can have access on the Internet (via tutorials accessible on Video Platforms by example) to all the know-how of each stage: (1) site discovery, (2) object detection, (3) excavation, (4) object cleaning/restoration, (5) valuation, (6) object sales and shipping. Each of these steps is explained very concretely, making it possible to transform any individual into a perfect dealer. The accessibility of objects and the ease of trafficking make countries' heritage vulnerable.

#### *The organisation of trafficking in archaeological goods: Europe's central role?*

The very existence of the illicit trade in archaeological goods is the primary cause of looting; it therefore contributes directly to the destruction of humanity's heritage, to the development of crime and insecurity and, more generally, to the destabilisation of societies.

There are two main types of antiquities trade:

- The “small trade” in antiques, which is generally local and mainly aimed at tourists. It concerns small objects such as jewellery, coins, statuettes, and religious books. They travel more and more, as their small size makes them easy to transport.
- The “big trade” involves larger objects with a higher market value that move around on the international circuits.

Europe, and more specifically the European Union, which groups together most of the states on the European subcontinent, plays a significant role in this trafficking:

- **The “source countries” of illicit trafficking.** Europe is one of the world's richest regions in terms of archaeology, being one of the oldest populated lands and home to some of the most ancient cultures and civilisations, continuously from the Palaeolithic to the present day. This landmass encompasses the entire northern shore of the Mediterranean, which has been a cultural melting pot for millennia.

Europe is also the immediate neighbour of regions of Africa, the cradle of mankind, and the civilisations of the Fertile Crescent (Mesopotamia, the Levant, Egypt) that gave rise to today's cultures in the Middle East, North Africa and Europe, and are often prey to looting of their sites and theft from museums.

- **So-called “transit countries”** include the intermediate countries through which items stolen or looted in source countries pass on their way to market countries. Traditional countries include those



bordering the source countries, such as Egypt in relation to Libya, but also Lebanon, Jordan, Israel, Turkey, the Gulf states and Switzerland. The list is growing to include several Asian locations, such as Singapore and Bangkok, which have their own free ports.

- **"Recipient" or "market" countries:** traffickers' routes are evolving, as "recipient countries" tend to change with new actors and evolutions/mutations of new marketplaces. In addition to the traditional European and American countries, we are seeing the emergence of the Gulf States and Asian markets. There is a real fragmentation of host countries for these objects, in different regions of the world, making it even more difficult to trace and uncover the illicit traffic in antiques.

Along with China, Europe is the region of the world where interest in relics of the past began the earliest. Europe is therefore home to a large number of potential buyers of archaeological objects: museums and public institutions, private collectors and foundations, all of whom are likely to acquire objects resulting from the trafficking of cultural goods.

France is the world's fourth-largest art and archaeology market, after the USA, China and the UK, where pieces from the international antiquities trade can be sold.

Over the past few years, Gulf countries have been building a large number of museums as part of their drive to open up to culture and tourism. Major plans to open museums, while they can provide enriching cultural spaces for local populations and tourists, also raise concerns; these institutions can also become prime targets for traffickers seeking to dispose of their illicit items there. They are vulnerable. The traffickers are well aware that museums are potential major buyers, trying to furnish permanent exhibition showcases. In Qatar, for example, Doha is pursuing an aggressive policy of acquiring works to feed the Emirate's cultural projects, which are particularly interested in modern and contemporary art. Similarly, the United Arab Emirates, along with Dubai, are acquiring numerous cultural assets to fill their museums, including the Louvre and the Guggenheim.

Europe, and the European Union in particular, is one of the main source, transit and destination regions for the trafficking of archaeological goods. It is the oldest and largest market for antiquities within its borders; the EU has thus become a hub for the illegal antiquities trade, as this naturally follows the channels of the legal trade. As one of the world's major archaeological regions, it is also one of the main source regions, and its direct neighbours in Europe, North Africa and Asia are directly affected by this situation.

To understand this phenomenon in Europe and its immediate vicinity, we need to look at three aspects: the economic, political, and social context in which it develops (Part 1. Political economy of looting and trafficking of archaeological goods in the context of major crises), and a closer look at the areas and forms of looting (Part 2. Actors and routes, traffic and laundering), followed by the areas, actors and organisation of trafficking (Part 3. The fight against trafficking: findings and outlook) and the actors in the art market.

## The fight against trafficking in archaeological objects in the European Union

How do international and European law contribute to heritage protection? International law, which deals with the responsibility of States in the event of intentional destruction, was originally conceived as an inter-State law, whose effectiveness depends on the goodwill of States. The question of State sovereignty is central, as it involves understanding the extent to which States accept to limit their sovereignty to ensure the protection of a collective heritage. A collective legal consciousness has only very gradually taken shape, with an acceleration following the major conflicts of the 20<sup>th</sup> century.

The plundering of cultural property and illicit trafficking are longstanding phenomena that occur throughout the world, and the international community had to become aware very early on of the need to combat this traffic, which led to the development of concerted international instruments, sometimes with a contrasting reception in the domestic legal orders of the States taking part in this fight.

To ensure respect for universal values, there are a number of international conventions which call on States to protect human life and cultural property, first in times of armed conflict, then in times of peace.

### International laws and conventions

At international level, UNESCO conventions are legal instruments that have no direct effect in domestic law, without recourse to transposition legislation. Conversely, the advantage of United Nations Security Council resolutions lies in the fact that they are directly applicable, since no implementing decree is required, and states are obliged to comply with them. As a general rule, resolutions adopted by the Security Council acting under Chapter VII of the UN Charter are considered binding, in accordance with Article 25 of the Charter<sup>3</sup>.

#### *National and European legislation<sup>4</sup>*

##### **Common legislative framework**

Since the 18<sup>th</sup> century, national laws governing the discovery and sale of archaeological objects have developed, to the point where almost every country in the world now has such laws.

In the European Union, the law may vary from one country to another, but overall:

1. EU countries do not authorise unsupervised archaeological digs, prohibit unauthorised excavations and consider any finds made during clandestine excavations to be illegal.
2. All EU countries consider the declaration of chance finds to be essential: any circulation of archaeological objects discovered by chance and not declared in advance is illegal.
3. All EU countries recognise the need to control the circulation of archaeological objects of illicit origin.

##### **A few examples of differences**

<sup>3</sup><https://ask.un.org/fr/faq/126044#:~:text=De%20mani%C3%A8re%20g%C3%A9n%C3%A9rale%2C%20les%20r%C3%A9solutions,article%2025%20de%20la%20Charte>, consulted 10/05/2024.

<sup>4</sup> The different national laws are available on three different websites: UNESCO database of National Cultural Heritage Laws (<https://www.unesco.org/en/cultnatlaws>, consulted 02/02/2024, currently undergoing maintenance), SHERLOC, “Sharing electronic resources and laws on Crime”, with a specific category for “trafficking in cultural property” (<https://sherloc.unodc.org/cld/v3/sherloc/legdb/index.html?lng=en#/crimeTypes>, consulted 13/01/2025), and the website of the German ministry for culture and media, “cultural property law abroad”: [https://www.kulturgutschutz-deutschland.de/EN/CulturalPropertyLawAbroad/culturalpropertylawabroad\\_node.html](https://www.kulturgutschutz-deutschland.de/EN/CulturalPropertyLawAbroad/culturalpropertylawabroad_node.html), consulted 13/01/2025.

There are some minor differences between the legislation governing archaeological objects and their ownership, whether it concerns the "minimum age" of an object for its "archaeological" nature to be recognised, or the declaration procedures prior to or following the discovery of an object.

### **The rights of the inventor or "discoverer"**

While all countries recognise the need for authorisation from the landowner before undertaking research, ownership of a discovery, the conditions of discovery and the possibility of selling and exporting such discoveries vary. In federal countries such as Spain, Germany and Belgium, regional legislation may also vary.

With regard to the ownership of archaeological objects, some European countries consider all archaeological objects (generally "over one hundred years old") as belonging to the State or local authority by default (France, Cyprus, Italy...). Others consider that the object belongs to both the discoverer and the landowner, like in Netherlands. Most countries establish a compensation mechanism for inventors and/or landowners in the event of fortuitous discovery, within a specific framework (generally 1/4 of the object's value after appraisal) or on an amicable basis.

### **Using metal detectors**

With regard to the use of metal detectors and other detection systems (magnets, radar, etc.), most countries condemn by default any use of metal detectors on or near archaeological sites. Nonetheless, there are three scenarios that illustrate the divergence between states: outright prohibition (except with special authorisation) of all activities that could lead to the discovery of archaeological remains, tolerance of leisure activities outside the context of archaeological discoveries, and controlled tolerance of the practice in the context of private archaeological research, subject to authorisation.

In Greece, Cyprus and Spain, metal detection is by default prohibited without authorisation throughout the country. In some countries, like Greece or Cyprus, the purchase and possession of detectors is subject to government authorisation, and any use requires prior declaration, as in the French law of 1989, which was incorporated into the Heritage Code in 2004 (art. L. 542-1):

No one may use equipment enabling the detection of metallic objects, for the purpose of researching monuments and objects that may be of interest to prehistory, history, art or archaeology, without having first obtained an administrative authorisation issued on the basis of the applicant's qualifications and the nature and methods of the research.

Therefore, authorisation to use equipment enabling the detection of metallic objects is granted, upon application by the interested party, by order of the prefect of the region in which the land to be surveyed is located.

In most countries, however, metal detection is permitted without government authorisation, except on archaeological sites. On the other hand, the removal of archaeological objects is prohibited. This leads to a great deal of confusion in some countries: owning and using a detector is permitted, but discovering archaeological objects is not, even though the main aim of users is precisely to discover precious and ancient objects.

Denmark, Belgium, and the Netherlands authorise the use of metal detectors and sampling (to a depth of 30 cm) by default, whether or not it is part of archaeological research, subject to application for a user's license, with some variations in Belgium between Flanders and Wallonia. All objects discovered must be systematically declared.

### *International conventions ratified by all member states*

Almost all EU Member States are signatories to two international conventions that include articles on trafficking in archaeological objects: the 1970 UNESCO convention on trafficking in cultural property, and the 1992 Council of Europe convention on the protection of archaeological heritage. Only some of the EU Member States are signatories to three other international conventions specifying or improving on these two conventions: those relating to trafficking in cultural property of UNIDROIT (1995); the protection of underwater cultural property of UNESCO (2001); and the offences against cultural heritage of the Council of Europe (2017).

**The UNESCO Convention 1970** on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.

The first convention on the protection of cultural property was the Hague Convention, adopted in 1954, and concerned only armed conflicts. It was supplemented by two protocols in 1954 and 1999. In the aftermath of the Second World War, it protects "movable and immovable property of great importance to the cultural heritage of peoples" (art.1). The leading legal instrument for combating looting and illicit trafficking dates from 1970 with the Paris Convention; it lays down the principles of shared responsibility and cultural equity, paving the way for the right of peoples to dispose of their culture and to protect it in peacetime<sup>5</sup>.

Almost all EU Member States, with the exception of Ireland, have ratified the Convention.

Widely adopted, it is a founding text for many national laws providing for specific measures to combat the illicit trafficking of cultural property. A number of articles relate specifically to property resulting from legal or illegal archaeological excavations and commit States parties to organising preventive measures in their national law, enabling cooperation between States, and laying down provisions for the repatriation of cultural property whose circulation is illicit. In particular, Article 9 states:

Any State Party to this Convention whose cultural patrimony is in jeopardy from pillage of archaeological or ethnological materials may call upon other States Parties who are affected. The States Parties to this Convention undertake, in these circumstances, to participate in a concerted international effort to determine and to carry out the necessary concrete measures, including the control of exports and imports and international commerce in the specific materials concerned. Pending agreement each State concerned shall take provisional measures to the extent feasible to prevent irremediable injury to the cultural heritage of the requesting State.

### **The Regulations inside the European Union**

The European Union plays little part in the protection of cultural goods, except when it regulates certain points of the internal market. Since 1993, the European Union has established a single market within which people, goods, services, and capital can move freely. The European Union must reconcile these internal market objectives with those relating to the protection of heritage, particularly the national heritage of member states. The European Union has had to adopt two types of legislation: those aimed at preventing the illegal removal of cultural goods from a State or from outside the Union; and those working for the restitution of cultural goods.

All European Union countries and most other European countries are signatories to the European Convention on the Protection of the Archaeological Heritage, known as the Valletta Convention or the Malta Convention (1992)<sup>6</sup>. The text revises the first European Convention of 1969 (*European*

<sup>5</sup> <https://www.unesco.org/en/legal-affairs/convention-means-prohibiting-and-preventing-illicit-import-export-and-transfer-ownership-cultural>, consulted 10/05/2025.

<sup>6</sup> <https://www.coe.int/fr/web/conventions/full-list?module=treaty-detail&treatynum=143>, consulted 10/05/2025. Two European countries outside the European Union (Iceland and Montenegro) have neither signed nor ratified this convention.

*Convention on the Protection of the Archaeological Heritage*<sup>7</sup>, due to the evolution of damage to the archaeological heritage and the many changes in heritage protection issues.

46 states are parties to the Convention, which defines the archaeological heritage as follows (article 1):

all remains and objects and any other traces of mankind from past epochs: i the preservation and study of which help to retrace the history of mankind and its relation with the natural environment; ii for which excavations or discoveries and other methods of research into mankind and the related environment are the main sources of information (...) The archaeological heritage shall include structures, constructions, groups of buildings, developed sites, moveable objects, monuments of other kinds as well as their context, whether situated on land or under water.

States Parties are required to implement a legal framework for the protection of archaeological heritage, as well as procedures for the control of excavations and other archaeological activities, and physical conservation measures. The revised text includes new provisions on policies relating to development projects and heritage preservation and introduces a strategy for international cooperation between states to prevent illicit trafficking in archaeological property. The text has thus been made more precise, but above all it has been adapted to the evolution of contemporary practices.

Article 10 of the Convention stipulates the commitment of each State party

i) to arrange for the relevant public authorities and for scientific institutions to pool information on any illicit excavations identified; ii) to inform the competent authorities in the State of origin which is a Party to this Convention of any offer suspected of coming either from illicit excavations or unlawfully from official excavations, and to provide the necessary details thereof; iii) to take such steps as are necessary to ensure that museums and similar institutions whose acquisition policy is under State control do not acquire elements of the archaeological heritage suspected of coming from uncontrolled finds or illicit excavations or unlawfully from official excavations; iv) as regards museums and similar institutions located in the territory of a Party but the acquisition policy of which is not under State control: a to convey to them the text of this (revised) Convention; b to spare no effort to ensure respect by the said museums and institutions for the principles set out in paragraph 3 above; v) to restrict, as far as possible, by education, information, vigilance and co-operation, the transfer of elements of the archaeological heritage obtained from uncontrolled finds or illicit excavations or unlawfully from official excavations.

The Convention therefore recognises the need for each State to control clandestine excavations and the resulting illicit traffic in archaeological objects.

### **The European Regulation about export and import of cultural goods**

To combat illicit trafficking, Europe needs to be able to control the export and import of cultural goods.

\*The Regulation (EC) n°116/2009 on the export of cultural goods<sup>8</sup> of 18 December 2008 essentially concerns the export of cultural goods, with the aim of establishing rules for the export of goods to ensure their protection, notably through uniform control. This regulation will make the export of cultural goods outside the customs territory of the Union subject to the presentation of an export authorisation, issued at the request of the interested party and by a competent authority of the Member State on whose territory the cultural goods are located (article 2). This authorisation is valid for one year throughout the European Union and must be presented to customs offices. The Regulation also calls on Member States to establish administrative and customs cooperation with

<sup>7</sup> <https://www.coe.int/fr/web/conventions/full-list?module=treaty-detail&treatynum=066>, consulted 12/05/2025.

<sup>8</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32009R0116>, consulted 12/05/2025.

each other to ensure effective export controls (article 6). Member States are responsible for determining the penalties applicable to violations of the above provisions, which must be effective, proportionate and dissuasive (article 9). The cultural goods covered by the Regulation are defined and classified in 15 different categories. As far as France is concerned, the text establishes de facto double control of exports, since it has set up a similar authorisation system<sup>9</sup>. The removal of cultural goods from French national territory will be subject to an initial authorisation (certificate of export), while removal from Community customs territory will be subject to the issue of an export authorisation (Export license).

\* The Regulation (EU) 2019/880 of the European Parliament and of the Council of 17 April 2019 on the introduction and the import of cultural goods<sup>10</sup>. In addition to export controls, the need to stem the "inbound" trade in so-called "blood antiquities" has led Europe to adopt common rules for the control of imports of cultural goods from third countries, to ensure effective protection against illicit trade that can also be a source of funding for terrorist activities (ISIS). The regulation establishes a "general prohibition" (art. 3.1) on the introduction into the customs territory of the Union of any cultural goods illicitly removed from its country of creation or discovery, including goods in transit. Controls will not be carried out systematically by customs services, but at random, based on a risk analysis. The Regulation also provides for an "import license" system (art. 4): for cultural goods that are the most sensitive to trafficking and are over 250 years old ("products of excavations and archaeological discoveries and elements resulting from the dismemberment of artistic or historical monuments and archaeological sites"), a license must be applied for from the Ministry of Culture, and will be checked by customs during import formalities. The third mechanism, the "importer's declaration" (art. 5), requires cultural goods over 200 years old and worth at least 18,000 euros to be accompanied by a declaration on the importer's honour, which will be required during customs inspections. On the standardised document, the importer certifies that the cultural goods in question have been exported licitly from their country of creation or discovery. Requiring a common IT system, the regulation will not be applied until June 2025.

#### *International conventions ratified by only some of the member states of the European Union*

##### **The UNIDROIT Convention on stolen or illegally exported cultural objects (1995)**

At UNESCO's request, and to clarify and improve the 1970 Convention, the International Institute for the Unification of Private Law (UNIDROIT) drafted a uniform body of private law rules relating to the international art trade for the purposes of restitution and return of cultural property between contracting states. It was also intended to fill in the gaps in the 1970 text, avoiding revision of the latter, with the aim of promoting the preservation and protection of the cultural heritage and this in the interest of all<sup>11</sup>. Signed in Rome on 24 June 1995, it has been in force since 1 July 1998, and counts 55 States Parties.

This convention reinforces and specifies the minimum provisions concerning the restitution or return of cultural property. It has only been ratified by some European states and members of the European Union, due to several obstacles and reticence concerning the convention's application in national law. UNIDROIT has therefore been advocating "model provisions"<sup>12</sup> since 2011.

The Convention covers three main areas:

- the repatriation of stolen cultural property;
- the return of illicitly exported goods;

<sup>9</sup> <https://www.culture.gouv.fr/Thematiques/circulation-des-biens-culturels/Pour-les-professionnels/Comment-soumettre-une-demande-d-autorisation-d-exportation>, consulted 12/05/2025.

<sup>10</sup> <https://eur-lex.europa.eu/eli/reg/2019/880/oj/eng>, consulted 12/05/2025.

<sup>11</sup> <https://www.unidroit.org/instruments/cultural-property/1995-convention/> consulted 12/05/2025.

<sup>12</sup> <https://www.unidroit.org/instruments/cultural-property/2012-model-provisions/> consulted 12/05/2025.



- repatriation procedures and scope of provisions.

The Convention makes significant progress in the fight against illicit trafficking. When a cultural object has been stolen, its repatriation is systematic and unconditional other than the non-prescription of the action. According to Article 3.1, "the possessor of a stolen cultural object shall return it (in all cases)", the singularity of the Convention lies in this obligation. However, the possessor of a stolen object may be entitled to compensation, provided that he proves his "good faith" and proves that he acted with "due diligence" to avoid acquiring a stolen cultural object. The notion of due diligence, introduced in Article 4, is therefore closely linked to that of good faith in the acquisition and repatriation of cultural property. Similarly, with regard to illegally exported property, the conditions are similar: the possessor of the property is entitled to fair compensation provided he can prove that he did not know or ought reasonably to have known at the time of acquisition that the property had been illegally exported.<sup>13</sup>

The 1995 Convention, like that of 1970, is not retroactive and can only be applied to cultural property stolen or illicitly exported after its entry into force in the State in question (Article 10).

By 2024, 20 European countries, including 15 from the European Union, had ratified the convention (Portugal, Spain, Italy, Slovenia, Croatia, Bosnia-Herzegovina, Montenegro, Albania, Northern Macedonia, Hungary, Slovakia, Romania, Cyprus, Denmark, Norway, Sweden, Finland, Latvia, Lithuania). France, Belgium and Switzerland are signatories but have never ratified it.

### **The UNESCO Convention on the Protection of the underwater cultural heritage (2001)<sup>14</sup>**

The Convention on the Protection of the Underwater Cultural Heritage was signed on 2 November 2001 (entered into force in 2009). The aim of this text is to put in place effective protection for underwater cultural heritage, which is falling victim to increasingly frequent destruction and looting. There was no legal protection in place to effectively combat these attacks, so a whole series of rules specific to this heritage had to be developed.

The convention aims to protect underwater cultural heritage, i.e. "all traces of human existence having a cultural, historical or archaeological character which have been partially or totally under water, periodically or continuously, for at least 100 years". Included in this category are sites, structures, buildings, objects and human remains, as well as ships and other aircraft, and prehistoric objects.

This convention was motivated "by the intensification of the commercial exploitation of underwater cultural heritage and, in particular, by certain activities aimed at the sale, acquisition, or barter of elements of underwater cultural heritage". The text extends to the entire maritime domain the obligations to declare accidental discoveries and to draw up applications for authorisation prior to excavations, taking into account the particular status of wrecks under foreign flags in areas controlled by a State. 71 States, including 16 from the European Union alone, ratified this convention in 2024<sup>15</sup>.

### **The Nicosia Convention (2017) of the Council of Europe**

The article 1 of the Council of Europe Convention on Offences relating to Cultural Property<sup>16</sup> aims to "(a) prevent and combat the destruction of, damage to, and trafficking of cultural property by providing for the criminalisation of certain acts; (b) strengthen crime prevention and the criminal justice response to all criminal offences relating to cultural property (...)"

<sup>13</sup> <https://www.unidroit.org/instruments/cultural-property/1995-convention/overview-fr/> consulted 12/05/2025.

<sup>14</sup> [https://www.unesco.org/fr/legal-affairs/convention-protection-underwater-cultural-heritage?TSPD\\_101\\_R0=080713870fab200024ef7c04812e692d4a826c44429a9031f273010774f460cb51a0f5d62dccb5408f4c4180f1430008628d91f7446ce2ebcc759fb9d62f458ec5ab078ef492493a5ecea39c99d5ca1a67cfb7284e67dd53fe0ced61b349914](https://www.unesco.org/fr/legal-affairs/convention-protection-underwater-cultural-heritage?TSPD_101_R0=080713870fab200024ef7c04812e692d4a826c44429a9031f273010774f460cb51a0f5d62dccb5408f4c4180f1430008628d91f7446ce2ebcc759fb9d62f458ec5ab078ef492493a5ecea39c99d5ca1a67cfb7284e67dd53fe0ced61b349914), consulted 12/05/2025.

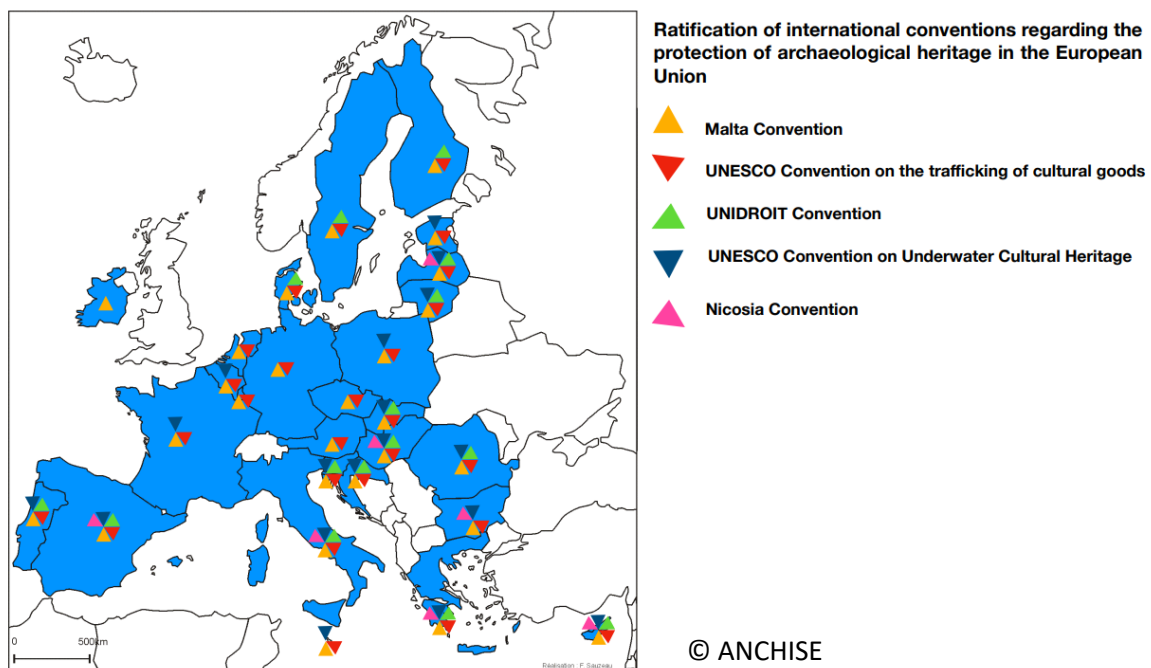
<sup>15</sup> Belgium, Bulgaria, Croatia, Portugal, Spain, France, Italy, Estonia, Lithuania, Hungary, Malta, Montenegro, Poland, Slovakia, Slovenia, Romania.

<sup>16</sup> <https://www.coe.int/en/web/culture-and-heritage/cultural-property>, consulted 12/05/2025.

14 countries have signed it, including 12 European countries, but only 8 countries have ratified it, including one non-European country (Mexico)<sup>17</sup>.

The aim of the Convention is to prevent and combat the illicit trafficking and destruction of cultural property, as part of European action to combat terrorism and organised crime.

It applies to both movable and immovable property. Several articles directly concern archaeology, in particular Article 4, which requires all States Parties to ensure that illicit excavations and the possession of property resulting from them are punishable by law. Article 20f also specifies the need to "enable the mandatory reporting to the competent authorities of the discovery by chance of cultural property of the archaeological heritage". This is an important step forward, as the Convention is the only international treaty that specifically and explicitly stipulates the criminalisation of illicit trafficking in cultural property, establishing a list of criminal actions such as theft, destruction and degradation, illegal excavation, illegal import and export, illegal acquisition and placement on the market, falsification of documents and destruction or damage to cultural property when committed intentionally. Its promulgation comes at a time of growing awareness of the damage caused to Syria's cultural heritage and the use of resources provided by antiquities trafficking of terrorist groups such as the Islamic State.



This new convention defines preventive measures at national and international level (inventories of cultural property databases, monitoring and declaration of transactions, import and export control procedures, etc.). As of 2024, only five European Union countries have ratified this convention<sup>18</sup>.

### *United Nations Security Council resolutions*

In addition to UNESCO conventions, international action can take the form of resolutions adopted by

<sup>17</sup> <https://www.coe.int/en/web/conventions/full-list?module=signatures-by-treaty&treatynum=221>, consulted 12/05/2025.

<sup>18</sup> Cyprus, Greece, Hungary, Italy, and Latvia; it has also been signed but not ratified by Montenegro, Portugal, and Slovenia.

the United Nations Security Council, which include binding measures designed, if not to prevent, at least to curb an imminent danger to a state's cultural heritage. The establishment of the Islamic State and the first evidence of links between trafficking in cultural property and the financing of terrorism forced the Security Council to regularly issue resolutions aimed at protecting the heritage of Iraq and Syria in particular (Resolution 2139, 2014; Resolution 2170, 2014). A decisive step was taken by Resolution 2199 (2015), which strengthens the protection of Iraqi and Syrian cultural heritage with a call for countries to prohibit trade in Iraqi cultural property illegally removed from the country after 6 August 1990, and Syrian property removed after 15 March 2011. The resolution calls for the strengthening of financial sanctions against these groups, to limit their violent activities by blocking their funding and spending, including proceeds from looting, smuggling and other sources of profit from the illicit trade in cultural property.

Resolution 2347 (2017) is the first resolution dealing exclusively with the protection of cultural heritage adopted by the Security Council. The unanimous support for this resolution reflects a new recognition of the importance of protecting cultural heritage for peace and security. It reaffirms the need to put an end to illicit trafficking in cultural property, highlighting the link between such offences and the financing of terrorist activities.

This resolution encourages member countries to "use INTERPOL's database of stolen works of art" and highlights INTERPOL's role in preventing and combating the trafficking of cultural property illegally removed and exported in the context of armed conflict. In the same vein, *Resolution 73/130* (2018) marks a turning point, as it is the first resolution to express the need for member states to make use of police units specialised in cultural heritage cases and re-emphasises the importance of linking national databases on stolen works of art to Interpol databases.

The protection of cultural heritage is mainly governed by international instruments, which guide and fill in the gaps left by sometimes ineffective national heritage legislation. Nevertheless, individual states remain free to define their own heritage protection policies. It is important for the European Union to have a single, unified framework of common rules for better protection of cultural heritage and the fight against illicit trafficking.

## International institutions

There are many actors involved in heritage protection, most of them relatively recent, since awareness of the risks to which cultural property is exposed came late. The task of these organisations is far from easy, as crime is evolving and legal instruments are not always effective in reducing damage. Two types of actors are working to preserve our heritage:

Actors who could be described as defenders or protectors of heritage, acting upstream to prevent damage, and whose action is mainly normative. These include UNESCO, ICOM and national ministries of culture and the arts. There are also actors who could be described as repressive, whose mission is to combat specific infringements by tracking down the perpetrators of these offences, and putting in place specific means of combating illicit trafficking or theft. These include INTERPOL, EUROPOL, the WCO and specialised police forces. They operate at two levels: international and national.

### **International organisations involved in combating and preventing trafficking in archaeological goods**

International institutions fall into two main categories: public institutions, which are part of the United Nations, and private institutions, such as NGOs (non-governmental organisations).

### *UN-dependent institutions*

**UNESCO** (United Nations Educational, Scientific and Cultural Organisation) is the main UN agency responsible for the protection and enhancement of heritage and it is based in Paris<sup>19</sup>. UNESCO's influence on the international scene is based primarily on the fact that the organisation initiated, in the first instance, the development of a legal framework for the protection of heritage, but also the establishment of a list of world heritage whose protection is a priority. Within the organisation, there are departments specifically dedicated to the issue of looting and trafficking of archaeological property, in particular the permanent office of the 1970 Convention, but also the office of the Hague Convention (1954 and 1999 protocols). UNESCO also provides a number of on-line documentary resources relating to these issues<sup>20</sup>. So, even if its action is rather normative, UNESCO is the world's leading ambassador for the protection of cultural property. Its work complements that of other equally productive organisations.

**UNODC** (United Nations Office on Drugs and Crime) also accompanies the fight against trafficking in cultural property, notably through support for initiatives by other partners (such as UNESCO) and online resources for training professionals, particularly members of law enforcement and justice<sup>21</sup>.

**UNICRI** (United Nation Interregional Crime and Justice Institute) has also recently become involved in the fight against trafficking in cultural property, with training sessions and communications on the subject<sup>22</sup>.

### *Main NGOs*

**ICOM** (International Council Of Museums) is one of the longest-established NGOs involved in the fight against the illicit trafficking of cultural property, due to the key role of museum institutions, potential victims of theft and fraud, potential voluntary or involuntary victims<sup>23</sup>.

Founded in 1946 by and for museum professionals, ICOM aims to guide museum staff in the exercise of their missions to preserve, conserve, enhance, and transmit cultural property. It also establishes professional and ethical standards applicable to museum activities, promotes training, advances knowledge, issues recommendations on these subjects and raises public awareness of heritage conservation through worldwide networks and cooperation programs. ICOM has three main activities:

Since 1986, the Museum Code of Ethics has presented a set of common principles for the museum community. It is a reference tool for most institutions, with simple but clear principles to prevent trafficking.

The second mission is to define standards and establish preventive measures for the protection of cultural property. It was with this in mind that the international standard Object Identification (Object ID) was developed in 1993 by *J. Paul Getty Trust* and whose administration rights were finally acquired in 2004 by ICOM. This standard was born out of the desire to establish a common reference document of minimum description for inventorying objects, to provide better documentation and facilitate the search for stolen or illicitly exported goods. It is always difficult to trace stolen cultural property without basic data (descriptions, photographs). In the fight against illicit trafficking, this standard is an invaluable tool for police forces, who can quickly communicate information on the cultural object they are looking for.

The third measure is the regular publication, since 2000, of over 20 Red Lists of heritage at risk. These list categories of cultural objects at risk of theft and trafficking, by vulnerable country, giving

<sup>19</sup> <https://www.unesco.org/fr>

<sup>20</sup> <https://www.unesco.org/fr>, consulted 12/05/2025.

<sup>21</sup> <https://www.unodc.org>, consulted 12/05/2025

<sup>22</sup> <https://unicri.it/> consulted 12/05/2025

<sup>23</sup> <https://icom.museum/fr/> consulted 12/05/2025

illustrations, with supporting photographs, of the types of objects likely to come illegally from the areas concerned, whose theft and illicit export it is imperative to prevent. They effectively help individuals, organisations and authorities, such as the police or customs authorities, to identify endangered objects and prevent them from being illegally exported, and to dissuade those involved in the art market from selling them.

Lastly, the International Observatory on Trafficking in Cultural Property, intended to provide a platform for international cooperation on the subject, which was created in 2013 but quickly fell into disuse due to a lack of funding, is due to be relaunched in the course of 2025.

**ICCROM** (International Centre for the Study of the Preservation and Restoration of Cultural Property) has been for many years intervening to protect heritages at risk or in times of crisis. In this capacity, the NGO has intervened through research programmes, financial aid and training programmes<sup>24</sup>.

**ICOMOS** (International Council on Monuments and Sites) has occasionally intervened on the subject and freely makes available many of its documentary archives on subjects relating to heritage protection<sup>25</sup>.

**ALIPH** (International Alliance for the Protection of Heritage in Conflict Zones) is the most recent organisation<sup>26</sup>. The foundation, created in Geneva on 8 March 2017, aims, to save endangered heritage mainly in conflict zones. It has its origins in one of the recommendations of the “50 propositions françaises pour protéger le patrimoine de l’humanité” (propositions n°9 and 43) report in November 2015. It is also in line with Resolution 2347 of the United Nations Security Council on the protection of cultural heritage at risk. ALIPH supports and finances projects for the protection of heritage – museums and their collections, sites and monuments, documentation and manuscripts, intangible heritage – in conflict and post-conflict zones. The Foundation supports preventive protection to mitigate the risk of destruction, emergency measures to ensure the safety of heritage, and post-conflict actions to ensure that populations can once again enjoy their cultural heritage. In 2022–2023, Aliph supported a project developed by ICOM to strengthen the security capabilities of 22 museums in the Sahel region and train their staff, to better combat the illicit trafficking of cultural property<sup>27</sup>.

Alongside these large NGOs, there are a number of smaller structures that are more specifically involved in the issue of trafficking in archaeological goods.

**-ARCA** (Art Crimes Research Association) is an NGO founded in 2004 and based in Italy. It is dedicated to the study and teaching of issues related to all forms of attacks on art and culture, in particular the illicit trafficking of cultural goods, and has been holding an annual conference in Amelia (Italy) on these issues for the past fifteen years<sup>28</sup>.

**-The Antiquities Coalition** is an NGO founded in 2014 based in the USA, dedicated to preventing and encouraging the improvement of codes and legislation to better combat the trafficking of cultural goods<sup>29</sup>.

<sup>24</sup> <https://www.iccrom.org/fr>, consulted 12/05/2025.

<sup>25</sup> [openarchive.icomos.org](https://openarchive.icomos.org), consulted 12/05/2025.

<sup>26</sup> <https://www.aliph-foundation.org/>, consulted 12/05/2025.

<sup>27</sup> <https://icom.museum/fr/news/une-reussite-en-matiere-de-cooperation-et-doperabilite-pour-le-projet-aliph-icom/>, consulted 12/05/2025.

<sup>28</sup> <http://www.artcrimeresearch.org>, consulted 12/05/2025.

<sup>29</sup> <https://theantiquitiescoalition.org/>, consulted 12/05/2025.

**-Blue Shield International** is an NGO for the protection of heritage in times of war, gradually organised since the late 1990s and in 2016 became an NGO-type institution. Its objective is the concrete protection (human, material) of heritage at risk during crises (conflicts, environmental disasters, natural catastrophes...) <sup>30</sup>. Preventing and combating archaeological looting and trafficking are therefore among their main missions.

In addition to these international organisations, many countries have national or regional associations which dedicate all or part of their activities to combating the trafficking of archaeological objects.

## Specialised law enforcement agencies

While preventive action is essential upstream, it is also essential to put in place a vigorous response to attacks on cultural property. To preserve heritage and guarantee the cultural rights to which it is subject, specialised services must intervene, this time downstream, to track down the perpetrators (thieves, vandals, traffickers) and the stolen or illicitly exported cultural goods.

The creation of such specialised services has often been called for, but few European countries have them for cultural goods, and even fewer for the more specific question of archaeological goods.

### *International services*

Internationally, a number of specialised services are working in this area, providing a range of practical responses to the search for cultural property. Many items of cultural property have been returned to their owners, whether private or public, as a result of the investigations carried out by these services.

### **Interpol**

Interpol, headquartered in Lyon, is an intergovernmental police cooperation organisation with 194 member countries. It has an office dedicated to crimes against cultural heritage (*Cultural heritage Crime*), with a small number of agents <sup>31</sup>. Their main mission is to establish international liaison between States Parties, but also to manage the Psyché database, the only recognised international database for the 53758 cultural goods reported stolen <sup>32</sup>. Interpol agents can also coordinate large-scale operations. Their role is to monitor and disseminate information on trafficking in cultural property, with a public or internal alert system, and to help set up an international network of expertise. Since 2021, there has been a smartphone application called ID-ART that enables access to the Psyché database to check whether an object is registered there, to create catalogues of private art collections, to report a stolen object and to report endangered cultural sites or illicit excavations <sup>33</sup>.

### **Europol**

Europol, established in 1992 by the Treaty of Maastricht and based in The Hague, serves as a liaison between member states and with Interpol <sup>34</sup>. The organisation participates on a European scale in the fight against trafficking in cultural goods, whose mission is to strengthen police cooperation and facilitate the exchange of information to effectively combat terrorism, drug trafficking and all other forms of international crime within the European Union. EUROPOL does not have specialised services for the protection of cultural goods, but it contributes to the fight against illicit trafficking through the cooperation system and the presence of an officer dedicated to international police cooperation on issues related to all heritage crimes, including trafficking in cultural goods. It maintains a police cooperation network called Cultnet <sup>35</sup>.

<sup>30</sup> <https://theblueshield.org/>, consulted 12/05/2025.

<sup>31</sup> <https://www.interpol.int/Crimes/Cultural-heritage-crime>, consulted 12/05/2025.

<sup>32</sup> Database consultation: 24/12/2024.

<sup>33</sup> <https://www.interpol.int/fr/Infractions/Atteintes-au-patrimoine-culturel/Application-mobile-ID-Art>

<sup>34</sup> <https://www.europol.europa.eu/> consulted 12/05/2025.

<sup>35</sup> <https://www.coe.int/fr/web/culture-and-heritage/-/meeting-of-the-cultnet-network-of-experts-in-the-protection-of-historical-heritage>, consulted 12/05/2025.



### World Customs Organisation (WCO)<sup>36</sup>

Another enforcement actor influencing the international scene is the World Customs Organisation (WCO), an intergovernmental organisation for customs cooperation created in 1952. As an independent intergovernmental body, the WCO plays an advisory, training and resource centre role for the customs of the 185 States Parties.

WCO's mission is to work for the standardisation and harmonisation of customs procedures, to develop normative instruments, to make recommendations, to ensure the dissemination of information concerning customs regulations and techniques, to provide interested States with information or advice on customs matters and to cooperate with other intergovernmental organisations in the fields within its competence. Through their missions, customs services can play a key role in combating the illicit export of cultural goods. Illicit trafficking in cultural goods is largely favoured by open borders and globalisation, customs controls are therefore indispensable to the protection of cultural goods. A WCO officer is dedicated to customs cooperation in the fight against trafficking in cultural goods.

The WCO manages an IT platform called Archeo, which is dedicated to the exchange of information between customs services and other authorities with a view to accurately and rapidly determining the provenance of cultural goods in cases of doubt. This tool enables customs officers to seek expert advice on the potentially illicit origin of an antiquity, so that they can decide on its seizure within the time available. The aim is to combat the illicit trafficking of cultural goods on a global scale, by focusing on the countries through which the objects pass, while taking advantage of the best interception opportunities offered by international borders.

#### *National services in Europe*

Not all the European Union's police and customs forces have services dedicated, or identified as such, to combating damage to heritage and trafficking in cultural goods. However, they do work together on a regular basis, as trafficking knows no borders; they share information (or not!) and can carry out joint investigations and actions such as Pandora<sup>37</sup>.

### Italy

Faced with the increase in trafficking in cultural goods, and archaeological goods in particular, Italy has a specific police service, the *Comando Carabinieri per la Tutela del Patrimonio Culturale*. Created in 1969 and anticipating the 1970 UNESCO convention by a year, the command answers directly to the Ministry of Culture but depends functionally on the Ministry of Defense<sup>38</sup>. Its national headquarters are in Rome, and it has a network of provincial headquarters enabling it to operate throughout Italy but also internationally, notably with the Blue Helmets of Culture, created in 2015. The service comprises some 300 military personnel with specialised training in the protection of cultural property; this number enables them to generate some 200 judicial cases a year, effectively putting paid to those who still think there aren't enough cases to have a police force or specialised magistrates. When sufficient resources in terms of personnel, time and finance are deployed to combat the illicit trafficking of cultural goods, the results are rapid and tangible: more investigators to track down the networks and more magistrates to handle the cases. It's exponential. Another

<sup>36</sup> <https://www.wcoomd.org/> consulted 12/05/2025.

<sup>37</sup> Pandora refers to pan-European operations against "trafficking and illicit trafficking in cultural goods", led by European countries with the support of Europol, Interpol, UNESCO and the WCO. The operation focused on cultural spoliation (underwater and on land), illicit trafficking in cultural goods (with particular emphasis on countries in conflict), and cultural theft, in order to improve knowledge of the criminal groups involved in cultural theft and exploitation, and to identify possible links with other areas of crime.

<sup>38</sup> <https://www.carabinieri.it/chi-siamo/oggi/organizzazione/mobile-e-speciale/comando-carabinieri-per-la-tutela-del-patrimonio-culturale>.

Italian service can also intervene in the fight against trafficking in cultural goods, the Guardia di Finanza (Ministry of the Economy) for matters relating to economic and financial flows.

The unit also manages a national database of reported stolen goods (Leonardo) which is one of the most comprehensive in the world with over 1.3 million works searched and over 865,000 images. The database has enabled them to recover 105,474 works of art with an estimated total value of €264,055,727 in 2023 and the arrest of 130 people for illegal excavations. The Carabinieri have recovered 902,804 items of cultural property, feeding a database of 1.3 million wanted items, having enabled the return to their rightful owners of almost 3 million objects in 50 years<sup>39</sup>. The fact that they have invested with conviction in the protection and safeguarding of cultural heritage enables them to post such results. The Carabinieri cell phone application, named ITPC, is accessible to all. It allows users to consult search notices, photograph a work deemed suspicious and send the snapshot instantly, create an identity card of their own works of art, and contact the carabinieri to request information.

### France

Since 1975, France has had a specific department named *Office central de lutte contre le trafic des biens culturels (OCBC)* with national and international jurisdiction. Reporting to the Ministry of the Interior, the General Directorate of the National Police, the National Central Police Directorate and the Sub-Directorate for the Fight against Organised Crime and Financial Delinquency, the OCBC links the two main police forces, the National Police and the National Gendarmerie, headquartered in Nanterre. In addition to investigations and missions on French territory, this office, with a staff of around thirty, is also in charge of international cooperation, documentation and intelligence missions relating to trafficking, and management of the national stolen goods database. The TREIMA database is a computerised photo library of stolen cultural property, containing over 120,000 photographs linked to 40,000 cases, necessary to provide proof of the stolen object. Designed to be an easy-to-use database, it was created by and for police officers. The file is accessible to law enforcement agencies, and can be consulted by art professionals on request and subject to authorisation. It is equipped with an image similarity search, a system for comparing visual characteristics. As the French leader in this fight, it works in partnership with all government departments and art world institutions.

With regard more specifically to import and export control, French customs have also developed specific skills in terms of intelligence and operations within DNRED. In addition to the brigades that monitor the flow of works of art throughout the country on a daily basis, customs has specialised departments within the *DNRED* which participate in the surveillance and protection of cultural heritage in the suppression of fraudulent trafficking through information gathering, risk analysis and the production of studies, feeding into the various customs and investigative departments. In addition, the *Office national anti-fraude (ONAF)* is a service specialised in the repression of customs, financial and fiscal delinquency. It has jurisdiction over judicial investigations into cases of cultural property theft.

### Spain

Spain has two distinct services. The first is that of the National Police (*Brigada de investigación de Patrimonio Histórico*), attached to the central unit on specialised and violent crime in Madrid, and based on a network of delegates in each Province. The brigade is responsible for all types of investigation relating to cultural property and for managing the list of stolen goods for the Interpol database. The second is that of the Gendarmerie (*Guardia Civil – Grupo de Patrimonio Histórico*), whose missions overlap in part with those of the National Police, with a focus more on intelligence and international cooperation.

<sup>39</sup> <https://www.journalchc.com/2024/04/10/attivita-operativa-del-comando-carabinieri-tpc-pubblicato-il-report-2023/>

### **The Netherlands**

The Netherlands has set up a team within the National Police dedicated to the fight against artistic crime (*Kunst – en Antiekriminaliteit*) in charge of the fight against trafficking in cultural goods as a whole and national cooperation in this field. It also acts as an intermediary for the Interpol database.

### **Belgium**

After several years of neglect and then abandonment of the "art and antiquities" service within the Federal Police, they are currently in the process of reinstalling a joint dedicated service.

In the fight against trafficking in cultural goods, we need to intervene at various stages and, above all, take concerted action. In the face of this plague, we need to be aware that the fight against the illicit trafficking of cultural goods must become a priority and requires the strengthening of legal instruments at the level of national and international legislators, but above all the concrete application of existing mechanisms, which require well-trained and numerous repressive and judicial actors.

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NEW SOLUTIONS  
FOR CULTURAL HERITAGE PROTECTION

# PART 1

**Political economy  
of looting and  
trafficking of  
archaeological  
goods in the  
context of  
major crises**



Funded by  
the European Union





## Morgan Belzic & Samuel Andrew Hardy - European Union, Land of looting

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### Introduction

In recent years, European scientific literature on looting has largely focused on issues related to countries in conflict or crisis, particularly in the Mediterranean-Middle Eastern arc. In this case, Europe has mainly been mentioned as a market and transit region. But Europe is not only a territory of destination or passage for artworks illegally acquired through theft, spoliation or looting in other regions of the world. All European countries, without exception, are victims, to one degree or another, of archaeological looting on land and underwater.

The archaeological richness of the European Union alone is immense, like other well-known regions of the planet: North Africa, the Middle-East, East Asia, South and Central America. The reader will first think of the Mediterranean rim, rich in its evidence of classical Greek and Roman civilisations, but that would be to forget the great diversity and the cultural "*mille-feuille*" of the European peninsula: the civilisations of the Aegean Sea, megalithic cultures of Malta or Sardinia, or even medieval Christian, Jewish, and Islamic cultures. And, above all, it would be to forget that the rest of Europe, from the Atlantic to the North Sea, from the Baltic to the Black Sea, is equally rich in remains characteristic of the different periods of human occupation or linked to the various events that have meshed together to form its history. From one end of the subcontinent to the other, and even on its seabed, the density is similar for the prehistoric and historic periods.

The ongoing looting and destruction in the MENA region have rightly occupied the headlines, especially since 2011, but here we will try here to offer a general overview of the situation in Europe. We have selected a small number of countries in the European Union to illustrate the issues: Italy, Greece, Cyprus, Bulgaria, Germany, Latvia, Spain, and France (**see map, fig. 27**). The situation in each country is not discussed theoretically and their selection is based on specific examples reported in the media or discussed in the scientific literature, chosen to balance the diversity of the situations encountered. What we are aiming to do here is to draw a landscape, admittedly incomplete, allowing us, with precise corroborating examples, to understand various aspects of the same problem – the looting of a continent, most often by and for its own citizens.

### National situations

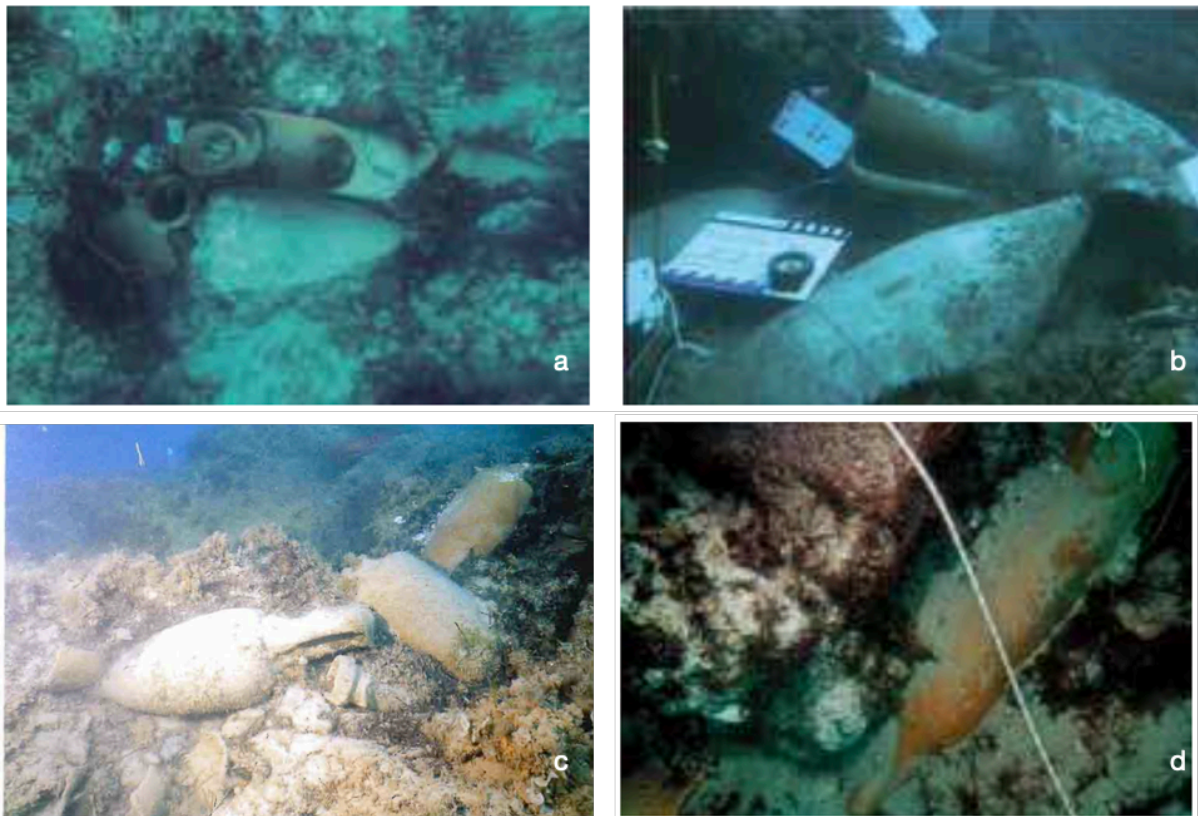
#### 1. Italy

Despite the fact that Italy is currently the best equipped and armed country to face the trafficking of archaeological goods, if we think in particular of the structure of the *Tutela Patrimonio Culturale* (TPC) of the *Carabinieri*, this does not completely prevent its archaeological heritage from suffering intense and continuous pressure from groups of looters. The resounding legal cases since the end of the 1990s (**see the study of the Becchina-Medici Network**), and the numerous arrests that followed, have not been enough to completely stem the phenomenon on a national scale.



We can quote two main reasons for this situation. First, the intrinsic richness of marketable archaeological material in Italy, which probably surpasses most other countries in the European Union. Secondly, the existence of established practices of looting and smuggling, integrated into a way of life, in various (family, community, friend, mafia, etc.) networks, which are generally referred to as *Tombaroli*, tomb-robbers. Although it is not possible to identify an exactly correlated intensification of the phenomenon, the crowbar, the shovel, the pickaxe, and free diving are now combined with metal detectors, radars, and scuba diving<sup>40</sup>.

The correlation between the poverty of the territory and the development of looting is not automatic – Tuscany, a region richer than Calabria, suffers just as much. The usual lands of looting have not changed since the 19<sup>th</sup> century, but illegal excavations tend to extend into less excavated areas (in particular the Marches and Abruzzi) or into maritime areas further from the land. On the other hand, the correlation between poverty and crime is a reality: the specific structuring of criminal networks in southern and central Italy (the "mafias") is an aggravating factor in archaeological looting, which, like all clandestine activities, forms a source of profit that these networks do not neglect. The destruction caused by these practices, particularly developed in the regions richest in archaeological resources, is immeasurable. A few examples, among too many, can illustrate this.



**Fig. 1 a-d.:** The amphorae of a wreck off Porto Palo di Menfi.

a, b, d. After Gianfranco Purpura, "Archeologi in fondo al mare", *Kalós*, luglio- agosto 1998, p. 6–15. c. Francesca Oliveri, "Relitto di Porto Palo di Menfi" in *Mirabilia maris. Tesori dai mari di Sicilia*, Palermo 2016, p. 155–59.

<sup>40</sup> Marc Balcells Magrans, *Contemporary Archaeological Looting: A Criminological Analysis of Italian Tomb Robbers*, doctoral thesis, The City University of New York, 11 January 2018. Elena Sciandra, *The Social Organisation of the Illicit Trafficking in Antiquities: The Cases of Bulgaria and Italy*, doctoral thesis, University of Trento, January 2019.

In 1997, underwater looters, members of a local diving club, were interrupted in their activities during the illegal excavation of a wreck off Porto Palo di Menfi near Agrigento in Sicily, which contained Roman and Punic amphorae, dated around 100 BC (**fig. 1**)<sup>41</sup>. The amphora, as the most common transport container from Antiquity to the Middle Ages, is a very common product of underwater looting, but one detail here catches our attention: the fact that some of the vases still had their seals, allowing us to study their contents (sauce, fish, shellfish, wine, etc....), a contribution of primary importance to the history of Mediterranean trade and societies, allowing new observations, such as the unusual presence of certain types of contents in certain types of containers (eg. fish remains in wine amphorae). This case of reuse transformed our general knowledge of archaeology, inviting caution in the analysis of maritime transport based on now-empty amphorae. The looters had, nevertheless, broken or removed many amphorae before the intervention of the authorities. Without the interception of this illegal excavation, the amphorae, and the whole shipwreck, would have lost all scientific value.



**Fig. 2 a.-b.:** Villa Giuliana, Pompeii, 2021. The “slave room” under excavation, Credit: Archaeological site of Pompeii. <https://pompeisites.org/en/comunicati/the-room-of-the-slaves-the-latest-discovery-at-civita-giuliana/> consulted 13/05/2025.

A villa in Civita Giuliana, north of the site of Pompeii, was the subject of a series of lootings over several years, from perhaps as early as the 1950s, through corridors dug through the volcanic layers using traditional methods that had been used since the 18<sup>th</sup> century<sup>42</sup>. The resumption of excavations from 2017 brought to light, in 2021, in addition to an exceptional bronze chariot that had narrowly escaped the looters, an even more exceptional discovery: a room for slaves or low-ranking servants, with the furniture still in place, very unlike the prestigious objects that had previously emerged from older excavations which were exhibited to the public (**fig. 2**). Without needing to emphasise the importance of this discovery, it does give pause for thought: how many times has this type of discovery been made by looters? The preserved objects are of no particular interest to the art market, particularly common ceramics; they would undoubtedly have been taken out, stripped of their contents, and would probably have ended up in pieces in a landfill. In addition, in Pompeii, these tunnel excavation techniques that pass through the structures also pass through the cavities left by objects and bodies under the volcanic ash – these voids, which archaeologists can fill with plaster to reproduce the shape of what was there are among the features of the Vesuvian sites of greatest

<sup>41</sup> Gianfranco Purpura, “Archeologi in fondo al mare”, *Kalós*, luglio- agosto 1998, p. 6–15; Francesca Oliveri, “Relitto di Porto Palo di Menfi” in *Mirabilia maris. Tesori dai mari di Sicilia*, Palermo 2016, p. 155–159.

<sup>42</sup> <https://pompeisites.org/press-kit/scoperta-straordinaria-tra-i-cunicoli-di-scavi-clandestini/>; <https://pompeisites.org/press-kit/gli-scavi-di-civita-giuliana/> Fabrizio Feo, “Civita Giuliana” in *The Journal of Cultural Heritage Crime*, consulted 20/07/2024. <https://www.journalchc.com/2024/07/20/civita-giuliana-attualita-e-prospettive-dello-scavo-della-villa/> consulted 03/03/2024.



interest, to science as well as to the general audience. How many sites, in the vicinity of Pompeii, have been ransacked in this way? How many objects destroyed or sold in recent years?



**Fig. 3 a-b:** left, intervention by the authorities in Eraclea Minoa after looting activities were spotted. a. Picture from “Eraclea Minoa, tombaroli in azione nell’area archeologica: scoperti 25 scavi abusivi” in *Giornale Centro Sicilia*, 22/12/2023, <https://www.giornalecentrosicilia.it/2023/12/22/eraclea-minoa-tombaroli-in-azione-nellarea-archeologica-scoperti-25-scavi-abusivi/> consulted 02/01/2024; b. Screenshot from “Tombaroli’ di nuovo ad Eraclea Minoa a caccia di reperti: scoperte 25 buche” in *Agrigento notizie*, 21/12/2023.

**Fig. 4:** Intervention of the Carabinieri in Naples, in 2024, after the discovery of illegal excavations of a medieval church, Credits: Carabinieri, Italia. Published in Lucia Riccardi, *Scavi clandestini a Napoli, scoperta una chiesa medievale*, *Agenzia italiana*, 4/10/2024, <https://www.agi.it/cronaca/news/2024-10-04/scavi-clandestini-a-napoli-scoperta-una-chiesa-medievale-28114044/> consulted 4/10/2024.

The sites in Campania buried by Vesuvius are certainly exceptional. The seriousness of the situation, in Italy as elsewhere, is mainly due to the daily occurrence and the spread of the phenomenon. These are not necessarily at the most spectacular excavations or sites, as evidenced by the interception of tombaroli at the site of Eraclea Minoa (Sicily) in December 2023, with the identification of about 25 holes of shallow depth, dug with a shovel (**fig. 3**)<sup>43</sup>. The targeted area, peripheral to the protected site, is not insignificant: it is the location of ancient cemeteries. Tombs – and their easily transportable funerary goods – remain the main focus of interest for looters in Europe. The looters in question were local to the region. In itself, this seems of relative seriousness; but this is only one fact among others. Between 2019 and 2023, there were no fewer than five similar discoveries on the same site, representing hundreds of looters' holes, across all the peripheral areas of the site: there are very clear traces of regular and organised activity by a group of looters looking for antiquities to sell<sup>44</sup>. But the discovery in September 2024 of a medieval church in the centre of Naples (**fig. 4**), currently being cleared, excavated and destroyed by a local contractor under his own premises, clearly shows that antiquities are not the only ancient remains that are threatened by these kind operations<sup>45</sup>.

<sup>43</sup> “Tombaroli in azione al sito archeologico, scoperti scavi abusivi: avviate le indagini” in *Agrigento Oggi*, 3/09/2023, <https://www.agrigentooggi.it/tombaroli-in-azione-al-sito-archeologico-scoperti-scavi-abusivi-avviate-le-indagini/>. Paolo Picone, “La zona archeologica di Eraclea Minoa preda dei tombaroli: trovati 25 scavi clandestini”, in *giornale di Sicilia*, 22/12/2023 <https://agrigento.gds.it/articoli/cronaca/2023/12/23/la-zona-archeologica-di-eraclea-minoa-preda-dei-tombaroli-trovati-25-scavi-clandestini-acfc55c6-3a8f-44b2-ab2a-6b1eb8f0a7e7/> consulted 02/01/2024.

<sup>44</sup> Andrea Laratta, “Eraclea Minoa (Agrigento), des fouilles illégales ont été découvertes. Et ce n'est pas la première fois”. In *Finestre sull'Arte*, 16/04/2023.

<sup>45</sup> Ilaria Cicinelli, “Fouilles abusives dans le centre de Naples : découverte d'une rare église médiévale du XIe siècle”, *Euronews*, 4/10/2024, <https://it.euronews.com/cultura/2024/10/04/scavi-abusivi-nel-centro-di-napoli-scoperta-una-rara-chiesa-medievale-dellxi-secolo> consulted 4/10/2024.

## 2. Greece

The archaeological looting that damages Greece is commensurate with the cultural wealth of its soils and its seas. Each year brings its own set of discoveries of ransacked sites, arrests, customs seizures, and identifications of stolen and looted pieces on the international market. After having suffered for decades from networks variously controlled from Switzerland, France, the United Kingdom or the United States, like the activities of Robert Hecht or Robins Symes and Christos Michaelides at the end of the 20<sup>th</sup> century, it is clear that the activities are continuing in the first quarter of the 21<sup>st</sup> century, perhaps on a smaller scale but still with significant damage. The majority of objects recovered on Greek soil, during customs and police operations, most often coordinated with the Ephorates and the Ministry of Culture, are small objects of all kinds, particularly metal, from clandestine excavations underground or underwater. Perhaps more than elsewhere, the seizures of archaeological objects are linked to seizures of religious goods (icons, reliquaries, etc.) resulting from thefts from churches and monasteries (fig. 5). The porosity between the two “disciplines” of looting and theft is obvious.



**Fig. 5 a-d :** Seizure made by the Hellenic Police in Patras in 2016, ©Hellenic Police, Eleftheria Online, "Εξαρθρώθηκε διεθνές κύκλωμα λαθρανασκαφών και αρχαιοκαπηλίας στην Πελοπόννησο", published on October 5, 2016; <https://eleftheriaonline.gr/local/koinonia/astynomika/item/105724-eksarthrothike-diethnes-kykloma-lathranaskafon-kai-arxaiokapilias-stin-peloponniso-fotografies>, consulted 4/07/2025.

A region once particularly affected by looters, the Cyclades, is distinguished among other things by the presence, prior to Greek civilisation itself, of a “Cycladic” material culture from the Bronze Age that was very rich in art objects between the 4<sup>th</sup> and 2<sup>nd</sup> millennium BC. The looters, very active since the middle of the 20<sup>th</sup> century, focus particularly on a specific category of artwork, the “Cycladic idols”, whose forms have fired the imagination of modern artists of the 20<sup>th</sup> century and which continue to be sought after by lovers of antiquities as well as contemporary art. The looting was so extreme, particularly in the 1960s and 1970s, that thousands of these decontextualised objects are largely at the origin of studies on the international traffic in European antiquities, notably thanks to the actions of Colin Renfrew. The first major studies demonstrated the relatively recent arrival and the absence



of provenance for the overwhelming majority of idols contained in the world's main collections<sup>46</sup> – of the nearly 1,400 figurines studied from Greece, 74% were unknown before 1973, and 24% had absolutely no known provenance before the year 2000. That is, 98% of Cycladic idols in private hands or in museums come, statistically almost certainly, from recent looting or forgery. Since demand and expectation are very high, this traffic has become particularly damaging and the massive production of fakes has polluted the entire study of this relatively easy-to-imitate category<sup>47</sup>. The situation has eased: the sites have for the most part been largely emptied of their contents<sup>48</sup>, and with the notoriety of these objects, museums are more reluctant to take, or even refuse, new acquisitions, and in addition, the risk of acquiring a fake has reduced demand. However, the fact remains that these objects continue to attract the attention of looters, as shown during recent investigations, such as in 2016, with the discoveries accompanying the arrest of around twenty men suspected of theft and looting in Patras<sup>49</sup> (**fig. 5**), while carrying out reconnaissance of sites to loot using satellite images. Among all types of objects, a Cycladic idol stands out and certainly comes – if it is real – from a site in the Cyclades. It is interesting to note that, in addition to the metal detectors, the seizure also involved a large set of firearms, demonstrating the possible connections of this type of network with violent crime<sup>50</sup>.



**Fig. 6 a-c:** The throne of Eurydice's tomb and its statuettes, before the 2001 theft, Pictures: <https://www.tumblr.com/classicalmonuments/154227350894/eurydices-tomb-vergina-greece-369-bce>, consulted 4/01/2024.

<sup>46</sup> David Gill, Christopher Chippindale, "Material and Intellectual Consequences of Esteem for Cycladic Figures" in *American Journal of Archaeology*, 97, 4, 1993, p. 601–659; idem, "Material Consequences of Contemporary Classical Collecting", in *American Journal of Archaeology*, 104, 3, 2000

<sup>47</sup> Christos Tsirogiannis, David Gill, Christopher Chippindale, "The Forger's Tale: An Insider's Account of Corrupting the Corpus of Cycladic Figures", in *International Journal of Cultural Property*, 29, 3, 2022, p. 369–385. Colin Renfrew, Marisa Marthari, Michael Boyd, "The Curse of Looting: The Scourge of Cycladic Archaeology" in *Cycladic Society 5000 Years Ago*, N. Stampolidis (ed.), 2016, p. 117–23.

<sup>48</sup> Liam Devlin, "Antiquity market trends in Cycladic figurines, 2000–19: Studies in price, prevalence, and provenance" in *International Journal of Cultural Property*, 29, 3, 2023, p. 311–344. doi:10.1017/S0940739122000224

<sup>49</sup> Nicholas Pahitis, "Greek police break up gang that excavated, sold antiquities" in *The Washington Times*, 5/10/2016. <https://www.washingtontimes.com/news/2016/oct/5/greek-police-break-gang-that-sold-thousands-of-ant/> consulted 23/11/2023.

<sup>50</sup> See also Hardy, S A. 2020: "Treasure-hunters 'even from Sweden', organised criminals and 'lawless' police in the Eastern Mediterranean: Online social organisation of looting and trafficking of antiquities from Turkey, Greece and Cyprus". *Revista d'Arqueologia de Ponent*, No. 30, 215–240.

In addition to the looting of unknown sites, this phenomenon can affect archaeological sites that have already been or are still being excavated. Among the most important discoveries of Greek archaeology in the 20<sup>th</sup> century are the aristocratic, princely and royal tombs of Macedonia. Many of these discoveries were made after initial looting, as was the case of the tomb near Thessaloniki, housing the famous “Derveni Krater”, today the centerpiece of the Macedonian Museum, but which narrowly escaped being exfiltrated abroad. The necropolis of Vergina, near the ancient city of Aigai, in particular, was the scene of excavations with spectacular results that contributed to revolutionising the approach to Greek art for the 4<sup>th</sup> and 3<sup>rd</sup> centuries BC. Among the tombs discovered, the so-called Eurydice tomb discovered in 1987 contained a stunning painted marble throne (fig. 6), with a painting representing the gods of the underworld Persephone and Hades as a backrest, supported by a row of separately sculpted female figurines, 19 cm high, inserted between pillars, one arm raised as if to support the painting itself. Below was a second series of protective winged sphinx figurines. This throne, preserved *in situ* with a constant atmosphere to prevent its decay and especially to protect its extraordinarily well-preserved polychromy, is, in itself, a masterpiece of European Antiquity and one of the last testimonies of Greek painting, the model of Roman painting and therefore, by association, of all Western painting, praised in ancient texts but almost entirely destroyed by time. The tomb, kept closed and protected, was violated on 16 August 2001, when the sensors recorded a change in temperature. Six or seven of the statuettes were stolen, removing a key element for understanding from this set<sup>51</sup>. One can imagine that the thief would have wanted to seize the entire artwork, but must have been surprised by its weight and the difficulty of breaking it. We do not know whether this was an isolated act, or whether it came from a group of looters: the relationship between the theft of known remains and archaeological looting is a constant (see the case study “Cyrene theft”). The case of this theft, closed in 2003, unsolved, testifies to the pressure exerted on all archaeological remains, discovered or not, and the terrible damage that can be caused. The example of the recent arrest in 2020 of five men suspected of looting at the nearby site of Pella<sup>52</sup> shows that the whole region continues to suffer from these activities.



Fig. 7 a-b: The two statues of Klénia (Ténéa) at the time of the seizure in 2010, Credit: Hellenic Police.

Most of the damage, however, is caused to sites that have not been the subject of modern scientific excavations or historic antiquarian digging. This was the case, recently, at the archaeological site of Klenia (Peloponnese), near Tenea, not far from Corinth. In 2010, the Greek authorities intercepted the sale by looters of two statues of *kouros* (young men), “twins” from the 6<sup>th</sup> century BC. Under

<sup>51</sup> Olga Palagia, “The ‘Tomb of Eurydice’, Vergina, plundered”, in *Minerva* 13, 1, 2002; Mark Rose, <https://archive.archaeology.org/0111/newsbriefs/tombrobbery.html> ; Mark Rose, “Royal Tomb Robbery” in *Archaeology*, 54, 6, 2001; “Αφαντα τα κλοπιμαία, στο αρχείο η υπόθεση”, *archaiologia.gr*, 20/09/2012 <https://www.archaiologia.gr/blog/2012/02/20> consulted 4/01/2024.

<sup>52</sup> Lynda Albertson, “5 looters have been arrested in Pella, Greece for conducting a clandestine excavation”, *Arca blogspot*, 19/20/2020, <https://art-crime.blogspot.com/2020/10/5-looters-have-been-arrested-in-pella.html>, consulted 23/11/2023.



interrogation, the two men revealed that they had been discovered in an unlisted necropolis<sup>53</sup> (fig. 7). These monumental statues are exceptional in more than one way, both in terms of their size, their quality and this strange “twinning”, which had already been observed in sanctuaries, sometimes giving rise to disputed interpretations in Delphi and Cyrene. This discovery as a tomb marker reshuffles the cards; without context, who knows what interpretations historians could have made? The two statues, now known as the *Kouroi of Tenea*, are presented at Corinth Museum and have become a centrepiece. This case is unfortunately not isolated, nor the most recent: for example, in the same region, a man who tried to resell a *kouros* head from the surroundings of Nemea in 2019 was arrested<sup>54</sup>.

### 3. Cyprus

Cyprus has been, since the end of the 19<sup>th</sup> century, a particularly interesting place for antique dealers first, and then for looters, because of the stratification of different cultures, and the cross-influences at this point of convergence between Anatolia, Greece, the Levant, and Egypt. Since the great “excavations” and collections carried out by Cesnola at the end of the 19<sup>th</sup> century, time has passed, laws have changed, but the rapacity of collectors has not diminished: worse, the situation became more complex with divisions following the outbreak of intercommunal violence in 1963, then the island’s partition following the Greek-backed coup and the Turkish invasion in 1974. This resulted in the isolation of Cypriot citizens in or displacement from territories under the control of the other community and Turkish citizens’ settlement of the north. The arrest of the trafficker Aydın Dikmen in Germany in 1998 acted as an “electrifying” factor, raising awareness of the dismantling and resale of church decorations (paintings, mosaics, sculptures, etc.) in the north of the island in a context of population displacement against a backdrop of ethno-religious conflict (fig. 8)<sup>55</sup>.

This traffic, which passed through Western Europe before dispersing the works throughout the world, showed an active complicity of European citizens in the iconoclastic destruction of Cypriot heritage, sometimes commissioned<sup>56</sup>. The phenomenon of archaeological looting, which in this case is added to the destruction and illegal export of religious heritage, does not, however, only affect the north of the island. Although the Department of Antiquities and the National Committee for the Fight against Looting and Illicit Trafficking of Antiquities are tenaciously combating crime, the continual activity of amateur looters and professional networks, as well as the urban development of the south coast that they can exploit, puts heavy pressure on the archaeological remains, in particular by increasing recovery and preservation efforts.<sup>57</sup> All of this occurs in a context where the political and cultural issues surrounding antiquities are undoubtedly greater than in any other country in the European Union at present.

<sup>53</sup> Arès Dèmokidès, “Αρχαία Κόρινθος και οι δίδυμοι κούροι που παραλίγο να πουληθούν στο εξωτερικό” *Lifo.org*, 2/05/2017,

<https://www.lifo.gr/culture/arxaiologia/i-arhaia-korinthos-kai-oi-didymoi-koyroi-poy-paraligo-na-poylithoyn-sto> consulted 21/12/2024.

<sup>54</sup> « Αρχαιοκάπηλος πουλούσε κεφαλή Κούρου από τον 6ο π.Χ. αιώνα για 500.000 ευρώ », *Newbeast.gr*, 24/12/20219

<https://www.newsbeast.gr/society/arthro/5813967/archaiokapilos-poyloyse-kefali-koyroy-apo-ton-6o-p-ch-aiona-gia-500-000-eyro> , consulted 28/02/2020.

<sup>55</sup> Gabrielle Deford, “Plundering the sacred”, *Archaeology odyssey*, 1998

<https://library.biblicalarchaeology.org/article/plundering-the-sacred/> consulted 13/05/2025.

<sup>56</sup> Sophokles Hadjisavvas, “The destruction of the archaeological heritage of Cyprus” in N. Brodie, J. Doole, C. Renfrew (eds), *Trade in illicit antiquities: The destruction of the world’s archaeological heritage*, 2001, p. 133–139.

<sup>57</sup> <http://www.culture.gov.cy/dmcculture/DA/DA.nsf/All/49DAF5E76419EBAC42257C300035C4BA?OpenDocument> consulted 20/09/2024.



**Fig. 8:** Left. Analysis of fragments of religious frescoes recovered from the “Dikmen network” according to Gabrielle Deford in “Plundering the sacred”, See *Archaeology odyssey*, 1998.

**Fig. 9:** Right. Seizure of archaeological objects in Cyprus in 2010, Credit: Cypriot Police.

The case of the arrest of looters in Limassol (**fig. 9**) demonstrates that the partition of the island is not the only problem: in 2010, the media announced the arrest of a network of looters and traffickers of archaeological goods<sup>58</sup>, with the seizure of numerous archaeological pieces, fakes, and a handgun. While a debate has arisen between experts and politicians as to whether the objects came from one part of the island or the other, it seems quite clear that most of the ceramics probably came from the south coast of the island; to our knowledge, unfortunately, these objects have not been published. The ten men arrested lived around Limassol and Paphos and we do not know whether they were convicted. Another seizure, in Paphos in 2014, also illustrates this phenomenon. A single individual held hundreds of objects from excavations carried out mainly by metal detecting<sup>59</sup>. This case, too, revealed the possession and use of firearms, in this case by “rival gangs”.

#### 4. Bulgaria



**Fig. 10 a-b:** Archaeological site of Ratiara, en 2005 (left) and 2024 (right), ©Google Earth / Image LandSat/Copernicus.

Bulgaria has undeniable archaeological wealth, due to the presence of phases of ancient, medieval and modern development, to the point of being considered the country with the third most densely

<sup>58</sup> Sam hardy, “Greek Cypriot antiquities smuggling; illegal undercover antiquities police” 26/01/2010, <https://human-rights-archaeology.blogspot.com/2010/01/greek-cypriot-antiquities-smuggling.html?m=0> consulted 20/09/202.

<sup>59</sup> Christiana O’Connell-Schizas, “Cyprus: Antiquities bust in Aphrodite’s city” 17/04/2014, <https://art-crime.blogspot.com/2014/04/cyprus-antiquities-bust-in-aphrodites.html> consulted 20/12/2024.



concentrated archaeological remains in the European Union after Greece and Italy. From Bronze Age megalithic tombs to Greco-Thracian sites and medieval sanctuaries, the country suffers precisely from this richness: too few sites have been subject to official excavations. Looting by metal detecting has also become widespread since the 1990s: some groups of detectorists are very well organised, and also very active on social networks (**fig. 26**). The quantity of objects illegally exported is impossible to quantify, but the seizures made as well as the publications by the looters themselves testify to the intensity of the looting in progress, like the 21,000 coins returned by Canada in 2011<sup>60</sup>.



**Fig. 11:** Looter in the Ratiara region. Extract from the documentary by David O'Shea, "plundering the past", SBS TWO, Australia, September 2009.

**Fig. 12:** Looters in a Thracian burial mound in the Kazanlak region. Veselin Ignatov, Galina Grozdanova, Emil Aleksandrov, *Rescued Treasures of Bulgaria*, Arheologičeski institut i muzej (Sofia), 2018, p. 14.

As in Italy, the presence of highly structured criminal networks combined with traditional looting practices make the pressure on sites particularly devastating, as demonstrated by the Roman site of Ratiara<sup>61</sup> (**figs 10–11**). The ancient capital of Dacia, it was well preserved when it was excavated by Bulgarian archaeologists (1958–1962) and then by joint Italian and Bulgarian teams (1976–1991). In 1986, the discovery of the "Ratiara treasure", consisting of gold objects, and the subsequent exhibition helped to draw public attention to potential finds. When, in the aftermath of the fall of the Iron Curtain, the State withdrew its financial support for archaeological research on the site from 1992, some of the inhabitants of the neighbouring village of Archar, located in one of the poorest regions of Europe, engaged in systematic looting<sup>62</sup>. The change in the morphology of the site in the 1990s was radical, but the looting continues: visible changes between 2005 and 2024 (**fig. 10 a–b**) testify to the continuation of illegal activities in parallel with the official excavations resumed in 2012. The story of the looting of Ratiara was the subject of a documentary in 2009 (**fig. 12**), allowing us to see some of the perpetrators in action, equipped with simple shovels and picks, manually causing considerable damage with their repeated assaults on the site.

<sup>60</sup> "Government of Canada Returns its Largest Ever Seizure of Cultural Property to the Republic of Bulgaria". In *Canadian Heritage*, 10 June 2011, Press Release, <https://www.canada.ca/en/news/archive/2011/06/government-canada-returns-its-largest-ever-seizure-cultural-property-republic-bulgaria.html>, consulted 22/08/2024.

<sup>61</sup> Ivan Dikov, *Plunder Paradise. How Brutal Treasure Hunters Are Obliterating World History and Archaeology in Post-Communist Bulgaria*, 2019; Zdravko Dimitrov, "Resumption of regular archaeological excavations in Ratiara", *The European Archaeologists*, 41, 2014, p. 28–35.

<sup>62</sup> Lyse Debar, *Etude partielle de la situation du pillage et du trafic illicite de biens culturels bulgares*, Celtrac report, University of Poitiers, edited by Vincent Michel, Morgan Belzic and Camille Blancher, 2024, p. 13.



**Fig. 13 a–c:** Tomb discovered near Rozovo following a looting in 2010, After Ivan Dikov, 2018.

Among the favourite targets of looters in Bulgaria are Thracian tombs, particularly during the period of the Odrysian Kingdom (5<sup>th</sup>–1<sup>st</sup> century BC), sometimes containing mounds of vessels, weapons and ornaments in bronze, silver, and gold. The “Valley of the Odrysian Kings” in the vicinity of Kazanlak, has nearly 1,500 burial mounds (or tumuli), of which less than a third have been officially excavated. Many of these tombs are discovered by looters, and then explored, once empty, by archaeologists during rescue operations. This was again the case with a tomb in Ozdrovo, south of Kazanlak, which was looted by artefact hunters in 2010, then excavated by archaeologists in 2018 (**fig. 13**)<sup>63</sup>. The tomb had not only been damaged by looting, reaching its very core structure; it had also been completely emptied of its contents. Not one sherd of broken pottery remained. A real clearing out, which left only some human bones, unsaleable, but in a dispersed state. The wealth of a Thracian funerary ensemble is equivalent to that of the tombs of Macedonia or Tuscany. In this case, unfortunately, we have no means of imagining or estimating the loss of heritage.

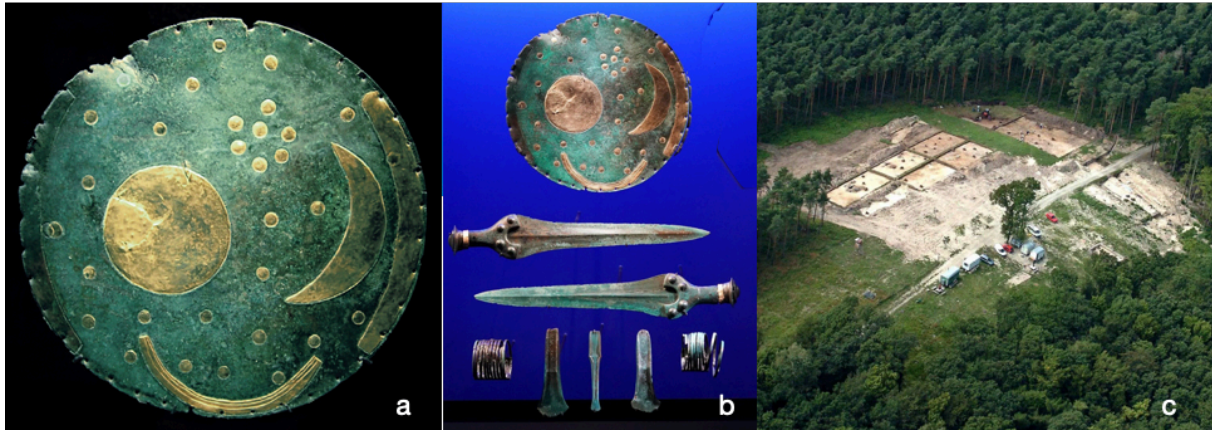
### 5. Germany

The archaeological wealth of Germany is often overlooked, but it is significant in a region that has had a high population density since Antiquity. Monumental Roman remains in the east, monumental medieval and modern remains throughout the territory, and a very high density of sites, particularly funerary sites, for the whole of prehistory. In addition, the territory has experienced a significant number of wars and battles, particularly since the 16<sup>th</sup> century and up to the two world wars, so a very active military archaeology has developed there. German archaeological heritage has suffered greatly from “detectorism” since the end of the 1980s, which has worsened with the fall in the cost and the popularisation of these tools, combined with a lack of legal supervision (free purchase, use only subject to obtaining a license). A recent article by Michael Heinzlmeier now offers a fairly comprehensive view of the situation, emphasising in particular that looting by metal detecting is today the main threat to German heritage, most often stated as a simple “hobby” but which is, in truth, essentially a search for treasures to resell to the highest bidder<sup>64</sup>.

<sup>63</sup> Ivan Dikov, “Smallest ancient Thracian brick tomb found near Bulgaria’s Rozovo, thoroughly looted by treasure hunters”, *ArchaeologyinBulgaria.com*, 23/09/2018 <https://archaeologyinbulgaria.com/2018/09/23/smallest-ancient-thracian-brick-tomb-found-near-bulgarias-rozovo-thoroughly-looted-by-treasure-hunters/> consulted 21/10/2024.

<sup>64</sup> Michael Heinzlmeier, “Raubgrabungen in Deutschland. Eine Delikts- analyse: Recht, Formen, Umfang, Ursachen und Bekämpfungsstrategie” in *Ein kritischer Blick zurück: Provenienzforschung in Sammlungen und Museen*, Berlin, 2023, p. 85–100.





**Fig. 14 a–c:** left and centre: Nebra disc and bronze set discovered in 1999 by looters; on the right, Mittelberg site, near Nebra, in Saxony-Anhalt, After Franziska Kiedaish, 2018.

The "Nebra Sky Disc" is the most famous example of this phenomenon. This striking work, of major aesthetic and scientific interest, was discovered in 1999 by two prospectors armed with detectors, along with other bronze objects, near Nebra. The next day, after a hasty and corrosive cleaning with a scraper in a bathtub, they were purchased for DM 31,000 by an antique dealer in Cologne, in contravention of the laws applicable in the state of Saxony-Anhalt, which stipulate that any object discovered underground, especially without a prior excavation permit, is state property. The antique dealer tried to resell the disc to various museums or collectors, including those in Berlin, for DM 1,000,000, without success. He finally sold it for DM 230,000 through a museum-restaurant manager to an amateur archaeologist in 2001, who tried to resell it for three times as much in the state of Saxony-Anhalt... In a finale worthy of a tragicomic thriller, the police arrested them in Switzerland during a sting operation<sup>65</sup>. At the time of the trials, between 2003 and 2006, the duo defended themselves by saying that they had acted to "save the object" ... They even wrote books about it. The affair gave rise to significant media coverage, which does not negate the fundamental interest of this disc, one of the oldest representations of the sky, around the middle of the 2<sup>nd</sup> millennium BC.



**Fig. 15:** Looter's hole in a burial mound near Allmannshausen (Starnberg district, Bavaria), in 2022, After Michael Heinzlmeier, 2023, p. 85–100. Credit: Bavarian State Office for Monument Preservation.

**Fig. 16:** Illegal excavations at the Manching archaeological site, 2022. From Raubgräber: Immenser Schaden für die Wissenschaft, 03/05/2022, <https://www.donaukurier.de/archiv/raubgraeber-immenser-schaden-fuer-die-wissenschaft-6150745> ; Photo : Schmidtnr.

<sup>65</sup> Franziska Kiedaish, "True-Crime-Fall der Archäologie: Wie die Himmelsscheibe von Nebra ins Museum kam" *SWR*, <https://www.swr.de/swrkultur/kunst-und-ausstellung/true-crime-fall-der-archaeologie-wie-die-himmelsscheibe-von-nebra-ins-museum-kam-100.html> consulted 14/05/2023.

In the early 2000s, the discovery by unauthorised "detectorists" of the Harzhorn site in Lower Saxony went unnoticed. Season after season, an increasing number of looters came to recover metal objects: weapons, fragments of armor, coins. It was finally one of them who, alerted by the identification of a Roman coin, ended up reporting the site to the authorities. This has happened again and again, as on the Niestetal site near Kassel (Hesse), where looters' holes have multiplied at the location, and during rescue excavations on a 1758 battlefield whose development was scheduled for 2021<sup>66</sup>. These clandestine excavations, often carried out at night or outside working hours, distort part of the excavation results by destroying the meticulous sections made by archaeologists, allowing them to find their way in the strata, and therefore in time. The same phenomenon has been repeated almost everywhere in recent years. On the site of the Celtic oppidum of Manching (Bavaria), more than a hundred small holes, discovered one morning in 2022, reveal the location where a group of looters' metal detector rang, and where the metal objects were removed (fig. 16)<sup>67</sup>. This is not the first time that the site has become the target of looters, undoubtedly attracted by the hope of an exceptional discovery such as the treasure of gold coins that was exhumed there in 1999. Sites currently being excavated are thus irreparably altered, because the context is deprived of part of its material: ornaments, weapons, nails, and other small elements, but also the coins often useful for dating an archaeological layer. Forest sites are also very frequently targeted, allowing looters to be better hidden from view, so as to operate without risk of being caught (fig. 17), also at leisure to carry out deeper and more destructive excavations. These forms of looting on excavated sites are "a plague", according to German archaeologists, which contaminates archaeological sites and hinders scientific progress while depriving citizens of their heritage<sup>68</sup>.

## 6. Spain

The density of Spain's archaeological heritage is often forgotten due to tourist interest in its landscapes and its still-standing monuments. However, its riches are well known to looters, who particularly target the remains of Celtiberian, Phoenician, Greek, Roman, Visigothic and Umayyad occupations. Clandestine excavations are carried out, for the most part, by *buscatesoros*, treasure hunters. The facts are recurrent, frequent and affect all regions in a similar way.



**Fig. 17:** Left: Aratis parts returned to Spain on September 6, 2021. Centre: Archaeological site of Aratis, traces of mechanical excavation (2019). Right: Fake helmet imitating those of Aratis, purchased by C. Levett in 2010. From <https://okdiario.com/espana/sorprendente-expolio-aratis-cascos-celtiberos-vendieron-77-000-christies-11570352> consulted 12/10/2024.

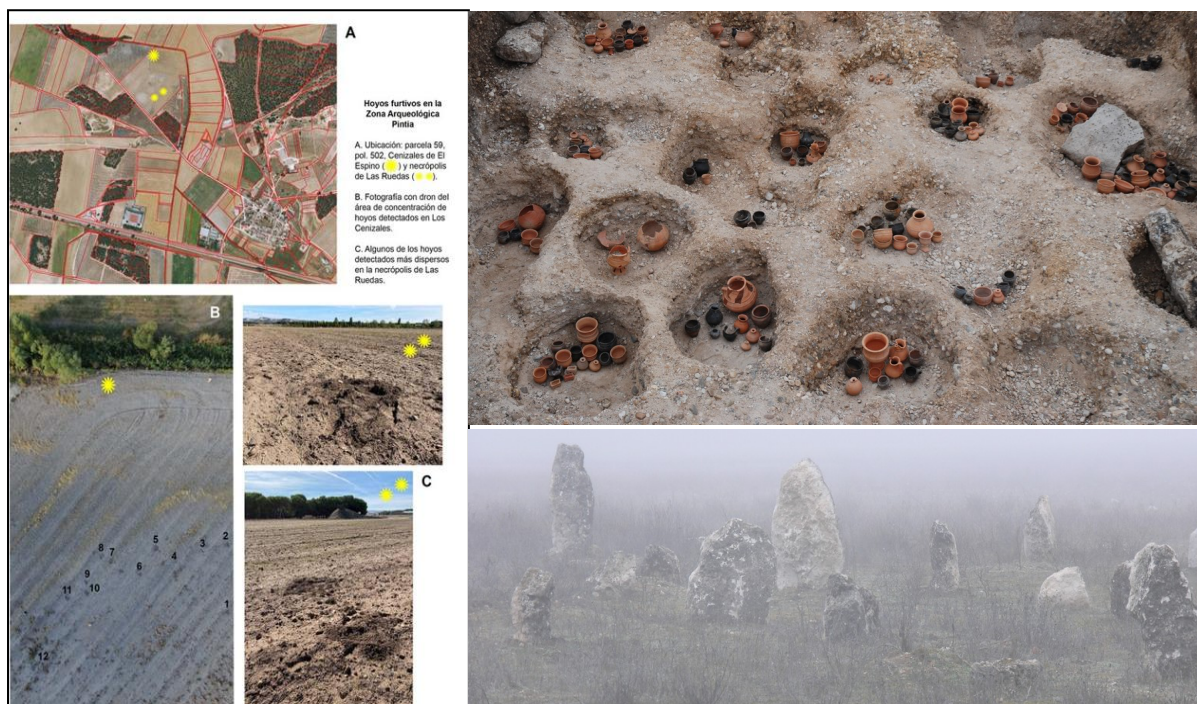
<sup>66</sup> Illegale Grabungen auf historischem Schlachtfeld, 15/11/2022, <https://www.zeit.de/news/2021-11/15/illegale-grabungen-auf-historischem-schlachtfeld> consulted 20/05/2024; Katarina Fischer, "Raubgrabungen in Deutschland: Wann Schatzsucher zur Gefahr werden", National Geographic.de, 28/02/2022, <https://www.nationalgeographic.de/geschichte-und-kultur/2022/02/raubgrabungen-in-deutschland-wann-schatzsucher-zur-gefahr-werden>, consulted 13/05/2025.

<sup>67</sup> "Raubgräber: Immenser Schaden für die Wissenschaft", 02/05/2022, <https://www.br.de/nachrichten/bayern/raubgraeber-stehlen-in-manching-wertvolle-archaeologische-funde>, T4qsbry consulted 20/12/2024.

<sup>68</sup> Franziska Kiedaich, "True-Crime-Fall der Archäologie: Wie die Himmelsscheibe von Nebra ins Museum ka", 3/07/2024, <https://www.mz.de/panorama/kriminalitat-schatzsucher-plundern-archaeologische-statten-2657221> consulted 12/07/2024.



The case of the bronzes of Aranda de Moncayo (formerly Aratis) shows the establishment of a chain of operations that rivals the Italian or Bulgarian mafias<sup>69</sup>. This site is a Celtiberian necropolis rich in ceramics and bronzes (**fig. 17a**). From the end of the 1980s to 2013, local residents, initially equipped with simple equipment, gradually acquired an excavator to exploit the site like a mine (**fig. 17b**). The first helmets were exported to the British market, the following ones to Switzerland and Germany. The main intermediary, after failing to sell some to German museums, managed to sell the main set to the German collector Alex Guttmann in Berlin from 1990 onwards. He called on a conservator to restore them but also to complete the helmets, which had been discovered broken and deformed; the conservator has also made fakes (**fig. 17c**). After numerous investigations, the Spanish specialists were able to trace some of the helmets to the collection of Christian Levett in Mougins, who had bought them from the heirs of Guttmann, and who, on the basis of the studies of the Spanish scholars and his conservation team, wanted to return them to Spain. Along with these helmets an unknown number of other objects, armor plates, ornaments and weapons were also discovered, which continue to circulate on the antiquities market.



**Fig. 18 a–c:** Left: Document by Carlos Sanz Mínguez (Vacceos 'Federico Wattenberg' study centre), plans and explanatory images of the looting carried out in the archaeological area of the necropolis of Las Ruedas in Pintia (Padilla de Duero, Castile and Leon), in 2021<sup>70</sup>. Right: view and reconstruction of the necropolis of Las Ruedas<sup>71</sup>.

<sup>69</sup> R. González Villaescusa, R. Graells i Fabregat, R. (eds), *El retorno de los cascos de Aratis. Un relato inacabado*, 2021.

C. Esteban López, F. Romeo Marugán, L. Fatás Fernández, « El campo de túmulos de Peñas Pasera de la ciudad celtibérica de Aratis (Aranda del Moncayo, Zaragoza) y el calendario celt » *Zephyrus*, 84, 2019, p. 115–137. <https://doi.org/10.14201/zephyrus201984115137>

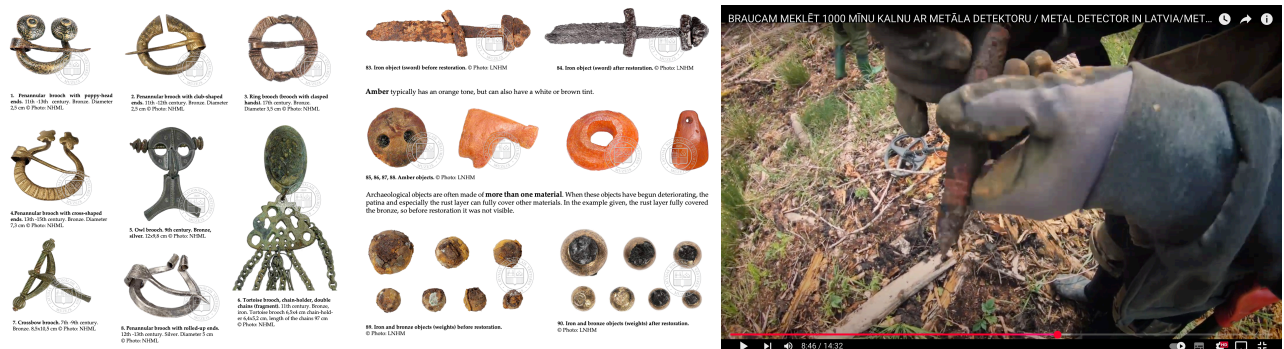
<sup>70</sup> M.A., "Denuncian excavaciones ilegales de 'buscatesoros' en el yacimiento arqueológico de Pintia", *ABC.es*, 01/10/2021, [https://www.abc.es/cultura/abci-denuncian-excavaciones-ilegales-buscatesoros-detectores-metales-yacimiento-arqueologico-pintia-202110011726\\_noticia.html?ref=https://www.abc.es/cultura/abci-denuncian-excavaciones-ilegales-buscatesoros-detectores-metales-yacimiento-arqueologico-pintia-202110011726\\_noticia.html](https://www.abc.es/cultura/abci-denuncian-excavaciones-ilegales-buscatesoros-detectores-metales-yacimiento-arqueologico-pintia-202110011726_noticia.html?ref=https://www.abc.es/cultura/abci-denuncian-excavaciones-ilegales-buscatesoros-detectores-metales-yacimiento-arqueologico-pintia-202110011726_noticia.html) consulted 12/12/2024.

<sup>71</sup> <https://www.pintiavaccea.es/seccion/the-necropolis-of-las-ruedas> consulted 12/07/2024.

Among the many more recent examples, the looting that struck the necropolis of Las Ruedas in Pintia in September 2021 (5<sup>th</sup>–1<sup>st</sup> century BC) unfortunately took one of the most common forms (**fig. 18**). Two people, taking advantage of a sunny day after the rain in a recently ploughed field, used a metal detector to identify tombs from which they were able to collect an unidentified number of objects of an unidentified nature. The choice of the site was not random. It is an identified, protected archaeological plot, in the direct vicinity of the enclosed and visitable site<sup>72</sup>. The tombs are known to contain high-quality ceramics as well as adornments, in particular precious bronze fibulae. While laws may vary in Spain from one province to another, all agree on the prohibition of prospecting on or near an archaeological site. At the time of writing, the perpetrators have not been identified, but this form of looting, probably carried out by well-informed amateur looters, shows that there is no lack of knowledge, but rather a disregard for the laws and the notion of common heritage. Even in cases of *flagrante delicto* and conviction, repeated offences are frequent. For example, a man arrested in 2023 in Baraona (Castile and Leon) during a looting operation on the Celtiberian site of Los Villares (which has some famous ancient works), was in possession of nearly a thousand archaeological objects, and had already been tried and sentenced to pay fines twice for similar acts<sup>73</sup>. Thus, already-constituted groups of experienced looters capable of establishing complex chains of operations are joined by simple individuals who, although they often consider themselves to be amateur archaeologists, act to the detriment of the law and with full knowledge of the facts.

## 7. Latvia

Latvia, like all the Baltic countries, has an archaeological wealth that is not immediately visible, due to the few buildings built in nonperishable materials before the end of the Middle Ages, but it is a country with a remarkably high density of metal objects in its subsoil. Like its neighbours, Latvia suffers from intense pressure from looting by metal detecting, which provoked the publication of a list of objects at risk (**fig. 19**), including objects from the Bronze Age to the medieval period, and objects made of non-metallic materials such as amber which is frequently looted<sup>74</sup>.



**Fig. 19:** Left: Extract from the *Catalogue of Endangered Latvian Archaeological Artefacts*, Latvian Academy of Culture, National History Museum of Latvia, State Inspection for Heritage Protection Riga, 2016.

**Fig. 20 :** Right: screenshot from a video posted on YouTube on a 'metal detecting expedition' in Latvia, showing the discovery of munitions, posted in 2020, <https://www.youtube.com/watch?v=LspG8oLw91M>, consulted 04/07/2025

<sup>72</sup> "El Centro de Estudios Vacceos denuncia excavaciones de 'buscatesoro' en Pintia", *El Norte de Castilla*, 1/10/2021, <https://www.elnortedecastilla.es/valladolid/provincia/centro-estudios-vacceos-20211001113602-nt.html> consulted 20/10/2024.

<sup>73</sup> "Detenido en Soria un expoliador con más de mil piezas arqueológicas en su poder", *El Confidencial*, [https://www.elconfidencial.com/espana/2023-11-24/detenido-soria-expoliador-piezas-arqueologicas\\_3780463/](https://www.elconfidencial.com/espana/2023-11-24/detenido-soria-expoliador-piezas-arqueologicas_3780463/) consulted 13/05/2025.

<sup>74</sup> [https://www.interpol.int/content/download/13140/file/Katalogs\\_Latvia.pdf&ved=2ahUKEwi5q6bxbgLyKAxUqT0EAHUIGICEQFnoECBwQAQ&usq=AOvVaw3t4Qeud99o3VwP8r\\_3YmTz](https://www.interpol.int/content/download/13140/file/Katalogs_Latvia.pdf&ved=2ahUKEwi5q6bxbgLyKAxUqT0EAHUIGICEQFnoECBwQAQ&usq=AOvVaw3t4Qeud99o3VwP8r_3YmTz) consultéed 12/12/2024.



Northern and Eastern Europe seem particularly affected by the development of looting linked to different practices, that of "black tourism" or radical forms of "urban exploration (urbex)", which is also an aspect of "black archaeology" or "black digging" (which is the preferred term among professional archaeologists, to highlight both that it is an unscientific activity and that it is a criminal activity like black digging of fossils and amber). The role of mainstream media in shaping attitudes was highlighted by a series of televised digs of twentieth-century conflict archaeology that took place in Lithuania, Belarus, Hungary and Latvia.



**Fig. 21:** Screenshot from "Nazi War Diggers" (later rebranded "Battlefield Recovery"), 2014.

The media coverage of problematic activity is not unique to Latvia, but one case is worth mentioning: a show initially called Nazi War Diggers, later rebranded "Battlefield Recovery", caused controversy in the country and abroad. The show's presenters and accompanying participants in "white digging" (licensed searching for missing persons from historic conflicts) appeared to dig up human remains and munitions<sup>75</sup> without any archaeological method. This seeming lack of concern was condemned by members of the explosive ordnance disposal profession,<sup>76</sup> the scientific community<sup>77</sup> and other

<sup>75</sup> "Ντροπή, είστε αναίσθητοι και λεηλατείτε την ιστορία". Η οργισμένη αντίδραση των αρχαιολόγων εναντίον του National Geographic για την εκταφή των πολεμιστών, 4/05/2014 <http://www.mixanitouxronou.gr/ntropi-iste-anesthiti-ke-leilatite-tin-istoria-i-orgismeni-antidراسi-ton-archeologon-enantion-tou-national-geographic-gia-tin-ektafi-ton-polemiston/> consulted 3/04/2023.

<sup>76</sup> Brockman, A. 2016: "Review: Battlefield Recovery [ClearStory Productions for Channel 5]", *thePipeline*, January 10. <https://thepipeline.info/blog/2016/01/10/review-battlefield-recovery-clearstory-productions-for-channel-5/> consulted 13/05/2025.

<sup>77</sup> E.g. Barford, P. 2016: "British TV's 'Battlefield Recovery' Reviewed". Portable Antiquity Collecting and Heritage Issues, January 10. <https://paul-barford.blogspot.com/2016/01/british-tvs-battlefield-recovery.html>, consulted 13/05/2025. Barnett, D. 2016: "Channel 5 accused of supporting "grave-robbing" over TV show Battlefield Recovery". *The Guardian*, January 8. <https://www.theguardian.com/media/2016/jan/08/channel-5-accused-of-supporting-grave-robbing-over-tv-show-battlefield-recovery>, consulted 13/05/2025. Brockman, A. 2016: "Review: Battlefield Recovery [ClearStory Productions for Channel 5]" *thePipeline*, January 10. <https://thepipeline.info/blog/2016/01/10/review-battlefield-recovery-clearstory-productions-for-channel-5/>, consulted 13/05/2025. Hardy, S. 2016: "Battlefield Recovery's Nazi War Digger 'notes that the dog tag has no market value. He should know. He sells dog tags.'" *Conflict Antiquities*, January 10.

members of civil society,<sup>78</sup> as well as at least some members of the metal-detecting community<sup>79</sup> and the militaria-collecting community<sup>80</sup>. Moreover, not only is there a connection between societies' celebration of artefact-hunting and citizens' engagement in artefact-hunting,<sup>81</sup> but also the boundary between "entertainment" and collecting may be porous: the team reportedly brought back one of the soldiers' helmets discovered during the show.<sup>82</sup> Furthermore, onscreen, the lead presenter said that black diggers "want to get the artifact out of the ground, History be damned and go sell it and [he had] a problem with that"; meanwhile, offscreen, he said that, "by selling things that are Nazi related and for lots of money, [he was] preserving a part of history that museums don't want to bother with".<sup>83</sup>

This kind of mainstream show obviously has imitators. In 2019, the police arrested a man who, using metal detectors, was stocking up on weapons and ammunition from the First and Second World Wars<sup>84</sup>. The search reportedly revealed several hundred pieces of weaponry and explosives, recovered during clandestine excavations on battle sites. In October or November 2024, in Gramzda Parish, south of Kurzeme, a group of bodies of soldiers who died during the fighting in the Second World War were spotted by the authorities, but were dug up and moved a few kilometers from their place of origin, and stripped of their remains (plates, helmets, weapons, etc.) by artefact-hunters.<sup>85</sup> The perpetrators are said to be young and of foreign origin, perhaps German or Dutch. Social networks are overflowing with photographs and videos taken by these amateur groups, despite the obligation to obtain permission and report the discoveries. These images generally show research specifically related to militaria.

## 8. France

France naturally contains a diversity of archaeological heritage that links it sometimes to the countries of the Mediterranean and sometimes to the countries of central and northern Europe. Archaeological sites are seriously affected, in several ways, by different forms of land-based looting, mainly in the European part of the French territory, including Corsica. A peculiarity of the French State is also its extensive maritime territory, some located on major international trade routes. In addition to strictly

<https://conflictantiquities.wordpress.com/2016/01/10/nazi-war-diggers-battlefield-recovery-media-market-online-trading/> consulted 13/05/2025.

<sup>78</sup> E.g. Swift, N. 2016: "A review of Battlefield Recovery (a.k.a. Nazi War Diggers)". *The Heritage Journal*, January 31. <https://heritageaction.wordpress.com/2016/01/31/a-review-of-battlefield-recovery-a-k-a-nazi-war-diggers/> consulted 13/05/2025

<sup>79</sup> E.g. geoman. 2016: "Battlefield Recovery aka Nazi War Diggers TO BE AIRED". *UK and European Metal Detecting Forum*, January 13. <https://www.metaldetectingforum.co.uk/viewtopic.php?p=760118#p760118>, consulted 13/05/2025.

<sup>80</sup> E.g. Paul D, "Nazi War Diggers back again !!", *War Relics Forum*, 4th January 2016, <https://www.warrelics.eu/forum/battlefield-history-relics/nazi-war-diggers-back-again-607924/> consulted 27/12/2024.

<sup>81</sup> Cf. Mead, R. 2020: "The curse of the buried treasure". *The New Yorker*, November 9. <https://www.newyorker.com/magazine/2020/11/16/the-curse-of-the-buried-treasure> consulted 27/12/2024.

<sup>82</sup> Barford, P, "Nazi War Digger Brings Back 'Ground dug in Latvia' Helmet: 'No Trouble With Customs'", 28/03/2014, <https://paul-barford.blogspot.com/2014/03/ground-dug-in-latvia.html> consulted 3/04/2023.

<sup>83</sup> 2016: "Review: Battlefield Recovery [ClearStory Productions for Channel 5]." *thePipeline*, January 10. <https://thepipeline.info/blog/2016/01/10/review-battlefield-recovery-clearstory-productions-for-channel-5/> consulted 13/05/2025.

<sup>84</sup> "Latvian Police detain 'Black Archaeologist' for trading war-time munitions by post", 28/05/2019, <https://eng.lsm.lv/article/society/crime/latvian-police-detain-black-archaeologist-for-trading-war-time-munitions-by-post.a320514/> consulted 3/04/2023.

<sup>85</sup> "Illegal archaeologists believed to have dug up soldiers' bodies in Kurzeme", 11/11/2024, <https://eng.lsm.lv/article/society/crime/11.11.2024-illegal-archaeologists-believed-to-have-dug-up-soldiers-bodies-in-kurzeme.a575944/> consulted 3/04/2023.

underwater sites, foreshore sites, located on the shore, generally along beaches, are also directly threatened by looting.



**Fig. 22 a–b:** Partial reconstructions of two judicial seizures carried out in France in the context of underwater looting. Presented at the exhibition *Trésors du fond des Mers, un patrimoine archéologique en danger*, Musée de l'Arles Antique, 2022. Photos from the *catalogue d'exposition*, p. 156–157, figs 1–2.

Some old cases have been the subject of investigations that have had a major impact. This is the case of the Lava treasure in Corsica, which has been the subject of a veritable legal chronicle since its discovery by two divers in 1986. The story has been told in several publications, including one by one of the looters, plus several documentaries. A set of gold coins as well as a few objects were partly melted down and most of them were sold on the art market. But this case, while exceptional, is not isolated. More recent cases show that the development of recreational diving since the second half of the 20<sup>th</sup> century has been accompanied, in France as elsewhere, by an increase in attacks on submerged archaeological heritage from all periods. An exhibition was devoted to this question in Arles in 2022<sup>86</sup>, presenting some examples of products seized by the authorities (**fig. 22**). The typology of objects targeted by looters is very diverse: ceramics of all types, metal objects of all kinds, but also movable goods linked to the maritime world: lighting, navigation instruments, portholes, door handles, etc. Added to this selection are prohibited collections of endangered species of plants and animals, from coral to turtle shells.

<sup>86</sup> Sabrina Marlier, Michel L'Hour, Alain Charron, David Djaoui (dir.), *Trésors du fond des Mers, un patrimoine archéologique en danger*, catalogue d'exposition, Musée de l'Arles Antique, Arles, 2022.





**Fig. 23 a–g:** Top left: a. scheduled excavations of the Jeanne Elisabeth between 2008 and 2018, Credit: Thierry Seguin, <https://archeologie.culture.gouv.fr/archeo-sous-marine/fr/la-jeanne-elisabeth-herault>. consulted 04/09/2024. **b–g:** Bottom and right: various objects from the Jeanne-Elisabeth seized by the French authorities. Presented during the exhibition *Trésors du fond des Mers, un patrimoine archéologique en danger*, Musée de l'Arles Antique, 2022. Photos from the *catalogue d'exposition*, p. 158–160.

Shipwreck looting is a practice that has been shared by small groups, often gathered in diving clubs, since the 1970s. Some notable examples include the looting of the *Prince de Conty* (1746) from 1974, with its Chinese ceramics and gold bars in Belle-Île-en-Mer<sup>87</sup>, or the ancient wreck "*Fourmigue C*" before 1980, with its batch of amphorae and Greco-Roman bronzes, the object of a rivalry that led to the explosion of a diving vessel... These lootings often extend over several years, if not decades, without the knowledge of the authorities. The most easily monetisable objects are often sold abroad, such as the five *Prince de Conty* ingots identified in the United States and returned to France in 2022. The looting of the *Jeanne-Elisabeth* (1755) is a textbook case. The ship, which transported, among other things, 24,600 piastras from Mexico, long sought after, was the subject of an uncontrolled search, despite a search authorisation that had been granted to a private group in 2006 (**fig. 23**). The authorities discovered, in 2007, that certain members had indeed discovered the site opposite Villeneuve-lès-Maguelone without informing the authorities and had engaged in a frenzied plundering of the wreck, causing significant destruction both of the site and of the movable objects taken out of the water without due precautions and left to corrode<sup>88</sup>. The searches and seizures carried out at the homes of the members of this criminal association showed that they had not been satisfied with just one wreck and that they had a long history of underwater looting: more than a thousand objects, half of them dating from Antiquity, were recovered from the looters by customs. The official excavations carried out subsequently between 2008 and 2018 demonstrated the wealth of the wreck: without the action of the scientific authorities, this wreck would have continued to be emptied of its contents<sup>89</sup>. Of the 24,000 piastres, 18,000 were not found. The main defendant, a mussel fisherman who also described himself as an amateur archaeologist, refused to give the name

<sup>87</sup> Guy Lépinay, "Mais où sont passés les lingots du 'Prince de Conty' échoué à Belle-Île en 1746 ?", *Les éditions du net*, 2016.

<sup>88</sup> Michel L'Hour "La Jeanne Elisabeth : une épave mise à sac" in *Trésors du fond des Mers*, p. 182–184.

<sup>89</sup> Marine Jaouen, Éric Rieth *et al.*, "L'épave de la *Jeanne-Elisabeth*, 1755. 2008–2016 bilan de huit campagnes de fouille" in *Archaeonautica*, 19, 2017, p. 41–86.



of the receiver despite his two convictions; a numismatist from Montpellier, although convicted in court, always denied his involvement and refused to say where the stolen coins had ended up<sup>90</sup>.



**Fig. 24 a–c :** Seizure of more than 27,000 objects carried out in the Grand Est region by customs from a looter. Credit: a–b ©Douanes Grand Est c. Screenshot from Daniel Bossey, “French detectorist accused of looting on vast scale after haul discovered at home”, *The Guardian*, 16/12/2020, <https://www.theguardian.com/world/2020/dec/16/french-detectorist-accused-of-looting-on-vast-scale-after-haul-discovered-at-home>, consulted 3/09/2024.

Like all of Europe, the French territory is also suffering from the development of "detectorism". Thanks to the PhD thesis of A. Dumont-Castells, we now have an overview of the phenomenon<sup>91</sup>. This type of looting is most often carried out by amateurs, with one main objective: the discovery of "treasures", in other words, deposits of coins and/or ornaments. This is how a large number of sets have been extracted from French soil without being declared, despite the fact that it is mandatory for research – for example, the "treasure of Cobannus" (1977), the "treasure of Cuts" (1998), the "treasure of Laignes" (2012) and the "treasure of Mâlain" (2008)<sup>92</sup>. The existence of these hoards has only been revealed through investigations. Most often, these precious objects are not kept by the looters, who usually identify themselves as "history enthusiasts", but are resold, quite quickly, via very diverse channels enjoying the complicity of receivers of all kinds within networks that are not pre-existing but coalesce and disperse according to circumstance, before joining the established market. The desire to loot is evident in many cases, but it is not necessarily linked to financial needs for subsistence.

The case of a winegrower from La Ferté-sous-Jouarre (Seine et Marne), intercepted in 2012 by customs with a hundred Gallic coins before a sale on the numismatic market, is enlightening. During the investigations, more than 2,000 archaeological objects were discovered, testifying to searches spanning several decades in the departments surrounding his home (Aube, Marne and Seine-et-Marne), using not only detectors, but also a drone or a light aeroplane, to locate the remains across fields and forests. His wife then accompanied him for the cleaning and resale of objects, allowing the couple to supplement their income. Before the court, in 2014, he argued that the looting was unintentional, that he was unaware of the legislation and that he was acting in good faith – he had allegedly written a will bequeathing "his" collection to the local museum. The judges nevertheless confirmed his concealment and regular sale of these objects, as well as his perfect knowledge of the

<sup>90</sup> Yanick Philipponnat, "Lourde sanction pour le pilleur de l'épave héraultaise la Jeanne-Elisabeth", in *Le midi libre*, 3/12/2016, <https://www.midilibre.fr/2016/12/03/lourde-sanction-pour-le-pilleur-de-l-epave-heraultaise-la-jeanne-elisabeth,1434761.php> consulted 18/09/2024.

<sup>91</sup> Alexandre Dumont-Castells, *Le pillage du patrimoine archéologique terrestre en France métropolitaine*, doctoral thesis, University of Aix-Marseille, 2021, p. 188–192.

<sup>92</sup> *Idem*, p. 188–192.

legislation, sentencing him to a fine of nearly 200,000 euros<sup>93</sup>. The arrest of a Frenchman in possession of archaeological objects, in the Grand Est region bordering Belgium in 2020, demonstrated that he, too, had a good knowledge of the law<sup>94</sup>. An individual, passionate about metal detecting, had decided in 2019 to report to the Belgian authorities the discovery of 14,154 coins on land belonging to him in Belgium. This massive assemblage triggered an investigation requested by the authorities of both countries. It turned out that the individual had regularly sold antiquities during the previous decade, and the total seizure of nearly 27,400 objects testifies to intense looting activity on various sites, mainly in Lorraine, dating for the most part from Antiquity (**fig. 24**). His hope had been to clear part of his collection by declaring the finds in Belgium, which conditionally authorises the use of metal detectors for searching for archaeological objects.



**Fig. 25:** Thénac (Aquitaine): looting holes identified in May 2024. Credit: Celtrac, University of Poitiers.

Much of the destruction caused by these lootings is not very visible. Indeed, in regions with dense vegetation cover, such as western France, the small holes made by manual looting following metal detecting are quickly covered by grass, as we can see during a visit to the archaeological site of Thénac (Charente-Maritime). A series of a few dozen holes, made shortly before, were identified on or around the Roman theatre (**fig. 25**). When the looters take samples of reduced depth and then put the mound of earth back on top, the looting becomes almost invisible after a few days or weeks. This is something to take into account: not all losses linked to lootings, whatever their importance, are necessarily identifiable – therefore, they deprive us of any hope of quantification or, more significantly, any hope of repair.

<sup>93</sup> “Un vigneron condamné à 197 000 euros d’amende pour pillage archéologique”, *Le Monde*, 8/08/2014, [https://www.lemonde.fr/societe/article/2014/08/08/un-vigneron-condamne-a-197-000-euros-d-amende-pour-pillage-archeologique\\_4469275\\_3224.html](https://www.lemonde.fr/societe/article/2014/08/08/un-vigneron-condamne-a-197-000-euros-d-amende-pour-pillage-archeologique_4469275_3224.html) consulted 18/09/2024.

<sup>94</sup> “Un trésor archéologique ‘inestimable’ retrouvé chez un pilleur français”, *Le Parisien*, 16/12/2020, <https://www.leparisien.fr/faits-divers/un-tresor-archeologique-inestimable-retrouve-chez-un-pilleur-francais-16-12-2020-8414497.php>, consulted 13/05/2025.

## Common problems

### 1. Transnational looting

Due to various combinations of cultural interest, practical convenience and criminal strategy, some looting is transnational looting. Much potentially legal metal-detecting tourism and definitively illegal cross-border looting is conducted in neighbouring countries or within regions such as Western Europe, former Yugoslavia,<sup>95</sup> the North-East Mediterranean and Eastern Europe.<sup>96</sup> Yet some artefact hunters will traverse the continent, for instance, travelling from the United Kingdom to Cyprus or from Sweden to Greece, to dig up artefacts to add to their own collections or to sell.<sup>97</sup>

### 2. Looting-to-order

Some looting is commissioned by dealers and collectors.<sup>98</sup> For instance, during the civil war in Cyprus, “groups of looters” were “contract[ed]” by collectors.<sup>99</sup> More recently, a network of at least 21 people was involved in the looting of ancient helmets, decorated ceramics, and other valuable artefacts from archaeological sites in southern Italy to supply collectors in northern Italy.<sup>100</sup> In Denmark, Finland, Norway, and Sweden, commissioned theft of underwater archaeology is rare, yet exceptionally harmful, due to the significance of the pieces.<sup>101</sup>

### 3. Multi-commodity trafficking and other poly-criminality

Partly due to the opportunities that present themselves in the process of artefact hunting and cannabis cultivation and the incentives to exploit those opportunities that come from dependence on precarious livelihoods, and partly due to the functionality of combining artefact hunting and cannabis cultivation or other narcotic sidelines such as hallucinogenic mushroom foraging, there is some

<sup>95</sup> Hardy, S A. 2021: “It is not against the law, if no one can see you: Online social organisation of artefact-hunting in former Yugoslavia”. *Journal of Computer Applications in Archaeology [Special Issue on Fighting Illicit Trade in Antiquities with Digital Technology]*, Volume 4, Number 1, 169–187. Available at: <https://doi.org/10.5334/jcaa.76>

<sup>96</sup> Hardy, S A. Forthcoming: “Theft and destruction of knowledge in Ukraine, Russia and Belarus”. In Gill, D W J and Barford, P (eds). *Knowledge theft, artefact hunting and archaeological context in Europe*. Oxford: Archaeopress.

<sup>97</sup> Hardy, S A. 2020: “Treasure-hunters ‘even from Sweden’, organised criminals and ‘lawless’ police in the Eastern Mediterranean: Online social organisation of looting and trafficking of antiquities from Turkey, Greece and Cyprus”. *Revista d’Arqueologia de Ponent*, Number 30, 215–240.

<sup>98</sup> Hardy, S A. 2015: “Is looting-to-order ‘just a myth’? Open-source analysis of theft-to-order of cultural property.” *Cogent Social Sciences*, Volume 1, Number 1. Available at: <http://dx.doi.org/10.1080/23311886.2015.1087110>

<sup>99</sup> Hadjisavvas, S. 2001. “The destruction of the archaeological heritage of Cyprus”. In N. Brodie, J. Doole & C. Renfrew (eds), *Trade in illicit antiquities: The destruction of the world’s archaeological heritage*. Pp. 133–139, Cambridge: McDonald Institute.

<sup>100</sup> Reuters. (16 February 2002). “Italy busts relics-to-order crime ring. MSNBC”. <https://web.archive.org/web/20061001184345/http://www.museum-security.org/02/026.html#6>, consulted 13/05/2025.

<sup>101</sup> Korsell, L., Hedlund, G., Elwér, S., Vesterhav, D. & Heber, A. 2006. *Cultural heritage crime: The Nordic dimension*. Stockholm: the Swedish National Council for Crime Prevention, Information and Publication (SNCCPIP).

overlap in antiquities extraction and drugs production.<sup>102</sup> As highlighted in Turkey,<sup>103</sup> but also visible in Greece and Cyprus,<sup>104</sup> former Yugoslavia,<sup>105</sup> plus Russia and Ukraine,<sup>106</sup> where there is trafficking of antiquities alongside other commodities such as narcotics and firearms.

#### 4. Organised crime and other violent crime

In poor and insecure countries, it is not uncommon for artefact hunters to carry and use firearms or other weapons.<sup>107</sup> Informal polls of artefact hunters by artefact hunters tentatively suggest that perhaps more than three-quarters were armed and almost a third carried firearms in Russia; while perhaps more than half were armed and almost a sixth carried firearms in Ukraine.<sup>108</sup>

<sup>102</sup> Hardy, S. Forthcoming: "Criminal choices for precarious livelihoods: Antiquities looting by cannabis cultivators in Poland, Russia and Ukraine". *Public Archaeology*.

<sup>103</sup> Hardy, S A. 2015: "Destruction, theft and rescue of archaeological artefacts in Cyprus, 1963-1974: From the intercommunal conflict until the foreign invasions". In Jacobs, A and Cosyns, P (eds). *Cypriot material culture studies, from picrolite carving to proskynitaria analysis: Proceedings of the 8th Annual Postgraduate Cypriot Archaeology Conference held in honour of the memory of Paul Åström at the Vrije Universiteit Brussel (Belgium), 27th-29th November 2008*, 329–345. Brussels: VUBPRESS; Hardy, S A. 2020: "Treasure-hunters 'even from Sweden', organised criminals and 'lawless' police in the Eastern Mediterranean: Online social organisation of looting and trafficking of antiquities from Turkey, Greece and Cyprus". *Revista d'Arqueologia de Ponent*, Number 30, 215–240 ; Hardy, S A. 2021: "Organised crime in trafficking of cultural goods in Turkey and interconnections between antiquities trafficking and narcotics trafficking, arms trafficking and political violence". In Traviglia, A, Milano, L, Tonghini, C and Giovanelli, R (eds). *Stolen heritage: Multidisciplinary perspectives on illicit trafficking of cultural heritage in the EU and the MENA region*, 115-155. Venice: Edizioni Ca' Foscari. Available at: <http://dx.doi.org/10.30687/978-88-6969-517-9/006>.

<sup>104</sup> Hardy, S. 2019: "Multi-commodity trafficking or poly-trafficking in the Mediterranean: antiquities and narcotics in Cyprus, Greece and Turkey". *Conflict Antiquities*, September 25. <https://conflictantiquities.wordpress.com/2019/09/25/north-eastern-mediterranean-multi-commodity-trafficking-poly-trafficking-antiquities-narcotics-cyprus-greece-turkey/>

<sup>105</sup> Hardy, S A. 2021: "It is not against the law, if no one can see you: Online social organisation of artefact-hunting in former Yugoslavia". *Journal of Computer Applications in Archaeology [Special Issue on Fighting Illicit Trade in Antiquities with Digital Technology]*, Volume 4, Number 1, 169–187. Available at: <https://doi.org/10.5334/jcaa.76>

<sup>106</sup> Hardy, S A. Forthcoming: "Criminal choices for precarious livelihoods: Antiquities looting by cannabis cultivators in Poland, Russia and Ukraine". *Public Archaeology*.

<sup>107</sup> Hardy, S A. 2019: "Heritage crime: Criminological perspectives". In Mitsilegas, V, Hufnagel, S and Moiseienko, A (Eds.). *Research handbook on transnational crime*, 383-402. London: Edward Elgar Publishing; Hardy, S A. 2020: "Criminal money and antiquities: An open-source investigation into transnational organized cultural property crime". In Benson, K, King, C and Walker, C (Eds.). *Assets, crimes and the state: Innovation in 21<sup>st</sup> century legal responses*, 154-167. London: Routledge; Hardy, S. Forthcoming: "Criminal choices for precarious livelihoods: Antiquities looting by cannabis cultivators in Poland, Russia and Ukraine". *Public Archaeology*.

<sup>108</sup> Hardy, S A. 2023: "Looting and trafficking in conflict and crisis – profiles in cultural property criminality in Ukraine and across Eastern Europe." Paper presented at the International Symposium on the Economic and Social Context of Illicit Trafficking in Archaeological Artefacts, Poitiers, France, 8th-9th November ; see also Hardy, S A and Telizhenko, S. 2023: "Russia was 'doomed to expand [its] aggression' against Ukraine: Cultural property criminals' responses to the invasion and occupation of the Donbas since 20<sup>th</sup> February 2014". *The Historic Environment: Policy and Practice*, Volume 14, Number 3, 286-307. Available at: <https://dx.doi.org/10.1080/17567505.2023.2251227>.



Furthermore, as highlighted in Turkey,<sup>109</sup> but also visible in Greece<sup>110</sup> and former Yugoslavia,<sup>111</sup> there are not only looting gangs and other looting cooperatives, including looting networks that are organised through social networks, but also monoethnic and multiethnic, national and transnational organised crime groups that loot and traffic antiquities.

After a private collection of “rare” Greek, Roman, and Thracian antiquities had been “exhibited in the European Union Parliament” to mark Bulgaria’s membership of the European Union,<sup>112</sup> it emerged that the collector, Vasil Bojkov/Bozhkov, who openly “[bought] from people who [bought] from treasure-hunters”, was perceived to be “Bulgaria’s most infamous gangster... reportedly active in money laundering, privatisation fraud, intimidation, extortion [and] racketeering”, as well as “illegal antique dealing”.<sup>113</sup> Even after those revelations,<sup>114</sup> pieces from his collection were exhibited at Bulgaria’s National Gallery of Arts.<sup>115</sup> This case also illustrates the potential for looted antiquities to be exploited for reputation laundering. Bojkov remains under investigation.<sup>116</sup>

## 5. Corruption

Corruption, and its consequent weakening of the rule of law and strengthening of legal nihilism, goes beyond bribe-taking and payment-extortion by law enforcement agents. Particularly visible in Russia, and evident in other countries such as Turkey<sup>117</sup> and indeed across the continent, some police officers,

<sup>109</sup> Hardy, S A. 2021: “Organised crime in trafficking of cultural goods in Turkey and interconnections between antiquities trafficking and narcotics trafficking, arms trafficking and political violence”. In Traviglia, A, Milano, L, Tonghini, C and Giovanelli, R (Eds.). *Stolen heritage: Multidisciplinary perspectives on illicit trafficking of cultural heritage in the EU and the MENA region*, 115-155. Venice: Edizioni Ca’ Foscari. Available at: <http://dx.doi.org/10.30687/978-88-6969-517-9/006>

<sup>110</sup> Hardy, S A. 2020: “Treasure-hunters ‘even from Sweden’, organised criminals and ‘lawless’ police in the Eastern Mediterranean: Online social organisation of looting and trafficking of antiquities from Turkey, Greece and Cyprus”. *Revista d’Arqueologia de Ponent*, Number 30, 215-240.

<sup>111</sup> Hardy, S A. 2021: “It is not against the law, if no one can see you: Online social organisation of artefact-hunting in former Yugoslavia”. *Journal of Computer Applications in Archaeology [Special Issue on Fighting Illicit Trade in Antiquities with Digital Technology]*, Volume 4, Number 1, 169-187. Available at: <https://doi.org/10.5334/jcaa.76>

<sup>112</sup> Sciandra, E. 2019 “The Social Organisation of the Illicit Trafficking in Antiquities: The Cases of Bulgaria and Italy. Trento”. Unpublished doctoral thesis, University of Trento.

<sup>113</sup> According to the United States Embassy to Bulgaria, cited by Hardy, S A. 2021: “Private ‘rescue’-by-purchase of stolen cultural goods: The material and social consequences and the complicity of Europe and North America”. *International Journal for Crime, Justice and Social Democracy*, Volume 10, Number 1, 65-82. Available at: <https://doi.org/10.5204/ijcsd.v10i1.1526>

<sup>114</sup> Wikileaks. 2013: Bulgaria's most wanted: the Skull, the Beret, the Chicken and the Billy Goat. Public Library of US Diplomacy, April 8. [https://web.archive.org/web/20160115033405/https://wikileaks.org/plusd/cables/09SOFIA508\\_a.html](https://web.archive.org/web/20160115033405/https://wikileaks.org/plusd/cables/09SOFIA508_a.html)

<sup>115</sup> Dikov, I. 2020: 50 Ancient Iron Arrow, Spear Tips Lead to Criminal Charge against Bulgarian Businessman. *Archaeology in Bulgaria and Beyond*, December 4. <https://archaeologyinbulgaria.com/2020/12/04/50-ancient-iron-arrow-spear-tips-lead-to-criminal-charge-against-bulgarian-businessman/>

<sup>116</sup> BNT. 2025: International investigation has uncovered financial transactions linked to antiquities leading to former gambling businessman Vasil Bozhkov. BNT, March 20. <https://bntnews.bg/news/international-investigation-has-uncovered-financial-transactions-linked-to-antiquities-leading-to-former-gambling-busine-1331575news.html>

<sup>117</sup> Hardy, S A. 2020: “Treasure-hunters ‘even from Sweden’, organised criminals and ‘lawless’ police in the Eastern Mediterranean: Online social organisation of looting and trafficking of antiquities from Turkey, Greece and Cyprus”. *Revista d’Arqueologia de Ponent*, Number 30, 215-240.

other law enforcement agents such as border guards, and other professionals in the criminal justice system such as lawyers and judges engage in looting and collecting loot.<sup>118</sup>

## 6. Financing and incentivisation of violent political extremism

As has been documented historically in the cases of the British Empire, the Ottoman Empire, Bolshevik Russia and the Soviet Union, the Nazi Empire, Communist East Germany, and Communist Bulgaria, the conversion of cultural assets – such as archaeological artefacts, architectural elements, and cultural collections that include excavated artefacts – into financial assets through looting, theft, trafficking or racketeering of looters, thieves, and traffickers has been undertaken by European state entities, state forces, and state-aligned entities.<sup>119</sup> Indeed, the deep complexities of illicit antiquities trading in general and conflict antiquities trading in particular are exposed by a case in Europe.

During the civil war in Cyprus, “[mujahid/]fighter diggers [mücahit kazıcılar]” and “fighter smugglers [mücahit kaçakçılar]” were asked to provide “services for the homeland [vatan için bazı hizmetler]”.<sup>120</sup> Like ordinary criminals’ loot, their loot was ultimately bought by Greek Cypriots who were trying to rescue their cultural heritage from the antiquities market, diplomats in Cyprus, and collectors abroad.<sup>121</sup> On one occasion, a Greek Cypriot Orthodox priest brokered the supply of a three-thousand-year-old statuette to a European diplomat by a senior Turkish Cypriot paramilitary commander, in exchange for safe passage to access medical treatment for another even more senior Turkish Cypriot paramilitary commander.<sup>122</sup>

<sup>118</sup> Hardy, S A. Forthcoming: “‘If we just stopped stealing, we would have enough money for everything’: Cultural property crime by police officers and legal nihilism among professional criminals and ordinary citizens in Russia.” *Forensic Archaeology, Anthropology and Ecology* [Special Issue on Heritage Crime].

<sup>119</sup> E.g. Hardy, S A. 2015: “The conflict antiquities trade: A historical overview”. In Desmarais, F (ed.). *Countering the illicit traffic in cultural goods: The global challenge of protecting the world’s heritage*, 21–31. Paris: International Council of Museums (ICOM); Hardy, S A. 2019: “Antiquities trafficking and conflict financing: The fight against looting and smuggling of cultural property goods in a global perspective of peace”. In Caracciolo, I and Montuoro, U (eds). *Preserving cultural heritage and national identities for international peace and security*, 15–26. Torino: G. Giappichelli Editore ; Pipelia, E. 2014: “The looted antiquities in Greece during World War II: Case studies of return and restitutions”. Paper presented at the Workshop of the European Shoah Legacy Institute (ESLI), Athens, Greece, 2–5 June. Available at: [https://www.academia.edu/9907132/The\\_looted\\_antiquities\\_in\\_Greece\\_during\\_World\\_War\\_II\\_case\\_studies\\_of\\_return\\_and\\_restitutions](https://www.academia.edu/9907132/The_looted_antiquities_in_Greece_during_World_War_II_case_studies_of_return_and_restitutions), who also documented the purchase by Nazi occupying forces of forgeries by Greek resistance activists.

<sup>120</sup> Hatay, M. 2017: “Kıbrıs’ta ‘milli’ eski eser katliamı [‘national’ massacre of antiquities in Cyprus]”. *Havadis*, July 31. <https://web.archive.org/web/20220116112631/https://www.havadiskibris.com/kibrista-milli-eski-eser-katliami/>

<sup>121</sup> Hardy, S A. 2014: “Using open-source data to identify participation in the illicit antiquities market: A case study on the Cypriot civil war”. *European Journal on Criminal Policy and Research*, Volume 20, Number 4, 459–474.

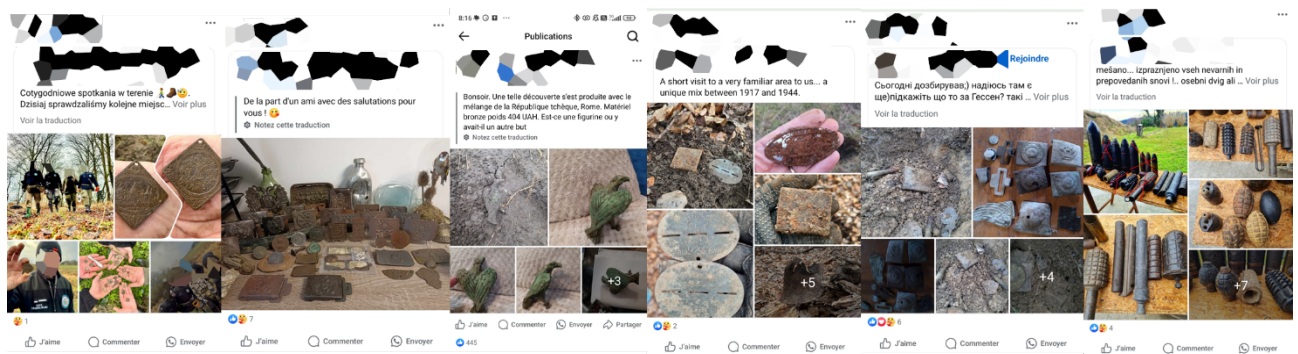
<sup>122</sup> Hatay, M. 2017: “Kıbrıs’ta ‘milli’ eski eser katliamı [‘national’ massacre of antiquities in Cyprus]”. *Havadis*, July 31. <https://web.archive.org/web/20220116112631/https://www.havadiskibris.com/kibrista-milli-eski-eser-katliami/>



## Conclusions

### 1. Looting as a mass-destruction phenomenon

The main issue and consequence for European citizens of looting is the destruction, by private individuals, in defiance of the laws and authorities, of entire sections of European history and heritage and the private appropriation of public goods. Perhaps less "spectacular" than the destruction carried out in Afghanistan, Syria or Iraq over the last quarter of a century, the scale of the destruction committed is nonetheless more than alarming. This includes the dismemberment of monuments, destruction of stratigraphic layers, flow and dispersion of monetary treasures, recasting of precious objects, destruction of wrecks, destruction of objects taken out of context without preservation or recording, and this from one end of the subcontinent to the other, on land, in seas and rivers, at known and unknown archaeological sites. Europe is losing, day after day, an immense part of its prehistoric, ancient, medieval, modern and contemporary heritage.



**Fig. 26:** Screenshot taken for a single day in 2024 of postings by a "detectorism" group on Facebook, © Morgan Belzic.

Anyone can be convinced by going to the forums or discussion groups on social networks (**fig. 26**). Thousands of objects are published every day as trophies or merchandise for sale from all over Europe. These same objects are then found on mainstream sales platforms like eBay, where the simple word "archaeological" brings up hundreds of similar items; or on specialised sites for each finds category, particularly numismatics. Dispersed, these objects most often become irretrievably lost – lost to science, to culture, to heritage. This is another form of destruction. Even if, through seizures and investigations, the objects are sometimes recovered, they have lost their context and therefore most of their scientific value. The historical value of archaeological assets is not the only concern in this area – these assets can also have a cultural or identity value for specific communities, or a particular memorial value, as in the case of 20<sup>th</sup> century conflict archaeology. Finally, some objects or assemblages, once discovered and made available to the public, can lead to an influx of visitors, which is a real opportunity for both the education of European citizens and the growth of the local or national economy. To plunder is to destroy – to destroy not only history, but also culture, memory, tourism and, by domino effect, an entire cultural and financial economy.

### 2. A variety of legislations but a single observation

Even if we have not developed examples here for each country of the European Union, we must note that, despite different legislations from one country to another, sometimes one region to another, the observation is identical almost everywhere. The ancient and traditional looting that was rife

mainly in the Mediterranean region since the very birth of archaeology has experienced, since the 1970s, a resurgence that can be explained in various ways:

- popularisation of the figure of the "archaeologist-treasure hunter" in cinema, television and "pseudo-archaeological" documentaries, and more recently by social networks and online video platforms;
- development of new leisure practices, such as scuba diving, metal detecting and, more recently, magnet fishing;
- increasing exploitation of land, with the multiplication of developments in formerly wild or agricultural areas and on aquatic shores, allowing for undeclared accidental discoveries;
- facilitation of the flow of the most popular and most easily traded artefacts, namely coins, through the development of social networks and online sales.
- lack of vigilance on the part of players in the official market and their customers, or even occasional complicity, allowing the most significant coins to be sold;
- few investigations and few convictions in court, with those few convictions often being relatively soft when you consider the possibilities presented by the law.

The greatest disaster comes from the use of metal detectors. Used both by structured looting organisations, and by individuals or unstructured groups who call themselves amateurs, they are all driven by different motives but what they have in common is the ability to resell goods without declaring them to the authorities<sup>123</sup>. The suspects and convicts are mostly men acting alone or in groups, whose numbers are constantly increasing and who rarely declare themselves in countries where this declaration is mandatory. In 2016, there were a few thousand officially declared "detectorists" in Germany, yet apparently tens of thousands of practitioners. In France, their number was estimated at between 100,000 and 200,000 in 2021: this is infinitely more, obviously, than the number of professional archaeologists. While these links are not systemic, there are sometimes close links between certain groups of metal detecting looters and organised criminals. Likewise, there are sometimes close links with extremist and armed groups and other relationships with activities such as hunting and movements such as "masculinism". Many of the most active looters are also potentially violent offenders, particularly against regulatory authorities or heritage defenders.

### 3. *Opportunistic, occasional, and professional looting*

We can observe the same broad categories of looters in Europe as elsewhere in the world. The diversity of cases is great, but we can identify four main profiles:

- "opportunistic" looters, who without having really undertaken any research exploit a chance discovery;
- disorganised "occasional" looters, who make looting a leisure activity carried out on the fringes of their working days or weeks, preferably on weekends, mostly alone, in pairs or in threes;
- organised "occasional" looters, who have changed their leisure activities into prepared actions, acting in places protected from view or at times, such as at night, in order to strike particularly sensitive areas (wrecks and protected archaeological sites);
- "professional" looters, with a distinction between "traditional" looters whose continuous activity is linked to a cultural heritage and various family or social traditions, like the Italian *tombaroli* and the Peruvian *huaqueros*, and "professionalised" looters who, starting with a chance discovery or initial scouting, make it their main activity.

<sup>123</sup> Xavier Delestre, *Trafics, vols, fouilles clandestines... Un patrimoine en perdition*, Aix-en-Provence, 2018, p. 99–103.

An insignificant fraction of opportunistic and occasional (and, during protracted displacement, even professional) looting may be subsistence-motivated crime by displaced persons and other people without viable economic alternatives<sup>124</sup>. However, due to the existence of relatively stable economies with social welfare systems to support the unemployed and underemployed, as well as the cost of equipment such as metal-detectors for looting of antiquities without immediately identifiable locations such as obtrusive archaeological features, almost all looting is profit-motivated crime.

#### *4. An alarming but reducible observation*

In most cases, there is a clear correlation between looting and receiving stolen goods: the looter becomes a trafficker by reselling or exchanging all or part of his loot. On the other hand, there are inconsistent correlations between looting and the standard of living: although precarious livelihoods are common aspects of looters' lives, subsistence looting is rare in Europe, and even in the case where looting is or becomes the looter's main activity, he acts more for pleasure than out of necessity. We also see this in the development of metal-detecting tourism and transnational looting, particularly in northern and eastern Europe, or countries with more flexible legislation. Forums and specialised detecting sites, while often reminding people of the laws in force, also regularly advertise the most interesting destinations for "metal prospecting".

These observations are not inevitable. By developing serious scientific research in the field, combined with the dissemination of information between researchers and authorities, by training professionals in the fight against attacks on heritage (customs, police, justice), by raising awareness among the population and repressing criminal activity, looting can decline, as illustrated through the work carried out by the authorities in the south-east of France over the last two decades<sup>125</sup>, which has significantly reduced the pressure of looting. In addition, we can hope that many of those who call themselves "history enthusiasts" or "amateur archaeologists" would, if properly trained and informed, and involved as volunteers with the competent authorities, learn about best practice – and could even become an asset for the preservation of heritage.

With good coordination between experts and legal authorities, the establishment of continuous monitoring of exchange networks and the antiquities market by creating suitable structures and tools, as well as a revision of legislation on certain instruments used by looters, we can hope to quickly and drastically reduce this galloping destruction. One of the identified gaps remains the lack of scheduled scientific excavation, but also a better involvement of genuine amateurs who could be better trained and prepared to fight the disappearance and destruction of archaeological sites and their objects.

<sup>124</sup> Hardy, S A. 2023: "Illicit trafficking of cultural objects by forced migrants". *Arheologija i prirodne nauke / Archaeology and Science*, Volume 19, 71–95. Available at: [https://doi.org/10.18485/arhe\\_apn.2023.19.5](https://doi.org/10.18485/arhe_apn.2023.19.5)

<sup>125</sup> Xavier Delestre (dir.), pillages archéologiques et trafics des biens culturels en région Provence Alpes-Côte d'Azur.





**Fig. 27:** Location of the main examples quoted in the text, © Google Earth / Image LandSat/Copernicus, 2024.



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## Agnes Favier – Contextualisation of trafficking in the Near East: State fragmentation and critical economic environment

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### Introduction

Trafficking in archaeological artefacts from the Middle East has been the subject of abundant literature over the last decade. This growing interest on the part of the scientific community in an ancient phenomenon is based on objective factors, namely the increase in looting and theft in countries affected by conflict. Although looting has been extensively documented, albeit in a scattered and uncoordinated manner, by a wide range of international and local agencies, trafficking is still not quantifiable and it remains highly opaque, which is a major methodological limitation to any socio-political analysis of this phenomenon. Focusing on Lebanon, Syria, and Iraq, which present contexts of ‘saturation of archaeological evidence’ and have been source or even transit countries, this research begins by briefly reviewing the history of looting and trafficking in the Near East, while recalling the evolution of legislation that has been reactively put in place. This study then examines how the fragmentation of states during long-term hybrid wars (where the intervention of foreign powers interferes with civil conflicts) encourages looting and trafficking, by highlighting the central role played by certain elites (military, security, political). Finally, the analysis of the economic situation in the countries of the Middle East aims to show how economic crises – paroxysmal in Lebanon and Syria since 2019 – and the priorities of governments can have a direct or indirect impact on the protection (or destruction) of heritage, especially in countries which have long been marked by the large scale of an illicit economy. (This study was carried out between June 2023 and June 2024, before the start of the acceleration of the Israeli war in Lebanon at the end of September 2024 and before the fall of the Syrian regime in early December 2024 – two major political transformations, alongside the destruction of Gaza, that deserve further new research).

### A brief history of looting and trafficking in the Middle East

#### The beginnings of looting and trafficking of Near Eastern artefacts

In Middle Eastern countries with rich cultural and archaeological heritage, the trafficking of cultural goods, particularly archaeological items, can be traced back to the 18<sup>th</sup> and 19<sup>th</sup>-century foreign missions<sup>126</sup>. Western countries’ military and scientific expeditions in the Ottoman Empire led to the collection of archaeological artefacts by orientalist, diplomats, and archaeologists. Their interest in – and their struggle over – Near East antiquities was closely associated with the economic, political, and historical motives of their respective colonial projects. As many historians and archaeologists argue, this era of “diplomat-archaeologists”<sup>127</sup> was a founding one: their practices awakened the interest of local collectors for ancient artefacts which began to take on a market value, and they also drew the attention of Ottoman authorities to the importance of archaeological sites and discoveries<sup>128</sup>. In response to foreign excavations and spoliation practices, the Ottoman provincial

<sup>126</sup> BLIN, L., 2023. Les soubassements politiques et culturels du trafic d’antiquités dans le monde arabe. *Symposium international, Anchise, Université de Poitiers*.

<sup>127</sup> DEDEJIAN, N., 1998. L’archéologie au XIX<sup>ème</sup> siècle. In: Matossian, V., ed. *Liban l’autre rive*. Paris: Flammarion.

<sup>128</sup> Author’s interviews with three Lebanese archaeologists, February–April 2024. See also SADER, H., 2012. “Between Looters and Private Collectors: The Tragic Fate of Lebanese Antiquities,” in S. Mejcher-Atassi & P.

authorities and sovereigns began showing a desire to protect the Empire's heritage, and between 1869 and 1884 legislation was enacted to assert state ownership of antiquities and prohibit their export, following the examples of Greece and Egypt in the 1830s<sup>129</sup>. The Porte's laws also facilitated the acquisition of archaeological artefacts in the provinces, such as Sidon in Lebanon, Amrit in Syria, and in Yemen, which became the "seed" artefacts for the founding of the Museum of Istanbul. This growing interest of foreign and local actors in archaeological artefacts led to systematic and intensive looting in many provinces of the Ottoman Empire in the 19<sup>th</sup> and early 20<sup>th</sup> centuries.

After the fall of the Empire in 1918, archaeology remained a significant political issue for the mandatory authorities in the Levant. France and Great Britain developed archaeological research and led or supervised excavations in their respective Mandate territories. During the Mandate period, the looting of antiquities seems to have taken a step back, following the adoption of new regulations on excavations and the trade in antiquities, but the practice of collecting antiquities bought on the market or the trafficking of antiquities did not disappear. While Iraq and Lebanon opted for licensing schemes for the legal trade and export of antiquities, respectively in 1924 and 1933, Syria imposed strict oversight of the sale and export of archaeological objects. In the three countries, national institutions responsible for the protection of heritage and national museums were also created from 1919 to 1937. The legal and institutional frameworks did not undergo significant changes immediately after independence<sup>130</sup>.

The nationalisation of archaeology in the service of the construction of newly independent states is a common feature of most Middle Eastern countries. This is reflected in the reorganisation of certain state services, the adoption of new regulations to better supervise excavations and suppress illicit trafficking, and the promotion or reorganisation of national museums. However, this nationalisation was a gradual process; it took place between the 1930s and 1970s, and it varied from country to country<sup>131</sup>. The differences in political regimes from the 1950s had profound and lasting impacts on archaeological heritage management, leading to distinct approaches in each country.

**Archaeology to promote the cult of personality in Iraq.** After Iraq gained independence in October 1932, Sati Al-Husri became the first Iraqi director of the Department of Antiquities. In 1936, an updated version of the 1924 Antiquities Law was enacted to restrict the export of antiquities. This law has been amended several times and remains the primary legislation for antiquities in Iraq. Following the Baath Party's rise to power in 1968, and particularly after Saddam Hussein became head of state in 1979, the rich Iraqi government heavily invested in the country's archaeological infrastructure. This included constructing museums in each province, renovating various sites at great expense, and carrying out many rescue excavations in partnership with foreign missions amidst economic development and the construction of dams. The government also introduced the death penalty for illicit excavations and the smuggling of archaeological goods. While the head of state himself claimed descent from Nebuchadnezzar II, the Iraqi authorities worked hard, until the first Gulf War in 1990, to promote archaeological heritage to serve the dictator's political project<sup>132</sup>.

**Archaeology in the service of Arab national identity in Syria:** after political independence in 1948, successive Syrian governments aimed at developing a national and independent archaeology. Certain institutions created under the French mandate were renamed to reflect the Arab Syrian identity (the

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Schwartz (eds) *Archives, Museums, and Collecting Practices in the Modern Arab World*, pp. 57–69. Ashgate Publishing Ltd.

<sup>129</sup> HITZEL, F., 2010. Osman Hamdi Bey et les Débuts de l'Archéologie Ottomane. *Turcica*, 42, pp. 167-190.

<sup>130</sup> KERSEL, M.M., and BOUCHENAKI, M., 2020. Middle East and North Africa. *Cultural Heritage Management and Conservation*.

<sup>131</sup> BLIN, L., 2023. Les soubassements politiques et culturels du trafic d'antiquités dans le monde arabe. *Symposium international, Anchise, Université de Poitiers*.

<sup>132</sup> KEPINSKI, C., 2008. La Mésopotamie dans la Construction de l'Etat Irakien: Réflexions sur Quelques Causes Patrimoniales de Saddam Hussein. In: David, J.C. and Muller, S., eds. *Patrimoines Culturels en Méditerranée Orientale : Recherche Scientifique et Enjeux Identitaires*. 2ème atelier (27 novembre 2008), Lyon: Maison de l'Orient et de la Méditerranée. Available at: <http://www.mom.fr/2eme-atelier.html>, consulted 10/01/25.

Directorate-General for Antiquities and Museums (DGAM) replaced *the Service des Antiquités* in 1959, *Les Annales Archéologiques de Syrie* became *Les Annales Archéologiques Arabes Syriennes* in 1966), national museums were promoted, and the Syrian Antiquities Law adopted in 1963 strictly regulated archaeological excavations and missions under the authority of the DGAM. After Hafez al-Assad seized power in 1970, archaeology and history were used as tools to legitimise the new power regime and served in justifying territorial claims. The protection of antiquities was even registered in the Syrian Constitution in 1972<sup>133</sup>. Heritage protection measures included a strict system of penalties against local populations who occupied or exploited the archaeological sites (for example, expropriation without proper indemnity or compensation), which fuelled negative perceptions of local communities towards cultural heritage<sup>134</sup>. The development of archaeology began at the end of the 1960s through significant collaborations between Syrian and international institutions, then intensified in the 1980s–1990s as neighbouring countries entered a cycle of political and security instability.

**Archaeology in the Lebanese Market Economy:** Between independence in 1943 and the beginning of the civil war in 1975, the Lebanese Republic continued the policy inherited from the Mandate, during which archaeological discoveries (with an emphasis on the search for Phoenician sites) had already served to construct the national identity of Greater Lebanon proclaimed in 1920. It also expanded its nationalist agenda by enhancing many great archaeological sites that would become tourist attractions in the 1960s<sup>135</sup>. At the same time, the 1933 Antiquities Law remained unchanged. It strictly prohibits looting and illegal excavations and imposes financial penalties on contraveners; allows private individuals to become owners of archaeological artefacts if the Directorate General of Antiquities does not purchase them within three months of notification of their discovery; authorises the import and export of antiquities under certain conditions; and legalises the work of antiquities dealers. This legal framework has encouraged the formation of many private collections, some of which were donated to the National Museum of Beirut and university museums in the first decades of independence<sup>136</sup>. This may have facilitated the legal trade of antiquities on the national and international markets, in line with a laissez-faire economic model and a widespread mercantile vision of the past, where heritage used to be seen as possessing financial and aesthetic values<sup>137</sup>.

#### Large-scale looting and hierarchically organised traffic in the 1980s and 1990s

The 1980s–1990s marked the resurgence of the looting of antiquities in the Near East, in the context of the Lebanese civil war (1975–1990), the Iran-Iraq war (1980–1990), and the First Gulf War (from 1991). At that time, despite the UNESCO 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transport of Ownership of Cultural Property (ratified by most MENA countries in the 1970s, except Lebanon which did not do so until 1990, and Israel which has always refused to ratify it), the plunder of archaeological sites and museums in the Middle East attracted little or no media attention or political action in Europe or North America. The lack of technology to document looting and trace trafficking also explains why these phenomena were overlooked<sup>138</sup>.

<sup>133</sup> GILLOT, L., 2010. Towards a Socio-Political History of Archaeology in the Middle East: The Development of Archaeological Practice and its Impacts on Local Communities in Syria. *Bulletin of the History of Archaeology*, 20(1), pp. 4–16.

<sup>134</sup> QASSAR, H., 2020. "Politics, Identity and the Social Role of Museums in Syria," *Museum Management and Curatorship*, DOI: [10.1080/09647775.2020.1723131](https://doi.org/10.1080/09647775.2020.1723131).

<sup>135</sup> SEIF, A., 2017. "Heritage Management and the Community in Lebanon," *American Anthropologist*, 119(1).

<sup>136</sup> SADER, H., 2012. "Between Looters and Private Collectors: The Tragic Fate of Lebanese Antiquities," in S. Mejcher-Atassi & P. Schwartz (eds) *Archives, Museums, and Collecting Practices in the Modern Arab World*, pp. 57–69. Ashgate Publishing Ltd.

<sup>137</sup> SEIF, A., 2017. "Heritage Management and the Community in Lebanon," *American Anthropologist*, 119(1).

<sup>138</sup> Interviews with Lebanese experts and archaeologists, 2023.

However, looting became “a national sport” in Lebanon in the 1980s<sup>139</sup>. It is also in this decade that specialists date the recent history of the looting and trafficking of Syrian antiquities, in a context where the Syrian army controlled many roads and ports in Lebanon. In Iraq, the 1991 Gulf War sparked a wave of thefts of artefacts and manuscripts from many regional museums, and from the mid-1990s, the attacks and looting of archaeological sites (such as Assyrian palaces at Nineveh and Nimrud in the north and tell sites in the south)<sup>140</sup>.

The case study of Lebanon reveals the main factors behind the destruction of cultural heritage in the 1980s (that we will detail later based on the case study of post-2011 Syria). Lebanon was faced with the military occupation of two neighbouring countries on its territory (Syria between 1976–2005, and Israel between 1978–2000). Already weakened since 1975, the Lebanese State also began fading away in favour of sectarian militias, each of which had territorial cantons and built parallel administrations in the 1980s.<sup>141</sup>

In addition to the damages caused by the military occupation of certain major archaeological sites (Tyr, Baalbeck), illegal excavations and looting increased mainly in the South and the Beqaa Valley<sup>142</sup>, occupied respectively by Israeli forces and the Syrian army. Despite the efforts made by the DGA to protect the National Museum of Beirut located on the front line, or to transfer archaeological pieces to safe places (for example from Tyre to Jbeil), in 1981 the Jbeil site depot (at that time under the control of the Lebanese Forces) was looted and ransacked<sup>143</sup>. From 1981, the conflict also put an end to all legal excavations, with the departure of many Lebanese archaeologists to other countries mainly Syria<sup>144</sup>.<sup>145</sup> To combat illicit excavations, the Lebanese authorities brought into force a decree on the ban on the export of antiquities in February 1988, to limit and control the exit of antiquities from Lebanese territory. This decree did not meet with real success but had the merit of encouraging documentation.

An overview of the different actors involved at various levels of the operational chain (excavators, smugglers or dealers, collectors) leads to four types of observations on the trafficking of archaeological goods in the three countries at that time:

- Looting activities were carried out either (1) by local populations living near poorly protected sites or accidentally discovering antiquities against the background of uncontrolled and informal construction

<sup>139</sup> FISK, R., 1991. The Biggest Supermarket in Lebanon: A Journalist Investigates the Plundering of Lebanon's Cultural Heritage. Available at: <https://api.semanticscholar.org/CorpusID:127298801>, consulted 10/01/25.

<sup>140</sup> BRODIE, N., 2006. The Plunder of Iraq's Archaeological Heritage, 1991-2005, and the London Antiquities Trade. In: Brodie, N., Kersel, M., Luke, C. and Walker, Tubb, eds. *Archaeology, Cultural Heritage and the Antiquities Trade*. Gainesville: University Press of Florida, pp. 206-226.

<sup>141</sup> In Iraq in the mid-1990s, in addition to the weakening of state control over archaeological sites and the imposition of no-fly zones in the South, other factors driving mass looting were identified, mainly the impoverishment of the populations and state resources caused by UN sanctions, and the explosion of demand for Mesopotamian artefacts on the international market (Sargent et al., 2020).

<sup>142</sup> SEIF, A., 2015. “Illicit Traffic in Cultural Property in Lebanon: A Diachronic Study,” *ICOMOS*, 2015.

<sup>143</sup> SEIF, A., 2015. *Ibid*.

<sup>144</sup> VANNIER, Z., 2023. “La Protection des Collections Archéologiques Libanaises pendant la Guerre Civile (1975-1991).” In S. De Andreis et al. (eds) *Archéologie et Fouilles en Contexte Difficile*. Éditions de la Sorbonne. DOI: [10.4000/books.pSORbonne.111491](https://doi.org/10.4000/books.pSORbonne.111491).

<sup>145</sup> Interestingly, the 1991 Gulf War had very similar effects and foreign archaeological teams diverted resources from Iraq toward the excavation and preservation of sites across Syria. This resulted in a series of major discoveries in Syria and the intensification of (legal and illegal) excavations forced the authorities in Damascus to toughen the legislation on Syrian antiquities in 1999. See SARGENT, M., MARRONE, J.V., EVANS, A.T., LILLY, B., NEMETH, E., & DALZELL, S., 2020. “Tracking and Disrupting the Illicit Antiquities Trade with Open Source Data,” *Homeland Security Operational Analysis Center*, RAND Corporation.



expansion – in this case, they could have given rise to a family or tribal business; or increasingly (2) by organised and specialised gangs – in this case, most of the time linked to the political and military authorities or militia leaders. Antiquities dealers, who had enough expertise to know how to sell antiquities, played the role of intermediaries between looters and collectors, and they usually had strong local political protection and international connections.

- In Iraq and Syria, the highest authorities were involved in the organisation of looting or in the antiquities market. In Iraq, Saddam Hussein's brother-in-law, Irshad Yassin, ordered the looting of the Ashur Museum in 1994 and of the statues of Hatra, and he protected looters of sites in southern Iraq in the 1990s – a notoriety that would prompt the president to oust him in 1996. In Hafez al Assad's Syria, the president's brother, Rifaat al Assad, controlled the antiquities trade during the early 1980s. After a failed coup in 1985, many senior members of the regime (Moustapha Tlass, Ghazi Kanaan, Ali Douba) were known to acquire, keep, or trade in antiquities, and Syrian semi-rank officers based in Lebanon until 2005 were involved, directly or indirectly, in the traffic, some of them even distributing the antiquities to reward their loyal Lebanese clients<sup>146</sup>. In Lebanon, Ministers (including former heads of militias), prominent businessmen, and bankers have accumulated large and well-known private collections, and some of them have opened private museums<sup>147</sup>.
- In fact, looting has not always led to trafficking outside national borders. It fuelled a local market where the acquisition of antiquities was, for political and economic elites, a mark of prestige without any real threat to their reputation<sup>148</sup>. Nevertheless, antiquities from Lebanon turned up regularly on the international markets at such a fast rate that a journalist once described Lebanon as a "supermarket of antiquities"<sup>149</sup>. Several valuable stolen or looted pieces have been found on the international market (for example, the five pieces of antiquities from the Temple of Eshmoun returned in 2018 to Lebanon, the most famous of which was in a private American collection and loaned to the MET). The freeports of Geneva and Dubai, as well as the antique galleries run by Lebanese merchants in Geneva and New York, were then central places for this antiquities traffic from Lebanon. At the same time, antiquities from Syria traditionally flowed through Lebanon, and evidence suggests that much of the trade out of Iraq during the 1990s was passing through London<sup>150</sup> and Israeli merchants in Jerusalem<sup>151</sup>.
- The tightening of national laws to combat the trafficking of antiquities during this period did not end illegal excavations, mainly due to the involvement of senior security, military, and political officials from the countries concerned in the trafficking.

<sup>146</sup> Interviews with Syrian archaeologists and former employees at the DGAM, March 2024. CLARK, J., 2016. How the Antiquities Black Market Thrives on Syria: 'We Have the Collapse of State Institutions and the Society Holding Them All Together'. *Syria Direct*, 8 December. Available at: <https://syriadirect.org/how-the-antiquities-black-market-thrives-on-syria-we-have-the-collapse-of-state-institutions-and-the-society-holding-them-all-together/>, consulted 10/25.

<sup>147</sup> SADER, H., 2012. "Between Looters and Private Collectors: The Tragic Fate of Lebanese Antiquities," in S. Mejcher-Atassi & P. Schwartz (eds) *Archives, Museums, and Collecting Practices in the Modern Arab World*, pp. 57–69. Ashgate Publishing Ltd.

<sup>148</sup> Interviews with Lebanese and Syrian archaeologists, March 2024.

<sup>149</sup> FISK, R., 1991. The Biggest Supermarket in Lebanon: A Journalist Investigates the Plundering of Lebanon's Cultural Heritage. Available at: <https://api.semanticscholar.org/CorpusID:127298801>, consulted 10/01/25.

<sup>150</sup> BRODIE, N., 2011. The Market in Iraqi Antiquities 1980–2009 and Academic Involvement in the Marketing Process. In: Manacorda, S. and Chappell, D., eds. *Crime in the Art and Antiquities World*. New York: Springer, pp. 117–130. Available at: [https://doi.org/10.1007/978-1-4419-7946-9\\_7](https://doi.org/10.1007/978-1-4419-7946-9_7), consulted 10/01/25.

<sup>151</sup> KLEIN, E., 2014. Illicit Trafficking of Antiquities and the Antiquities Dealers: The Israeli Experience.

### The trafficking of antiquities in the state of large-scale wars (2003–2023)

The American invasion of Iraq in 2003, then from 2011 the protest movements that would turn into either prolonged wars (Syria, Libya, Yemen) or aborted political transitions (Egypt and Tunisia) opened a new period in the history of the region, characterised by the disproportionate use of military force, the disintegration of highly centralised states, a generalised impoverishment of the population and large-scale migratory waves (for a detailed analysis of political and economic factors behind the looting and trafficking in this period, see parts 2 and 3 of this text). Compared to the previous period, destruction and looting took large-scale proportions in Iraq and Syria “at a rate that would have been inconceivable during the Lebanese war” according to a Lebanese archaeologist<sup>152</sup>, and the mobilisation of the international community to combat the trafficking of antiquities from the Middle East reached unprecedented heights in the mid-2010s.

If the founding act of this period for archaeologists was the spectacular looting of the National Museum of Baghdad, the large-scale destruction inflicted on many historical and archaeological sites has become the first direct threat to archaeological heritage. Twenty years later, very high-intensity conflicts still threaten heritage, as illustrated by the ongoing Israeli war in Gaza and Lebanon in 2023–2024. Unprecedented destructions came from the systematisation of aerial bombardments with ever more efficient military technology, in which foreign armies were involved (US and UK in Iraq, Russia, Turkey, Iran, and Israel in Syria, the Global Coalition against ISIS in Iraq and Syria, the United Arab Emirates and Saudi Arabia in Yemen, Israel and the US in Gaza). In Iraq in 2003, as in Syria after 2011, archaeological sites were also used as military sites<sup>153</sup>. During these new wars, the destruction of cultural heritage has often appeared to be a deliberate act – rather than collateral damage –, whether it is the punitive strikes by the Russian and Syrian armies against rebel strongholds (the old city of Aleppo between 2013 and 2016), the spectacularly staged destruction of archaeological sites by extremist groups in the name of a so-called religious ideology (ISIS in Nimrod and Palmyra in 2015), or the systematic destruction of five thousand years of cultural heritage in the Gaza Strip by the Israeli army in 2023–2024<sup>154</sup>. Moreover, these destructions have been part of a wider series of war crimes, in a broader context of *urbicide* (the deliberate destruction of cities as centres of living)<sup>155</sup> and *domicide* (the deliberate destruction of homes and neighbourhoods)<sup>156</sup>. The intensity, recurrence, and generalisation of political violence that has characterised the Near East for two decades have had two effects: on the one hand, intensive looting has developed on an industrial scale and in a professional manner in the wake of the security chaos (with intense peaks in Iraq between 2003 and 2011 then 2014–2017, and in Syria between 2011 and 2018<sup>157</sup>); on the other, the trafficking of antiquities has remained a very secondary problem for the majority of local populations whose very existence was

<sup>152</sup> SEIF, A., 2015. “Illicit Traffic in Cultural Property in Lebanon: A Diachronic Study,” *ICOMOS*, 2015.

<sup>153</sup> See the installation of American bases in the ruins of Babylon, the occupation of Tell al-Obeid by Iraqi troops, or that of Eridu and Ur by coalition troops in Iraq; in Syria between 2012 and 2013, the Syrian army installed significant military devices in the archaeological sites of Palmyra, Bosra and Apamea. Following this, many other sites were used as military bases by armed groups. SARTRE-FAURIAT, A., 2016. “Proche-Orient : patrimoines en grand danger,” *Anabases* [online], 23. Available at: <http://journals.openedition.org/anabases/5618>. DOI: [10.4000/anabases.5618](https://doi.org/10.4000/anabases.5618)

<sup>154</sup> TAHA, H., 2024. “Destruction du patrimoine culturel à Gaza,” *CAREP*, Paris. Available at: [https://www.carep-paris.org/recherche/etudes\\_sur\\_la\\_palestine/destruction-du-patrimoine-culturel-a-gaza/?fbclid=](https://www.carep-paris.org/recherche/etudes_sur_la_palestine/destruction-du-patrimoine-culturel-a-gaza/?fbclid=), consulted 10/01/25.

<sup>155</sup> AGHA, M., 2024. The Politics and Economics of Urbicide: Why Were Syrian Cities Destroyed? *POMPES*. Available at: <https://pomeps.org/the-politics-and-economics-of-urbicide-why-were-syrian-cities-destroyed>, consulted 10/01/25.

<sup>156</sup> AZZOUZ, A., 2023. *Domicide: Architecture, War and the Destruction of Home in Syria*. London: Bloomsbury.

<sup>157</sup> Clooney Foundation for Justice (CFJ), 2022. The Need for Prosecuting Participants in the Illegal Antiquities Trade. Available at: <https://cfj.org/reports/the-need-for-prosecuting-participants-in-the-illegal-antiquities-trade/>, consulted 10/01/25.

threatened. To quote a Lebanese archaeologist who covered the war in Iraq in 2003, during periods of armed conflict, “it is often even judged ‘ridiculous’ to bring up issues of heritage and archaeology when the very existence of the country itself is under threat”<sup>158</sup>.

While the extent of the looting and theft, which usually followed destruction, has been partially documented and quantified, the volume of artefacts that were illegally taken out of Iraq and then Syria is unknown, except for what was seized, and there are still many gaps and shortfalls in quantifying the trade worldwide<sup>159</sup>. Despite the absence of precise quantification, antiquities trafficking in source or transit countries of the Near East is viewed as a central problem by the scientific community, international organisations, law enforcement agencies, and media.

From 2003–2011, this interest was mainly due to American and British researchers, focusing on Iraqi antiquities and precisely on the sacking of the Iraq National Museum in Baghdad. After the United Nations Resolution 661/1990, which called for an international prohibition on the trade of Iraqi artefacts, a new general regime “of prohibition and condemnation of illicit trafficking in goods” was introduced for Iraq by United Nations Resolution 1483/2003, and by European Union Regulation No. 1210/2003. Iraqi reports indicate that approximately 120,000 artefacts were looted and stolen from Iraq between 2003–2017: the bulk of which was during the US invasion of Iraq (2003–2011), while ISIS bears responsibility for stealing the possessions of the Mosul Museum in the north of the country, and some archaeological sites in the areas captured after 2014, stolen artefacts under US control of Baghdad airport went through UAE then Israel for laundering before some are sent to the US, while ISIS smuggled and traded Iraqi antiquities through two paths to Turkey and Syria, then Europe<sup>160</sup>.

From 2011 onwards, a qualitative change in the documentation of destruction, looting, and trafficking occurred. In Syria, in the wake of the emergence of a multitude of civil society organisations during the revolution, citizen journalists and local associations began to document the war, including the destruction of archaeological heritage, on social networks, in magazines, or on their websites, they were funded by Western donors and usually worked in cooperation with specialised international NGOs.<sup>161</sup> Other international agencies started developing satellite imagery to assess the potential damage caused to cultural heritage sites in conflict zones (see for example the UNOSAT’s Satellite-based Damage Assessment to Cultural Heritage Sites in Syria, UNITAR 2014; the 3D digitisation of Syrian sites by ICONEM). The mobilisation of the international community to strengthen the protection of cultural heritage in conflict situations and combat the illicit trafficking of cultural property intensified in the first years of the establishment of the Global Coalition to Defeat ISIS, which was active in Iraq and Syria between 2014–2019. Trade in cultural goods from Iraq and Syria became analysed almost exclusively through the nexus of trafficking in antiquities and financing of terrorism, which became the cornerstone of new legislation between 2015–2017. The Security Council adopted two resolutions (2199 and 2253) in 2015, and two others (2347 and 2368) in 2017 while many other

<sup>158</sup> BEJJALY, J.F., 2011. Politicians: Assassins of Lebanese Heritage? In: *Cultural Heritage, Ethics, and the Military*, May 2011. Cambridge: Cambridge University Press. DOI: 10.1017/9781846159442.014.

<sup>159</sup> BRODIE, N., KERSEL, M.M., MACKENZIE, S., SABRINE, I., SMITH, E., AND YATES, D., 2021. Why There is Still an Illicit Trade in Cultural Objects and What We Can Do About It. *Journal of Field Archaeology*, 47(2), pp.117–130. Available at: <https://doi.org/10.1080/00934690.2021.1996979>, consulted 10/01/25.

<sup>160</sup> AL-RUBAIE, A., 2023. How the US, UAE and Israel plundered Iraq’s antiquities. *The Cradle*, 8 September. Available at: <https://thecradle.co/articles-id/7415>, consulted 10/01/25.

<sup>161</sup> Between 2011 and 2018, dozens of local and international organisations documented the damage suffered by Syria’s cultural heritage, including: Association for the Protection of Syrian Archaeology, Day after Heritage Initiative, Heritage for Peace in Syria, Alliance to Counter Crime Online, Endangered Archaeology in the Middle East and North Africa project, American School of Oriental Research (ASOR), Cultural Heritage Initiative (CHI), Antiquities Coalition, Athar Project, Conflict Antiquities, Trafficking Culture. Since 2020, many local associations no longer appear to be active (due to funding cuts or the departure of their managers abroad).

sponsored initiatives were launched (for example, ICOM's International Observatory on Illicit Traffic in Cultural Goods in 2013).

Following military campaigns that put an end to the ISIS Caliphate in 2019, and even more so following the war in Ukraine, the gradual disinterest shown by Western states in the conflict in Syria and the situation in Iraq has resulted in a significant drop in international funding for humanitarian assistance in general and subsequently for the protection of cultural heritage in the Near-East. The remaining funds for the protection of cultural heritage have been reallocated to other priorities that seem more important than the fight against the illicit trafficking of antiquities, at least in the eyes of the local authorities (part 3). While illicit sales of cultural property from clandestine excavations have increased online<sup>162</sup> – a trend that the Covid-19 pandemic could have amplified – looting and theft are no longer at the centre of archaeological news in the Near East. The tightening of international legislation – which has taken precedence over national legislation – has certainly frozen a large part of the illicit trade in archaeological objects to Europe and the United States, while leaving the door open to other transit or final destination countries (Asia, Gulf States, and Russia). In addition, the widespread use of forgeries and the association of antiquities trafficking with terrorism, specifically with ISIS, are said to be deterrents for both local merchants/dealers and their international customers<sup>163</sup>.

### From the contestation of political regimes to the fragmentation of states

As national legislation on cultural heritage shows, the management and ownership of archaeological sites and collections have historically been the monopoly of post-colonial states – except Israel and Lebanon – with variations on the government authority responsible for the protection and preservation of archaeological objects, on guidelines for archaeological excavations, on frameworks for import and export of cultural property, and on penalties for crimes against cultural heritage<sup>164</sup>. Several of these states have taken the form of authoritarian and despotic regimes, centralised around a ruling clan or family, and marked by endemic corruption and modes of governance that have produced high levels of social inequality. Most have been weakened by civil wars, military intervention by regional and international actors, and the protest movements against these regimes since 2011. Jordan, which has remained relatively stable since 2011, offers a significant counterexample to the fact that looting and trafficking are not limited to countries in political and security instability<sup>165</sup>. Over and above the specific nature of each national context, an analysis of the socio-political dynamics in Syria, Lebanon, and Iraq reveals two ideal-typical configurations of “limited statehood”, defined as areas where the capacity to implement and enforce central decisions is lacking and where the monopoly on the use of force is contested between a multitude of local and foreign actors<sup>166</sup>. Whether during intense war phases or so-called post-conflict phases, the fragmented nature of states has a profound impact on the archaeological heritage of these countries.

#### Looting and trafficking in areas of limited statehood in war-torn countries

Yemen (since 2014), Libya, and Syria (since 2011) have suffered from similar dynamics of territorial and political fragmentation during long-standing conflicts between an increasingly brittle state and various domestic opponents, in which a multitude of local and foreign non-state actors have been

<sup>162</sup> AL-AZM, A. and Paul, K., 2019. Facebook's black market in antiquities. *ATHAR project*. Available at: <http://atharproject.org/report2019>, consulted 10/01/25.

<sup>163</sup> Interviews with experts, journalists, and archaeologists in Lebanon, April and May 2024.

<sup>164</sup> KERSEL, M.M., and BOUCHENAKI, M., 2020. Middle East and North Africa. *Cultural Heritage Management and Conservation*.

<sup>165</sup> DEVLIN, L., 2024. “Jordan: Cultural Heritage Success Story of the Middle East?”, *Asian Affairs*. DOI: [10.1080/03068374.2024.2326045](https://doi.org/10.1080/03068374.2024.2326045).

<sup>166</sup> POLESE, A. & HANAU SANTINI, R., 2018. “Limited Statehood and its Security Implications on the Fragmentation of Political Order in the Middle East and North Africa,” *Small Wars & Insurgencies*, 29(3), pp. 379–390. DOI: [10.1080/09592318.2018.1456815](https://doi.org/10.1080/09592318.2018.1456815).



involved. Their state has broken up into two or three “statelets”, or rival administrations, each supported by foreign powers and entangled in a violent, nationwide power struggle. A more detailed analysis of the Syrian case shows how a fragmented state impacts archaeological heritage management in war-torn countries.

Apart from a few provinces (in the west) and a few cities (Damascus), the entire territory has been an intense battlefield with significant and recurring shifts in political-military control. Between 2011 and 2015, the Syrian government gradually lost military control of most of the territory – controlling barely 30% in 2015 – as well as all its borders with Jordan, Iraq, and Turkey. A multitude of state and non-state actors were fighting over and administering fragmented territories (rebel factions organised on a very local basis, pro-regime paramilitary militias, ISIS, in addition to Russian, Iranian, Turkish, and American forces). Following the Russian military intervention to save the Assad regime in September 2015, the front lines have gradually stabilised around three zones of influence between 2018 and 2024: the Assad regime has regained control of 70% of the territory, but the Syrian army controls only 15 percent of the country’s international land borders which are still contested by local, regional, and international actors<sup>167</sup> and regime penetration varies from tenuous to high control depending on the Syrian localities; the northwest (including part of Idlib governorate and northern Aleppo) is controlled by armed opposition groups (Hayat Tahrir al Sham, which split from al-Qaeda in 2017, and the Turkish-backed Free Syrian Army) and administered by civilian structures set up by these groups as well as civil society organisations; the northeast is governed by the Kurdish-led Autonomous Administration of the North-East of Syria (AANES). Everywhere, lawlessness and rampant criminal and political violence remain major patterns.

Before 2011, the DGAM had a monopoly, officially, on the management of archaeological sites and museums – while the First Lady’s Syria Trust for Development established in 2007 was increasingly involved in cultural heritage, demonstrating the renewed interest of the highest authorities of the State which had materialised in several projects in cooperation with international institutions and the preparation of a new legal framework. This interest was directly linked to the late development of a tourist strategy centred around cultural and archaeological sites<sup>168</sup>. However, the registration and documentation of Syrian artefacts were still poorly developed and had not surpassed 9,000 images, according to the former director-general of antiquities and museums<sup>169</sup>. The Antiquities Directorates in each governorate also played a role in exacerbating the encroachment on antiquities. This was evident through unauthorised excavations, the loss of antiquities records, and the subsequent destruction of archaeological structures (as documented for over 1,000 archaeological sites in Idlib). In 2012, the armed conflict halted major projects to reform the legal framework, improve Syrian museums and rehabilitate some historical monuments<sup>170</sup>. It ended the presence of most of the 120 foreign archaeological missions present in 2010. Since then, many Syrian archaeologists have left the country for security reasons, and the DGAM has gradually lost access to many sites. Thanks to the

<sup>167</sup> BALANCHE, F., 2021. The Assad Regime Has Failed to Restore Full Sovereignty Over Syria. *The Washington Institute for Near East Policy*. Available at: <https://www.washingtoninstitute.org/policy-analysis/assad-regime-has-failed-restore-full-sovereignty-over-syria>, consulted 10/01/25.

KHEDDOUR, and ARMENAK, 2024. Borders Without a Nation: Syria, Outside Powers, and Open-Ended Instability. *Carnegie Middle East*.

<sup>168</sup> GILLOT, L., 2007, « La mise en valeur du patrimoine archéologique comme outil de développement ». *Tourisme et développement*, édité par Christian Bataillou et Bernard Schéou, Presses universitaires de Perpignan, 2007, <https://doi.org/10.4000/books.pupvd.33812>.

<sup>169</sup> MURAD, A., 2023. Syria Indicator’s Pursuit of Idlib’s Antiquity Thieves and Their Devastating Alliances. Unmasking the Culprits. *Syria Indicator*. Available at: <https://syriaindicator.org/en/blog/syria-indicators-pursuit-of-idlibs-antiquity-thieves-and-their-devastating-alliances-2/>, consulted 10/01/25.

<sup>170</sup> QASSAR, H., 2020. “Politics, Identity and the Social Role of Museums in Syria,” *Museum Management and Curatorship*, DOI: [10.1080/09647775.2020.1723131](https://doi.org/10.1080/09647775.2020.1723131).

experience of its general director and his good connections with archaeologists who had joined the opposition, the DGAM was able to move 300,000 artefacts from 34 museums to Damascus until March 2015<sup>171</sup>. However, recent reports noted that 40,635 artefacts have been stolen from museums, warehouses, and places of worship since 2011<sup>172</sup>. Moreover, government authorities have lost their monopoly to the benefit of new bureaucratic structures established by the main political and military forces to regulate antiquities – including their looting and trafficking – from territories under their control: ISIS established the Antiquities Division, which was responsible for issuing permits and levying taxes on looted antiquities in ISIS-controlled areas between 2014 –2018, the Syrian Interim Government (political opposition body to Assad regime) based in Gaziantep established the Department of Protection of Antiquities and Museums within its Ministry of Culture, the Kurdish-led AANES founded the Presidential Council for Antiquities in 2020, and the Salvation Government created by HTS in 2018 oversaw the reopening of the Idlib Museum<sup>173</sup>. While a centralised database on archaeological archives was mentioned until 2015–2016, the accelerated fragmentation of the State as well as the lack of coordination between the multitude of local and regional initiatives that created their own database<sup>174</sup> have made it impossible to establish comprehensive documentation of what was stolen, plundered, and trafficked until today (the official DGAM website was inaccessible during the time of this research).

National law enforcement agencies (including customs) and justice authorities have followed the same process of fragmentation. Before 2011, security actors were at the heart of the system of repression of populations, they were largely corrupt and played a pivotal role in the organisation of trafficking. After 2011, the judiciary and security forces split, with some regime defectors joining the ranks of the opposition and the others being fully mobilised, like all state institutions, in the regime’s war efforts to violently repress demonstrations and all forms of opposition.

While the earlier criminal networks of theft and trafficking in antiquities (identified in the 1980s and 1990s above) have survived post-2011<sup>175</sup>, all armed factions began being involved, with varying degrees of organisation, in illegal excavations and looting in their respective areas of control: in regime-held areas, locally corrupt and criminal commanders of the Syrian army (battalion commander and above) and heads of militias or paramilitary groups loyal to the Assad regime or backed by Iran and Russia; in rebel-held areas, commanders from the Free Syrian Army and other rebel factions, HTS and ISIS officials<sup>176</sup>. The involvement of these actors in the looting varied from simple *laissez-faire* and the imposition of bribes on lambda looters (made up of peasants living near the sites and workers who previously worked for archaeological missions); *ad hoc* looting by members of armed groups who fortuitously discovered artefacts by digging trenches or tunnels; organised and hierarchical looting by mafia gangs affiliated with the various militias and paramilitary forces who commanded and supervised clandestine excavations. These practices have been part of a widespread pillaging (ta’fish in Arabic) of property, houses, land, natural resources, and factories that armed groups have carried out after conquering so-called “enemy territory” – from 2016 onwards, the recapture of towns and

<sup>171</sup> PERINI, M. & CUNLIFFE, J., 2015. *Towards a Protection of the Syrian Cultural Heritage: A Summary of the National and International Responses, Volume III (Sept 2014 - Sept 2015)*. Heritage for Peace.

<sup>172</sup> AL JAZEERA, 2020. Report documents severe damage to Syrian heritage and museums. *Al-Jezira*. Available at: <https://www.aljazeera.com/features/2020/6/8/report-documents-severe-damage-to-syrian-heritage-and-museums>, consulted 10/01/25.

<sup>173</sup> Interviews with Syrian researchers, July 2023.

<sup>174</sup> LECKIE, L., CUNLIFFE, E., and VAROUTSIKOS, B., 2017. Heritage for Peace.

<sup>175</sup> BRODIE, N. and SABRINE, I., 2018, The Illegal Excavation and Trade of Syrian Cultural Objects: A View from the Ground, *Journal of Field Archaeology*.

<sup>176</sup> CHEIKHMOUS, A., and ALMAQDISSI, M., 2016. Trafic des antiquités en Syrie. Réalités et propagande. *Patrimoines en peril, Archeologia*. Interviews with Syrian researchers, July 2023.

villages by the regime and allied forces has been systematically accompanied by this large-scale pillaging<sup>177</sup>.

In addition to the looting, antiquities trafficking seems to have fluctuated according to three interrelated factors: the very diverse nature of the objects stolen and looted; the identity of the forces that controlled transport routes; and the policies implemented in neighbouring countries to deal with this trafficking.

- Three categories of Syrian artefacts have followed different trajectories: objects of great importance and inestimable value, such as funerary statues or mosaic pieces, transported to neighbouring countries (Turkey, Lebanon, Jordan) and the two main intermediary countries in the region (Israel and the United Arab Emirates), only reappearing on international markets after a more or less long time<sup>178</sup>; small, easily transportable objects such as coins, which supply the antiquity markets in the region and beyond; finally, fakes, produced by specialist workshops in Syria (but also in Iraq), the percentage of which among looted antiquities seized in Syria and Lebanon between 2012 and 2017 rose to about 70% and almost 2/3 of the Syrian artefacts offered for sale on social networks or via the Internet are fakes<sup>179</sup>.
- Before 2011, the majority of the objects looted in Syria were transported to Lebanon via roads and tracks controlled by the Syrian military administration, before being shipped, with the help of Lebanese antiquities dealers, to Europe, Asia, and the Gulf countries. After this date, the transport of antiquities was facilitated by the dominant military forces on the main routes, internal checkpoints, and border crossing points. The evolution of military control maps over more than a decade is too complex to reproduce all these routes here<sup>180</sup>. We can only note that, following widespread security chaos in the first two years of the conflict, (1) the control of the Lebanese-Syrian border zone was restored to the Syrian government and its Lebanese ally Hezbollah in 2013; (2) in the north-east on the Iraqi border, ISIS imposed its domination between 2014 and 2018, then the US-backed Syrian Democratic Forces and the Iranian-backed militias shared this area; (3) the northern border area with Turkey was fragmented into a myriad of rebel factions, ISIS and Kurdish forces (2012–2018), then divided into separate areas of control—under the Syrian Democratic Forces in northeast Syria, Hayat Tahrir al-Sham in Idlib, and Turkey-backed SNA in northern Aleppo; (4) the southern border region with Jordan remained under the control of Western-backed rebel factions until 2018, when it was formally recaptured by government forces. While the overland traffic routes have been relatively well documented<sup>181</sup>, very little information is available about the country's ports and airports, which have remained under the control of the security branches of the regime and its allies throughout the conflict. It cannot, therefore, be ruled out that some of the Syrian antiquities were transported directly to Russia and Belarus after 2015, or to the United Arab Emirates, once the airlines reopened between Abou Dhabi and Damascus in 2021 – knowing that the UAE has taken the lead in

<sup>177</sup> ALDASSOUKY, A., 2020. The Economic Networks of the Fourth Division During the Syrian Conflict. *Middle East Directions (MED), Wartime and Post-Conflict in Syria*, 2020/01. European University Institute, Florence.

<sup>178</sup> MICHEL, V., 2020. "Le trafic illicite des biens culturels dans les pays en conflit : de l'identification des objets à la judiciarisation des affaires," *Revue de l'INP, Patrimoines*, 15.

<sup>179</sup> TAHIR, T. & TABIKHA, K., 2024. "Facebook Trade in Fake Relics Fuels Middle East Looting," *The National*, 26 April 2024.

<sup>180</sup> SUBER, D.L., MAZZALI, L., HEINS, G.T., et al., 2022. "Antiquities Trafficking in Conflict Countries: A Crime-Mapping Approach," *International Journal of Cultural Property*, 29, pp. 531–561.

<sup>181</sup> HATAHET, S., and ALDASSOUKY, A., 2022. Competition, Collusion and Smuggling: Syria's Borders with Turkey and Iraq. *Policy Briefs*, 2022/16, Middle East Directions (MED), Wartime and Post-Conflict in Syria, European University Institute, Florence.

KHEDDOUR K., and ARMENAK, 2024. Borders Without a Nation: Syria, Outside Powers, and Open-Ended Instability. *Carnegie Middle East*.

normalisation with the Syrian regime since 2018<sup>182</sup> and that Dubai represents a haven for many businessmen associated with the Syrian regime<sup>183</sup>.

- The traffic may have been influenced by the policies of neighbouring and regional countries, which themselves fluctuated according to their political positions on the conflict in Syria. With the exception of Lebanon and Iraq, which have maintained diplomatic and political ties with Damascus, and Russia and Iran, staunch allies of the Syrian regime, the other countries actively supported the rebel groups until 2016. Damascus was placed under multiple sanction regimes and found itself isolated both diplomatically and commercially. Turkey and Lebanon opted for an open border policy until 2015, before tightening controls mainly to limit the flow of refugees (construction of a wall). While these measures have not stopped the traffic in antiquities, they may have forced dealers to shift their interests away from large artefacts, as in Turkey after 2015<sup>184</sup>. In addition, the good relations between the authorities in Beirut and Damascus (and the interrupted cooperation between the two DGAs) have enabled the repatriation of Syrian archaeological objects seized in Lebanon since 2013<sup>185</sup>.

#### Archaeological heritage threatened by political divisions and state capture

While in Syria since 2018 the regime's territorial gains have not triggered a transition from war to peace, it is important to see, as the Iraqi and Lebanese cases show over the last twenty years, that socio-political transformations during years of intense military confrontations are lasting. The period of fragmentation of the State is not followed by the reconstruction of a virtuous State, but rather by a soft power struggle between new ruling elites, including war profiteers and new wealthy businessmen who were closely associated with the militias in wartime<sup>186</sup>. These elites have competed to capture the resources of the Lebanese state as a vehicle for self-enrichment and distribution-patronage, and hybrid violent entrepreneurs evolving between the legal and illegal spaces continue to penetrate the Iraqi state<sup>187</sup>. Meanwhile, there is no process of genuine reconciliation between deeply divided communities. These dynamics pose major threats to cultural heritage and may encourage looting and trafficking in antiquities.

In post-war times, archaeological heritage remains a domestic political stake for dominant political actors. In countries such as Iraq and Lebanon, which are fragmented and divided along ethnic and sectarian lines, cultural heritage as a vehicle for collective memory hardly exists. Sectarian political elites used to instrumentalise and appropriate cultural and religious sites to ground their different

<sup>182</sup> DAHER, J. 2021. The UAE and Damascus: The Normalisation of the Syrian Regime, *Blog Post*, Wartime and Post-Conflict in Syria, European University Institute, Florence.

<sup>183</sup> DARAJ, 2024. Dubai Unlocked: 10 Individuals Within Assad's Close Circle Hide 50 Million Dollars in Dubai Estates. *Daraj*, 15 May. Available at: <https://daraj.media/en/dubai-unlocked-10-individuals-within-assads-close-circle-hide-50-million-dollars-in-dubai-estates/>, consulted 10/01/25.

<sup>184</sup> MURAD, A., 2023. Syria Indicator's Pursuit of Idlib's Antiquity Thieves and Their Devastating Alliances. Unmasking the Culprits. *Syria Indicator*. Available at: <https://syriaindicator.org/en/blog/syria-indicators-pursuit-of-idlibs-antiquity-thieves-and-their-devastating-alliances-2/>, consulted 10/01/25.

<sup>185</sup> Interviews with merchants in Beirut, 2023. SEIF, A., 2015. "Illicit Traffic in Cultural Property in Lebanon: A Diachronic Study," *ICOMOS*, 2015.

<sup>186</sup> DAHER, J., 2022. Lebanon: How the Post-war's Political Economy Led to the Current Economic and Social Crisis. *Middle East Directions (MED)*, 2022/03. [Libya Dialogue Platform]. European University Institute, Florence.

WILLIAMS, P., 2017. *Criminals, Militias, and Insurgents: Organized Crime in Iraq*. CreateSpace Independent Publishing Platform.

<sup>187</sup> RUDOLF, I., 2023. "Tracing the Role of Violent Entrepreneurs in the Post-Conflict Iraqi Economy," *New Lines Institute*, 13 May 2023. Available at: <https://newlinesinstitute.org/nonstate-actors/tracing-the-role-of-violent-entrepreneurs-in-the-post-conflict-iraqi-economy/>, consulted 10/01/25.



narratives as part of the ongoing contest for control of the state. Case studies from Beirut's post-war reconstruction experience illustrate this struggle to re-appropriate Beirut's past through attempts to appropriate a monument, the systematic erasure of some archaeological sites, or the production of a new heritage<sup>188</sup>. Against the background of the overdevelopment of speculative investments in the real estate sector which, along with trade, constitutes a major source of income in the Near East economies (part 3), reconstruction processes also give rise to new destruction of cultural and archaeological heritage, following classic real estate speculation strategies. This phenomenon, widely documented and analysed for Beirut in the 1990s<sup>189</sup>, is observable today in the "reconstruction" of certain areas in Syrian cities such as Aleppo and Homs.

Moreover, power-sharing, institutionalised on sectarian bases in Lebanon since the 1940s and in Iraq since 2005, exacerbates political fractures and "heritage predation" – defined as the destructive exploitation of cultural resources for political purposes<sup>190</sup>. The legacy of institutional fragmentation, as mentioned for Syria in wartime, remains strong. Cultural heritage in Iraq post-2003 has indeed been controlled or managed by competing ethno-nationalist, religious, and political actors, which hinders the development of cohesive national plans for the country's archaeology. The KRI has run a parallel heritage infrastructure for the past 30 years and religious (Sunni and Shia) endowments compete with each other, as well as with national state institutions, to exploit cultural property for the interests of their own political parties and religious groups. In Lebanon, in addition to the role of the private sector and civil society organisations, the fragmentation of responsibilities in the public administration (for example, between the Ministry of Culture to which the DGA is attached and the Ministry of Tourism responsible for the promotion of archaeological sites and whose budget is concentrated on international festivals) poses structural challenges to an integrated national cultural policy. Moreover, lasting institutional blockages (with long periods without a government) have prevented the implementation of any effective policies to regulate the protection of archaeological sites and combat antiquities trafficking. For example, between 2010 and 2014, no director-general could be appointed due to political rivalries, and since then political conflicts have regularly occurred between the DGA and his supervisory minister; an ambitious new heritage policy, launched in 2016, granted the DGA the right to inspect private collections to produce an inventory of the national heritage – a central issue in the fight against the trafficking of antiquities but sensitive and controversial since the end of the war due to fears of penalising certain private owners –, but its implementation was largely hampered by the deep political, institutional, and financial crisis from October 2019<sup>191</sup>.

Finally, after the failure of the 2011 revolt movements and the ongoing attempts to rebuild authoritarian political systems in the region, resilient kleptocratic elites do not hesitate to manipulate international organisations that remain a major source of funding. Since heritage protection and rehabilitation programmes are now almost exclusively funded by foreign organisations, heritage serves two purposes for ruling elites who lack legitimacy on their domestic scene and who only manage to maintain power by using repression on society: to bring in foreign currency, and to find a

<sup>188</sup> SEIF, A. 2022. « Beirut as a palimpsest: Conflicting present pasts, materiality and interpretation », in KEY FOWDEN and all (ed.), *Cities as Palimpsests? Responses to Antiquity in Eastern Mediterranean Urbanism*, Oxbow Books, <https://doi.org/10.2307/j.ctv25wxc84>

<sup>189</sup> PIERI, C., 2015. "Reconstruction et/ou destruction. Le patrimoine menacé au Proche-Orient : aperçus sur Beyrouth et Bagdad," *Patrimoines: revue de l'Institut national du patrimoine*, 10, pp. 54–61. Available at: <https://hal.archives-ouvertes.fr/halshs-01162675>, consulted 29/08/25.

<sup>190</sup> KATHEM, R., ROBSON, and TAHAN, 2021. Cultural Heritage Predation in Iraq: The Sectarian Appropriation of Iraq's Past. *Research Paper*, London: Royal Institute of International Affairs.

<sup>191</sup> Interviews with Lebanese experts, February 2023.

vindictive nationalist outlet<sup>192</sup>. It is in this context that the conditionalities issued by governments in the region to authorise the presence of foreign archaeological missions on their territory must be understood. Archaeological cooperation policies, including those aimed at combating the trafficking of antiquities, are more broadly part of a political agenda. In Syria, where the Assad regime has been trying to emerge from its diplomatic isolation since 2018, this cooperation is intrinsically linked to the normalisation of diplomatic relations and can be seen as a reward granted by the Assad regime to its allies. The main cooperation agreements for the protection and restoration of antiquities were signed with Russia, Oman, China, and the Czech Republic (between 2018 and 2019), while Italian archaeological missions resumed their work in 2022 and one of its most famous members was decorated by President al Assad in 2023, following the shift in Italy's diplomatic stance towards Damascus<sup>193</sup>.

## Trafficking in archaeological goods in a critical economic environment

Since the 1990s, the general dynamics of the MENA region's economies have been marked by an intensification of neoliberal policies and a development model focused on real estate, services, and finance, in which social inequalities have continued to increase<sup>194</sup>. This economic liberalisation has been carried out mainly to serve the interests of the ruling elites whose primary objective is to grab a shrinking national rent or foreign direct investments in a deep recession. While high disparities between Gulf countries and conflict-afflicted countries (such as Syria, Yemen, Libya, and Lebanon) have deepened in the last decade, the multidimensional crises that are currently affecting Lebanon and Syria are paralyzing any government policy, and the economic policies implemented in other Middle Eastern countries constitute another type of threat to cultural heritage, regardless of the degree of political stability or instability.

### Protection of archaeological heritage: a neglected sector of government policies

Neglected by government policies for a long time (apart from Saddam Hussein's Iraq until 1991), the protection of archaeological heritage has suffered from derisory financial and human resources in the last decade. In Iraq, although significant financial resources thanks to hydrocarbon exports (about 4.3 million barrels per day in 2023), the Ministry of Culture, Tourism, and Antiquities and the SBAH do not have sufficient financial support nor political backing to deliver basic services such as security at major archaeological sites, emergency conservation, documentation and cultural safeguarding<sup>195</sup>. In 2008, in the three most sensitive southern Iraqi provinces, the American archaeologist John Russell already reported that there were only 575 guards for 1,721 listed sites, or one guard for three sites. In 2020, according to an adviser to the Iraqi Prime Minister at that time, there were only 4,800 policemen to protect at least 30,000 documented archaeological sites<sup>196</sup>. In Lebanon, the General

<sup>192</sup> POMMIER, S., 2021. "Égypte. La rente mémorielle aiguise bien des appétits," *Orient XXI*. Available at: <https://orientxxi.info/magazine/egypte-la-rente-memorielle-aiguise-bien-des-appetits,5089>, consulted 10/01/25.

<sup>193</sup> Many articles published in the official media Sana, consulted online between 2018 and 2023.

<sup>194</sup> DAHER, J., 2018. The Political Economic Context of Syria's Reconstruction: A Prospective in Light of a Legacy of Unequal Development. *Middle East Directions (MED), Wartime and Post-Conflict in Syria*, European University Institute, Florence.

DAHER, J., 2022. Lebanon: How the Post-war's Political Economy Led to the Current Economic and Social Crisis. *Middle East Directions (MED)*, 2022/03. [Libya Dialogue Platform]. European University Institute, Florence.

<sup>195</sup> KATHEM, R., ROBSON, and TAHAN, 2021. Cultural Heritage Predation in Iraq: The Sectarian Appropriation of Iraq's Past. *Research Paper*, London: Royal Institute of International Affairs.

<sup>196</sup> ALTAWHEEL, J., PARSONS-MORGAN, and J., 2023. Interview—The Past, Present and Future of Iraq's Cultural Heritage. *MERIP*. Available at: <https://merip.org/2023/04/iraqs-cultural-heritage-between-2003-and-2023/>, consulted 10/01/25.

Directorate of Antiquities had a budget of \$3.5 million per year in 2016, and only 8 archaeologists and two architects for the whole of Lebanon<sup>197</sup>.

The economic crises that have accelerated in several countries in the region over the past five years and widespread and endemic corruption practices have worsened the situation. Since 2019, Lebanon and Syria have been hit by severe and prolonged economic depression, due to internal factors (in Syria, the destruction of production sectors, state mismanagement practices, and sanctions; in Lebanon, a political consensus to preserve a bankrupt economic system that has benefited a few for a very long time), compounded by external shocks (such as the COVID-19 pandemic, the hike on global commodity prices due to the Russian-Ukraine war, the 6 February 2023 earthquake, and the Israeli war on Gaza that broke out in October 2023)<sup>198</sup>. This resulted in a collapse of the financial and economic resources (Syria's GDP fell from \$60.2 billion in 2010 to around \$12 billion in 2020 and was estimated at around \$6.2 billion in 2023; Lebanon's GDP fell from nearly \$55 billion in 2018 to around \$22 billion in 2022); a brutal depreciation of exchange rates and hyperinflation (reaching 84.3% on average in 2020 in Lebanon for example). These extreme crises (in 2021, the World Bank indicated that Lebanon could be ranked among the 10, or even the 3 most severe global crises since the mid-19<sup>th</sup> century) have direct impacts on the protection of archaeological heritage (on the correlation between impoverishment of populations and looting, see below).

At the level of human resources, as the living conditions have become unbearable, the most qualified people in Lebanon and Syria have left for more opportunities overseas. This has led to a huge shortage of conservators, archaeologists, and museum curators in both countries. For the record, before the financial crisis of 2019, the salary of archaeologists, architects, and other employees of the DGA was worth more than \$2,000, but it was only equivalent to \$100 in 2022 (and the guards' salary was \$40) following the collapse of the Lebanese pound<sup>199</sup>. In Syria, the monthly salaries of the civil servants of the DGAM were equivalent to around \$50 in 2023<sup>200</sup>.

At the level of government policies, the protection of cultural heritage has been further marginalised, and it is now heavily (or even exclusively) dependent on foreign aid (ALIPH Foundation, UNESCO, Agha Khan, state donors). Since 2020, priorities have been redefined around "the preservation of heritage in times of crisis" (Syria and Lebanon) or the rehabilitation of numerous historic sites (Iraq and Syria) rather than "the fight against trafficking in antiquities". Priority interventions have been to respond to emergencies, such as the destruction of cultural heritage following the explosion in the port of Beirut in 2020 (the UNESCO Emergency Heritage Fund; Beirut Built Heritage Rescue 2020), the earthquake in Syria in 2023 which damaged several historic buildings, or a dozen major sandstorms in Iraq since 2022 which threaten many archaeological sites. In addition, basic actions to address everyday challenges, such as power outages that lead to the deterioration of archaeological objects in museums and require finding rudimentary ways (by using padlocks) to secure sites, have become the norm<sup>201</sup>.

### The perverse effects of economic priorities on archaeological heritage

The contentious relationship between archaeology and economic development is an old problem, but the responses have varied over time and according to the specificities of the political economy of each

<sup>197</sup> BRAIDY, N., 2022. Le musée national de Beyrouth est-il en danger? *L'Orient-le-Jour*, 14 October. Available at: <https://www.lorientlejour.com> [Accessed 10 January 2025].

<sup>198</sup> World Bank, 2020, 2021, & 2024. "Lebanon Economic Monitor, 2019-2024," Washington, D.C.: World Bank Group.

<sup>199</sup> BRAIDY, N., 2022. *Ibid.*

<sup>200</sup> Interview with a civil servant at DGAM, June 2023.

<sup>201</sup> Interviews with archaeologists in Lebanon, May 2023.

country. Despite attempts to incorporate cultural heritage into development discourses in the last decades (the UNESCO 2015 Policy on WH and sustainable development), the UN 2030 Agenda for Sustainable Development still considers heritage as an object to be protected rather than as an active driver for development<sup>202</sup>. A wide range of development projects have traditionally threatened archaeological sites in the Middle East and continue today to endanger heritage in an accelerated manner, under the pressure of profound socio-political transformations, due to government policies oriented primarily towards the enrichment of an elite. In addition to the mining industry, the uncontrolled exploitation of mineral resources and gold mining, and agricultural activities<sup>203</sup>, let us briefly mention here large infrastructure projects and tourism promotion policies.

In the 1960s and 1970s, when the construction of large dams (in Egypt, Syria, and Iraq) threatened to flood and destroy major archaeological sites, large-scale rescue operations consisted of removing monuments (such as the temples of Abu Simbel in Egypt) and undertaking major excavations with the support of foreign missions and funds. Over the past decade, Egypt, Iraq, and Jordan have started to implement megaprojects, including the development of new transportation networks such as the Cairo 2052 and Luxor 2030 projects in Egypt, Iraq's Development Road<sup>204</sup>, and the National Carrier project in Jordan<sup>205</sup>. All these projects aim, in theory, to respond urgently to major demographic and economic challenges (population explosion, food insecurity, unemployment, and high rate of poverty). They are presented as attempts to introduce a new development model to mitigate the harmful consequences of rentier economies and to achieve sustainable development. However, most of these megaprojects are oriented towards the profits of the political and military elite. Compared to the 1960s and 1980s, these major works are no longer accompanied by large rescue excavations, either due to a lack of resources or information on the sites to be protected. Without a serious prior assessment of the risks posed to archaeological heritage, the ongoing implementation of such megaprojects may be a direct source of its destruction (such as the City of Dead in Egypt, Qassar in this report).

Moreover, many countries have used the vastness and wealth of their archaeological sites at the heart of economic strategies to promote tourism for decades. The tourism sector may have been an important source of GDP. Still, its promotion has been done to the detriment of local populations. For example, in Syria, the state practices of appropriation of land containing antiquities, with minor or no compensation, before 2011 have been hugely extended during the 13-year conflict. Following security instability (Egypt), long-term conflicts (Syria, Yemen, Syria, Iraq), and the COVID-19 pandemic (2019–2021), the drastic decline of the tourism sector has had negative consequences on the preservation and restoration of archaeological heritage. In countries still mired in economic crises, such as Egypt, current attempts to revive tourism around archaeological heritage result in the development of mass or luxury tourism, which is accompanied by the commodification of archaeological heritage and the

<sup>202</sup> GILIBERTO, F., and LABADI, S., 2021. Harnessing Cultural Heritage for Sustainable Development: An Analysis of Three Internationally Funded Projects in MENA Countries. *International Journal of Heritage Studies*, 28(2), pp. 133–146. Available at: <https://doi.org/10.1080/13527258.2021.1950026>, consulted 10/01/25.

<sup>203</sup> MORANDI, D., 2021. "Faces in the Stone. Rock Art in the Duhok Region (Kurdistan Region of Iraq): A Seriously Threatened Cultural Heritage,". In Traviglia, M., Milano, A., Tonghini, D. and Giovanelli, G. (eds.) *Stolen Heritage: Multidisciplinary Perspectives on Illicit Trafficking of Cultural Heritage in the EU and the MENA Region*. Venezia: Edizioni Ca' Foscari.

<sup>204</sup> HASAN, H., 2024. Iraq's Development Road: Geopolitics, Rentierism, and Border Connectivity. *Carnegie Middle East Center*. Available at: <https://carnegieendowment.org/research/2024/03/iraqs-development-road-geopolitics-rentierism-and-border-connectivity?lang=en&center=middle-east>, consulted 10/01/25.

<sup>205</sup> KANDAH, A., 2024. Mega Projects: A Journey of Economic Transformation in Jordan. *The Jordan Times*. Available at: <https://www.jordantimes.com/opinion/adli-kandah/mega-projects-journey-economic-transformation-jordan>, consulted 10/01/25.



strengthening of the army's control over archaeological sites and the profits from their exploitation<sup>206</sup>. In Jordan, where relative political stability has allowed the development of a great cultural heritage infrastructure – compared to neighbouring countries –, tourism development is concentrated around a golden triangle in the south of the country, whose archaeological sites benefit from massive aid from foreign governments and international organisations to protect and promote them. Conversely, the rural regions in the north and east are increasingly neglected and marginalised. Although the direct correlation between these regional inequalities in site protection and the phenomenon of looting remains to be proven, the endemic looting of antiquities in different regions of the country results from the fact that cultural heritage associated with foreign tourism is primarily viewed as a source of income by governments and populations alike<sup>207</sup>.

#### Antiquities' trafficking in the general economy of illicit trade

The trafficking of cultural goods in the Middle East is also part of a regional economy characterised by a long tradition of smuggling<sup>208</sup>. The volume of illicit trade and the nature of smuggling networks have evolved over decades according to the greater or lesser porosity of the borders, political disputes between and within States, the degree of control by regulatory authorities, and economic transformations within each country. Smuggling has always been a big part of the relations between MENA countries, but armed conflicts, acute economic and financial crisis, and external shocks such as international economic sanctions have helped consolidate underground economies and resulted in a surge in smuggling, a considerable increase in the size of the cash economy, the inability to trace trade relations through financial channels or customs authorities, and the proliferation of illicit activities and markets. In the Syrian context, research has highlighted how criminal networks, business cronies, and armed actors are fighting over control of large illicit markets and smuggling channels, which constitute one of their main lucrative revenues, to establish their domination over a territory and local communities<sup>209</sup>. Two questions, however, continue to be debated: the importance – in terms of volume and income – of the trafficking of antiquities in this general illicit economy; and the interconnection between the networks of various illicit traffics.

At a macro level, knowledge of the scale of illicit trafficking remains limited: estimates are mainly based on seizures which fluctuate depending on the control mechanisms put in place according to the priorities in the fight against this or that trafficking. As seen from the source or transit countries of the Near East, whose economies have become heavily dependent on the political agendas of Western states and the rich Gulf countries, the priorities of the fight against illicit trafficking have largely been set by foreign actors who finance this fight, namely the United States, the European Union, and various international organisations. In the name of their national security, these actors have made drug and arms trafficking a central long-term problem, whereas antiquities trafficking received particular attention only temporarily in the 2010s. Furthermore, studies have pointed out that there is no evidence to date that the illicit trade in antiquities has represented the world's third-largest illicit

<sup>206</sup> POMMIER, S., 2023. "Le site archéologique de Louxor tourné au parc d'attraction," *Orient XXI*. Available at: <https://orientxxi.info/magazine/le-site-archeologique-de-louxor-tourne-au-parc-d-attraction,6712>, consulted 10/01/25.

<sup>207</sup> DEVLIN, L., 2024. "Jordan: Cultural Heritage Success Story of the Middle East?", *Asian Affairs*. DOI: [10.1080/03068374.2024.2326045](https://doi.org/10.1080/03068374.2024.2326045).

<sup>208</sup> HERBERT, M., 2014. Partisans, Profiteers, and Criminals: Syria's Illicit Economy. *Fletcher Forum of World Affairs*, January.

<sup>209</sup> HATAHET, S., and ALDASSOUKY, A., 2022. Competition, Collusion and Smuggling: Syria's Borders with Turkey and Iraq. *Policy Briefs*, 2022/16, Middle East Directions (MED), Wartime and Post-Conflict in Syria, European University Institute, Florence.

trade and that such a claim was rather a factoid whose primary purpose in academic, popular, and governmental literature was to assert the gravity of the harms related to the illicit trade<sup>210</sup>.

Recent field research into smuggling activities into and out of Syria over the last decade confirms that trafficking in archaeological artefacts has not been a major source of income for those involved in looting, even in 2012–2018 when such activities peaked<sup>211</sup>. Trafficking in oil and fuel, drugs (especially Captagon), human beings, and various licit goods (including basic consumer products and building materials) have become the most stable sources of income for several actors. According to smugglers, oil, flour, and Captagon are the items that generate the largest flows of money. The importance of this traffic in terms of economic resources must, however, be qualified according to the various categories of actors involved.

At a first level, local populations have been involved in illicit excavations and the smuggling of antiquities in search of alternative resources, due to the destruction of local economies, widespread unemployment, and generalised poverty, at the origin of what some authors have called the development of a copy-economy<sup>212</sup>. While the sale of an archaeological artefact could represent half the average monthly salary of an employee in Iraq in the 2000s, and much more in Syria in the mid-2010s, it remains impossible to establish a direct causal link between the impoverishment of the population and their involvement in the looting of antiquities. In macro-economic terms, the rate of the population living below the poverty line has risen considerably in Syria (from 80% in 2015 to 90% in mid-2023) and living conditions have deteriorated since 2019 (inflation, cuts in subsidies), while the number of documented lootings has fallen over the last five years. There therefore seems to be a threshold effect: the more socio-economic conditions deteriorate, the more local communities reorganise themselves around small-scale trafficking in essential goods that are necessary for their immediate survival (like pharmaceutical and food products, fuel). In addition, local communities who take part in the looting, and sometimes in the trafficking, are heavily dependent on the financial resources and protection provided by the war entrepreneurs, who remain the main beneficiaries of these deals.

At a second level, the war entrepreneurs involved in antiquities trafficking aim to obtain resources either to finance the collective war effort (conflict economy) or for personal enrichment (criminal economy). By definition, information on the income that armed groups or mafia gangs may have derived from the illicit trafficking of antiquities remains incomplete. However, it seems important to put this type of income into perspective with other types of available resources, the exact amounts of which also remain secretive. These include the considerable financial and logistical support allocated by foreign states to armed rebel groups (Western states, Turkey, and Gulf states at least until 2015–2016) and to the Syrian army (Iran and Russia) to support their respective war efforts; the extraction and sale of crude oil, which was the largest source of revenue for ISIS finances until the loss of its territory in 2019<sup>213</sup>; the drugs trade, with Captagon at the forefront, which has become central

<sup>210</sup> YATES, D. & BRODIE, N., 2023. "The Illicit Trade in Antiquities is Not the World's Third-Largest Illicit Trade: A Critical Evaluation of a Factoid," *Antiquity*, 97(394), pp. 991–1003. DOI: [10.15184/aqy.2023.90](https://doi.org/10.15184/aqy.2023.90).

<sup>211</sup> Interviews with Syrian and Lebanese economists, May 2024

HATAHET, S., and ALDASSOUKY, A., 2022, *Ibid*.

DAHER, J., AHMAD, N., AND TAHA, S., 2022. Smuggling Between Syria and Lebanon, and from Syria to Jordan: The Evolution and Delegation of a Practice. *Policy Briefs 2022/32*, Middle East Directions (MED), Wartime and Post-Conflict in Syria, European University Institute, Florence.

<sup>212</sup> BRODIE, N. and SABRINE, I., 2018, The Illegal Excavation and Trade of Syrian Cultural Objects: A View from the Ground, *Journal of Field Archaeology*.

<sup>213</sup> SARGENT, M., MARRONE, J.V., EVANS, A.T., LILLY, B., NEMETH, E., & DALZELL, S., 2020. "Tracking and Disrupting the Illicit Antiquities Trade with Open Source Data," *Homeland Security Operational Analysis Center*, RAND Corporation.

to the financing of the Syrian regime's mafia networks since 2019 as other sources of income have dried up<sup>214</sup>.

The interconnection between the various smuggling and trafficking networks also remains a complex issue. According to our interviews, it varies mainly according to the type of goods involved and their level of criminalisation. Arms and drug trafficking networks seem to operate in a way that is largely compartmentalised from all other trafficking – even though antiquities trafficking and arms and drug trafficking may be supervised by the same criminal networks. In 2013, a Lebanese colonel from the International Flights Office reported that “smugglers do not mix goods or use the same routes. Although Lebanon is an arms importer and an antiquities exporter, the antiquities trade is never mixed with the arms trade”. More recently, between 2019 and 2023, no archaeological items appeared in the databases of the multiple seizures of Captagon from Syria and Lebanon to neighbouring countries<sup>215</sup>. (On the other hand, antiquities trafficking may have been coordinated with that of other illicit goods such as oil and diesel, or cement, particularly in the illicit flows between Syria and Turkey in the years 2012–2018. However, from the 1980s to recent years, the traffic in antiquities from Near Eastern countries has been governed by specialised networks, in which politicians, businessmen, and art dealers benefiting from political protection at the national level and solid international networks play a central role.

## Conclusion

Over the last decade, looting has not been the only or the main factor affecting the archaeological heritage in the countries of the Near East. High-intensity conflicts using new warfare technologies have directly and indirectly destroyed part of the archaeological heritage, as well as many vital infrastructures and private properties. It would therefore seem that the fight against trafficking in antiquities must take a comprehensive view of the damage caused to populations in general and to the local authorities responsible for protecting the cultural heritage if it is to have any meaning.

The nature of the Middle Eastern states, which remain the main interlocutors of the international agencies responsible for protecting heritage and combating trafficking despite the low legitimacy and high level of corruption of their elites, remains central to understanding the limits of the law in combating this trafficking from source countries. Law enforcement agencies become part of a network of corruption, just as political, economic, and security elites – or their politically protected clients – become involved in trafficking. In addition, the long-term fragmentation of Middle Eastern states and the collapse of their economies pose basic challenges (lack of centralised data, lack of inventory of private collections, derisory resources allocated to state institutions or non-governmental organisations), which remain undervalued in European anti-trafficking programs.

Raising awareness on a large scale and reappropriating the heritage by local communities remains central, but this approach will remain insufficient if it is not part of a policy of economic development and social justice. What's more, this approach may only be able to deal with the problem at the margins, as long as kleptocratic authoritarian systems remain in place.

<sup>214</sup> ROSE, C. & SODERHOLM, A., 2022. “The Captagon Threat: A Profile of Illicit Trade, Consumption, and Regional Realities,” *New Lines Institute*.

<sup>215</sup> Interview with a researcher specialising in Captagon trade in the Middle East, April 2024.

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## Jean-François Breton – Wars and antiquities trafficking in Yemen

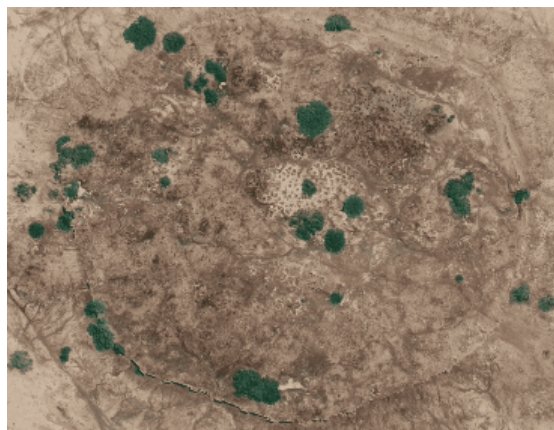
**Jean-François Breton**, Honorary director of research at *Centre national de la recherche scientifique* (CNRS), Archéologies et Sciences de l'Antiquité (ArScAn), UMR 7041

### In Yemen, a civil war with multiple actors

Since the start of Yemen's civil war in 2015, the political equation of the protagonists has been multiple. The Houthis movement, belonging to Zaidi Shiism and known as Ansar Allah (followers of God), is one of the main participants in this war. It was formed in the 1990s to defend the religious traditions and interests of the Shiite branch in Yemen and became a military insurrectionary group in the 2000s. The Houthis took part in the popular demonstrations of February 2011 which, after a bloody crackdown, led to the resignation of President Saleh, who had been in power in Sana'a for 33 years. The latter handed over the reins of power to his vice-president Abdrabbo Mansour Hadi, and a political transition was set up under the aegis of the UN in February 2012.

While the Houthis aspired to take part in the national dialogue, in 2014 they finally launched a military campaign in the north of the country and became a political movement. The Houthis seized the capital Sana'a and then Aden in March 2015, forcing President Hadi to flee the country. Saudi Arabia then created a coalition made up of Arab states and supported in some areas by the United States, the United Kingdom and France, to fight the Houthis. Government forces and the coalition then found themselves confronted by other movements such as the independence forces, including the Transitional Council of the South, and the "National Resistance Force" supported by the United Arab Emirates. From then on, the conflict fell victim to the interference of regional and international powers.

Over the years of war, Yemen has become an increasingly divided country, making political resolutions complicated if not impossible. As political alternatives fail to emerge, the impasse deepens, and the people suffer the direct consequences. The human cost is catastrophic and out of control. As for the material, architectural and museographic heritage, it is subject to destructing, looting and trafficking.



**Fig. 1:** Aerial photograph of the al-Baydâ' site (Jawf) showing clandestine excavations, Google Maps, 2024.

<https://maps.google.com>

The coalition destroyed houses in the old town of Sana'a, the al-Qahira citadel in Tai'z, the walls of Kawkaban, the Mâ'rib dike, the Dhamar museum, etc. According to the Yemeni authorities, some one hundred buildings belonging to Yemen's cultural heritage were hit by the bombardments. In the



coastal plain of Tihâma, nearly 35 religious buildings have been destroyed by "terrorist" groups, declared Mohammed al-Siyâni†, director of the General Organisation for Antiquities, Museums and Manuscripts (GOAMM) in Sana'a, back in 2017 (Al-Siyâni, 2021: 291).

## Looting and trafficking

### *Archaeological sites vandalised*

In the country, the main focus is on the ancient cities of the Jawf Valley, around 200 km northeast of Sana'a. The sites of as-Sawdâ' (the ancient *Nashshân*), Ma'în (the ancient *Qarnaw*) and al-Baydâ' (the ancient *Nashq<sup>m</sup>*) (**fig. 1**) are being systematically looted, as evidenced by satellite images and enabled by the lack of visits of Yemeni or foreign experts.

Even before the civil war, the as-Sawdâ' site provided nearly a thousand wooden sticks and palm-tree ribs, the basis for a rich and varied correspondence for the South Arabian period (7<sup>th</sup> c. BC to 3<sup>rd</sup> c. AD). A first lot of these sticks was handed over to the General Organisation of Antiquities in 1990 and published thanks to a contribution from TOTAL-YEMEN and Banque INDOSUEZ-YEMEN. However, most of the pieces were sent to public institutions in Germany, and many of the texts have already been published (in particular by Peter Stein).

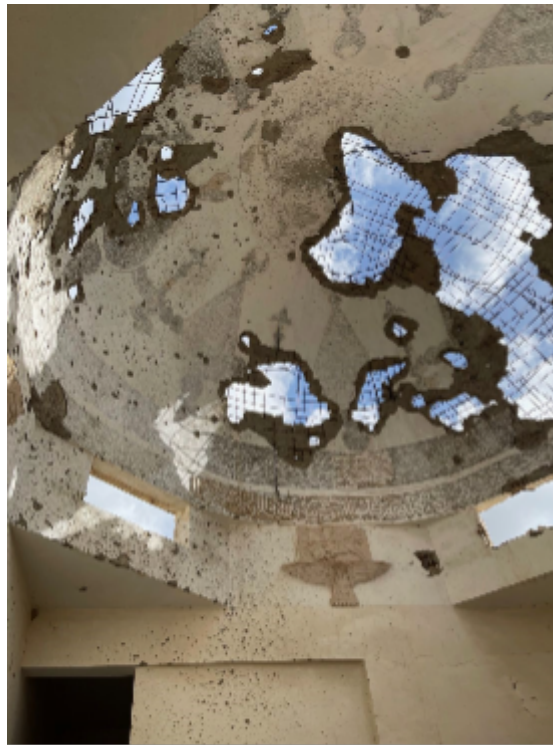
At the nearby Ma'în site, local residents have carried out numerous excavations, both inside the site and in its immediate surroundings. There's no need to look far – the clandestine diggers belong to the neighbouring villages, members of the al-Shijin tribe. The excavations uncovered a number of large inscribed pillars, including lists of "foreign women" naturalised in the kingdom of Ma'în (Robin, 2021).

But we can't forget other sites like Maryamat, the ancient Maryamat<sup>um</sup>, today al-‘Âdî in the wâdî Harîb south of the city of Bayhân. From this site come two large bronze ibexes, one in the Al Sabah collection from Kuwait, the other in the collection of Prince Al-Thani. The ibex in the Al Thani collection can be compared with the very similar ibex in the Al Sabah collection in Kuwait, of which only the forebody (H. 107.5 cm) has been preserved; the five-line inscription in relief on the right-hand side of the latter mentions the offering of ten ibexes, at a slightly earlier date (3<sup>rd</sup>– 2<sup>nd</sup> century BC), in a temple dedicated to Hawkam in Maryamat. There is little doubt that the Hawkam temple to which these two ibexes statues were offered was the great Shab'ân temple at Maryamat. This site also yielded an inscribed stele (H. 93 cm; W. 23 cm) bearing the second part of a royal ordinance in South Arabian script between 50 BC and AD 25.

From this region, either from the wâdî Harîb or from Tamna', also comes a bronze lion applique, 67 cm high and 70 cm wide, finally deposited in the Sana'a museum. A long inscription at the base mentions the offering of two lions.

### *Museums damaged or looted*

The political situation and wars have also obviously affected the country's museums:



**Fig. 2:** The Dhamar Museum destroyed in 2015, © General Organization for Antiquities and Museums, Sana'a.

- The museum at Dhamar, some 100 km south of Sana'a, was completely destroyed by an (aerial) bombardment in 2015 (**Fig. 2**).
- In Sana'a, the military museum in the heart of the city was also partially destroyed; it housed an important collection of antiquities, but a few pieces were saved.
- In Ta'iz, the museum was also destroyed.
- In Aden, the national museum at Crater, on the seafront, was looted. Fortunately, the valuable collections of jewels and coins had long been deposited in a bank.
- The Bayhân Museum suffered some damage, while the following museums were spared on a very temporary basis: the National Museum of Sana'a, the Sana'a University Museum, the Say'ûn (Hadhramawt) Museum and the Ataq Museum (thanks to the care of its director Khayrân al-Zubidi), which houses material from the Franco-Yemeni excavations at Shabwa (Breton, 2024).

### **Actors, sales and seizures**

#### *Private gallery sales*

It should also be pointed out that many antiquities smuggled out of Yemen end up in auction rooms and private galleries. We have included some scattered information on these sales. There are inevitably gaps in this information.

Hôtel Drouot in Paris and Sothebys in London have both been auctioning alabaster pieces, mainly from the Qataban kingdom, for many years. At Sothebys, these include, but are not limited to: a Qatabanite woman's head from the 3<sup>rd</sup> c. BC – 1<sup>st</sup> c. AD (date: 7/12/2022); a man's head from

Qatabân, 3<sup>rd</sup> c. BC – 1<sup>st</sup> c. AD; a man's head from Qatabân-3<sup>rd</sup> c. BC – 1<sup>st</sup> c. AD (date: 7/07/2023); a stele decorated with a bull's head and an inscription on the base (date: 7/12/2021), etc.

In November 2022, according to *Khabar News Agency*, Yemeni antiquities continue to be auctioned abroad. A researcher specialising in tracking stolen Yemeni archaeological artefacts, 'Abd Allāh Muḥsin, has discovered that Yemeni antiquities are being auctioned in the US and the UK. He points out that while the Yemeni Government and the US authorities have taken steps to ban cultural property from Yemen, the latter have not taken the necessary steps to regulate the auctioning of Yemeni heritage and its import into the United States.

Another auction has been identified by this researcher in London concerning antiquities from the Qatabân kingdom (7<sup>th</sup> c. BC – 2<sup>nd</sup> c. AD), probably organised by Sotheby's in early December 2023.

On 19 November 2022, the Florida-based auction house Robin Rile Fine Art sold a statuette from Yemen dating from the 1<sup>st</sup> – 2<sup>nd</sup> c. AD for 5,000 USD.

On 2 October 2023, an auction is said to have been held in Tel Aviv of two pieces probably from Mâ'rib; these are a bronze plaque decorated with two heads with a brief inscription (*Shym* = dedicated to) (**fig. 3**), and a bas-relief fragment with the representation of the five deities of the Saba' pantheon (CIH 458, known as the "Bulawayo Stone").



**Fig.3:** Bronze plaque for auction, © Journal "al-Quds al-Arabi" 2 octobre 2023.

In 2023, a highly original bronze incense burner was on sale in a London gallery. In an excellent state of preservation, it has most probably been meticulously restored, unless it is a counterfeit. It features a circular central section supported by two lateral animals (ostriches) and decorated at the top with small sharp points; an inscription moulded on several sides reads "belonging to 'Athtar dhû Garab". The style of the inscription dates this object to between 600 and 300 BC. This incense burner, 27.5 cm high and 20 cm wide, is thought to have come from the site of as-Sawdâ', ancient Nashshân (Antonini, 2023).

#### *Responses to trafficking: seizures in Geneva in 2016*

On 22 November 2016, the Geneva Public Prosecutor's Office confiscated nine exceptional archaeological items from three countries: Yemen (5 pieces), Syria (3), and Libya (1). All were the result of looting. The case began with a routine check by the Federal Customs Administration in April 2013 at the Ports Francs. The pieces had been stored there illegally between 2009 and 2010, i.e. before the start of the Syrian and Libyan conflicts. At the end of February 2016, following a report from customs, criminal proceedings were opened, resulting in the confiscation of the goods (Le Musée d'Art et d'Histoire de Genève, Béatrice Blandin, 2017).

These Yemeni antiquities include:

1. A circular tabletop decorated on the side with 3 bull heads, lozenges and ovum. 3<sup>rd</sup> c. BC – 1<sup>st</sup> c. AD. Alabaster, D. 60 cm, H. 9 cm.

This circular table top is an exceptional, if not unique, piece due to its excellent state of preservation. Its slightly concave upper surface is smooth. The decorated edge features three frontal heads of a horned beast in a hollow square, probably a bull. These figures, arranged equidistantly, are linked by two decorative bands of lozenges and ovals. The lower surface of the tray, less worked, features three quadrangular cavities located behind the bull's heads... (Béatrice Blandin, 2017).

2. A statuette of a standing man with a South Arabian inscription writing on the base: "Tabba'karib son of Aglum", kingdom of Qatabân, funerary context. 2<sup>nd</sup> c. BC, alabaster, H. 38 cm; W. 15 cm; D. 5 cm.

These two pieces are given here as examples only; for the others, please refer to the Musée d'Art et d'Histoire de Genève website.

In France, the "Office central de lutte contre le trafic des biens culturels" (OCBC), based in Nanterre, has been tracking illegal imports for years. Recently, the new Artefact judicial platform is using Artificial Intelligence for similar operations.

On 9 August 2023, the National Museum of American Diplomacy (NMAD) exhibited a piece from Yemen which was on loan to the Smithsonian's National Museum of Asian Art: a funerary stele with a portrait of a man, probably the deceased, dated between 500 BC and AD 100, stolen from a cemetery in northeast Yemen, possibly in Jawf. The piece is one of 77 objects illegally imported into the USA and confiscated by the Department of Justice and Homeland Security.

On 31 August 2023, the USA and the Government of Yemen signed a bilateral agreement reinforcing the "Emergency Imports Restrictions" signed in February 2000 by the Yemeni Ambassador to the USA and Mrs Lee Satterfield, Secretary of State for Education and Culture. This agreement aims to prohibit "illegally acquired undocumented objects" from entering the USA.

Finally, the Yemeni government, in order to counter the looting of antiquities, obtains the inclusion of Mâ'rib, capital of the kingdom of Saba', on UNESCO's list of World Heritage in Danger, in January 2023.

## Conclusion

Despite the cessation of bombing and the precarious truce in place for a year, the weakness of local authorities in many areas such as Jawf – if some sources are to be believed – seems to allow looting and illegal exports of antiquities to continue.



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## Philippe Marquis – Trafficking in cultural goods in Afghanistan

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Since its relocation to Kabul in 2003, the French Archaeological Delegation in Afghanistan has paid particular attention to the situation of the country's archaeological heritage, and especially to the risks to which it was exposed as a result of trafficking in cultural goods.

### Historical background

#### *Trafficking in cultural property in Afghanistan: a long history*

It was in the 19<sup>th</sup> century that the traffic in cultural goods of Afghan origin began to be organised. The arrival of adventurers in the Indian subcontinent, initially working for local rulers such as General Court, or with British authorities such as Charles Masson<sup>216</sup>, undertook to collect "antiquities" on their own behalf or on behalf of the authorities who employed them. Many Buddhist monuments in Afghanistan were gutted and stripped of objects of interest to dealers and collectors.

The creation of the French Archaeological Delegation in Afghanistan in 1922, following an initiative by King Amanullah of Afghanistan, can be seen as an initial response to this situation<sup>217</sup>. With its mission to identify, explore, study, and showcase the country's ancient sites, the DAFA became the key player in the construction of a national narrative based on a past that escaped, or so it was believed, partisan claims based on ethnicity. The first scientific excavations demonstrated that there was an alternative to looting, without eliminating it. Indeed, it was clear that, for rural communities, clandestine excavations were a means of supplementing their resources according to the vicissitudes of their daily lives and the fluctuating demands of a market fuelled by a growing expatriate population and the growing interest of international amateurs in the arts of Afghanistan's ancient peoples.

#### *The turning point in the late 70s*

The intervention of Soviet forces in 1979 ushered in a period of great instability that can hardly be considered over. The gradual disintegration of the central administration and the consequent rise in power of armed groups of various persuasions encouraged the looting of ancient sites. With the withdrawal of Soviet intervention forces in 1989, clandestine excavations took on a whole new dimension. Warlords vying for power even made antiquities trafficking an important source of funding. Well-known sites such as Aï Khanoum in the north of the country, lesser-known sites such as Mir Zakah in the east, or sites that had never been clearly identified before, such as Mès Ainak, were systematically looted.

The arrival of the Taliban in 1995 marked a new stage in the voluntary attrition of Afghanistan's cultural heritage. Until then, destruction through vandalism had not been exploited for propaganda purposes, but the destruction of the Buddhist statues in the National Museum, and even more so of the Bamiyan Buddhas, changed all that. For the Kabul authorities, many of the antiquities resulting from the looting were considered "impious" and therefore had to be destroyed rather than "commercialized". The direct consequence of this ideological orientation was a decrease, at least temporary, in illegal excavations. It also encouraged an opportunistic market, considering that it was better to "protect" endangered cultural property at risk of being lost forever<sup>218</sup>.

<sup>216</sup> Elisabeth Errington. 2017 "The Charles Masson archives" British Museum scientific papers.

<sup>217</sup> Françoise Olivier-Utard 1997 "Politique et archéologie: Histoire de la DAFA (1922-82)". ERC.

<sup>218</sup> Roland Besenval 2013 "Les années noires du patrimoine archéologique d'Afghanistan" Cahier d'Asie Centrale n°21–22.

### *The return of international assistance*

At the end of 2001, the intervention of the international coalition and the creation of the Islamic Republic of Afghanistan opened a new page in the country's history. International aid provided considerable resources for the reconstruction of the country. Looting, while not really ceasing, declined significantly in areas where archaeological excavations could be undertaken. Looting even ceased where former looters were hired as site workers. Paid regularly, they provided their communities with a stable, "legal" income, even stimulating the local economy.

During this period, it was also possible to assess the impact of looting on archaeological sites. The findings were catastrophic: almost all known sites were studded with the stigmata left by the activity of looters, who had thus become the best means of identifying ancient sites on satellite images. It was also clear that data from the "Archaeological Gazetteer of Afghanistan"<sup>219</sup> published in 1982 had been used to facilitate the work of underground archaeologists.

Since 2017, with the disintegration of the authority embodied by the Islamic Republic of Afghanistan, looting has taken on a new dimension, mainly in northern Afghanistan. Until now, clandestine excavations had involved individuals or groups of people using the means at their disposal to work in the fields (shovels, pickaxes, sometimes tractors to extract large, sculpted blocks) and taking part in these operations according to their availability after carrying out their usual activities (farming or handicrafts). However, based on satellite images and information from local contacts, we have noticed that earth-moving machinery is now being used, requiring the intervention of specialists, heavy logistics and the implementation of structured financing plans. The 2019 reissue of *the Archaeological gazetteer of Afghanistan*<sup>220</sup> with more precise site locations proves all the more inopportune. Hundreds of sites have been exploited, giving us an indication of the quantity of objects that have been put into the illegal antiquities trade. Since 2022, this massive phase of looting has slowed down. In northern Afghanistan, this slowdown seems to correspond to the development of major development projects that have attracted mechanical resources and manpower.

## **An attempt to analyse a process**

### *The economic factor*

Illegal trafficking in antiquities is seen by the individuals or communities who engage in it as an activity enabling them to obtain additional financial resources. Afghanistan's economic situation since 1979 explains the evolution of the antiquities market as a way to release alternative financial resources in times of crop failures, droughts or pressure from politico-military groups controlling the country.

### *Networks*

Until the 1970s, individuals or local communities entrusted the archaeological objects they found to their chiefs, and in large farming towns to jewellers who often acted as bankers or moneylenders. It was then up to them to contact the merchants in the larger towns. With the development of political instability and the establishment of clandestine financing networks, this organisation changed.

The drug trade, fuelled by the products farmed by the Afghan peasants (hashish, opium), was highly structured, highly ramified and, above all, worked in direct contact with the people behind the antiquities trade, thus providing the means for the wider distribution of antiquities. What's more, in the event of a poor poppy or hashish harvest, antiques became a means of compensating for financial losses, as well as a sort of

<sup>219</sup> Ball 1982 "Archaeological gazetteer of Afghanistan".

<sup>220</sup> Warwick Ball 2019 "Archaeological gazetteer of Afghanistan".

potential reserve of negotiable valuables in case of need. As a result, the time it takes for archaeological pieces to emerge from the ground and appear on the market can be variable, lasting up to several decades.

#### *The market*

From the 1980s onwards, the market for Afghan antiques changed. Until then, most buyers (expatriates; collectors) went to the country of origin to obtain what they wanted. The deterioration of the security situation and the establishment of illegal trade networks led to the organisation of export systems leading to the countries where potential customers were located.

## What are the solutions?

#### *Implementing and reinforcing an asset watch system*

From 2021 onwards, the DAFA has been responsible for setting up a patrimonial watch system in France. The aim was to observe developments in the looting of archaeological sites and in the market for archaeological artefacts. As a rapid consequence, it has increased the vigilance of the services involved in the repression of the illegal traffic of cultural goods both in Afghanistan's neighbouring countries and in the countries where the potential buyers *in fine* are located. The long-term goal is to take effective measures until it is possible to reinforce the actions of the authorities in charge of protecting cultural heritage in the country itself.

#### *Training Afghan authorities and international support*

The fight against the trafficking of antiquities must be carried out first and foremost in the country of origin, and from this point of view Afghanistan is in a critical situation. After 2021, most of the personnel trained in cultural heritage management left the country, and those who remain have very few resources with which to carry out their duties.

The training of young Afghans, both inside and outside Afghanistan, is therefore essential if local expertise is to be available in the longer term. It is also clear that, for the time being, only international aid can improve the current situation. Training customs personnel is also a priority, as the vast majority of seizures at customs turn out to be crude forgeries.

The completion of an archaeological map for site management is also essential. It is, however, essential that this is conceived as a tool specifically for cultural heritage specialists, rather than as a conventional scientific publication which would provide the public with the means to engage in a treasure hunt – as was done with the archaeological gazetteer.

#### *Actions in buyer countries*

To effectively combat the illegal trafficking of cultural goods, it is essential to take action against both the actors behind this criminal system and those who benefit from it. The measures taken in this direction over the last few decades have shown their limits, and other approaches are needed.

In line with the archaeological watch which has been set up, the DAFA has taken the initiative of building a database of privately-owned Afghan archaeological objects and tracking their movements. By keeping track of these antiquities, it should eventually be possible to improve the work of tracing their origins, prevent them from disappearing or being illegally exported, and open up the possibility of seeing them integrated into public collections or returned to their country of origin.

Raising awareness among heritage specialists and scientists in purchasing countries could be an alternative. Conservators-restorers and researchers who may be approached by private collectors and thus have access



to objects of heritage interest should systematically inform the relevant authorities if there is any doubt about their origin.

## Conclusion

The situation of Afghanistan's cultural heritage is very worrying. Action to protect it, and above all to combat the trafficking of cultural goods, is therefore a priority. It is nevertheless clear that, without speculating on the future situation in Afghanistan, it is necessary to put in place or reinforce the mechanisms that will enable us to change this situation in the long term.

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## Pascal Butterlin - Mari, chronicle of a patrimonial disaster in the Syrian fiasco

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The outbreak of the Syrian conflict in 2011 has had catastrophic consequences for the country's heritage, the study and enhancement of which had seen unprecedented growth since the 1980s. From the outset of the conflict, archaeological sites have suffered varying degrees of damage. They have been the subject of careful monitoring, but also of immediate political instrumentalisation. In the case of Syria, the conflict has become multi-faceted, both in terms of the actors involved and the different regions affected at very different rates by the confrontations and subsequent actions of the various protagonists.

The arrival of Daesh in the conflict, and more specifically in the east of the country from 2013–2014, considerably altered both the scale and nature of the damage observed: in addition to the destruction linked to military operations and looting perpetrated by all the actors in the conflict, there were planned looting operations, sanctioned by the "Khalifat" administration, but above all spectacular destruction, filmed and broadcast by the Islamic State's propaganda media and relayed without the slightest critical analysis by the Western media.

Among the sites that have fallen victim to these operations, Tell Hariri-Mari offers a particularly significant example, alongside other equally affected sites such as Dura Europos, Apamea, and Palmyra. The aim of this article is to take stock of what is currently known about the history, nature and consequences of this looting and destruction, which is already one of the greatest heritage disasters of this century.

Mari, an emblematic city of the Syrian Bronze Age, was a very fragile site. The war has turned this Tell Hariri site into an ideal target in the Syrian conflict. The discovery of the remains of the legendary ancient city of Mari was one of the great archaeological discoveries of the 20<sup>th</sup> century. André Parrot discovered the site in December 1933<sup>221</sup> and over the course of 49 excavation and survey campaigns, French archaeological missions gathered an exceptional wealth of information on one of the great royal cities of the Syro-Mesopotamian world (**fig. 1**). Over the course of these campaigns, Mari became one of the most emblematic excavations of the archaeological collaboration between France and Syria, and of the implementation of a long-term scientific diplomacy.

Mari was a major centre from its foundation in 2900 BC until its destruction in 1759 BC by King Hammu-rabi of Babylon. The multiple levels of destruction suffered by the city over the course of its history have yielded exceptionally well-preserved assemblages, testifying both to the major role played by the city in the political life of the Middle East during the Bronze Age and to the profound originality of its material culture.

Throughout its exploration by several generations of archaeologists, the site has regularly yielded artefacts from this period, as demonstrated by the discoveries of the last decade of excavations: thousands of cuneiform tablets were discovered in 2001–2002, new royal inscriptions in 2007 and statuettes of orants in 2009 and 2010. At the time legal excavations on the site ceased, it was estimated that barely 8% of the site had been explored, and its archaeological and heritage potential remained considerable.

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<sup>221</sup> PARROT 1974; BUTTERLIN and CLUZAN 2014; BUTTERLIN and MARGUERON 2017.

As the conflict unfolded, a disastrous chain of looting was observed, lending itself to a veritable typochronology. The French archaeological mission suspended its fieldwork in April 2011, at the request of the French Ministry of Foreign Affairs, as did the overwhelming majority of other foreign archaeological missions operating in Syria in 2011 (around 150 international teams). At the instigation of the Consultative Commission for French Archaeology Abroad, precautionary measures were taken to enable the archaeological missions to continue their work remotely, and as early as December 2011, work began on monitoring the damage and destruction. This work is taking place within the framework of the development and publication of the archives of the Mari archaeological mission. To this end, two exhibitions have been organised, one in Paris in 2014 and the other at the Musée Royal de Mariemont, then in Strasbourg in 2023–2024, where the issue of damage to the site was addressed. In both cases, it became clear that these archives are equally a scientific and a heritage tool, and that their study is part of an approach to the history of the city and the site, where several temporalities collide. One of these is the history of the damage suffered by the site, whether from looting or from the archaeological excavations themselves, which have left their own scars. Monitoring this damage from a distance soon proved to be a challenge, given the diplomatic and security situation. We have reconstructed the chronology of events in Mari within the overall context of the conflict.

Mathilde Mura studied these satellite photos and conducted a survey of the damage that had occurred on the site. The site underwent four distinct cycles of looting between 2012 and 2017, with different *modus operandi* and clearly identifiable damage. Most of the damage occurred during the Daesh occupation, with a veritable *baroud d'honneur* on the eve of the site's relative "liberation" from Daesh control in December 2017. As part of the Labex Les passés dans le présent, the Mari mission took part in the Patrimoine du Proche-Orient project supported by the French Ministry of Culture. The website dedicated to Mari<sup>222</sup> highlights not only the mission's archives, but also the studies carried out on the damage done to the site.

The combination of high-resolution satellite images and drone images has enabled the Mari archaeological mission, in association with the company Iconem, to produce a model of all the damage (Digi Mari programme). This work, which is currently underway, makes it possible to combine data from the mission's archives with more recent documents, enabling us to measure precisely where the damage occurred and in which sectors of the ancient city, as well as its extent. The creation of a geographic information system makes it possible to model the excavated remains in 3D, and to locate and measure the damage. This enables an assessment of the extent of damage and looting. A new action plan for the site can then be prepared for the near future, we hope.

The work involves combining several categories of documents: first and foremost, the 3D model of the site, based on the latest topographical survey carried out on the site under my direction in 2007–2009. This georeferenced model is the working basis for the excavation, integrating all the excavations carried out on the site since 1933 by combining successive topographical data. Given the depth and location of the looting holes, on a site that has also been intensively excavated by French missions, we can assess the nature of the damage and extrapolate the number and potential quality of the objects discovered.

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<sup>222</sup> <https://archeologie.culture.gouv.fr/proche-orient/fr/mari>.

Among other things, this looting has fuelled a market in "blood antiquities", the commercialisation of which has financed terrorism, whether the objects are fakes or genuine. A considerable number of objects reputed to have come from Mari have been put up for sale on the markets, but there is a clear discrepancy between these objects and what should be arriving on the market, according to our expert assessments

based on satellite photo data. This gap is primarily due to the presence of a considerable number of fakes, particularly statuettes. We know that forgeries based on Mari statuettes have been produced by workshops in Syria and Lebanon for decades. Several workshops have been identified as producing fakes, and these objects were produced and sold like the real ones, thanks to the "windfall" effect of the conflict and the market's expectations. Some of them had been in store since the 1950s and were sold and paid for by the buyers as if they were genuine objects, thus financing terrorism in the same way as genuine objects, which are still missing. Very few have so far been spotted, and this is the second point to bear in mind. To my knowledge, no tablets from Mari have yet been found, nor any objects from Mari III (with one exception), the city most affected by the conflict. Without going into detail, it's clear that the fruits of this industrial-scale looting have so far escaped notice, either because the objects have remained in Syria, or because they have been kept secret. Thousands of ceramics have been collected, which are not or only marginally marketable, but other objects are, and they escape us completely. This mismatch is one of the great challenges: forgetting and amnesia are part and parcel of the job of laundering blood antiquities, especially when those involved in the looting themselves and their commercial partners enjoy total immunity in the name of political realism.

The French archaeological mission in Mari has thus contributed to the development of a pioneering discipline, conflict archaeology, which is a rapidly expanding field, given the wide range of issues involved in the Middle East. Several excavation strategies and methods were used on the site, some of them concurrent. It seems, however, that as the looting progressed, the search methods became more mechanised, with the damage that occurred in Cycle 4 in particular being more concentrated and much more serious in its extent and depth. The targeting of a few specific monuments, often excavated long ago or in the 1980s, suggests a planned operation accompanied by substantial resources by "professional" actors familiar with the history of excavations. The two previous episodes seem to have been carried out with lesser means, and with a view to spreading out from the excavations of the years 1990–2000. We are now beginning to understand the extent and methods of this antiquities trade, which has developed despite all the warnings issued by the scientific community.

The situation at the Tell Hariri archaeological site remains difficult to assess, as the region is at the heart of all contemporary conflicts. Located not far from the road leading from Iraq to Syria, which has become a major traffic artery controlled by the Syrian army between Iran and the Levantine coast, the site is in an area still inaccessible to researchers. Looting seems to have stopped, but it is not yet possible to intervene on site. The damage that has occurred is either fading through erosion or is becoming more pronounced in the absence of active protection, since the site is still not accessible seven years after its supposed "liberation", in an extremely unstable region.



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## Morgan Belzic & Vincent Michel - Libya: laboratory for the study of illicit trafficking of archaeological goods

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### Libya's singularity

The singularity of Libya lies in the perception that the local population or foreigners had of it. Long ignored, Libya has always been outside the main circuits, even if in the 18<sup>th</sup> century the cities were still visible if partially buried in Cyrenaica or buried in the sand in Tripolitania. During the 19<sup>th</sup> and 20<sup>th</sup> centuries, Libya's heritage did not suffer the same fate, exploratory or touristic, as neighbouring countries in the Eastern Mediterranean such as Egypt. For decades, the lack of awareness of its historical and financial value has effectively protected the heritage.

In the highly monitored police state of Colonel Muammar Gaddafi, thefts or damage were rare, although always possible. In addition to a lack of awareness by the population, the absence of mass tourism also played a decisive role in the protection of the sites, and a fairly limited illicit trade in Antiquities means that the heritage has not been squandered. Libya has never opened up to tourism because it did not need it, having solid revenues from the oil windfall.

This situation persisted at the beginning of the 2011 revolution – the archaeological heritage was relatively spared because it was never targeted or presented as a strategic issue. The fighting often took place far from the sites, with the exception of Sirte in the centre of the country or sporadically in small towns such as Bani Walid. From the beginning of the conflict, the staff of the *Department of Antiquities* played a major role, immediately mobilising to prevent any risk of theft, particularly by closing museums and sheltering and hiding their collections. In some small museums, however, there have been thefts and acts of vandalism. There is the case of the theft of thousands of coins from inside the National Commercial Bank of Benghazi in March 2011, which remains a unique and still very mysterious event.

### Criminal connection between trafficking

Although the archaeological heritage has suffered little damage until now, the situation has deteriorated since 2013–2015 with the atrocities committed by Daesh, particularly in the museums of Mosul in Iraq and Raqqa in Syria, but also on the site of Palmyra. Such attacks, even more than 3,000 km away, have caused real trauma in Libya. Museums and sites, particularly non-Islamic sites, within reach of the Salafists, are afraid of actions imitating what was happening in the Middle East.

Political instability, the presence of local militias, the circulation of weapons, the absence of a State authority occupied with priorities other than the protection of archaeological sites, has favoured the growth of thefts, destructions, and trafficking. In fact, wars have always been privileged moments of attacks on heritage and Libya has witnessed agreements and macabre exchanges of "arms for antiquities" orchestrated by example from Sirte, linking terrorist groups to different mafias. The mode of operation and organisation of terrorist groups has many similarities with the mafia structures of Italian organised crime according to some documents<sup>223</sup>, for example the links between the Calabrian mafia of the 'Ndrangheta and the Islamic State attested in 2016. From the region of Sirte, works of art and archaeological objects looted in the regions

<sup>223</sup> <https://www.courrierinternational.com/article/italie-la-mafia-fait-elle-affaires-avec-letat-islamique>, consulted 29/08/2025.

controlled by the Islamic State enter illegally into Italy, in the port of Gioia Tauro , where the 'Ndrangheta is present. The transport is ensured by the Chinese mafia using their boats and containers. In exchange for the

looted works of art, the Calabrian mafia, in collaboration with the Camorra, ship different weapons, such as Kalashnikovs or grenade launchers that it holds due to its historical links and trafficking with Russia, Moldova, or Ukraine. The archaeological objects then leave for Russia, China, Japan, and the Emirates. In addition to arms trafficking, the trafficking of cultural property also combines with the very lucrative organisation of human trafficking from the African coasts; suspicions exist between Libya and Tunisia in particular where cultural property is said to be used as viaticum to pay the smugglers.

## Typology of attacks on Libyan heritage

Apart from natural disasters and the lack of maintenance of heritage due to the lack of resources in times of instability, there are two situations regarding Libyan heritage: either the heritage is targeted, or it is the victim of collateral damage.

In the first case, religious destructions are attacks carried out by Salafists against mausoleums, schools, mosques, and holy places generally of Sufi obedience. It is an interfaith fight in a climate of anarchy, impunity, and religious tensions. Beginning in Cyrenaica in the city of Derna, the main destructions were then recorded in the large mosques of Tripoli, Zliten, Misrata; in Zuwayla, seven mausoleums were destroyed. Acts of vandalism have affected Libyan heritage. Even if they have always existed, they have increased, gradually moving to tombs and monuments with graffiti in Cyrene. It is often impossible for the *Department of Antiquities* to monitor the hundreds of sites in the region.



**Fig.1:** Looting of a tomb in Cyrene, 2014  
©Susan Kane, 2014.

For archaeological heritage, the main scourge comes from rampant and uncontrolled urban planning. In the absence of state authority to enforce the law and in the security chaos, the necropolises surrounding the cities have become real "open-air antique supermarkets", suffering from ransacking linked to the expansion of modern cities. Illegal constructions compromise the integrity of archaeological sites with the destruction of tombs, the direct consequence of which is the discovery of objects that will not be inventoried by the *Department of Antiquities* ; they circulate and feed the art market, leading indirectly to the development of another scourge, that of clandestine excavations with looting this time, targeted at funerary objects (**fig. 1**).

## Archaeological singularity of Libya

As indicated on the Libyan Red List (**fig. 2**), there are many types of objects at risk of looting and theft, but the difficulty in finding them is that most of them are quite common and are found indiscriminately all around the Mediterranean basin during the periods of the vast Greek, Hellenistic, and Roman empires. Most objects that have not been published or catalogued during scientific excavations will have little chance of being identified as coming from Libya. However, there are two types of sculptures that are specific to Libya, and more particularly to Cyrenaica, that are found nowhere else and that serve as "valuable regional markers". These are busts of a woman generally identified with a funerary deity from the Greco-Libyan period, sometimes faceless, (7<sup>th</sup> to 1<sup>st</sup> c. BC) (**fig. 3**), called "Cyrenaican funerary divinities" and "Cyrenaican funerary portraits" from the Roman period (1<sup>st</sup> to 4<sup>th</sup> c. AD) (**fig. 4**).



**Fig 3:** Ongoing looting of a funerary divinity in Cyrene, 2014. © Mercedes Fonte Cuy, 2014.

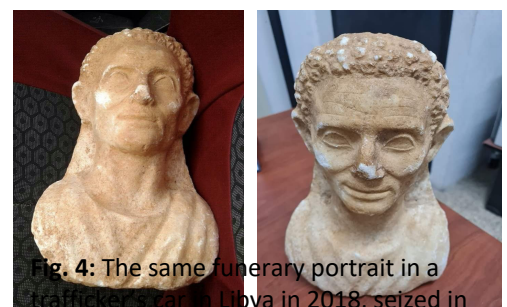
The characteristics of these marble sculptures (dimensions, material, style, treatment of the face, and presence of a veil) indicate without any hesitation that they come from one of the many necropolises of Cyrenaica where they were displayed in Antiquity, either to protect the dead (the divinities), or to represent the dead (the portraits). The interest of these sculptures is that they are easily identifiable, having no equivalent in the rest of the ancient world. It is a type locally conceived, designed, and used only in Cyrenaica, made in local workshops using different local styles, even if the marble is always imported from Greece or Italy. Never having had a vocation to travel, unlike other non-funerary objects, discoveries outside Libya suggest suspect circumstances. Furthermore, the history of these objects are now very well-known from the 18<sup>th</sup> century AD.

In this way, since 2012 Libya has become a real laboratory for the French Archaeological Mission in Libya (MAFL) to study of trafficking in cultural goods and their laundering. The study of trafficking in Libya allows us to understand the means used by traffickers to cover their tracks of stolen and looted objects. During public auctions or in galleries, these sculptures strangely resurface and the MAFL tries to identify and analyse them.

If they had been discovered during old excavations, they would have been documented, since all the sculptures discovered legally, formerly with the authorisation of the Ottoman Empire, were published.



**Fig. 2:** ICOM's Red List for Libya, 2015.



**Fig. 4:** The same funerary portrait in a trafficker's car in Libya in 2018, seized in Tunisia in 2022.

© Left : Department of Antiquities, Benghazi.

© Right: Customs of Tunisia, 2022.



In 1912, the definitive export of antiquities became illegal when Libya came under Italian control. In 1953, the "Royal Decree-Law on Antiquities " prohibited any marketing abroad. There was only one exception, when excavations were shared with foreign missions working on Libyan soil, and only then was export allowed with authorisation, and this only until 1968. In 1973, Libya ratified the 1970 UNESCO Convention, showing its willingness to take measures to prohibit and prevent the illicit import, export, and transfer of ownership of cultural property to combat illicit trafficking in cultural property. In line with the ratification of the 1970 UNESCO Convention, the Antiquities Laws No. 2 of 1983 and No. 3 of 1994 prohibit the export of antiquities outside the country, except for study and for a limited period. Although these laws unfortunately did not prevent trafficking, they did provide a regulatory framework for combating this trafficking.



**Fig. 7:** Cyrenaican sculptures sold by Jaume Bagot (Spain) between 2013 and 2018.

Illegal excavations were not very numerous in the 20<sup>th</sup> century in Cyrenaica, though some sporadic cases of looting were recorded from the 1990s during the creation of the new city of Cyrene, the current Shahat, and at the beginning of the 2000s with the first thefts reported in museums. The civil war from 2011 created a new period of vulnerability where, taking advantage of the chaotic situation, looting, especially of necropolises located on the outskirts of cities, increased.

Many sculptures from Cyrenaica, previously unknown because they were looted, appeared by the dozen at sales, sometimes even accompanied by sculptures stolen from other museums in Libya (Cyrene, Derna, and Sabratha).

The appearance of these two types of sculptures in the art markets is accompanied by the multiplication of seizures throughout the world, from Thailand to Brazil, uniting local looters with international traffickers of Antiquities. Thanks to the recent work of the MAFL, DoA, and Benghazi University, we have thus gone from around 180 published funerary divinities to more than 380, and from 150 published funerary portraits to 350. At least 200 of these are circulating on the art market, outside of the research community.

## Real lab for the study of laundering

The interception of a large number of antiquities by the Libyan Department of Antiquities, international police services and archaeological missions, and photographs taken by looters or their local intermediaries for the purposes of selling them (**fig. 5**) to the highest bidder, allow us to follow certain sculptures throughout their journeys.

The ongoing case of the Spanish art gallery owned by Jaume Bagot (**fig. 6**) has highlighted that the Libyan objects circulated from "source countries" to "market countries" in record time. Those stolen from Libya in January 2015 had arrived in Spain in March 2015 (2 months) and those stolen from Libya in May 2015 had arrived in Spain in September 2015 (4 months): proof of the existence of a short but complex network



**Fig. 5:** Occasional looter's post on Facebook, 2021.  
© Morgan Belzic.



moving the objects from Cyrenaica with numerous registrations and international transfers from countries that prohibit the export of antiquities, such as Libya and Egypt.



**Fig. 6:** Cyrenaican sculptures sold by Jaume Bagot (Spain) between 2013 and 2018.  
© Morgan Belzic.

The objects were mainly transported, by land and sea, through Egypt and Jordan to the United Arab Emirates, then to Germany and Spain; Turkey and Thailand are other transit points. These winding roads were used to hinder their traceability and ultimately attempt to erase the origin.

This is the case of a batch of around fifteen figurines stolen from the archaeological reserves of Cyrene in 1999–2000 and inventoried in the Interpol database from 2000, which we can follow at a global level because they were identified during research and documentary monitoring (see “Cyrene theft” case study).

Elsewhere, a container of toilet paper seized in 2015 in the Egyptian city of Damietta hid more than a thousand pharaonic objects and seven Libyan funerary sculptures bound for Bangkok, chartered by an Egyptian company for the benefit of another company in Dubai (See “Damietta and Port Said” case study). The objects were seized by customs before leaving Egyptian soil.

In another example, a funerary deity (**fig. 7**) noted as “marble decoration” “over a century old”, originating from Turkey, worth £110,000, from “Mr Fazeli’s personal collection since 1977” left the Emirates for England and was seized on leaving England, after being restored and labelled “17<sup>th</sup> century Greek”.



**Fig.7:** Cyrenaican funerary divinity, seized in UK in 2013.  
© Morgan Belzic/  
British Museum,  
2016.

The same procedure applies to pillaging, the methods of which can be followed with three Libyan portraits bearing the names of Roman emperors (Caesar, Augustus, Domitian) and with a deliberately vague provenance (“originating from one of the Roman provinces of North Africa”); or a statue known to come from Cyrene but which, when crossing the Spanish border to be sold in France, strangely changed its identification to a Roman bust of Vesta (see the “strategies” case study). Finally, female portraits photographed in 2013 by a group of traffickers in Libya appeared in 2015 in a catalogue of an auction house in London, with a false identity and completely reworked: a restorer removed her side bands so that she could no longer be recognised.

There are many other examples, and we only see the tip of the iceberg of this opaque market where works arrive in Europe or Asia and the United States, often with false documents to attest to their “authenticity” with false “pedigrees” in order to reassure the buyer as to the apparent legality of the provenance and traceability.

From 2008, with the return of the *Venus of Cyrene* which had been transferred to Italy in 1914, we can now see an increase in the repatriation process thanks to the number of seizures. In 2021, the head of Faustina was stolen by the Germans from the Apollonia Museum during the Second World War and then acquired in Austria, from where it was returned to Libya. Since 2012, the MAFL and Department of Antiquities (DoA) has succeeded in seizing 35 sculptures and many were identified in seizures using documentary monitoring. Ten have already been returned to Libya (**fig. 8 and 9**).



**Fig. 8:** Restitution ceremony in Tripoli, March 2022.  
©Libyan Department of Antiquities.



**Fig. 9:** Restitution ceremony in Madrid, November 2023. ©Morgan Belzic.

In addition to judicial repatriations, awareness of the value of heritage through the efforts of civil society, schools, and the DoA, there are significant and publicised citizen repatriations in Cyrenaica. In organised events, the Cyrenaeans hand over their finds to the *Department of Antiquities* and after a ceremony are presented with a diploma of honour. The objects seized and recovered were presented to the public for the first time in Libya during an exhibition of returned artefacts from 16–18 July 2018 at the Cyrene Museum. The museum regularly presents new repatriations with great media coverage and school visits.

Libyan heritage remains vulnerable in the face of increasingly inventive traffickers. The MAFL is organising interdisciplinary actions, from the identification of objects by experts, to the use of judicial powers with trained magistrates in large numbers for each case, throughout the time of the investigation, aligned with cooperation with the gendarmery, police, and customs officers. The measures aim to return the objects to the State or to the individual who was illegally dispossessed of them.

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## Hiba Qassar – Social response to looting archaeological sites in the Middle East: comparative analysis of case studies in Egypt and Syria

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The Middle East is the home of ancient civilisations. Countries like Syria and Egypt hold key archaeological sites that pre-date modern national and religious identities. For the last two decades the region has been experiencing social, economic, and political unrest which put the rich cultural heritage of these countries at high risk. Within this context, many regional and international initiatives were taken to protect this heritage from various types of destruction. International organisations and donors' meetings usually stress the vital role of local communities in protecting cultural heritage in the Middle East in crisis times. However, the very local dynamics through which communities can effectively assume this role are still overlooked. This paper will address this issue by comparing a few case studies in Egypt and Syria.

### Overview: archaeology as heritage in the Middle East?

The term cultural heritage is used by UNESCO, by international organisations, and generally in western academic literature to refer to archaeological sites among other types of cultural assets. It may include monuments, buildings, artefacts, traditions, rituals, languages, and other forms of cultural expression that hold scientific and social significance (UNESCO, 2009). The linguistic meaning of heritage refers to transmission from a predecessor to a successor. The value of what is transmitted makes a tradition or a site, a heritage. Continuity is key to the notion of heritage. In the case of intangible heritage, such as languages or traditions, continuity guarantees sharing them horizontally (within a group) and vertically (between generations) in a way that these traditions or languages continue to hold a “functional” value to their given communities. In the case of tangible heritage, the value for locals is related to a historical landscape that they are familiar with and maybe proud of. Among tangible heritage, religious historical monuments, such as churches or mosques, represent centuries of spiritual continuity and locals in the Middle East are highly connected to them since religious identity is usually important.

By contrast, unearthed archaeological sites in the Middle East represent a broken tradition (Buccellati, 2018). These places were abandoned a long time before the arrival of the modern societies living in their vicinity and needed the efforts of archaeologists to bring their histories back to the light (Buccellati, 2017). Once these histories are discovered, further efforts are needed to engage locals within these sites through long term projects that involve interpretation, preservation, and presentation to transform the archaeological findings into a meaningful cultural asset to the locals. In Egypt and Syria, does the discovery of archaeological sites include such activities? Do modern Egyptians or Syrians perceive a site that dates to the third millennium BC and was abandoned almost three thousand years ago as heritage?

Several factors determine how local communities perceive and relate to archaeological sites in both countries. The political and historical circumstances in which archaeology and archaeological sites were promoted to locals are central to understanding these perceptions.

First, and chronologically, the colonial archaeological practices in the Middle East have deeply and lastingly shaped the attitudes of local communities towards archaeology. Their legacy continues to influence contemporary practices. At that time, locals were seen as cheap labour on excavation sites run by Western archaeologists rather than as important stakeholders of archaeological discoveries (Gillot, 2010; Al-Quntar, 2013; Kanjou, 2018). Local voices were thus marginalised and the access to archaeological knowledge was restricted to scholars or the western public since most publications were not in the local language (Arabic or

any other ethnic local language). Prior to independence and shortly after, in both Syria and Egypt, intellectuals and local authorities started recognising the importance of engaging locals with the ancient history of the country to protect this history and to turn it into heritage, by spreading a sense of pride and pertinence to it (Qassar, 2016). For example, in Egypt, archaeologists like Ahmad Kamal advocated for training Egyptians to understand, work in, and manage their own archaeological heritage (Reid, 2003). Shortly after independence in 1922, amid growing nationalism, Howard Carter's discovery of Tutankhamun's tomb sparked indigenous Egyptology (Walker, 2012). Saad Zaghlul, one of the architects of Egyptian independence, then Prime Minister for a brief period (1924), ensured that Egyptians managed the tomb, with emphasis on national dignity and pride during the reopening ceremony (Hoving, 1978). Nationalists also opposed American archaeologist James H. Breasted's proposal for a museum controlled by an international commission, even though Cairo needed such a museum, because they believed that Egyptians should control their own past (Wood, 1998).

The focus of local interest in ancient history has changed over time. While Pharaonic Egypt was seen as a source of pride and identity at the beginning of the 20<sup>th</sup> century (Fekri, 1998), Islamic values and history gradually took over pre-Islamic history (Wood, 1998). In both Egypt and Syria, the construction of the postcolonial State involved the integration of ancient history in the broader narrative of Arab identity, and archaeological practices were used to build national identity (focusing on Arab unity) and legitimacy. Although Arab nationalists' governments acknowledged the importance of ancient history, they often have favoured the Islamic period (Fekri, 1998, Wood, 1998). This selective and political use of ancient history was spread through textbooks and educational curricula, leading to a false understanding of these sites among local communities. The severe impact of the misleading interpretation of ancient history was clear in Syria and Egypt in recent times, as ancient sites became contested spaces, targeted for ideological reasons or financial gain.

The negative perception of ancient sites by local communities is also related to the policies and laws imposed by the governments in both countries. For example, the Syrian Law of Antiquities in Syria, adopted in 1963, laid down the rights and duties of the archaeological missions and gave all rights of antiquities to the "Syrian people" (while the Egyptian law classifies them as "public property"). When antique or archaeological materials are found on one's personal property, the Syrian government usually takes over the property without proper indemnity or compensation. This has led to growing hostility towards archaeology or antiquities and has resulted in the lack of preservation and maintenance of cultural heritage by individuals and communities (Qassar, 2020).

These factors, among others, have created gaps between local communities and archeological sites. They could partly explain the involvement of local populations in the looting and destruction of archaeological heritage in times of crisis. However, local responses to antiquities preservation vary considerably from protection to destruction and from one place to another, which requires further exploration of the reasons for these divergent responses.

## Egypt: what is heritage and what is not

Following the revolution of the 25 January 2011, the amount of illicit excavation has escalated to unprecedented levels (Zakaria, 2019). Many archaeological sites were targeted and damaged such as the Dahshour site near Cairo (listed as a UNESCO world heritage site), Abu Sir Al-Malaq, Tell-Aziz located in the Mit Rahina region (al-Arabiya, 2014), and many others (Duqeil, 2021). In 2022, a large number of violations

such as excavations, smuggling, or illegal possession of antiquities were still being reported in the weekly bulletin issued by the Ministry of Interior (Al-Arabi, 2022).

Beyond the destruction of sites and outdoor digging, which can be monitored using satellite images and site guards, there is significant concern over individuals excavating beneath their own homes. In a country rich

in archaeological artefacts and experiencing unchecked urban development, this type of illegal excavation is prevalent in rural areas, resulting in severe site destruction and even human casualties (Abu Baker, 2020; Hamdi 2022). Excavations under houses are extremely difficult to control. According to the police, these illicit practices are usually discovered through the collaboration of neighbours, who notify the police, either because they are aware of the cultural damage caused by looting, or because they are afraid that such diggings could lead to the collapse of their own house – the latter represent the majority, according to the Egyptian authorities (Al- Hayah Network 2014).

Faced with these two types of looting (during the period of security chaos between 2011 and 2013, and the more lasting one linked to urban construction), the social response remains weak. For many of Egyptian people, looting antiquities is considered as a rooted and natural act which is mainly linked to high influential figures (Fawzi, 2018; MCD 2021).

This reality highly contrasts with the civil society movement which emerged in 2020 to protest against the demolition of the historical cemetery, known as the City of the Dead, in Cairo. These demolitions are part of a government plan to modernise the capital by building highways to connect the historic centre of Cairo to the new administrative capital, 40 km southeast of Cairo, under construction (Amin, 2023). The project illustrates the policy of urban development mega-projects desired by President Abdel Fattah Al-Sissi, who led the counter-revolutionary process and reestablished authoritarian rule from 2013.

The City of the Dead, part of the UNESCO World Heritage Site of Historic Cairo, has been both a burial site and a centre of life for thousands of impoverished families. It contains an impressive number of historic mausoleums and cemeteries, some of which date to the 7<sup>th</sup> century, but many of its landmarks are not registered under antiquities laws. In the summer 2020 the northern part of the cemetery was destroyed by bulldozers and many tombs, dating back to the beginning of the 20<sup>th</sup> century and belonging to well-known writers and politicians, were ruined (Amin, 2023). While the bulldozers were working, some families rushed to transport the remains of their loved ones and relatives, while others faced the problem of losing their homes (Darwish, 2023).

The demolition of the historical cemetery provoked public outcry. Many activists, conservationists, and architects started several social media campaigns asking the authorities to stop razing the site (Amin, 2023). Despite the repression that threatens dissident voices, other acts of resistance took place. In 2023, several art students defied the army and marched towards the city to document it before its inevitable demolition, and some of them were arrested. The same year, five members of a council formed by the state to cover the study of the destruction process resigned, despite pressure from the government on them to stay (Abdulla, 2023; Amin, 2023). The Egyptian Centre for Economic and Social Rights also filed a demand for the necessary protection for tombs and archaeological buildings in the historic Cairo cemetery area. However, the lawsuit was rejected by the administrative court in Egypt (Abdul Basir, 2023). In 2024, the government formed a new committee to assess the situation. But Mustafa Al-Sadiq, co-author of "Treasures of the Tombs of Egypt" and an advocate for protecting these antiquities, expressed pessimism, stating, "I am not optimistic because the committee members support demolishing tombs on the grounds that they are not registered as antiquities". Similar sentiments are prevalent on social media, where Egyptians express distrust in the government's decisions.



An explanation of this – unsuccessful – mobilisation to protect the city of the dead, in contrast to the looting of archaeological artefacts elsewhere, could be found in the interview with a Member of the National Agency for Cultural Coordination, in which she said, “we can’t justify its removal in front of the public opinion, because here it’s not about antiquities it’s about Heritage” (BBC, 2021).

## Syria: hope among the ruins

Looting of archaeological sites in Syria has been exacerbated by the conflict since 2011. The violence of large-scale fighting and the weakening of law enforcement were conducive to the destruction and looting of numerous sites, carried out by various state and non-state actors who were motivated by ideological reasons or the lure of financial gain. In such a chaotic situation, the rich cultural heritage of the country became vulnerable to irreparable damage and looting (Lababidi and Qassar, 2016).

Within this devastated landscape, the archaeological site of Tell Mozan (or ancient Urkesh), located in a very fertile area called Al-Jazira in northeastern Syria, may be seen as an exception. The region contains more than 140 archaeological sites (Gill, 2015), most of them were damaged by direct military actions, illegal excavations, or simply by neglect. This area has in fact been the scene of major military confrontations, notably after ISIS took control of a large part of this territory from 2014 and before the Kurdish-led Syrian Democratic Forces (SDF) regained control from 2018–2019 (Al-Ahmad, 2023). However, ISIS never reached the region of Tell Mozan and its vicinity, which is today under the SDF control. After more than a decade of conflict and the absence of any archaeological team on the ground, the site is still well maintained and shows no traces of illegal digging.

The ancient city of Urkesh is one of the most important cities in the ancient world and first cities in history. The official excavations started in 1984 by Giorgio Buccellati and Marilyn Kelly Buccellati, and led to the discovery of ancient Urkesh, which reached its apex in the third millennium BC. The city includes a monumental staircase leading to the third millennium temple, a deep necromantic pit named *Abi n Hurrian*, a typical Hurrian aspect where rituals took place to communicate with the netherworld, and a royal palace dates to the third millennium BC. (Buccellati and Kelly-Buccellati, 2004; 2007). The case of Tell Mozan represents a perfect example of what was mentioned above as “a broken tradition”. It also illustrates a process by which what are perceived as antiquities become heritage. Prior to 1984, Tell Mozan was only a hill, like many others with no cultural or historical value. However, since the beginning of the excavation, a long-term project has been set up around three foundation stones to engage locals and to introduce the ancient city to modern Syrians.

The first pillar of the project lay in access to knowledge for locals. Through the years of excavation in Tell Mozan, local workmen were considered as the main stakeholders in the archaeological knowledge (Qassar, 2016). Each year, the director of the excavations dedicated two lectures inside the site to explain in Arabic the history of the site, the new discoveries of the season, why the team decided to excavate certain zones and what the new discoveries were adding to knowledge of site’s history. A weekly presentation was also proposed to either the entire crew or to those of individual excavation units to explain in detail the development of the excavation over the whole site. Many workmen used to discuss the new discoveries and visit other units of excavation to connect what they discovered in their own zone. They were always encouraged to give their opinion about certain excavation inquiries and to ask the director about the work plan (author’s direct observations). This policy helped those interested to increase their knowledge and become active participants of the archaeological process.

The second pillar of the project aimed to favour presentation and conservation. While most of the archaeological sites in the region are made of mud-brick, excavation of sites made of this fragile material requires special processes to prevent the site from looking like a pile of dirt full of holes in less than a year.

From the outset, the archaeological team privileged simple systems of conservation and of presentation that could be maintained by local staff. The presentation system shows the value of the site and encourages the local visitors to learn about ancient Urkesh (G. Buccellati and Bonetti, 2003). This initial choice explained why the fragile walls of the third millennium royal palace are still standing, although the foreign excavation team has not been able to physically come back to the site since 2011.

The third crucial pillar was to sustain the local economy in the vicinity of the site. To achieve this objective, a plan of an eco-archaeological park, linked to preventive archaeology, was developed in 2009 to cover 54 km squared and 20 modern villages (Buccellati and Kelly-Buccellati, 2012). The outbreak of conflict in 2011 prevented the implementation of necessary legal steps for its realisation. Nevertheless, a small piece of the planned activities which were dedicated to women were implemented through the Urkesh Gate project between 2012 and 2016: this project aimed to empower female skills in handicrafts and sales and help them to secure a stable income in the nearby villages (Qassar, 2017).

Since 2012, the level of initiatives, led by the site directors and their staff, to engage local communities have increased drastically. They have included tours in the nearby villages to speak about the site, and exhibits in the nearby cities (AVASA<sup>224</sup>, nd). Several outreach programmes have also targeted the younger generation, through support for local schools, to turn the site into a focal point in the life of the young people and to make them aware of their role as protectors of the site, as owners and real inheritors (Buccellati and Qassar, 2023; Qassar, 2022).

## Conclusion

The Egyptian case shows two responses that are in complete contrast to one another. One displays locals plundering and justifying their plunder and the other shows a heroic resistance to the loss of a historical site. One might wonder why the City of the Dead is more valuable than the pharaonic antiquities for the locals in Egypt. Unlike archaeological sites that were abandoned thousands of years ago, the City of the Dead is populated and lived in by Egyptians that belong to different social and economic categories. It is also an historic burial site for important figures of Egyptian society. It uniquely blends historical and emotional significance motivating locals to protect it; therefore, it represents a perfect case of what heritage really is. As the situation stands today, it might appear to an outside observer that Egyptian authorities promote Pharaonic Egypt through the opening of new high-profile museums, which appeals to Western interests, while they continue demolishing a historical part of Egypt that people wish to preserve. This clash between authorities and local communities over the cemetery, which is on the UNESCO world Heritage list, might impact negatively on the Egyptian collective memory and on a common understanding of what is labelled “heritage” or of the value of the UNESCO world heritage list. By contrast, the project at Tell Mozan in Syria, which has been ongoing for almost 40 years, has successfully protected the archaeological site and transformed it into a social catalyst, creating a heritage site that local communities feel connected to and proud of. This demonstrates the effectiveness of sustained efforts and community engagement in preserving and integrating archaeological sites into local life.

The author asserts that to transform archaeology and antiquities into heritage in the Middle East, it is vital to respect local communities' needs and perspectives. The overuse of the term “cultural heritage” often implies an absolute value, ignoring its relative significance to different communities. This approach prevents a true understanding of local views and hinders efforts to integrate these sites into community life. To tackle this challenge, authorities and archaeologists should prioritise community-focused activities over purely academic research. Engaging local communities as key partners in the archaeological process, both during

<sup>224</sup> AVASA, the Italian *Associazione per la Valorizzazione dell'Archeologia e della Storia Antica/Association for Furthering Value Archeology and Ancient History*, is a research institute (founded on February 20, 2016) committed to the sharing of values that are rooted in the past. The past, when shared, constitutes the vertical dimension in time of our communal identity, linked to a specific territory. See more on [<https://www.avasa.it/sensibilizzazione.htm>].

and after excavations, ensures social and economic benefits and fosters lifelong learning experiences. Projects should also be planned as small to medium-scale initiatives with long-term goals, as short-term, large-scale projects often lose local interest once funding ends.

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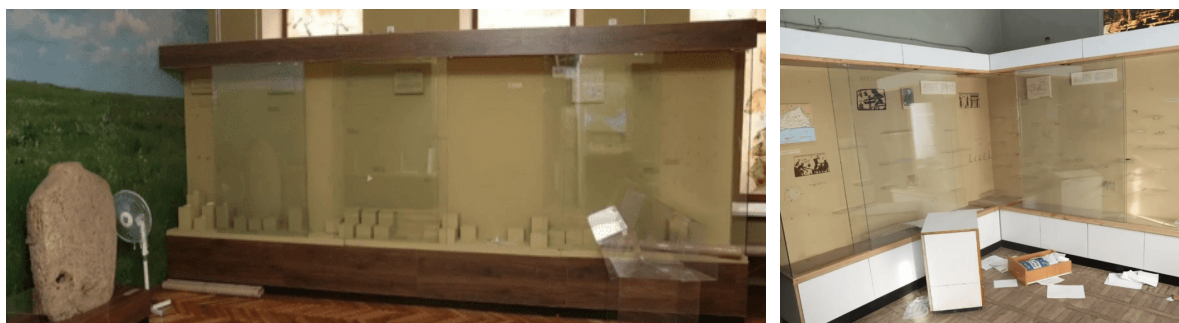
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## Evelina Kravchenko & Serhii Chaplian - The war in Ukraine and the evidence of the illegal traffic of cultural heritage objects stolen from Ukraine

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**Fig. 1:** Museum in Kherson after being looted, 2022 © Kravchenko & Chaplian.

The war in Ukraine has intensified criminal activities, leading to the emergence of substantial black markets for stolen cultural heritage objects.

The first wave became evident following the occupation of Crimea and Donbas in 2014. It primarily involved internet auctions, where archaeological objects typical of sites from occupied territories began to appear. Their condition indicated that they had been excavated and restored well before their emergence on these platforms. Evidence of this black market in archaeological artefacts was further supported by numerous criminal cases initiated after the 2022 invasion, uncovering illegal collections of antiquities transported from Crimea.

The second wave is directly associated with Russia's full-scale invasion. In the first half of 2022, this wave comprised items illegally removed from museums in Ukraine's border regions with Russia.

The third wave relates to the loss of Ukrainian jurisdiction over Crimea and other occupied territories. Millions of movable cultural heritage items are housed in museums, academic institutions, and archives throughout these regions. Some objects stolen from museums in southern Ukraine were relocated to Crimea following the occupation, together with artefacts unearthed during subsequent illegal archaeological excavations.

The Russian Federation enacted legislation simplifying the registration of cultural heritage objects from the Zaporizhzhia, Kherson, Donetsk, and Luhansk regions, bypassing proper state assessments and facilitating their deregistration. Currently, no public oversight exists over these cultural heritage collections. For example, before the occupation, the collection of the Kherson Local History Museum consisted of more than 170,000 exhibits. Approximately 85% of these items were confiscated by Russian forces, including valuable books, antique ceramics, and ancient sculptures (**fig. 1**).

To date, criminal proceedings have been initiated for all these cases, and law enforcement agencies continue their investigations. The prospects for recovering stolen cultural property remain complicated. Many artefacts exported to Russia are currently inaccessible to Ukrainian authorities. However, in cases where stolen cultural objects are further exported to third countries, Ukraine has an opportunity to reclaim them. For instance, in 2023, fourteen archaeological artefacts stolen from museums in occupied territories were returned to Ukraine after interception by US customs officials. Ukrainian authorities successfully proved the origin of these items, facilitating their repatriation (**fig. 2**).



**Fig. 2:** US representatives transferring the stolen cultural items back to Ukraine, 2023 © Kravchenko & Shuprik

The issue also involves illegal collections of archaeological items and their owners, who fuel the black market. Since the war began, some of these collections have been discovered abroad. For example, approximately 15 years ago, the Ukrainian public became aware of a collection of ancient gold jewellery owned by a Ukrainian bank and falsely presented as authentic artefacts.

Recently, parts of this collection were seized by police in Spain. Ukrainian experts are currently involved in assessing and attributing these items, which include both genuine artefacts and replicas. However, as the complete collection was not recovered, Ukrainian police suspect some items were previously sold. It remains unclear how the collection was transported across international borders.

Another significant case involved an illegal archaeological collection owned by a former Ukrainian member of parliament, suspected of attempting to smuggle it abroad following the outbreak of war in 2022. This collection, containing over 6,000 items (**fig. 4**), predominantly originating from Crimea, is now held by the History Museum of Ukraine for expert evaluation.



**Fig. 3:** Items from the collection detained in Spain, 2023. © Kravchenko & Chaplian.



**Fig. 4:** Artefacts from the collection of the former deputy of the Ukrainian parliament. 2022. © Chaplian.

Ukraine has yet to fully implement all necessary mechanisms to curb the black market. Current legal challenges include:

1. The absence of a legal presumption of state ownership for all archaeological objects found on Ukrainian territory, enabling black market participants to evade responsibility and potentially export valuable items.
2. Ambiguity in assigning objects of unknown origin specifically as archaeological objects.
3. Difficulties in proving the criminal nature of the illegal acquisition, possession, and trade of archaeological cultural objects, compounded by lenient penalties for such offences. This frequently results in categorising these acts as minor misdemeanors, significantly hindering investigations and prosecutions.

Establishing an international body dedicated to monitoring and contextualising the trafficking of illegal cultural items remains critically important.

## Sophie Biard - “The Royal Ways”: A short history of looting in Cambodia

**Sophie Biard**, plenary member of Institut d’Asie Orientale CNRS-UMR5062 and associate researcher at EFEO

The Khmer Empire of the Angkor Period (9<sup>th</sup> to 14<sup>th</sup> centuries) left a monumental impact on the history of Cambodia. More than 7000 archaeological sites, dating largely from this period, have been listed, and this in a country of less than 200 000 square km.

Cambodia saw a massive degree of looting during four decades of violence and political turmoil, lasting from the civil war at the end of the 1960s, through the Khmer Rouge regime and Vietnamese occupation, and until the arrival of peace at the end of the 1990s. Archaeological archives produced since the early 20<sup>th</sup> century highlight the progressive development of illicit trade networks and smuggling routes for Khmer art.

### Cambodian archaeological heritage before the 20<sup>th</sup> century



**Fig. 1:** The main archaeological sites of Cambodia.  
After a map ©OpenStreetMap contributors  
(<https://www.openstreetmap.org/copyright>).

The danger of looting was foreseen by the people who built the temples. Curses against criminals who would dare to steal the wealth of the gods can be found in several inscriptions. Before the 20<sup>th</sup> century, looting concentrated on precious materials that were probably smelted down for reuse, explaining why so few examples of the rich furnishings and luxury goods described in epigraphy have been found. The foundation deposits of most temples, containing gemstones and precious or semi-precious materials, had already disappeared when the first archaeological research started in the 20<sup>th</sup> century.



With the spread of colonial power over Indochina, Khmer sculpture emerged as an object of economic value. Growing interest in archaeology caused the development of the first private and public collections outside of Cambodia towards the end of the 19<sup>th</sup> century. Collections of Khmer art in European museums were established by official scientific missions. In parallel, colonial administrators, military men, and tourists also brought artworks back to the West. The French General Government of Indochina, aware of their lack of control over this process, took a series of measures to ensure the protection of heritage. The *École française d'Extrême-Orient* was founded in 1898 with the aim of institutionalising archaeological research in the region. The first decree establishing the inalienability and forbidding the export of classified artifacts – except with authorisation from the General Government – was issued on 9 March 1900. Museums were set up in Indochina and a storage facility for newly discovered sculptures was built in Angkor, the largest archaeological site in Cambodia (fig. 1).

## The rise of illicit trade in Khmer art

Until the interwar period, European art markets were mainly interested in Chinese and Japanese artworks. With the enforcement of export restrictions in these countries, as well as the increase in knowledge about Southeast Asian art, the market value of Khmer art began to rise. For instance, the sale of a Khmer head to the Cleveland Museum of Art, bought at a very high price, is noted in Paris in 1923. Eager for profit, adventurers travelling to Cambodia sought out pieces of art to sell back in Europe. The “Malraux case” is well-known, but whereas the author of *The Royal Way* did not manage to bring back the artworks he intended to steal, others did, as EFEO archives show. Art theft on the part of tourists was normalised. One account is provided by Titaÿna’s article “Comment j’ai volé une tête de Bouddha à Angkor” (“How I stole a Buddha head in Angkor”, translation by the author). The General Government of Indochina and the EFEO reacted to counter such thefts by posting guards at the sites, issuing penalties, establishing a legal system for art sales and export regulations with the customs office in the decrees of 14 February 1923, 11 July 1925, 2 June 1926, and 30 July 1931.

Despite these measures, the lure of profit led to the emergence of local trafficking networks. Looting of artworks seemed to focus on isolated sites: while security at Angkor improved in the 1920s, many sites elsewhere in the country remained unguarded. EFEO sources reported the appearance of a local trafficking network in 1932. Thieves were selling sculptures to private buyers in Phnom Penh and antiquity dealers in Saigon, who then sent the sculptures out of Indochina to Hong Kong and Shanghai. Khmer art is also reported as passing through the Siamese border from the 1920s.

## War and looting

Accounts of looting during the Second World War are difficult to locate, but the archaeological records of the curator in charge of Angkor testify to lootings in the years of political turmoil preceding the Independence of Cambodia. References to wartime looting also appear from the second half of the 1960s, which saw the start of the Cambodian Civil War. Minutes from dedicated meetings held on the subject by the Ministry of Culture of Cambodia from 1965 onwards are kept in archives. They describe looting in the northern provinces, close to the Thai border. The police carried out arrests and confiscations. In 1970, a committee for the protection of cultural property (COPROBIC) was set up for the implementation of the protocols of the Hague Convention. The director of the National Museum of Cambodia, Chea Thay Sieng, reported the disappearance of many sculptures kept in monasteries

and shelters for local spirits, as well as illegal excavations. The appearance of Khmer sculptures on the art market in Bangkok and London, and artworks transiting through the freeports of Singapore and Hong Kong were also reported. A 1973 investigation found that organisations based in Thailand were paying looters to steal from archaeological sites, using intermediary sellers in Cambodia. The advent of the Khmer Rouge regime (1975–1979) then wiped away the efforts at heritage protection by the previous Cambodian government.

Testimonies from the 1980s and 1990s shed light on the role played by different military factions in looting. In 1993, the archaeological storage of the Conservation d'Angkor faced several armed attacks. Military groups were equipped not only with potentially lethal weaponry, but also with trucks capable of reaching remote archaeological sites and transporting heavy stone objects. It seems that not only the Khmer Rouge participated in looting, although the objects found after the fall of their Anlong Veng bastion in 1998 proved that they did.

The arrival of peace has gradually put a stop to large-scale looting, but some cases are still to be reported at the dawn of the 21<sup>st</sup> century. In 1999, a truck was seized in Thailand near the Cambodian border, bearing two sections of bas-relief walls from Banteay Chhmar of more than 5 m in length. Heavy looting at the site of Preah Khan of Kompong Svay also took place during these years (**fig. 2**). Looting arose from the political disorganisation of the country, feeding on the misery and fear of common people, for whom selling an artwork – even at a cheap price – could mean a chance at survival.

Several isolated archaeological sites bear evident scars from plundering. Some bas-reliefs have been removed in such a crude way that the saleability of the stolen sections seems doubtful. Looting pits can be observed in shrines, on top of mounds, and within temple enclosures, creating a pockmarked landscape reminiscent of bomb craters.

### Characterising trafficking networks

Today, investigations aimed at the repatriation of looted artifacts as well as ex-looters' testimonies offer insights into the structure of this illicit trade. These descriptions line up with archival accounts. Douglas Latchford, one of the most active Khmer art dealers, passed away in 2020. Based in Bangkok, he used to buy artworks from intermediaries who identified artifacts on-site and arranged for their extraction and shipping. At the same time, he organised sales to auction houses, collectors, and museums – who sometimes also received gifts –, mainly in the United States of America. For this purpose, he worked in collaboration with an art historian, Emma Bunker, whose scientific credibility was used to falsify the provenance of these artworks. He also took care to maintain his relationships with Cambodian museums and the government by donating sculptures and funds to renovate buildings. Douglas Latchford was the most infamous trafficker of recent years. However, he was not the only one.



**Fig. 2:** Stolen bas-reliefs at Preah Khan of Kompong Svay. Photo by the author, 2015.

## Conclusion

The history of looting in Cambodia shows its close connection to the evolution of the Western art market. Export routes and trade networks for archaeological assets took shape throughout the 20<sup>th</sup> century. Nonetheless, we can observe that looting was a more incidental phenomenon until the last third of the 20<sup>th</sup> century, at which point looting took on a systematic aspect and scope never seen before, taking advantage of the military situation and political disorder caused by the Khmer Rouges.

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NEW SOLUTIONS  
FOR CULTURAL HERITAGE PROTECTION

# Part 2

## **Actors and routes, traffic and laundering**

I – Actors, routes  
and networks



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## Samuel Andrew Hardy, Looting and trafficking in conflict and crisis – profiles in cultural property criminality in Ukraine and across eastern Europe

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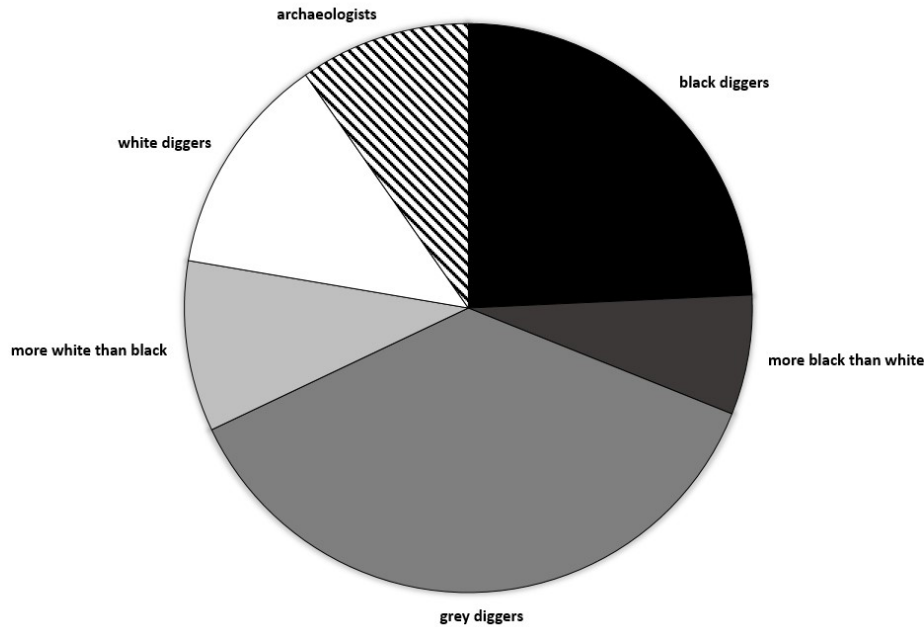
There appear to be thousands of looters in Belarus, tens of thousands in Ukraine, and many tens of thousands in Russia and there are far too few cultural heritage specialists, (other) civil society actors, law enforcement agents, and judicial officials to monitor and investigate this criminal activity systematically, let alone comprehensively (Hardy, 2016; 2017; forthcoming a). Consequently, although many may loot not as a full-time business but as a part-time business, an intermittent supplementary income or a self-supplying hobby, altogether, they have stolen “innumerable pieces of archaeological evidence” and destroyed “huge volumes of the archaeological record” across eastern Europe (Hardy, forthcoming a; see also Hardy, 2016; 2017). Looters themselves recognise that “the rate of high-quality finds [is] slowing, the rate of any finds [is] slowing and the number of completely emptied sites [is] increasing” (paraphrased by Hardy, forthcoming a). It is a cultural “catastrophe” that is still unfolding (Gershovich, 2005; 2020). Potentially relatedly, there is also a noticeable amount of transnational looting, which is focused within eastern Europe, but which spans western Europe and central Asia and beyond. Notably, its focal points include the Russia-occupied territories of Ukraine, Georgia and Moldova (Hardy, forthcoming a).

Consequently, too, looters and traffickers enjoy practical impunity, whether it is because the system cannot cope, as in (Belarus and Russia as well as) Ukraine; whether it is because corrupt officials take bribes, extort pay-offs or loot, traffic and collect, which happens everywhere, but more commonly in jurisdictions with weaker rule of law; or whether it is (also) because elements within the system turn crime and policing to the service of the state rather than society, as in Russia and Belarus. This has led to the proliferation of hundreds of online communities, where variously tens, hundreds, thousands or tens of thousands of cultural property criminals have held thousands of discussions, which comprise millions of posts in total. These enable the analysis of what kinds of people in which kinds of socio-economic and political circumstances are involved in what kinds of criminal activities; what kinds of archaeological assets and other cultural assets are being handled; what kinds of intersections and other interactions exist between cultural property crime and other criminal activities; what social and political attitudes are held by antiquities looters; and what intersections and other interactions exist between cultural heritage activity or cultural property crime and political activity or political violence (e.g. Hardy, 2016; 2017; forthcoming a; forthcoming b; forthcoming c; forthcoming d; Hardy and Telizhenko, 2023; forthcoming; Khomchenko, Shmidova, and Shcherbak, 2023; Tuzbekov, 2019; 2020). Further analysis has been enabled by access to crime data from law enforcement agency records, security agency records, and legal proceedings (e.g. Mishchenko, 2017).

Compared to potentially legal artefact-hunters in western Europe, self-professedly illegal artefact-hunters in eastern Europe (**fig. 1**) are younger (Hardy, forthcoming b), dig for more hours in a day and persist in digging in worse weather throughout the year (Hardy, forthcoming a). This appears to reflect poverty and/or (somewhat wilful) financial insecurity (wherein they extremely disproportionately engage in forms of work other than full-time employment, cf. Hardy, forthcoming b, and sometimes explicitly express a preference for freedom over security, cf. Hardy, forthcoming d). Therein, it reflects the physical condition that is necessary for an artefact-hunter to be able to supplement a living with, let alone to make a living from, the proceeds from artefact-hunting, including monetisation of textual,

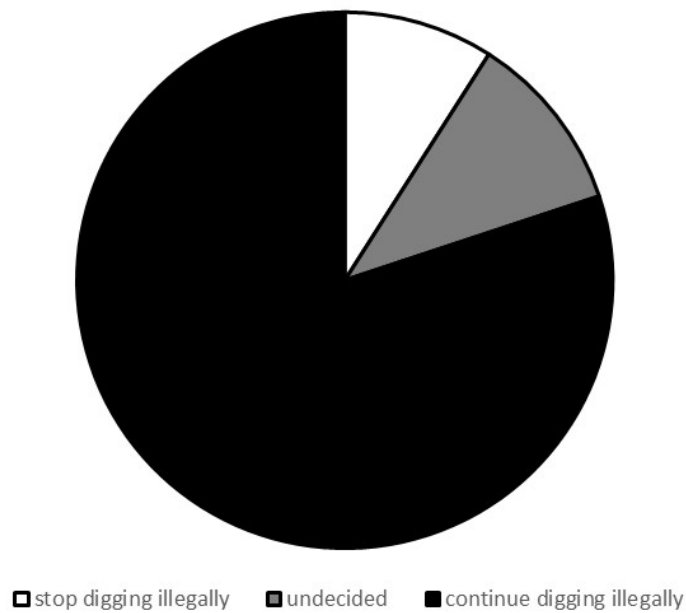


audio, visual, and audiovisual, user-generated content about the activity in social media as well as sales or auctions of the artefacts that are extracted during the activity (cf. ATHAR Project, 2020; Hardy and Telizhenko, 2023: 287; 302). This is also reflected in intersections between antiquities looting and other criminal enterprises. For instance, some artefact-hunters cultivate and/or forage cannabis and/or hallucinogenic mushrooms, while (they and) other artefact-hunters compete with cannabis-cultivators for land to dig or farm (Hardy, forthcoming d).



**Fig. 1:** Polls of artefact-hunters by artefact-hunters demonstrate that most self-professedly engage in criminal activity and many of the others may consciously deny that they engage in criminal activity as part of their efforts to problematise policing and push for legalisation.

Even technically disorganised crime, by seemingly reckless criminals, is functionally professional. They are knowledgeable about and skilled in both conducting their criminal business and evading policing and punishment (Hardy, 2017; Shydlovskiy, Telizhenko and Ivakin, 2023). They are also unwilling to change their behaviour to conform with the law by choice, even when the potential punishment is worsened in principle, when policing and prosecution are not more intensive and more effective in practice (**fig. 2**). However, some narrow social networks – looters and traffickers who organise themselves as teams or supply chains through independent online forums and massive social networks such as Facebook and vKontakte – constitute criminal organisations (Hardy, 2016), while some multi-commodity traffickers who are notorious organised criminals have smuggled illegal cultural goods (Hardy, 2019; 2020). A troubling element of law-breaking in the form of illegal extraction is committed by law-enforcers (e.g. Hardy, forthcoming c; cf. Seleev and Molyarenko, 2023), while a troubling element of law-breaking in the form of illegal collection is committed by law-enforcers (Hardy, forthcoming c) and politically-exposed persons (Hardy, 2019; 2020), including PEPs who have collaborated with Russia in its aggression against Ukraine (Hardy, forthcoming a).



**Fig. 2:** Polls of artefact-hunters by artefact-hunters indicate that they are unwilling to change their behaviour to conform with the law by choice.

Indeed, looting and trafficking interact with ongoing struggles over democracy and the rule of law in all three countries, including in the form of Russia's aggression against and its Belarus-facilitated invasion of, occupation of, and genocide in Ukraine. Most notably, numerous looters have become combatants, officials, or collaborators (and some have shifted among those roles) in the occupied territories since 2014 (Hardy, 2024; Hardy and Telizhenko, 2023; 2024; forthcoming). So, when trying to combat illicit trafficking of cultural goods from Ukraine and other zones of conflict and crisis, it must be considered as not only a cultural, social, and economic problem, but also a political and security problem.

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## Francisco Romeo Marugán - The change of paradigm of archaeological plundering. The updating of illicit trafficking networks.

**Francisco Romeo Marugán**, Archaeologist, Cultural Heritage Prevention Section, Gobierno de Aragón

### Data on a global market

Since approximately 2010, the paradigm of archaeological looting and illicit trafficking of antiquities has undergone a fundamental transformation across the Iberian Peninsula and globally. This shift is primarily driven by the expanded connectivity and resources offered by the Internet, which has revolutionised how archaeological objects are traded illegally.

The limited available data reveals how little we understand about the true scale of the illicit antiquities market. The complex relationship between licit and illicit markets—facilitated through sophisticated laundering procedures for both objects and their documentation—allows us only to estimate the volume of illegal trade, which largely results from systematic plundering.

### Market volume analysis

According to the **Art Basel & UBS** report, global art sales reached **\$67.8 billion in 2022**, with **Spain accounting for approximately 1% of the total market—roughly \$680 million**<sup>225</sup>.

However, when examining the much narrower **legal market for antiquities specifically**, a striking disparity emerges: **Spain's exports amounted to only \$4.9 million in 2022**, contrasting sharply with the **\$125 million** Spain imported that same year in artworks and antiques<sup>226</sup>. This significant trade imbalance suggests complex market dynamics that merit further investigation.

These figures, while official, appear surprisingly low to anyone familiar with the market's actual operations. The illegal market's volume remains virtually impossible to quantify accurately. However, based on observable patterns, available evidence, and expert assessments, the illegal market substantially exceeds the legal one in volume. Paradoxically, many plundered pieces eventually enter the legal market after their origins have been successfully laundered.

### The old networks: definition of an obsolete model?

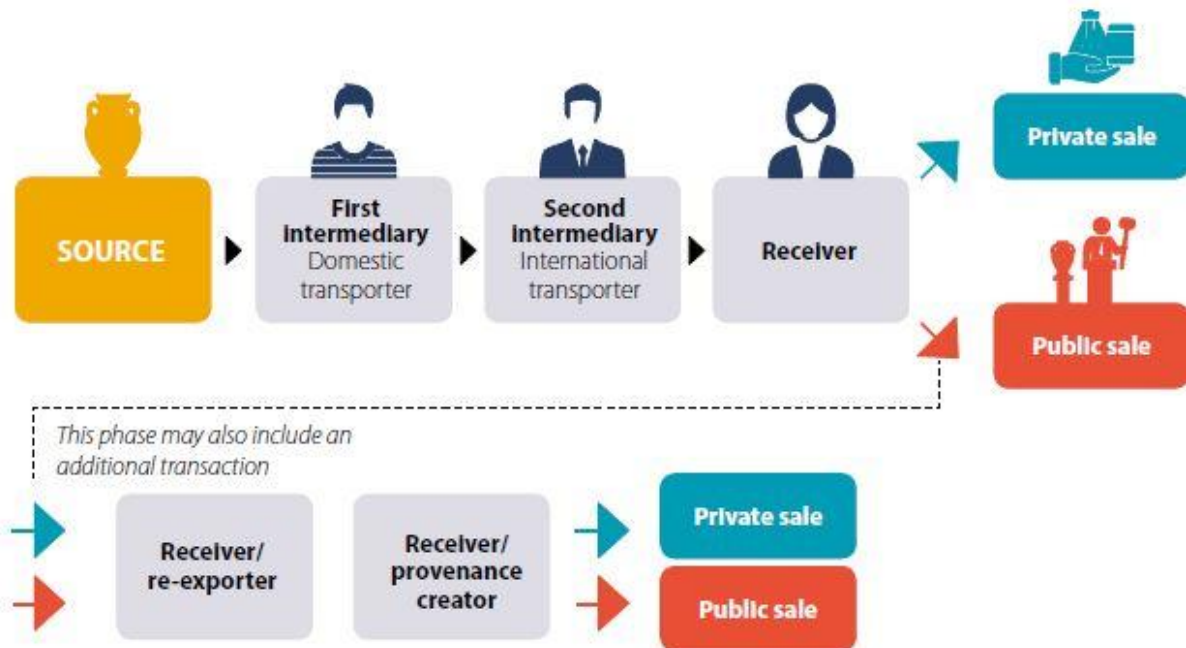
Over the past fifteen years, archaeological looting has rapidly adapted to new communication technologies, departing significantly from traditional network structures that had remained stable for decades.

<sup>225</sup> Art Basel & UBS (2023). *The Art Market 2023*. Available at: <https://www.ubs.com/global/en/media/display-page-ndp/en-20230404-art-basel.html> (accessed 30 June 2025).

<sup>226</sup> IndexBox (2025). *Antiques Market Data - Spain*. Available at: <https://www.indexbox.io/search/price-for-antiques-of-an-age-exceeding-one-hundred-years-spain/> (accessed 30 June 2025); TrendEconomy (2025). *Spain Trade Statistics*. Available at: <https://trendeconomy.com/data/h2/Spain/97> (accessed 30 June 2025).



Traditional trafficking networks followed a linear structure (**fig. 1**), beginning with looters and extending to collectors or final markets through a hierarchical chain of intermediaries of increasing sophistication and influence.



**Fig. 1:** UNESCO's linear scheme, © Boz.

The traditional network structure operated as follows:

1. **Direct plunderers:** Individual looters who, except when part of organised gangs, typically lacked direct contact with major collectors. They supplied local intermediaries who possessed both economic resources and established networks.
2. **First-level intermediaries:** Local buyers with sufficient capital to purchase directly from looters. They sold to regional collectors while establishing connections with second-level intermediaries responsible for either exporting pieces or facilitating direct sales to collectors through private transactions.
3. **Second-level intermediaries:** Usually established antique dealers with substantial purchasing power and expertise in laundering pieces through false documentation when necessary.
4. **Final market entry:** Pieces entered auction houses and public/private sales with fabricated provenances, often claiming legitimate collection origins built entirely on falsified documentation.

## Case study: Operation Helmet

Operation Helmet, launched in 2013, exemplifies these traditional networks. Despite resulting in a trial and the recovery of some Celtiberian helmets, the case remains partially unresolved<sup>227</sup>.

Axel Guttman assembled one of the world's premier private collections of classical weaponry<sup>228</sup>. Following his death in 1981, his heirs' decision to sell portions of the collection they found uninteresting triggered a complex trafficking chain.

Beginning in 1987, an individual systematically plundered extensive territory surrounding the Celtiberian city of Aratis in Aragón, Spain. He quickly established contact with an intermediary who operated a metal detector shop. This intermediary purchased all extracted artifacts and reportedly participated in plundering expeditions. The looter's success enabled him to abandon legitimate employment and focus exclusively on archaeological plundering.

The first intermediary received Hispano-Chalchidian helmets, which he reconstructed before placing them on international markets in Madrid, Barcelona, and London, where one was auctioned in 1990. He subsequently contacted a Barcelona-based antique dealer residing in Switzerland, who facilitated the objects' export. Initial attempts to sell to the Romano-Germanic Museum in Mainz failed, but the pieces were eventually sold to Axel Guttman in 1993. Following Guttman's death in 2001, the objects began appearing in auctions and public sales, though private transactions likely occurred without documentation<sup>229</sup>.

Organised gangs employ a different operational model, integrating plunderers and multiple intermediary levels within a single operational structure. Many work directly for collectors who specify preferences or target specific sites—though this represents a separate discussion entirely.

## New networks: Interconnection and digital transformation

Contemporary networks maintain similar fundamental structures but with a crucial difference: total connectivity between all participants. A primary looter can now access major collectors directly through digital platforms that facilitate transactions. As Lampedusa wrote in *Il Gattopardo*, "everything must change so that everything can stay the same"<sup>230</sup>.

These new illicit trafficking networks operate across three distinct levels, primarily differentiated by the value and size of plundered objects:

### Level 1: Low-Value Objects

Objects of minimal value are marketed primarily by direct looters or first-level intermediaries who often participate in detection activities themselves. They predominantly utilise closed groups on major social media platforms for distribution.

<sup>227</sup> Gobierno de España (2019). "Spain receives seven Celtiberian helmets in Paris taken from Aranda de Moncayo site in Zaragoza." La Moncloa, 4 December 2019. Available at: <https://www.lamoncloa.gob.es/lang/en/gobierno/news/Paginas/2019/20191204celt-helmets.aspx> (accessed 28 August 2025); Graells, R. and González, R. (2021). *El retorno de los cascos de Aratis: un relato inacabado*. Zaragoza, Gobierno de Aragón:

<sup>228</sup> Born, H. and Guttman, A. (1993). *Restaurierung antiker Bronzewaffen*. Mainz am Rhein:

<sup>229</sup> NETCHER (2019). "Anatomy of a Plunder: The Helmet Operations." Available at: <https://netcher.eu/project-news/anatomy-of-a-plunder-the-helmet-operations/> (accessed 30 June 2025).

<sup>230</sup> Lampedusa, G.T. di (1958). *Il Gattopardo*. Milan: Feltrinelli. The original Italian reads: "Se vogliamo che tutto rimanga come è, bisogna che tutto cambi!"

### **Level 2: Medium-Value Objects**

Medium-value objects involve more complex agent networks. Sales occur primarily through online auction platforms, whose transaction speed and anonymity significantly complicate law enforcement efforts.

### **Level 3: High-Value Objects**

High-value objects typically reach specialised agents who create falsified documentation for sales to major public collections, prestigious auction houses, and established antique dealers.

The sophistication of criminal operations consistently exceeds expectations. Intermediaries play crucial roles by restoring objects to increase value, creating forgeries, and producing fraudulent documentation.

### **Tools for combating looting: The Aragón model**

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#### **Tools for Combating Looting: The Aragón Model**

The Government of Aragón has developed and successfully implemented two innovative procedures:

1. **Origin determination system** for archaeological assemblages seized during police operations
2. **Damage assessment system** for quantifying harm to looted archaeological sites

These systems address two fundamental questions judges consistently pose: the provenance of seized objects and the monetary value of damage caused.

#### **Origin Determination System**

This system employs criminological heat mapping techniques:

- Beginning with typologically identified objects with established distribution maps from legitimate findings
- Defining areas of maximum probability through superimposed data layers
- Establishing gravity zones and axes
- Combining heat map results with additional data to precisely determine seized batch origins

The system's effectiveness depends on recovering numerous and diverse objects for analysis.

#### **Damage Assessment System**

Developed initially to evaluate destruction at Chaves Cave—an exceptional Neolithic site destroyed for a hunting preserve—this system involves:

- Exhaustive documentation to reconstruct destroyed archaeological levels
- Evaluation based on material types contained within levels
- Refinement through detailed expert excavations.

## Conclusions

Plunder and illicit trafficking networks evolve in parallel with communication systems and channels. While criminals typically maintain technological advantages, this gap is narrowing.

Currently, all three trafficking levels remain highly active, with the first level being particularly overwhelming. Archaeological objects of minimal value flood digital markets. Items that previously had no market outlet now sell on digital platforms for amounts as low as €1-20. Combined with easy access to metal detectors and night vision equipment, this democratisation enables widespread participation in plundering and trafficking.

The phenomenon has reached such scale that security forces cannot effectively counter an entire network dedicated to looting and marketing objects whose low value often makes legal proceedings more complex and less certain in their outcomes.

While criminals adapt rapidly to changing circumstances, law enforcement and heritage protection agencies are now matching this adaptability with increasing success. The landscape will likely transform significantly within the next decade.

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## Morgan Belzic - The “Becchina-Medici” network and the current “pollution” of the market and collections of antiquities

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G. Medici and G. Becchina were, to simplify, two pillars of antiquities trafficking from Italy between the 1970s and 2000s. We will summarize here information already published, essentially to highlight one of the main threats on the contemporary market of archaeology: the circulation of an immense, almost incalculable number of archaeological goods coming from the largest network of European traffickers identified to date. The name given to this network here is arbitrary: the number of actors is greater, and we could have added, by example, the names of Robert Hecht and Robin Symes. Nevertheless, drawing attention to these two characters allows us to better understand the current concerns about the state of the market of antiquities.

### Becchina and Medici: merchants, traffickers, sponsors

**Giovanni Franco Becchina (fig. 1)**, more commonly known as Gianfranco Becchina, was born in 1939 in Sicily, into a family from Castelvetrano in the province of Trapani, to a Sicilian father and a Sardinian mother. After living in Sardinia for a few years, it was back in Sicily that he met his future wife, Ursula Juraschek, in 1968. Of German nationality and Czechoslovakian origin, she was then secretary of a hotel in Basel, the Helvetia, owned by Karl Haug, for whom he came to work. In Basel, he met the community of antique dealers and collectors, in particular Elie Borowski, who hired him around 1969<sup>231</sup>. He began his business as an art and antiques dealer around 1970. He bought the hotel and the couple created the company Palladion Antike Kunst there in 1976. He became one of the leading antiques dealers, in cooperation or rivalry depending on the period with another Italian dealer in Switzerland, Giacomo Medici, based in Geneva. He was also linked by friendship and business with Jiri Frel, also of Czechoslovakian origin, curator at the Getty Museum.

From 1972 to 2002, Becchina sold archaeological objects directly to almost all the major museums and main antiques collectors around the world. He also regularly consigned objects to the main auction houses, Sotheby's and Christie's in London in particular. Among his main clients was George Ortiz<sup>232</sup>. Among the acquiring museums were the main collections of American antiquities (Metropolitan Museum in New York, Getty Museum, Toledo Museum, etc.), which often acquired the most valuable pieces, as well as all the main European antiquities museums, for a smaller number of works. In some cases, G. Becchina consigned to auction houses or galleries other than his own under assumed names, such as those of his sister or sister-in-law, which he also used to issue



**Fig. 1:** Gianfranco Becchina, in his house of Castelvetrano in 2015. ©2015 Gianni Cipriano, [https://archive.giannicipriano.com/image/I0000v\\_RjVvFnxJE](https://archive.giannicipriano.com/image/I0000v_RjVvFnxJE)"[https://archive.giannicipriano.com/image/I0000v\\_RjVvFnxJE](https://archive.giannicipriano.com/image/I0000v_RjVvFnxJE).



**Fig. 2:** Giacomo Medici at the Metropolitan Museum, New-York, in front of the “Krater of Sarpedon”. Photograph discovered during the investigations at Geneva’s ports-francs (published by Watson & Todeschini, *op. cit.*, 2007, p. 236—237).

<sup>231</sup> Christos Tsiriogiannis, “Mapping the supply : usual suspects and identified antiquities in ‘reputable’ auction houses in 2013” in *Cuadernos de Prehistoria y Arqueología*, 2015, p. 115.

<sup>232</sup> Neil Brodie, “Gianfranco Becchina”, 20/08/2012, <https://traffickingculture.org/encyclopedia/case-studies/gianfranco-becchina/>, consulted 05/05/2022.

invoices for direct sales<sup>233</sup>. Becchina also surrounded himself with accomplice restorers, such as Sandro Cicimichi and Pier Luigi Manetti<sup>234</sup>. Becchina was behind the sale of thousands of looted objects. Among the most famous are the Crater of Europa by Asteas, discovered in 1974 by looters in Benevento, sold by Becchina to the Getty Museum, and returned in 2005; or the Getty kouros, sold for several million dollars<sup>235</sup>, suspected, rightly, to be a fake. The debate that followed the purchase of the kouros in 1983 led to the resignation of Jiri Frel in 1984 and the end of the collaboration between the Getty and Becchina.

**Giacomo Medici (fig. 2)** is certainly the most famous trafficker of antiquities, the subject of an abundant scientific literature<sup>236</sup>. Born in Rome in 1938, he began his trade in antiquities there in the 1960s, but was convicted for the first time for trafficking in looted pieces in 1967<sup>237</sup>. After meeting Robert "Bob" Hecht, an American dealer based in Paris, he founded a sales company, the Antiquaria Romana gallery, in 1968. Thanks to Hecht, he quickly became one of the main suppliers of Italian antiquities to European dealers, collections and collectors. It was through him, in particular, that the Sarpedon krater was illegally imported from Italy after its discovery in Cerveteri and purchased by the Metropolitan Museum through Von Bothmer and Hecht<sup>238</sup>.

In 1978, he settled in Geneva and joined forces with the Swiss Christian Boursaud. In 1983, the two partners opened the Hydra Gallery in Geneva. From 1978, they consigned directly to auction houses, mainly Sotheby's in London, where they became the main source according to the in-depth research carried out by Peter Watson and Cecilia Todeschini who in 2007 devoted a book as well-documented as it was resounding to the legal history of Medici, *The Medici Conspiracy*. Most of the objects were consigned under the name of Boursaud, but the supply was well organised by Medici. He also fabricated false invoices by inventing collection names, such as the Zbinden collection<sup>239</sup>.

The two partners separated in 1986. Medici transformed the gallery into a new company, Edition Services (registered in Panama, and which had several names) to continue his consignments. He also created shell companies (Mat Securitas, Arts Franc, Tecafin Fiduciaire...)<sup>240</sup>, through which he could sell and buy at public auctions; otherwise give himself the possibility of speculating on his own objects or creating false pedigrees from sale to sale, without any control ever having been carried out by Sotheby's.

From Geneva, Medici has maintained a close network of relationships with other dealers, to whom he has mainly sold rather than bought: Robin Symes and his partner Christos Michaelidès, Frida Tchacos (Nefer gallery), Ali and Hicham Aboutaam (Ancient Phoenix Art), or the restorers Fritz and Harry Bürki. He also continues to maintain his network in Italy, with Roman or Milanese dealers. But he is also in contact with regional or local intermediaries who manage the looting or thefts in certain sectors. This is how he can buy pieces sometimes from old Italian collections or known pieces, stolen

<sup>233</sup> Paul Watson, Christina Todeschini, *The Medici Conspiracy*, 2007, p. 293–294.

<sup>234</sup> Fabio Isman, *Predatori dell'arte perduta, Il saccheggio dell'archeologia in Italia*, Ginevra-Milano, 2009, p. 125.

<sup>235</sup> Neil Brodie, "Getty Kouros", 20/08/2012, <https://traffickingculture.org/encyclopedia/case-studies/getty-kouros/> consulted 05/05/2022.

<sup>236</sup> Peter Watson, Cecilia Todeschini, *op. cit.* 2007; Neil Brodie, "Giacomo Medici". *Trafficking Culture*, 11/04/2023, <https://traffickingculture.org/encyclopedia/case-studies/giacomo-medici/> consulted 12/06/2023; Fabio Isman, *Predatori dell'arte perduta, Il saccheggio dell'archeologia in Italia*, Ginevra-Milano, 2009 ; Tsao Cevoli, *La storia senza Voce*, 2021.

<sup>237</sup> This conviction, mentioned in all sources without exception, has not been documented or published with any precision: we don't know for what type of work and offence.

<sup>238</sup> Nigel Spivey, *The Sarpedon Krater: The Life and Afterlife of a Greek Vase*, 2019.

<sup>239</sup> Vernon Silver, *The Lost Chalice*, 2009, p. 145.

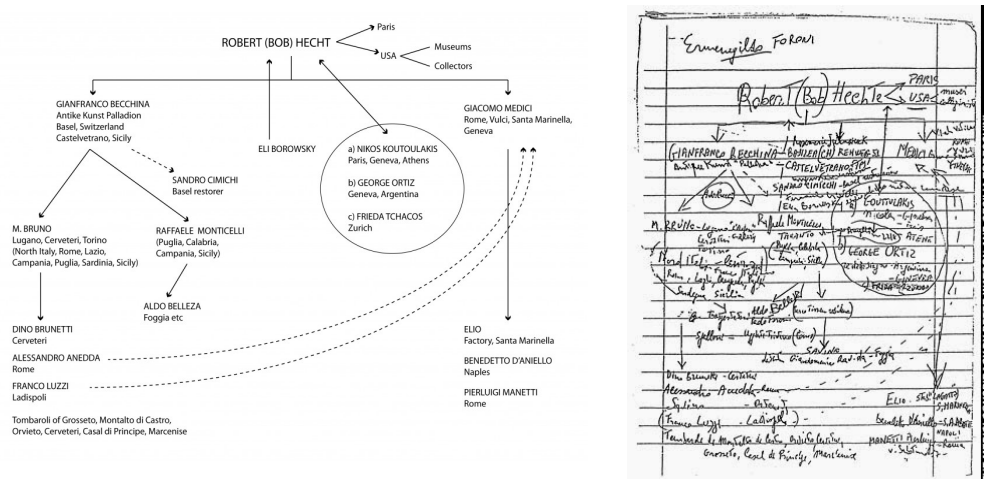
<sup>240</sup> Peter Watson, Cecilia Todeschini, *Op. cit.*, 2007, p. 73.

from museums and sites, like a marble sculpture bought from Franco Luzzi, a Roman merchant and trafficker, stolen in Tivoli<sup>241</sup>.

For the most expensive pieces, Hecht retained exclusivity because he had the necessary network to reach the greatest fortunes and the greatest museums between Paris, London, and New York. Hecht also played on the competition between Medici and Becchina, not only to maintain prices, but also to encourage ever more exceptional discoveries. He also had good relations with Marion True, curator of the Getty, but the latter bought little directly from Medici, preferring to use intermediaries. Among the collectors who bought Medici objects in large quantities, we can cite the Fleischmanns, whose entire collecting enterprise seems to have had no other aim than to launder the objects before their entry into the Getty Museum (the museum director Marion True having herself published the catalogue of the collection before its acquisition), the Hunts (a collection dispersed as quickly as it had been constituted), or that of G. Ortiz, who collected as much as he resold.

## Summary of the judicial operations

Becchina, the first, has been in trouble with the Italian justice system since 1992. He is said to have been designated by two members of the mafia, Rosario Spatola and Vincenzo Calcara, as being close to mafia families in Mazara and Castelvetro, in particular the Denaro Messina family for whom he allegedly trafficked antiques<sup>242</sup>. According to Spatola, he was a direct member of the mafia, one of its "men of honour". In particular, he was allegedly indicted for the sale of funeral plaques, for which the charges were dropped due to the statute of limitations<sup>243</sup>. It is very difficult to document this episode.



**Fig. 3:** « Organigramme » of Hecht-Medici-Becchina network, created in 1987 by Pasquale Camera and discovered in 1995 at Danillo Zicchi's place (right). Clarified version by Watson & Todeschini (left) (*op. cit.* 2007, p. 7–18).

<sup>241</sup> Peter Watson, Cecilia Todeschini, *Op. cit.*, 2007, p. 76.

<sup>242</sup> Giacomo Di Girolamo, "Becchina Story /1 Il mercante d'arte e gli interessi della mafia", *TP24.it*, 6/06/2022, <https://www.tp24.it/2017/11/27/inchieste/becchina-story1-mercante-darte-interessi-mafia/115297> consulted 18/6/2022.

<sup>243</sup> Fabio Isman, *Op. cit.* 2009, p. 135.

In 1994, during a first investigation dubbed "Operation Geryon" in Italy<sup>244</sup>, concerning the theft of antique vases from the Melfi Museum, some members of an international network of antiquities traffickers were placed under surveillance by the Italian gendarmerie (carabinieri) of the Tutela Patrimonio Culturale (TPC). Among them was Pasquale Camera<sup>245</sup>, a former captain of the Guardia di Finanza, suspected of being an antiquities trafficker, who died on 31 August 1995 in a car accident. The discovery in this car of a first set of around fifty "Polaroid" type photographs presenting a large set of antiquities directly taken from clandestine excavations, followed by documents discovered during the search of his apartment in Rome, is at the origin of a vast investigation, or more precisely of a set of nested investigations, which continue to this day in several countries. One of these Polaroid photographs showed a Greek vase sold by Gianfranco Becchina to the Getty Museum in Malibu; it drew the attention of investigators to him<sup>246</sup>, as well as to his colleague Giacomo Medici.

Another search was carried out in September 1995 at the home of one of Pasquale Camera's close friends, Danilo/Daniello Zicchi, during which the "Hecht organigramme"<sup>247</sup> (**fig. 3**) was discovered, a graph drawn by Pasquale Camera, dated 13 January 1987, showing the criminal organisation, probably simplified, dominated by Robert E. Hecht. The latter, an American dealer established in Paris, was one of the main contacts for purchases by the American curators of the Getty Museum, including Marion True, and the main buyer of the most important works passing through the Becchina gallery.

G. Becchina and G. Medici appear on the equivalence organisation chart as the heads of the two main "cordata" (rope) that supplied Hecht with objects that came mainly from Italian soil. Other dealers were directly involved in this sprawling network linking Italian or Greek looters to the top of the world antiquities market, including Robin Symes, a British dealer and collector, who was one of the main points of entry to the London and American markets<sup>248</sup>, and Christos Michaelides, a Greek dealer, Symes' main partner and friend. Direct links and exchanges between Becchina and Michaelides are attested from the 1980s.

Medici was supplied by some sector managers (or "wholesalers") similar to Becchina, such as Alessandro Annedà or Franco Luzzi already mentioned, but also others who supplied him almost exclusively, such as Benedetto d'Aniello in Naples or Pierluigi Manetti in Rome. Most of the objects he sold came from central Italy (Lazio and Tuscany) or Campania, but over the years his repertoire diversified with categories from Greece and the eastern Mediterranean.

In 1995, the carabinieri, already alerted to Medici's activities, spotted a sarcophagus stolen from a Roman church for sale at Sotheby's. The auction house informed them that it was consigned by Edition Services. With the discovery of the organisation chart, doubts were no longer an issue. On 13 September 1995, the Italian and Swiss authorities searched the company's storage space at the Geneva free ports (room 23, corridor 17), comprising a room for the exhibition and reception and a restoration laboratory. The space is sealed. In 1997, Medici was arrested in Rome and a meticulous

<sup>244</sup> Peter Watson et Cecilia Todeschini, *Op. cit.*, 2007, p. 1-24 ; Isman, Fabio (2011), 'The masterpiece sold for \$1000 and a suckling pig', *Art Newspaper*, 225, 2011, p. 50-52 ; Neil Brodie, "Operation Geryon", 20/08/2012, [https://traffickingculture.org/case\\_note/operation-geron/](https://traffickingculture.org/case_note/operation-geron/) consulté le 12/03/2024. Tsao Cevoli, *Storia senza voce*, 2012, p. 35-40.

<sup>245</sup> The accident is said to have occurred while he was visiting the antiquities dealer Frieda Tchacos in Zurich; cf. Neil Brodie, "Gianfranco Becchina", <https://traffickingculture.org/encyclopedia/case-studies/gianfranco-becchina/>; [https://traffickingculture.org/case\\_note/operation-geron/](https://traffickingculture.org/case_note/operation-geron/), consulted 29/08/25.

<sup>246</sup> Not all the photographs have been made public.

<sup>247</sup> Peter B. Campbell, "The Illicit Antiquities Trade as a Transnational Criminal Network: Characterizing and Anticipating Trafficking of Cultural Heritage", *International Journal of Cultural Property*, 2013, p. 113-153.

<sup>248</sup> Symes facilitated the sale of the Euphronios krater to Metropolitan curator Von Bothmer, who had been his teacher.



inventory and appraisal operation began at the Geneva Freeports. The documents show the various stages of the process of laundering archaeological objects, from the removal from the ground by the tombaroli to the restoration of the pieces and the production of false documents of provenance<sup>249</sup>. Among these objects was the famous "Sarpedon krater" by Euphronios (fig. 2), acquired by the Metropolitan Museum, which had already been the target of numerous suspicions of looting after its appearance and acquisition in 1972.



**Fig. 4:** Two polaroids from the documents seized during searches at Becchina's, on the left, showing a pyxis from Canosa in a set of ancient vases. The same artwork during a sale at Bonhams, London, 3/04/2014, lot n. 22. From L. Albertson, 27 mars 2014, " Dr. Christos Tsirogiannis matches two objects up for auction in London with objects identified in the Medici and Becchina archives ", HYPERLINK "<https://art-crime.blogspot.com/2014/03/dr-christos-tsirogiannis-matches-two.html>"<https://art-crime.blogspot.com/2014/03/dr-christos-tsirogiannis-matches-two.html>

About 3,800 objects were seized, as well as about 4,000 photographs (polaroids, silver, and film) and nearly 35,000 paper documents (letters, invoices, cards, etc.)<sup>250</sup>. The Italian authorities only recovered the part of the objects considered to be Italian (95%, approximately 3,400 objects), 258 others were returned to Medici and sent back to Geneva<sup>251</sup>. 179 were considered to be of Greek or Aegean origin, 79 to be fakes. In 2000, Medici's Italian home was also searched, in the commune of Santa Marinella. Among the documents seized was a photographic album containing, among other things, images of some of his "successes", the first of which was the Sarpedon crater.

Following the "Geryon" operation, the first major action by the Italian authorities in cooperation with the Swiss authorities, new investigations began in 1997. Gianfranco Becchina, in reaction, returned to Castelvetrano, leaving his wife Ursula Becchina to manage the company's affairs in Basel. He was arrested in 2001, then released during the investigations. In May 2002, a second seizure was made, this time against the company Kunst Palladion in Becchina. Around 5,000 antique objects, to which were added 2,000 fragmentary pieces (mainly sherds), were present in the various storage locations, some of which were currently being restored. Between 13,000 and 15,000 documents were also seized, in particular the account books and the extremely detailed postal exchanges, including in particular around 7,000 photographs, mainly Polaroids but also silver prints and undeveloped films. The majority of the objects came from southern Italy (in particular Puglia, apparently the main source)

<sup>249</sup> Neil Brodie, "Operation Geryon", 20/08/2012, <https://traffickingculture.org/encyclopedia/case-studies/operation-geron/> consulted 12/06/2023.

<sup>250</sup> Federico Castelli Gattinara, "Restituite le esportazioni illecite di Medici e Becchina", *Il Giornale dell'Arte*, n. 354, Juin 2015.

<sup>251</sup> Matthew Bogdanos, Apsara Lyer, *In the matter of a grand Jury Investigation into a private New York collector, Statement of fact*, District Attorney New York County, 6 December 2021, p. 13 s.



and Sicily. This documentary collection forms the "Becchina archives" which are currently at the sole disposal of the Italian authorities and have not been fully published.

In July 2002, Raffaele Monticelli was sentenced by the Foggia court to four years in prison for trafficking in antiquities. During the trial, transcripts of telephone conversations between some of the looters were revealed, allowing us to understand the structure of this informal organisation, such as those between Orazio di Simone and his "area leader" in Naples, Francesco Liberatore, and between Monticelli and a looter from Campania, Benedetto d'Aniello<sup>252</sup>. Raffaele Monticelli appears to be Becchina's main source of supply in the last years of their activities. The looters appear to be salaried employees, rather than paid on results, by Monticelli, financed essentially by his resales to Becchina. Also in 2002, the antique dealer Frida Tchacos, director of the Nefer Gallery in Geneva, was questioned in Cyprus after her arrest for trafficking in antiquities as part of the investigations linked to the Medici and Becchina networks. It shows the existence of a Hecht-Becchina-Monticelli triangle for the laundering and export of looted antiquities<sup>253</sup>.

G. Medici was prosecuted for trafficking in antiquities, smuggling, and receiving stolen goods, his trial began in December 2003 and ended in May 2004<sup>254</sup>. He was sentenced to 10 years in prison and a heavy fine of ten million euros. His sentence was reduced to eight years in prison on appeal in 2009. His last appeal, in 2011, failed. On the other hand, G. Becchina, finally tried in 2011, saw all the charges against him dropped in 2011, due to the limitation period. The judge, however, confirmed the seizure of 5,919 objects which it appeared certain he had bought from looters in Italy, and therefore rightfully belonged to the Italian State. This judgment was confirmed twice, in October 2011 and December 2012.

Starting in 2005, American museums began returning to Italy works purchased from Becchina or Medici, such as a crater by Asteas purchased by the Getty<sup>255</sup>. This was followed by a series of repatriations or voluntary returns in almost all the countries of collection.

In December 2008, during Operation Andromeda, the Swiss police, in collaboration with the Carabinieri, seized objects purchased from Becchina by the Japanese-born dealer, Noriyoshi Horiuchi, in a warehouse in the Geneva Freeports. 20,000 objects and documents were seized, 337 works were returned to Italy<sup>256</sup>. The latter himself subsequently acknowledged the illegality of the objects from Palladion Antike Kunst, agreeing for example to return to Italy in 2014 a marble sarcophagus lid purchased by Becchina in 1981 from Nino Savoca through Carlo Ciocchetti<sup>257</sup>.

<sup>252</sup> Paul Watson, Christina Todeschini, 2007, *op. cit.*, p. 240-242.

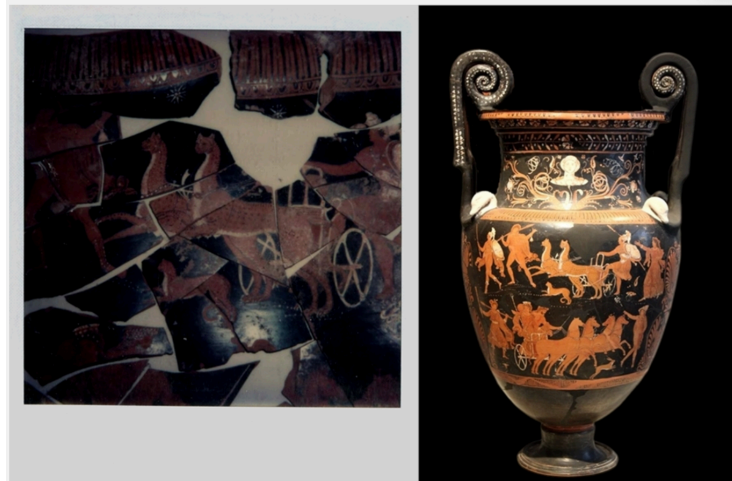
<sup>253</sup> Isman, *Op. Cit.*, p. 84.

<sup>254</sup> Sentenza del giudice dell'udienza preliminare del tribunale di Roma, 13/12/2004, (N. 40402/00 R.G. notizie di reato, N. 3553/01 R.G. G.I.P.).

<sup>255</sup> Getty (2005), "Statement regarding returned objects from the Getty", October 2006, <https://www.getty.edu/news/getty-statement-regarding-returned-objects-to-italian-state> consulted 26/06/2023.

<sup>256</sup> Bija Knowles, "Looted antiquities worth millions recovered from black market by Italian police", *The Independent*, 19 July 2010.

<sup>257</sup> Jason Felch, "Sleeping Beauty: Seizure of Sarcophagus in New York Shows Value of Becchina Dossier", 01/03/2014, <https://chasingaphrodite.com/tag/noriyoshi-horiuchi/> consulted 23/09/2023.



**Fig. 5:** On the left: polaroid from medici's archives, showing a fragmentary red-figure vase, the "Persephone Krater". On the right: the same vase exhibited at the Altes Museum in Berlin, in 2007.

### "Polluted" art market and collections

The "Medici-Becchina" network corresponds to approximately forty years of illegal looting and sales activities, from the 1960s to the 1990s, flooding the antiquities market. These are not just a few objects sold at random, but the entirety of the products of clandestine excavations carried out by several local looters, mainly active in Italy and Greece, who sold several tens of thousands of antiquities on the market.

Medici and Becchina bought from local looters and intermediaries, to resell the most beautiful pieces to Hecht. Hecht also resold to Symes and Michaelides, both of whom also had other "ropes" as a source of supply for goods from looting.

The Polaroids discovered in the Becchina documents sometimes match pieces also sold by other dealers. Some photographs allow us to know the dates when the objects passed through the dealer's, and also to "recontextualise" (in a context of trafficking, in the absence of an archaeological context) the objects when they are presented in particular sets (**fig. 4-5**).

The two sources of supply for Becchina noted on the "organisation chart" correspond to the geographical, archaeological origin of most of the typologies of objects that passed through his hands:

- central and northern Italy, with Mario Bruno, looter and wholesaler, whose "organization chart" clearly indicates that he was active in Cerveteri, but who could also obtain supplies elsewhere, notably in Apulia;

- southern Italy and Sicily, with Raffaele Monticelli of Taranto, who was G. Becchina's main supplier, far ahead of Bruno. These two men can be called "wholesalers", being themselves in direct contact with local looters or other intermediaries, collecting the product of clandestine excavations before exporting them to Switzerland, such as Alessandro Anedda based in Rome and Franco Luzzi from Ladispoli (who could also supply the "cordée" Medici).

Other known suppliers of Becchina include Antonio "Nino" Savoca, based in Munich, who had his own system of illegal imports. The quickly drawn organisation chart offers only an incomplete, partial vision of the exchanges that were not always constant between the different individuals; in short, a

snapshot of the year 1987. This was not a traditional mafia, clan or family, with well-established hierarchical links, but a competitive trade. Other “facilitators” are also discovered through these archives, such as Fiorella Cottier Angeli, employed at the Freeport, collaborating with Becchina as Medici, or Jacques Chamay, former curator of the Museum of Art and History of Geneva.

Furthermore, like Medici, Becchina was not exclusive in his sales and methods of sale, having gained the trust of more or less knowledgeable collectors, maintaining discontinuous relations with the main dealer-collectors such as George Ortiz since the early 1970s. The simple fact of going back, in the “pedigree” of an object, to Giacomo Medici or G. Becchina is in itself the assurance that the object was looted, even if it is difficult to have absolute certainty because, as today, dealers could also obtain legal pieces from collections that actually existed. Medici, in the space of fifteen years between 1995 and 2011, the date of its last appeal, was only able to provide provenance documents for less than 150 objects (3.9% of the total objects seized), and some of these documents proved unverifiable. In the case of Medici, we know that in addition to illegally importing the objects or circulating them from sale to sale to construct an acceptable civil status for them, he provided, like Becchina, false invoices and false names of collectors. This is the case, for example, for vases purchased by the Altes Museum in Berlin from Christoph Leon, a Swiss dealer, who had purchased them from the archaeologist Wolf Dieter Heilmayer, who himself had purchased them from Medici with a false provenance, the “Cramer collection in Basel”<sup>258</sup>. The objects (**fig. 2**) can appear in the documents in several states: uncleaned and unreassembled, cleaned but not reassembled, or reassembled. Some of the photographs are therefore those of the tombaroli, which were sent to him in whole packages or by mail. Others were taken by him or his restorers. They made it possible in particular to justify, to potential buyers, the veracity of the objects at a time when many fakes circulated in sales. By cross-referencing the photographs, their date sometimes written on the back, it is theoretically possible to find sets of works of the same archaeological origin, but these archives are kept secret, kept in Rome at the Tutela Patrimonio Storico brigade. When an object is identified in the Medici or Becchina archives it is automatically considered as looted by the Italian justice system. Of course, from a methodological point of view this is questionable. On the other hand, the presence of a Polaroid-type photograph is already a first sign that this object belongs to the illicit distribution system. Finally, the existence of photographs before and after cleaning or restoration removes any doubt as to the illicit origin of the objects. The Italian police estimate that Medici sold nearly 15,000 objects during its forty years of activity, excluding seizures. Few museums that would have acquired objects regularly between 1970 and 2000 could have escaped this predominance on the antiquities market. It is difficult to estimate the number of sites looted under the effect of this magnet effect, combined with those looted by other dealers such as Hecht, Symes, Amalgia, Bürki, or the Aboutaam.

The situation is such that G. Medici and G. Becchina alone have allowed the circulation on the international market of several tens of thousands of archaeological goods looted in Italy, Greece, and other regions around the Mediterranean, with particularly complicated arrangements that sometimes eliminated their tracks. As for the number of collectors and other dealers involved to one degree or another in this traffic, the list is long, from Fritz Hugelmann to Mickael Steinhardt, including Rudolph Haller and Herbet Cahn. In the frequent absence of prosecutions and trials (with the exception of Steinhardt in 2021), it is difficult to say which are accomplices and which are victims. Today, research continues, by Italian, American, and Greek investigators, but also by a few researchers who identify these objects during sales or in museum collections and allow their return to the country of origin, not without difficulty. But how many of these objects continue to circulate every day? Researchers, in particular Christos Tsiriogiannis, have spent an infinite amount of time searching for objects from these documentary funds collected by the various legal operations. Today, if the works acquired by

<sup>258</sup> Lynda Albertson, “What about the well-known looted vases in the Altes Museum in Berlin?” 8/04/2022, <https://art-crime.blogspot.com/2022/04/what-about-well-known-looted-vases-in.html> consulted 8/04/2022.

European and American museums and Europeans through their intermediaries are better and better known – and increasingly returned to their legitimate owners – we must agree on the fact that, unfortunately, a majority of the objects sold from this traffic are not identified and, for some, will never be, especially if we do not progress both in the development of scientific research and in digital tools to accelerate this research.

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## Samar Elkhamisy - The role of Egyptian Ports in fighting illicit smuggling traffic and protecting antiquities, especially in conflict areas

**Samar Elkhamisy**, Curator, Egyptian Museum, Cairo

### The Egyptian ports and the illicit trafficking of antiquities

Egypt is at the centre of the illicit market of antiquities, as a source country and a transit country. For several years, the trafficking and smuggling of heritage items have increased. In the MENA and West Africa region, this phenomenon is more remarkable due to conflict and insecurity (Egypt, Iraq, Libya, Syria, Sudan, and Yemen).

Moreover, trafficking may be linked to criminal and terrorist groups, who use it as a means to increase their income and launder money. UNESCO reports that criminal and terrorist groups are often involved in these illicit activities, using them to generate income and launder money. The global illicit trade in cultural property is estimated at \$7 billion annually, with crime syndicates and individuals engaging in these unlawful practices.

Traffickers operate in transit and destination countries. There are some documented examples for the MENA region:

a) Transit Countries:

- Transit countries for illicit objects from Iraq and Syria: Turkey, Jordan, Kuwait.
- Transit countries for illicit objects from Egypt: Middle East and South-East Asia (Kuwait, United Arab Emirates, Thailand, Singapore).
- The Transit country for illicit objects from Libya is mainly Egypt.

b) Main Destination Countries:

- Europe, North America, Australia, East Asia.

#### *Trafficking antiquities through Egyptian ports*

Smugglers and stakeholders consider smuggling antiquities through the ports of Egypt for several reasons:

- a. Geographic advantage: Egypt's strategic location between Africa, Asia, and Europe makes its ports attractive for smuggling various illicit goods, including drugs, arms, and contraband, antiquities.
- b. Weaknesses in security since 2010 because of the political turmoil and revolutions: some Egyptian ports face challenges in ensuring robust security measures due to limited resources, and political instability, making them vulnerable to smuggling operations.

Despite these challenges, Egypt has been working closely with international agencies, such as Interpol, to enhance port security and combat illicit trafficking. Thanks to Egyptian Customs, Egyptian archaeologists have been able to stop many illegal trades and protect cultural properties belonging to different countries who suffer from conflict, and they also work closely with law enforcement agencies to identify and recover stolen artefacts.

### *Central administration of ports and archaeological units in Egyptian ports*

The central administration of ports and the archaeological units in the Egyptian ports were established after 3 years of the Antiquities Protection Law, which was issued in 1983.

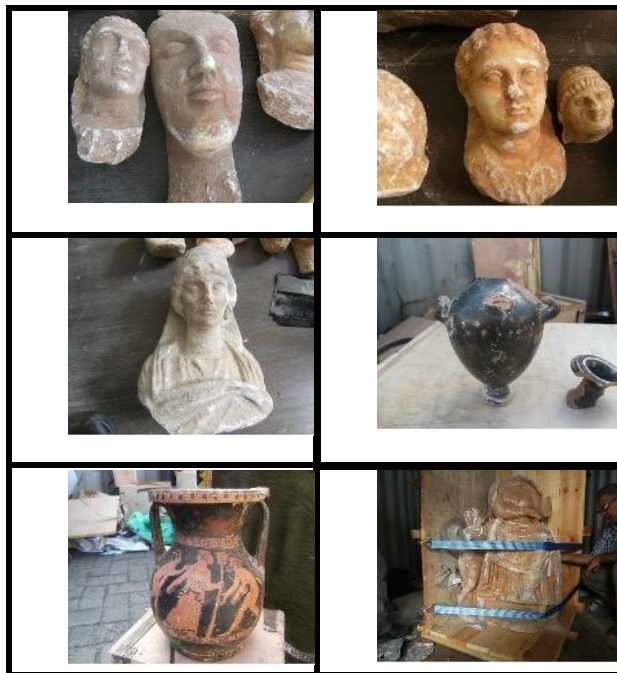
The tasks of the archaeological units in the ports are to prevent the smuggling of Egyptian and cultural heritage abroad. This is done by implementing the Law on the Protection of Antiquities and the Prevention of the Smuggling of International Antiquities, and the UNESCO Convention concluded in 1970, which Egypt joined in 1972, with the issue in 1973 of the Presidential Decree No. 114.

In addition, bilateral agreements were concluded by Egypt with some countries in the field of recovering antiquities and communicating with Embassies and repatriation of antiquities, such as Peru, Ecuador, China, Saudi Arabia, Iraq, Jordan, Italy, Switzerland, United States, Spain, Cyprus, Lebanon, Guatemala, Palestine, and Yemen.

There are currently 51 units distributed throughout the republic, covering all sea, air, and land ports.

### *Some examples of foiled attempts to smuggle cultural property in the Egyptian ports*

- Egyptian ports played a crucial role in combating smuggling and illegal trade. In October 2011, customs officials seized a container in East Port Said, it was on its way to Dubai, it was supposed to leave from Suez but the container was redirected to Port Said Port, which was carrying sofas, and in the middle was a group of wooden boxes which contained bust sculptures, vases, oil lamps, and other pieces; Some of them were packed in aluminum foil, and the styles of these sculptures are entirely specific to Cyrenaica and come from illegal excavations in Libya (**fig. 1**).



**Fig. 1:** The Seizure container in East Port Said in 2011, © The Central Administration of the Archaeological Units in Egyptian Ports, Ministry of Tourism & Antiquities.

- In 2013, The Archaeological Ports Unit at Cairo International Airport succeeded in thwarting an attempt to smuggle ancient Coptic icons that were in the possession of an Egyptian passenger travelling to the United States of America. The most notable is a three-dimensional icon of the Virgin Mary holding a Christ child in the centre. To the right is one of the evangelists and to the left is an angel (**fig. 2**).



**Fig. 2:** The Seized Coptic icon in Cairo airport, ©The Central Administration of the Archaeological Units in Egyptian Ports, Ministry of Tourism & Antiquities.

- In 2014, a block statue of limestone dating back to the late period was seized. It was hidden inside a modern mask of Tutankhamun, which was newly made and exported to Switzerland at the express mail customs in Ataba (**fig. 3**).



**Fig. 3:** The Seized Block Statue in 2014, ©The Central Administration of the Archaeological Units in Egyptian Ports, Ministry of Tourism & Antiquities.

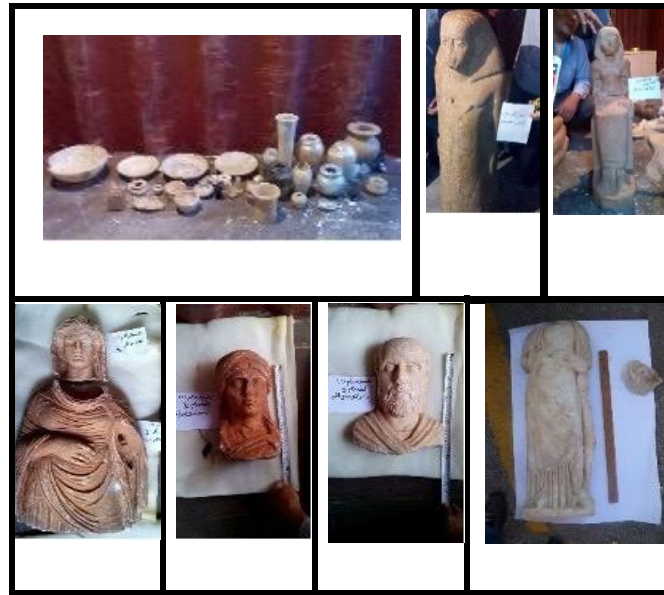
- In 2014, The Archaeological Seizures Unit in the Damietta port foiled an attempt to smuggle a valuable group of Jewish antiquities that were packed in preparation for smuggling them to Belgium (**fig. 4**).



**Fig. 4:** The Seized group of Jewish antiquities in 2014, ©The Central Administration of the Archaeological Units in Egyptian Ports, Ministry of Tourism & Antiquities.

- On 4 November 2015, the Egyptian authorities announced that Damietta customs officers had confiscated 1,120 ancient artefacts showing a majority of Egyptian Pharaonic objects, and marble

sculptures from the Greco-Roman period were also in the container. Studying the types, patterns, and styles of these sculptures later, has shown they are entirely specific to Cyrenaica and come from illegal excavations in Libya (fig. 5).



**Fig. 5:** The seizure of 1,120 ancient artefacts in 2015, ©The Central Administration of the Archaeological Units in Egyptian Ports, Ministry of Tourism & Antiquities

- In 2017, The Archaeological Unit at Egypt's Red Sea port of Safaga seized 204 coins from different historical eras that were being smuggled from Egypt to Dubai, and confiscated an old Atlas Book from 1922 (**fig. 6**).



**Fig. 6:** Seizure of 204 coins in 2017, ©The Central Administration of the Archaeological Units in Egyptian Ports, Ministry of Tourism & Antiquities

- In 2017, The Archaeological Ports Unit at Cairo International Airport was able to seize 3 Ghadaras dating back to the Ottoman period, during an attempt to smuggle them out of the country, heading to Istanbul (**fig. 7**).



**Fig. 7:** Seizure 3 Ghadaras in 2017, ©The Central Administration of the Archaeological Units in Egyptian Ports, Ministry of Tourism & Antiquities

- In 2017, The Archaeological Unit in cooperation with security and customs officials at the Damietta port seized 5 pieces of pottery vessels (amphorae) dating back to the late Roman period/beginning of the Byzantine period heading to Spain (**fig. 8**).



**Fig. 8:** Seized 5 pieces of amphorae,  
©The Central Administration of the Archaeological Units in Egyptian Ports, Ministry of Tourism & Antiquities.



- In 2017, Antique coins were seized from an Iraqi at Cairo Airport before he travelled to Baghdad (**fig. 9**).



**Fig. 9:** Seized coins in 2017,

©The Central Administration of the Archaeological Units Egyptian Ports, Ministry of Tourism & Antiquities.

- In 2018, The Archaeological Seizures Unit in the Damietta port revealed artefacts inside a shipment of personal luggage coming from England, which consisted of 2 lanterns dating back to the rule of the Alawite dynasty, containing Qur'anic verses in golden colour, from the period of Khedive Abbas (**fig. 10**).



**Fig. 10:** Seized two lanterns in 2018,

©The Central Administration of the Archaeological Units in Egyptian Ports, Ministry of Tourism & Antiquities.

- In 2019, parts of two mummies were seized before they were smuggled to Belgium at Cairo Airport in the Cargo Village, hidden inside the multimedia speaker (fig. 11).

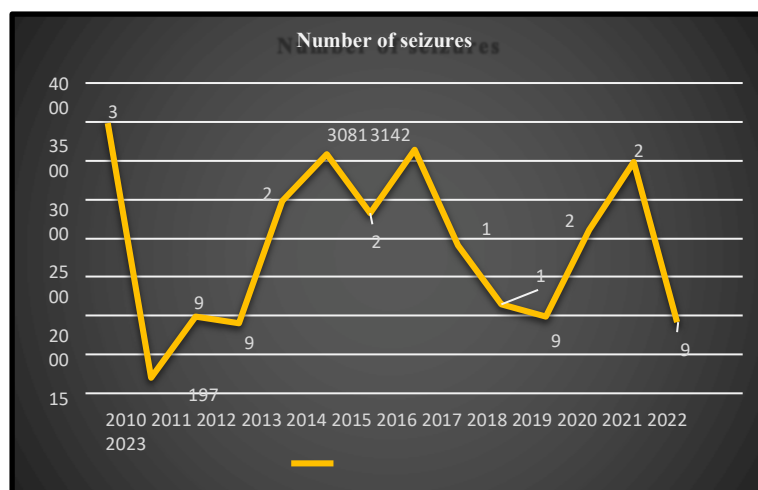


**Fig. 11:** Two mummies seized in 2019,  
©The Central Administration of the Archaeological Units in Egyptian Ports, Ministry of Tourism & Antiquities.

- In 2022, the archaeological unit at the Nuweiba Sea Port seized a statue of Aphrodite and 1,753 artefacts inside a large cargo vehicle designated for transporting fruit during its passage through the Nuweiba Port (fig. 12).



**Fig. 12:** Seized statue of Aphrodite and 1,753 artefacts in 2022,  
©The Central Administration of the Archaeological Units in Egyptian Ports, Ministry of Tourism & Antiquities.



**Fig. 13:** Statistics on the number of antiquities whose smuggling was thwarted during the last 14 years from 2010 to 2023, © Elkhamisy.

## Conclusions

Through the port's controls, Egypt not only preserves its own heritage and antiquities, but also preserves the heritage and antiquities of other countries thanks to the work done by customs and police

authorities working with archaeologists (**fig. 13**). The Egyptian Museum in Tahrir recently witnessed the ceremony (**fig. 14**) of handing over 176 antique coins to four countries: the Kingdom of Saudi Arabia, the Hashemite Kingdom of Jordan, the Republic of Iraq, and the People's Republic of China. The Archaeological Units in Egyptian Ports, at the Supreme Council of Antiquities, succeeded in seizing these coins before they were smuggled abroad, thus implementing all international treaties and agreements.



**Fig. 14:** The ceremony of handing over 176 antique coins to four countries,  
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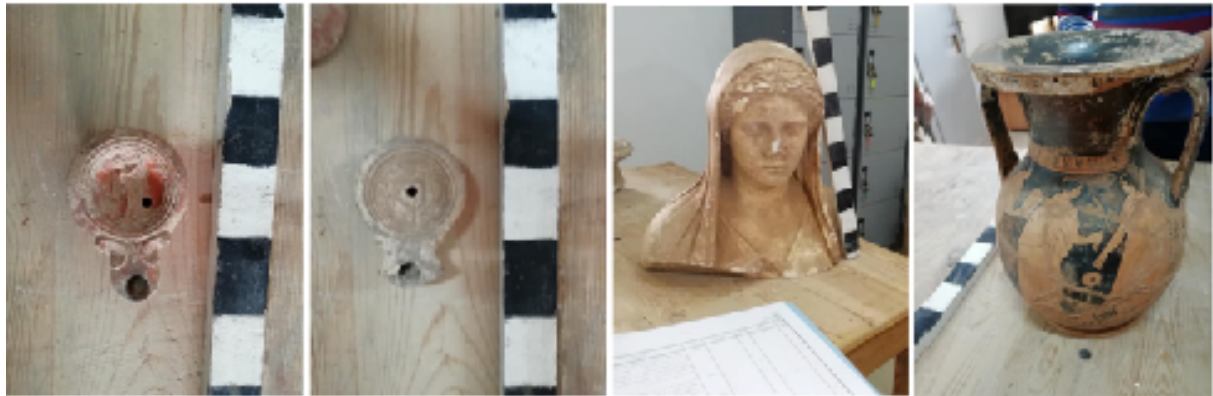
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## Samar Elkhamisy & Morgan Belzic - Seizures of Libyan and Egyptian objects in Damietta and Port Said

Evidence of international and cross-border traffic in times of crisis

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Morgan Belzic, Associate Researcher, HeRMA, University of Poitiers



**Fig. 1:** Port Said seizure, October 2011,  
©Egyptian Port Police, Port Said, 2011.

Two seizures, carried out by the Egyptian port police in 2011 and 2015, testify to the liveliness and scale of the trafficking of archaeological goods from Egypt, but also from a neighbouring country, Libya, demonstrating that Egyptian ports are one of the starting points for the black market of antiquities to Europe, Asia, and North America. Some of these objects were the subject of a small exhibition on the seizures made by the Egyptian authorities (September 2020–2021).

### The seizure at Port Said, October 2011

In October 2011, when the "Arab Spring" had plunged Egypt into a true revolution, the Port Said port police discovered, in a container officially carrying sofas, bound for Dubai, a remarkable set of Greco-Roman antiquities: **(fig. 2)** a marble head of Emperor Lucius Verus (2<sup>nd</sup> c. AD); **(fig. 1, left)** two oil lamps from the Roman period; **(fig. 1, far right)** two Athenian red-figure vases (4<sup>th</sup> c. BC); **(fig. 1 centre right)** a large marble bust of a veiled woman (c. 300 BC); **(fig. 4 top left)** a fragment of a seated statue of a veiled woman in marble (Hellenistic period, 3<sup>rd</sup>–2<sup>nd</sup> c. BC); **(fig. 4 top centre)** a marble statue of a seated woman with a boy (4<sup>th</sup>–2<sup>nd</sup> c. BC); **(fig. 4 second row, left)** a headless half-female statue of a veiled woman in limestone (2<sup>nd</sup>–1<sup>st</sup> c. BC); **(fig. 4 third row, fourth row left and centre)** six portrait busts from the Roman period in marble (1<sup>st</sup>–2<sup>nd</sup> c. AD).

The Egyptian authorities naturally thought that these were works from the Greco-Roman period in Egypt, from recent looting. One of the works is currently on display at the Marsah Matrouh Museum in northwestern Egypt. But the typology of the sculptures does not correspond to the Egyptian material:

- The bust and the half-statue of a veiled women belong to the production of the "funerary deities" of the region of the Greek city of Cyrene (Cyrenaica), in northeastern Libya, a long series of statues produced to adorn tombs between the 6<sup>th</sup> and 1<sup>st</sup> centuries BC. The marble was imported from Greece, but the limestone comes from Cyrenaica.





**Fig. 2:** a. Photograph taken by the traffickers in Libya, dated June 2011. b. Photograph during the exhibition organised at the Cairo Museum, December 2020 (©Left: Department of Antiquities, Libya. ©Right: S. Elkhamsiy/M. Belzic).



**Fig. 3: Damietta seizure.**  
©Egyptian Port Police, Damietta, 2015.

- The fragment of a seated woman statue has stylistic details clearly indicating that it comes from Cyrene, like two other statues of the same type, recently identified as a result of clandestine excavations and attempts to illegally export it to Libya.
- The five bust portraits are characteristic of the Roman funerary portraits of Cyrenaica, also intended for the decoration of tombs.
- The two painted vases predate the Greek conquest of Egypt (end of the 4<sup>th</sup> century BC) and belong to a category of vases imported from Athens and frequently present in the furniture of Cyrenaican tombs.
- The head of Lucius Verus is known from a photograph taken in Libya in June 2011 and was intercepted in the exchange of communications between traffickers by the Libyan Department of Antiquities (**fig. 2**).
- The statue of a seated woman, the most exceptional work, can also be attributed to Cyrene because of its style and the context of the seizure.

With the exception of the two lamps that have not been studied, all the material comes from Cyrenaica and is linked to clandestine excavations carried out in the months or years before the seizure. The speed of the movement of goods must be emphasised: only four months elapsed between the moment Lucius Verus' head was photographed in Cyrenaica and the moment when it had to leave for Dubai, while Libya, like Egypt, was in the midst of an extremely harsh civil conflict. The destination of this container is also symptomatic: Dubai is one of the hubs of trafficking originating from Libya and Egypt, and a very large number of sculptures from the tombs of Cyrenaica have entered the international market from this state.

Egypt's difficult situation during this period, meant that this seizure was not communicated to the public until 2020.

## The seizure of Damietta, November 2015

The seizure carried out by the Damietta Port Police on 4 November 2015 is even more exceptional. Approximately 1120 items were recovered from a container (GLDU 501468/8) officially carrying toilet paper to Bangkok, Thailand (**Fig. 3**). The vast majority are objects from the Pharaonic period: stone votive statues, funerary statuettes, earthenware, amulets, alabaster vases, mostly from funerary furniture and from clandestine excavations in Egyptian necropolises.

There were also 10 marble sculptures: most, as in Port Said, come from the tombs of Cyrenaica. There is a half-statue of a veiled woman (**fig. 3**) and a monumental head of a veiled woman (**fig. 4c**) belonging to the category of “funerary deities” of Cyrenaica and kings, funerary portraits in bust of Cyrenaica (**fig. 4l-o**). The monumental female head is known from photographs taken in Libya by traffickers.

There was also a Greek marble female head dating from the 500s BC, predating the Greek conquest of Egypt, probably from Libya as well, and in addition, there was an acephalous female statue probably made in Cyrene according to the style of dress.

Finally, there was a rather curious statuette in marble, the provenance of which cannot be determined, but which probably belongs to the productions of the hinterland of Cyrene, as well as a small fragment of a Greek relief in white marble, the provenance of which cannot be determined at present.

These two sets show the convergence of Libyan and Egyptian traffic; the destination, Bangkok, is not insignificant: we have spotted an interconnected flow between Dubai and Bangkok, and it is probably the same sponsors behind both operations. It should be noted that in 2014–2015, Cyrenaica was in the throes of a civil war, with various forces present, in particular militias affiliated with Daesh and international terrorism in the Cyrene region.

## A multi-million-euro package in times of conflict

It is always extremely difficult to assess the price of an antique from the market, which varies depending on the place and date of sale, as well as the strength of the forged documents that are made for laundering. Nevertheless, there are some indications: an exceptional head of Lucius Verus (**Fig. 2**) may not be sold, in Europe or North America, for less than €1 million; a less interesting bust of Marcus Aurelius, his half-brother and co-emperor, estimated at between 800,000 and 1,200,000 euros in New York in 2012, was sold for more than 2 million euros. The statue of a seated woman accompanied by a boy (**Fig. 4b**) is overpriced: it is a Greek original with exceptional representation and remarkable quality; one cannot imagine a price of less than 2 million euros for such a piece, with potential records at auction. Funerary portrait busts have a price that can vary greatly: the lower quality smaller examples can be sold for less than 5000 euros, the most exceptional in size and quality for more than 100,000 euros. Taken together, the nineteen sculptures of Libyan origin alone represent a set that can be valued at between, at least, 5 to 10 million euros. Add to that the thousand pharaonic objects, and this figure could quickly reach 15 million euros or more.

The seizures of Port Said (2011) and Damietta (2015) both occurred in the period of upheaval following the “Arab Spring”. War and crises have led to the rise of the black market, due to the deregulation and destabilisation of states, as well as the search for new sources of money for vulnerable populations. We do not know the sums exchanged between the looters in Egypt and Libya and the “wholesalers” in Egypt and Dubai. However, we are certain that these sums are much lower, but more than enough, for example, to buy weapons. The risk is therefore significant: part of the sums exchanged in market

countries fuel conflicts and finance criminal activities in source countries, which can eventually also plague market countries in return. We know that some of the sculptures photographed with the monumental female head seized in Damietta or with the head of Lucius Verus have managed to reach Europe and be sold, including at auctions: the transition from the conflict zones in Egypt and Libya to the European market is no longer a hypothesis but a certainty, as these two seizures testify.

It is a true predatory economy which, in Europe, North America, East Asia, and the Middle East, feeds on these crises, adding to the horrors of war a new penalty: the spoliation of a part of the peoples' Heritage, in other words the heritage of their ancestors, and more broadly the heritage of humanity.





**Fig. 4:** Greco-Libyan sculptures seized at Port Said and Damietta  
©S. Elkhamissy/M. Belzic.



# Part 2

## Actors and routes, traffic and laundering

### II - Circulation and artefact laundering



## Camille Blancher and Vincent MICHEL – Strategies for the (il)licit circulation of archaeological objects on the antiquities market

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Fraud linked to the illegal trade in archaeological goods is becoming more and more elaborate, complex, and global, making it more difficult to detect, and the interweaving of legal and illegal circuits is exacerbating the phenomenon, particularly from source countries to the strongholds of the antiquities market.

By definition, auction centres are emblematic places, more or less well-known, where objects are bought and sold, sometimes over centuries, sometimes over just a few weeks. They are de facto strategic and unavoidable places in the art market, much to the delight of dealers and lovers of antiques.

Although archaeological objects are sold with apparent legality, they do not have a legal provenance when they circulate on the art market, even in the biggest auction houses and galleries. Indeed, current research into the illicit trafficking of artefacts is unequivocal: the antiquities market is rife with crime, covering a wide spectrum of profiles from petty criminals to organised crime and terrorism. Our studies highlight the infiltration of this market by networks of dealers. It is clear that the legal market is instrumentalised and used as a cover to feed a fraudulent trade, in which the actors – consciously or unconsciously – become accomplices to illicit trafficking of all kinds.

To circulate freely on the antiquities market, archaeological objects must be adorned with a legal, even irreproachable provenance, i.e. above suspicion. To achieve this, dealers use a number of methods to legitimise the sale of the artefact, either by transforming the objects themselves, or by falsifying the accompanying documentation, but this can also be cumulative. The illegitimate provenance is then concealed using a wide variety of stratagems we call “laundering”. Identifying them is our main challenge! These practices not only make it possible to circumvent existing national and international legislation but also facilitate the introduction of goods into legal markets. Our studies show that traffickers assume that the buyer will not check the claims accompanying the object; simple, reassuring indications of provenance are enough, and this is as true in the major auction rooms as it is on Internet sites. Our research, focusing mainly on the laundering of archaeological cultural objects, has identified certain methods<sup>259</sup> which we explain and summarise below. We can only divulge cases where the courts have reached a final decision, and those resulting from our research using open-source data.

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<sup>259</sup> This list is not exhaustive since traffickers are continually adapting by adjusting their strategies in order to sell their goods.

## The different laundering strategies used

Artefact laundering consists in transforming the illicit origin of an object to give it an appearance of legality, by falsifying or transforming the object or documents. We are faced with a great deal of creativity on the part of traffickers, which needs to be unmasked to make the art world more aware of its vulnerabilities.

### *The object: camouflage and modification*

One of the first categories of laundering identified concerns the modification of the object itself. To sell a looted, stolen, or illegally exported antiquity, the trafficker seeks to make it difficult to identify the object's criminal origin, to maximise his chances of sale and resale in the market countries. In this way, traffickers transform archaeological objects for economic, strategic, and legal reasons. Archaeological artefacts are often subject to legislation governing their protection, prohibiting, for example, their export or sale without authorisation from the relevant authorities. By modifying or altering an object, traffickers attempt to circumvent these regulations. A number of transformation techniques can be employed by traffickers, right from the first time an item is exported. Some of these can temporarily or permanently affect the integrity of the object.

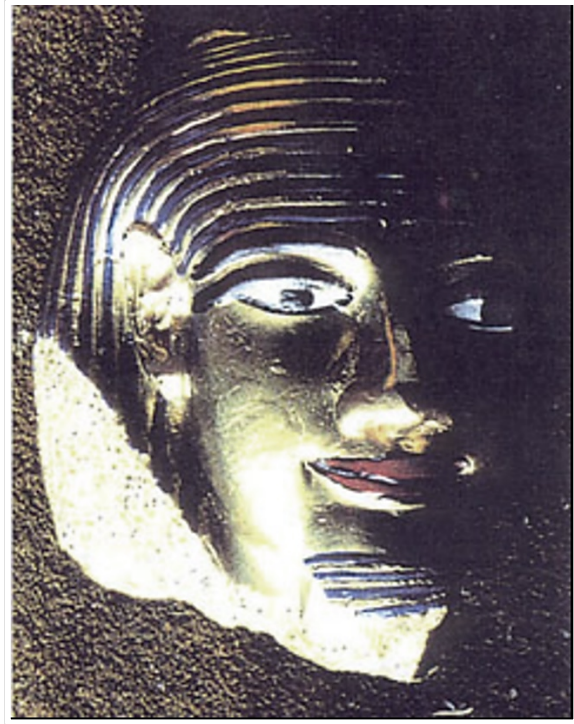
- *Make-up of the original object*

From the very first links in the chain made up by traffickers, objects can undergo changes. Indeed, ingenious individuals can temporarily metamorphose the object's original appearance to disguise its appearance and era. This can include concealing the material or patina, making it more difficult to identify an archaeological object. By modifying objects, traffickers increase their chances of getting the object through regional and international controls, mainly customs, without being arrested and stripped of their merchandise.

The example of the “Jonathan Tokeley Parry/Frederick Schultz” case is particularly enlightening<sup>260</sup>. How to get around the ban on exporting genuine Egyptian antiquities under Law No. 117 of 1983? New York dealer Frederick Schultz and British “restorer” Jonathan Tokeley-Parry managed to circumvent this measure by transforming the antiquities into crude copies (**fig.1**). They were coated with translucent plastic and then covered with brightly colored paint. Sometimes, even the hieroglyphs were altered. The aim of the two protagonists was to make them look like fake objects intended for tourists. The goods were then wrapped in gift wrap typical of souvenir stores and flown to the USA or England (**fig.2**). On arrival, accomplices would remove the plastic shell to recover the objects. The objects were then sold with a fictitious provenance: “Thomas Alcock collection, assembled in the 1920s”. In this way, these two traffickers managed to sell over 3,000 antiquities out of Egypt! Frederick Schultz was finally sentenced in 2003 to 33 months' imprisonment and a \$50,000 fine.

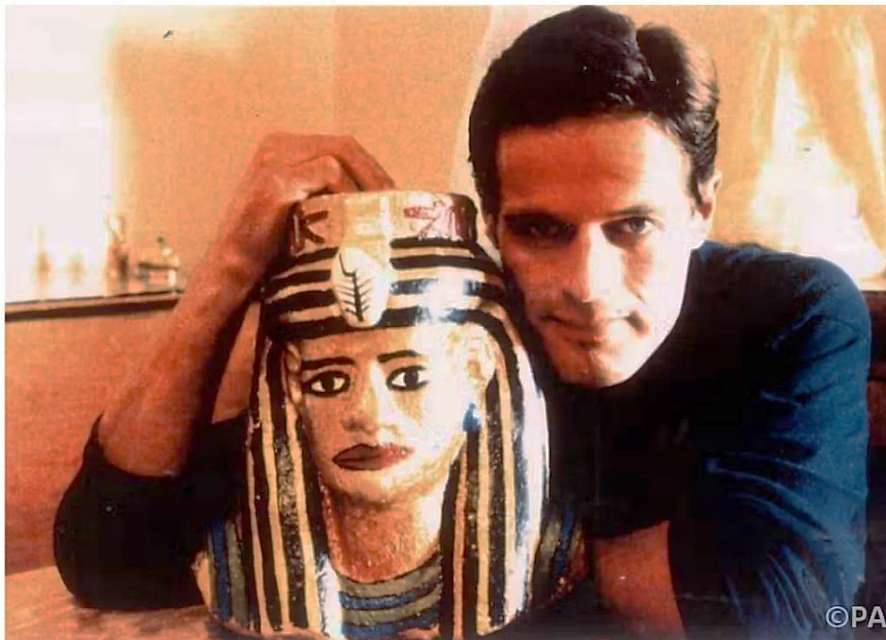
<sup>260</sup><https://theconversation.com/while-elgin-marbles-debate-rages-there-is-still-a-market-for-looted-antiquities-22422>, consulted 28/08/25.





**Fig. 1:** Egyptian head disguised by Tokeley-Parry  
©Archaeology Magazine.

For example, Tokeley-Parry has disguised this sculpture of Amenhotep III head, then smuggling it into Switzerland and later to Frederick Schultz. In, 1993, Schultz sold it for \$1.2 million in 1993.



Police file of Jonathan Tokeley-Parry at his workshop in Devon. PAArchive

**Fig. 2:** Police file of Jonathan Tokeley-Parry at his workshop in Devon.  
©PA Archive.

- Factitious and undeclared restoration

Archaeological objects can also be restored in ways that are not mentioned in the sales advertisements. This method requires the intervention of a more or less experienced “restorer”<sup>261</sup>. These “reconstructions” are not illegal as such. On the other hand, they must be explicitly mentioned by the seller during a regulatory transaction, in full transparency with the buyer.

In the context of illicit trafficking in looted or stolen cultural goods, restoration can have several advantages, such as masking the original state of the object. Far from simple “cleaning”, our research shows that some individuals do not hesitate to remove (sometimes to the extreme) traces of earthy concretions characteristic of recently excavated artefacts, as in the case of the marble female head published below and identified on the Instagram of an Israeli dealer proud of his achievement (**fig.3**).



**Fig. 3:** Marble female head restored and posted on Instagram  
©Mission Archéologique Française en Libye research.

On the one hand, these restorations remove any residual traces still linking the object to its original archaeological context (for example, the ochre patina left by a long period of burial in the clay *terra rossa* of several Mediterranean countries, including Libya, is removed). On the other hand, it also makes the object more “marketable” in the eyes of buyers. In some cases, archaeological objects from recent excavations are damaged, incomplete, or fragile. In such cases, skilled restorers can intervene to “repair” the artefact, with the aim of making it more aesthetically appealing (**fig.4**).

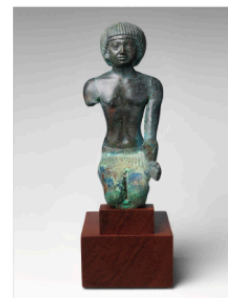
The advantage of such “restoration” for traffickers is the concealment of elements that would allow the artefact to be identified as having been looted or stolen (such as the deletion of an inventory number, the retouching or cutting away of parts of the artefact that are too identifiable, etc.) (**fig.5**).

<sup>261</sup> The latter can be professional or self-taught.





**Fig. 4:** Libyan marble female head  
"restored"  
©MAFL research.



Public Domain

Ex Collection Joseph Shitrit, Israel, from the 1960s. Purchased from him by **Biblical Antiquities**, Jerusalem, Israel, 2005. Purchased by the Museum from **Georges Lotfi**, Tripoli and Paris, 2006.

Metropolitan Museum

**Fig. 5:** From traffickers, to restorator,  
to the museum.  
©MAFL research.

- Irremediable transformation (addition or removal of elements)

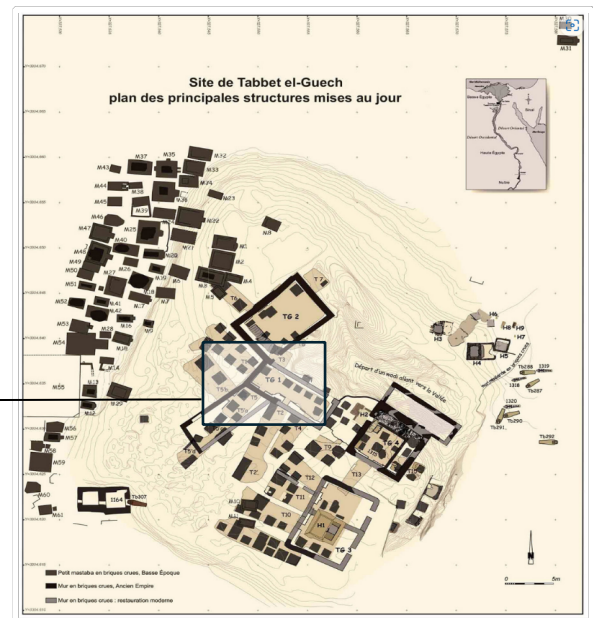
Some antiquities are also liable to undergo a more profound and perennial transformation, right from the moment they are discovered on their original site. In addition to the accidental deterioration perpetrated by traffickers during theft or looting, some cultural goods are de facto damaged when removed from their original context. This is particularly the case for architectural pieces, which are cut up, separated and thus decorrelated from the archaeological assemblage to which they belonged before their removal, as in the case of the Egyptian relief below, looted from Saqqarah in 2010 and offered at 60,000 euros on the French market in 2012 with a false provenance (**fig.6**).



**Fig. 6:** Egyptian relief looted from Saqqarah  
©Camille BLANCHER.

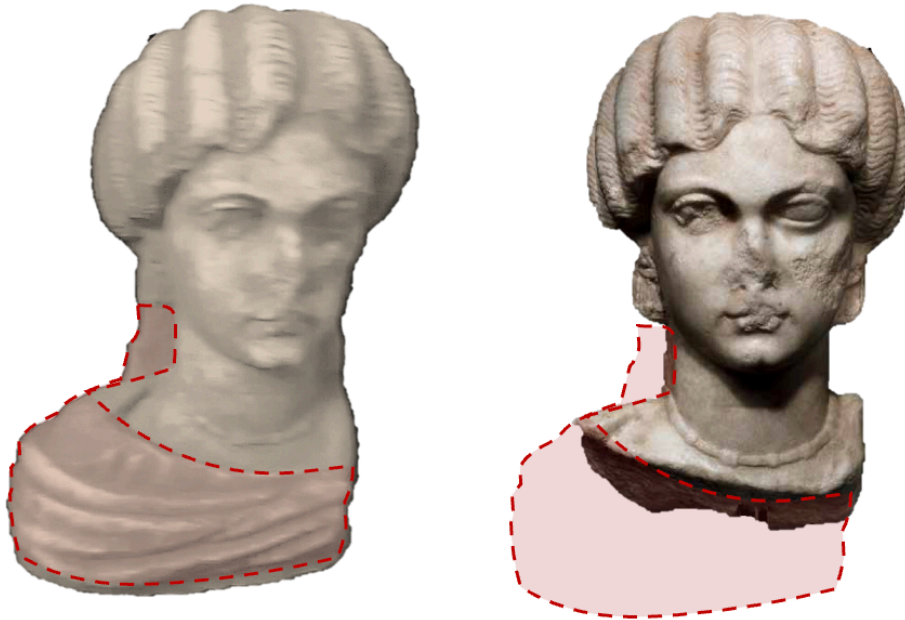


**Fig. 7.** Vue vers le nord des complexes funéraires TG 1 et TG 2 avec



**Fig. 7:** Egyptian funerary complex  
©Picture and map: Vassil DOBREV ©IFAO.

In addition, other objects may be deliberately stripped of part of their original form, for instance segments may be dismantled prior to sale, such as the back cap and upper torso of this Libyan sculpture (fig.8).



**Fig. 8:** Libyan sculpture dismantled  
© MAFL research.

Conversely, some goods can be grafted with elements (whether real or fake) that were originally distinct from one another, as in the case of this loutrophore sold in 2011 and again in 2021 (fig.9). The addition of the elements was not mentioned to the buyers in the 2021 sale.



**Fig. 9:** Elements grafted onto a greek loutrophore  
© MAFL research.

Many sculptural elements circulate easily because they are transformed, taken out of context, and difficult to detect. The trafficker's aim is always the same: to render undetectable an object that has been stolen from a collection or looted from an archaeological site. The addition of new elements or the removal of original parts sometimes complicates, or even prevents, the determination of the illicit provenance. The art market is not always aimed at an expert public, and buyers who are less well-informed about the objects can easily be deceived. In particular, this enables dealers to sell dubious goods, while avoiding potential suspicion as far as possible.

An archaeological object can be misrepresented for a number of reasons: to increase its market price, to conceal its fraudulent origin, or to assimilate it to another type of culture or period, depending on market trends. Indeed, artefacts, especially those that might come from archaeological sites located in conflict zones, are likely to attract more attention if they are directly associated with dubious geopolitical contexts. By transforming the object, traffickers attempt to make it more discreet, while at the same time more attractive – and therefore more expensive – not only to art market actors, but also to future collectors.

### *The documentation*

The documentation attached to artefacts sold on the art market plays a fundamental role in transactions. In fact, it is supposed to accompany the object and attest to the legality of its sale. More specifically, this documentation provides greater security and transparency and establishes trust between buyers and sellers. Documentation can, for example, be used to certify the authenticity of the item by means of expert reports, to indicate its ownership or restoration history, or to testify to its state of preservation.

In a market where prices can reach very high levels, buyers of historic properties want to be sure that the object they are investing in is authentic, legal, and in the condition indicated in the advert. As a result, archaeological property prices are assessed not only on the basis of the objects themselves, but also on the documentation that accompanies them through the triad of “provenance, condition, and history”. Good documentation can therefore have a significant influence on the sale of works of art and should guarantee the buyer the legality and circulation of his purchase.

When studying the illicit trafficking of cultural goods, it is not just a question of analysing the objects themselves; it is also a question of examining the related documentation. Indeed, document falsification is another key method used to launder antiquities and integrate them legally into international markets. Apart from the object itself, traffickers exploit all documentary resources relating to it to provide false legitimacy to stolen or looted goods. This practice contributes to the illicit trade and represents a major challenge for authorities, researchers, and other professionals. The elements described below can be completely invented, or even misappropriated, to help conceal the fraudulent origin.

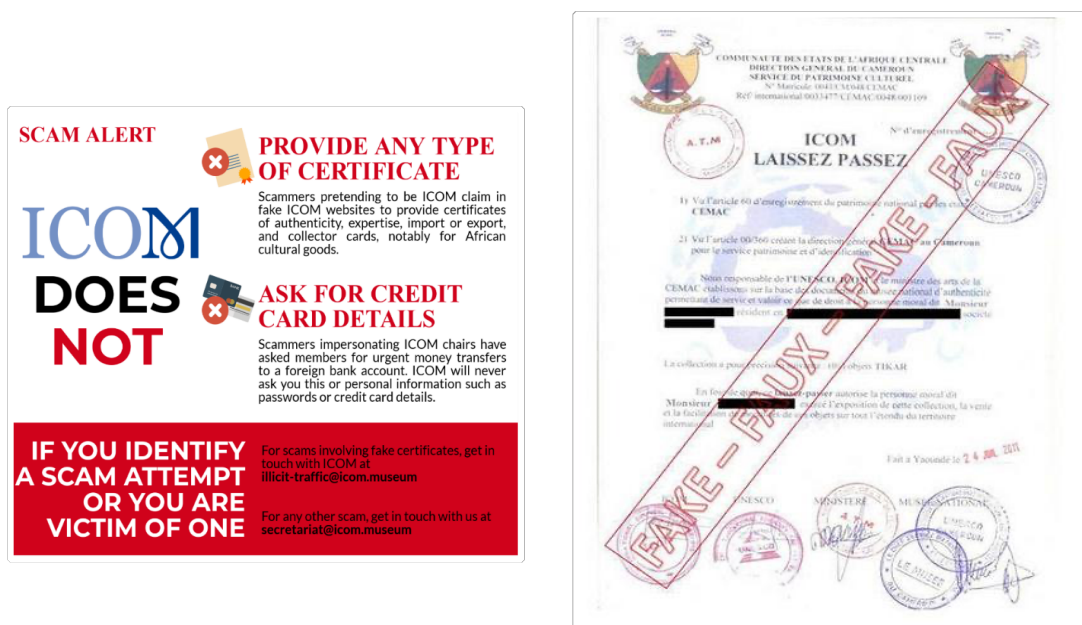
#### ● *False certificates of provenance*

Archaeological objects stolen or looted from the ground are difficult to sell publicly in their current state, due to their illegal origin. Logically, given their mode of extraction, the objects have no official, legal documentation for sale. From a transactional perspective, the creation of a false certificate of origin (e.g. an invoice) serves to disguise the dubious origin of the object. The certificate thus attests – falsely – to the potential buyer that the object was previously acquired legally or exported in compliance with current national and international laws. By presenting a false certificate of origin, traffickers can circumvent restrictions and facilitate the illegal export of objects to other countries where controls are less stringent. As a result, they can sell objects worldwide without attracting too much attention from experts or customs authorities.



Collectors are then not inclined to doubt the provenance of an object if it is accompanied by such documents, which appear to be apparently legitimate. Buyers, whether occasional or more experienced collectors, are not always in a position to thoroughly check whether an object's provenance is genuine, given that concealment techniques are sometimes highly sophisticated, making such practices virtually undetectable (false documents but old paper and ink, use of old typewriters...). Traffickers can thus take advantage of these loopholes and customers' lack of knowledge to sell their wares. Given the complexity of distinguishing genuine certificates from forgeries (counterfeiters can be so nimble), recognising such documents supplied by merchants can be laborious, even for market professionals.

Similarly, UNESCO, ICOM (International Council of Museums), and Interpol regularly warn against the use of forged certificates purporting to come from their institutions, to validate the export of cultural goods with the help of stamps. However, these organisations never issue such documents, which are the sole responsibility of the relevant national authorities (**fig.10**).



**Fig. 10:** False ICOM and UNESCO certificates  
©ICOM ©UNESCO.

- **False family affiliation (unknown, imprecise, unverifiable, etc.)**

Archaeological traffickers also use false family affiliations for a number of reasons, not only strategic but also practical. They claim that the object has an unknown or imprecise family provenance, thus making its ownership impossible to verify. One of the main arguments put forward by dealers in these cases is the sellers' desire for “confidentiality”. Above all, the false family provenance serves to conceal the lack of documentation relating to looted and stolen archaeological objects. It also creates a false declaration of history, enabling a plausible story to be told about the objects and facilitating their sale. By claiming that the work belongs to a more or less “anonymous” family, the object appears to have been passed down from generation to generation (though not as part of a larger collection). The history of the object for sale is therefore part of the history of a family, so that even if it has no official document or tangible proof of belonging, its history seems credible enough not to arouse immediate suspicion, as in the case of the two statues appended below, sold in 2008 by a major New York auction house with the sole provenance “European family collection, 1970s” (**fig.11**). However, they were stolen from Cyrene at the turn of the 2000s. False family traceability is also used to divert the suspicions of collectors and authorities, in particular to avoid the sale of these works being considered



suspicious. By making the object part of a fictitious family heritage story, traffickers further complicate provenance research, since archaeological objects with an unverifiable provenance are, by their very nature, difficult to trace. When these same dealers claim that an artefact belonged to an “ancient private collection”, it becomes difficult to prove its illegal origin. For example, authorities or scientists may be reluctant to investigate further (because of the lack of proof), thinking that it is simply an “orphan” object that has passed through the generations like so many others.

**A GREEK MARBLE DRAPED FEMALE**  
CLASSICAL PERIOD, CIRCA 4TH CENTURY B.C.

**Price Realized**  
\$56,250

Sales totals are hammer price plus buyer's premium and do not reflect costs, financing fees or application of buyer's or seller's credits.

**Estimate**  
\$30,000 - \$50,000



**Lot Description**

A GREEK MARBLE DRAPED FEMALE  
CLASSICAL PERIOD, CIRCA 4TH CENTURY B.C.

Standing with her weight on her left leg, her right pulled back and bent at the knee, her arms at her side, the separately-made forearms originally pinned in place, wearing a high-belted floor-length chiton, her sandaled left foot emerging from below the hem, with a himation wrapped around her waist and legs and over her left shoulder, its deep angled folds contrasting with the shallow vertical folds of the chiton, preserving long hair along the back of her shoulders  
17 in. (43.1 cm.) high

**Provenance**

European Family Collection, 1970s.

**A GREEK MARBLE GODDESS**  
HELLENISTIC PERIOD, CIRCA 2ND CENTURY B.C.

**Price Realized**  
\$20,000

Sales totals are hammer price plus buyer's premium and do not reflect costs, financing fees or application of buyer's or seller's credits.

**Estimate**  
\$15,000 - \$20,000



**Lot Description**

A GREEK MARBLE GODDESS  
HELLENISTIC PERIOD, CIRCA 2ND CENTURY B.C.

Standing with her weight on her left leg, her right bent at the knee, wearing a high-belted floor-length chiton and a voluminous himation over her shoulders and around her waist and legs, with a vertical mass of drapery falling from her lowered left arm  
13 5/8 in. (34.6 cm.) high

**Provenance**

European Family Collection, 1970s.

**Fig. 11:** Example of false family affiliation on the art market concerning two stolen Libyan statues  
©MAFL research.

By providing a false collection attribution, dealers give the impression that the object has an old, known origin. In this way, they make the objects more attractive to collectors, who are misled into thinking that they are part of a list of identified, existing owners of a “private collection”. As well as giving the artefact a pedigree, this increases its value, which is particularly beneficial to the various actors in the trade. Once again, the production of false documents reinforces the deception perpetrated by dealers. The idea is to reinforce the illusion that these objects have a legal and indisputable provenance. By presenting the item as having been part of an already established collection, with a particular “genealogy”, dealers mask the object's illicit past. Whether for stolen goods, as below with the statue sold in 2011 falsely claiming to come from the “Hinzer family” (whereas it was stolen in Libya in 2000), or looted, such as the head which presents a provenance rich in nominative initials since 1972 (whereas looters exhumed it in 2014), the method is similar: use names to launder provenances (fig.12).



**CHRISTIE'S**

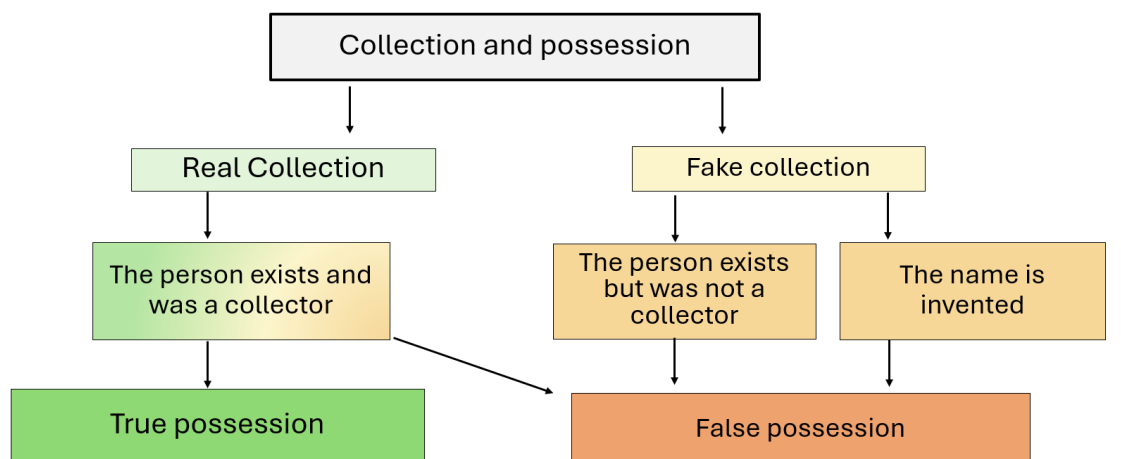
Description

A GREEK MARBLE APHRODITE

... left bent at the knee, wearing a thick himation with ...  
g her left shoulder and falling down behind her left arm,  
...rging below the hem, atop an integral plinth, her head  
...angled slightly downward and to her right, with a youthful visage, including rounded cheeks, a pointed chin, and  
...full lips, her recessed almond-shaped eyes with thick lids, her center-parted hair, rolled back from her face, tied

**Fig. 12:** Example with a false family name to sell a stolen (top) and a looted Libyan statues (below)  
©MAFL research.

In the context of an illicit trade, there are two ways of including an artefact in a collection: either the collection exists, but the object has never been kept in it, or the collection is false and, logically, so is the object's belonging to it. Fake collections or false ownership can also be used to group objects into a more or less coherent whole, adding credibility to the history of the objects. For example, a trafficked oil lamp can be inserted into a corpus of 3 other legally acquired artefacts, giving the impression of a batch of 4 legal works.

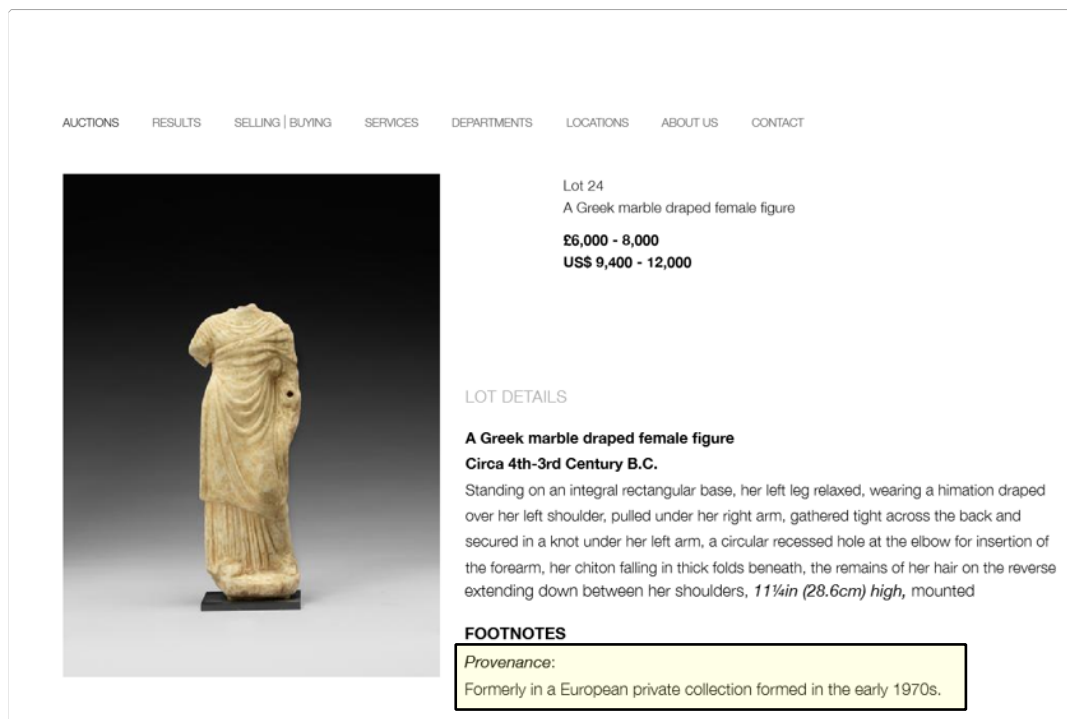


By creating a fake collection in this way and fabricating associated documents (such as inventories or certificates), traffickers can convince buyers that the objects are legitimate because they were purchased at a time before heritage protection laws were introduced.

- *False reference to the 1970 UNESCO Convention*

Often highlighted as the main reference in the field, the 1970 UNESCO Convention is used by traffickers to give apparent legitimacy to objects with a criminal provenance. This is the international benchmark for measures to be taken to prohibit and prevent the illicit import, export, and transfer of ownership of cultural property, and provides a common framework for States Parties on the measures to be taken. In the art market, traffickers generally claim, for example, that objects were acquired before the Convention came into force, when in fact they come from illicit circuits. Whether explicitly mentioned or not, behind the “1970” label often lies a precise aim: to deceive the buyer and reassure him by giving him a legal assurance with a chronological reference. The object is thus laundered under the pretence that it conforms to the principles set out in the articles of the Convention. Once again, falsified provenance information helps the protagonists to bypass traceability mechanisms and conceal the object's criminal origin (**fig.13**).

By presenting bogus references to the Convention, traffickers seek not only to circumvent the authorities, but also to exploit buyers' good faith to sell their goods. Collectors are not necessarily experts in international texts. They may therefore be convinced that an object has been acquired and exported legally, especially if the attached documents refer, directly or indirectly, to major international conventions on heritage protection, such as the 1970 Convention.



**Fig. 13:** Example with a 1970 mention in a sale announcement of a stolen Libyan statue  
©MAFL research.

- *False or vague origins*

By knowingly evoking imprecise or even misleading origins, traffickers avoid providing obvious information that would make it possible to prove the real illicit provenance of the archaeological object. In this respect, by providing erroneous or indeterminate information, traffickers attempt to circumvent the authorities' controls and slip through the cracks of judicial surveillance, which could be called upon to detect objects of suspect origin, more specifically from countries in conflict. In addition, this enables them to conceal the exact location of looted sites (when they know it, since information can be lost in the course of sales). For example, advertisements may use the terms "Orient" or "Levant" instead of Iraq or Syria, "Arabian Peninsula" or "Happy Arabia" instead of Yemen, or "Roman province of North Africa" instead of Libya. The use of general terms such as "Mediterranean origin" or "ancient Greek colony" is ideal for confusing the issue, so as not to indicate the true origins and countries that are usually the focus of investigators and researchers. Indeed, without being misleading, these indications refer to such a vast geographical area during Antiquity that it is difficult to establish precise and certain verifications, especially for object typologies that may have flourished in the four corners of the Mediterranean. On the other hand, when object types are characteristic of a specific site or region, it is easier to scientifically prove the laundering carried out by traffickers, as in the case of this typically Libyan funerary bust, described only as "Greek" in a 2020 advertisement, whereas it undeniably originates from Cyrenaica (eastern Libya) (**fig.14**).

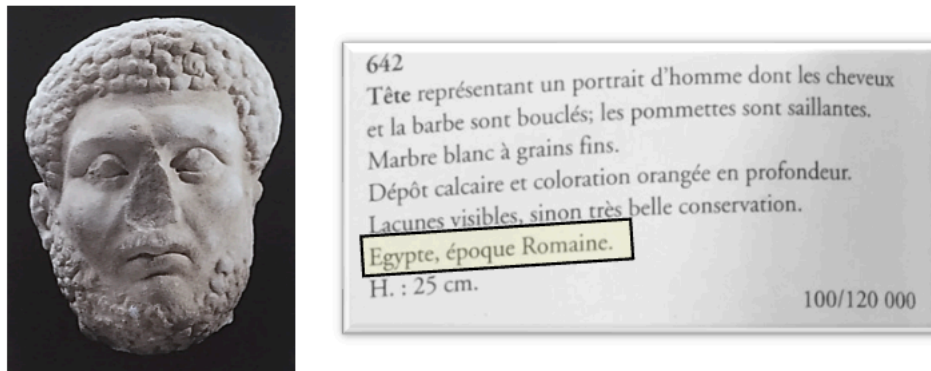


**Fig. 14:** Example with very vague origin about a Libyan statue  
 ©MAFL research.

In this way, illegal digs and dealer networks are better "protected" from the authorities, but also from potential competing looters. At the same time, the antiques market and its actors can be more reassured, especially the less honest among them, those who wish to discreetly dispose of objects with no proven provenance.

#### • Change of identity

In theft or looting situations, it is sometimes necessary for traffickers to change the identity of the object, again to avoid arousing suspicion. This may include changing the name, typology, origin, etc. In short, any element that can facilitate attempts to research the initial archaeological provenance is likely to be modified. For example, an artefact that was fraudulently extracted from Libya could be reattributed to another country to conceal its real origin, like this head stolen from Cyrene, sold as Egyptian (**fig.15**).



**Fig. 15:** Stolen Libyan marble head sold as "Egyptian" on the French art market  
©MAFL research.

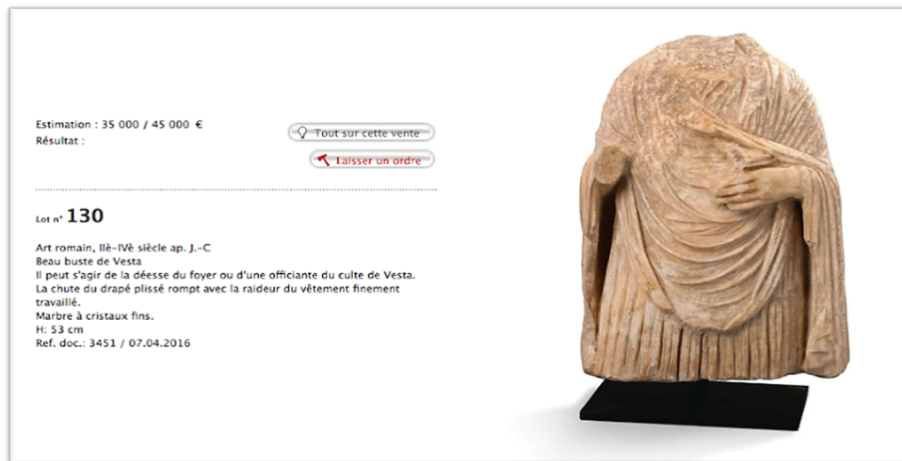
Another example of a modified identity is the use of a name recognised as "Aphrodite" while it is in fact a classic Libyan female statue (**fig.16**). A notable element specific to the trade in cultural goods: an artefact can be offered at a higher price if it is a divinity, moreover an Olympian one. According to market standards, it can therefore de facto be revalued thanks to a new (but false) reattribution, especially when the object is then perceived as more noble and rarer in the eyes of collectors. In a commercial logic, merchants thus attract buyers, while increasing prices and thereby complicating the avenues for dismantling illicit trafficking.



**Fig. 16:** Stolen Libyan marble statue sold as "Aphrodite" on the art market  
©MAFL research.

This technique is also a way of covering one's tracks, as illustrated by the example of an auction of a marble statue, estimated at between €35,000 and €45,000, presented as "Roman art, 2<sup>nd</sup>–4<sup>th</sup> century AD. Beautiful bust of Vesta (...)" (**fig.17**). A disturbing element: six months before being put up for sale in Paris, it was exhibited in a Spanish gallery at a price of €65,000 and identified as coming from "Cyrene". This factually proves to us that the gallery knew exactly the origin and function of this statue. However, since it was not saleable on French soil as such, when crossing the border, the statue changed its identity to avoid any reference to Libya, which is a "country under surveillance" by the researchers.





**Fig. 17:** A looted Libyan marble bust from Cyrene sold on the art market as “bust of Vesta”  
©MAFL research.

● *False declaration of an object*

Regarding the documentation relating to the import or export of historical objects, making false customs declarations is a practice that has been observed many times in the context of international trafficking of stolen or looted artefacts. This tactic allows traffickers to slip under the radar of legal controls, avoid additional costs and thus increase their chances of selling these objects in market countries. To do this, the antiquities can be presented under another name or attributed to another category to escape current regulations. For example, artefacts can be described as simple modern reproductions to avoid revealing their true historical value, such as these two marble bas-reliefs with sculpted decoration, simply declared as “ornamental stones for garden decoration” and weighing 108 kg. They were seized by French customs at Roissy airport (Paris) in 2016 following strong suspicions (**fig.18**). Indeed, coming from Lebanon, a country bordering a war zone and potential looting, these two bas-reliefs were destined for Thailand. They thus illustrate the complex journey followed by objects looted in war zones and accompanied by false certificates, false dates, and a fictitious history.



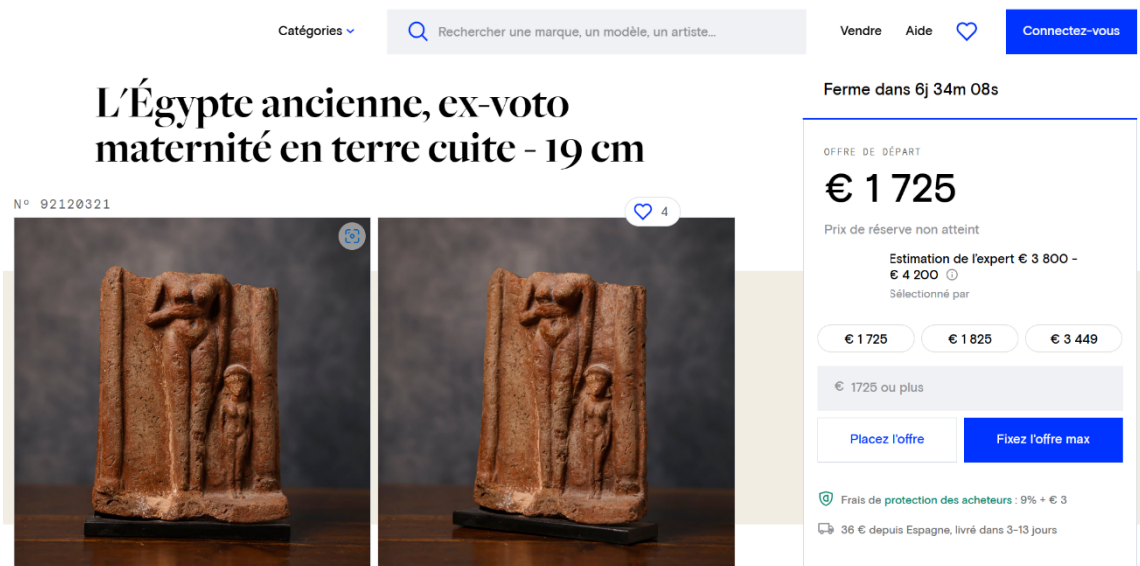
©DNRED



**Fig. 18:** Marble bas-reliefs seized and exposed in the Louvre Museum ©Camille BLANCHER.

● *False expert declaration*

To give more credibility to the legality of an antique, some traffickers use “experts” (fictitious or not) who issue false authenticity opinions. These experts often certify that the object is of legal and/or historical origin, which strategically facilitates its sale on the market. As its name suggests, expert documentation helps prove the authenticity of an object by protecting buyers against counterfeits and false attributions. On the other hand, it does not protect them against objects resulting from theft or looting; certainly, the objects are authentic, but their sales and possessions are not necessarily legal.



Acquired from a private Spanish collection, A.B.M in 1970.

**The object includes a certificate of authenticity**

**Fig. 19:** Screen capture on the online market  
©MAFL research.

The production of false documents requires the assistance of experts. This is the case, for example, of the brothers Ali and Hicham Aboutaam (**fig.20**), owners of the *Phoenix Ancient Art gallery*, for whom an expert admitted to having written a false provenance himself in the following terms: “This word [the certificate] gave me all the time I needed to rewrite the history of this object, which must have come from the late Suleiman Aboutaam, whose provenance was unknown. Subsequently, driven as I was, I wrote a document in which I reconstructed, on the basis of true and verifiable elements, a false provenance.”<sup>262</sup>



**Fig. 20:** Ali and Hicham Aboutaam  
©SwissInfo.

<sup>262</sup> <https://www.swissinfo.ch/fre/economie/un-expert-signait-de-faussees-attestations-pour-phoenix-ancient-art/47096408>, consulted 29/08/25.

### *The opacity of the market*

The antiques trade is often considered opaque for several reasons intrinsically linked to its internal and external functioning. The lack of transparency on prices, private collections, and transactions, networks of intermediaries, subjective expertise, speculation on works, the various manipulations carried out by market actors, are only brief illustrations of this. The combination of a set of factors allows many questionable practices to flourish, which makes it difficult to have a clear and precise vision of how the art market works. Due to the confidentiality that surrounds sales, it is difficult to trace the history of objects and verify their legitimacy. Our research – non-exhaustive and developed below – has precisely shown that the opacity of the art market in general, and more particularly that of antiques, undeniably facilitates the laundering of objects of illicit origin.

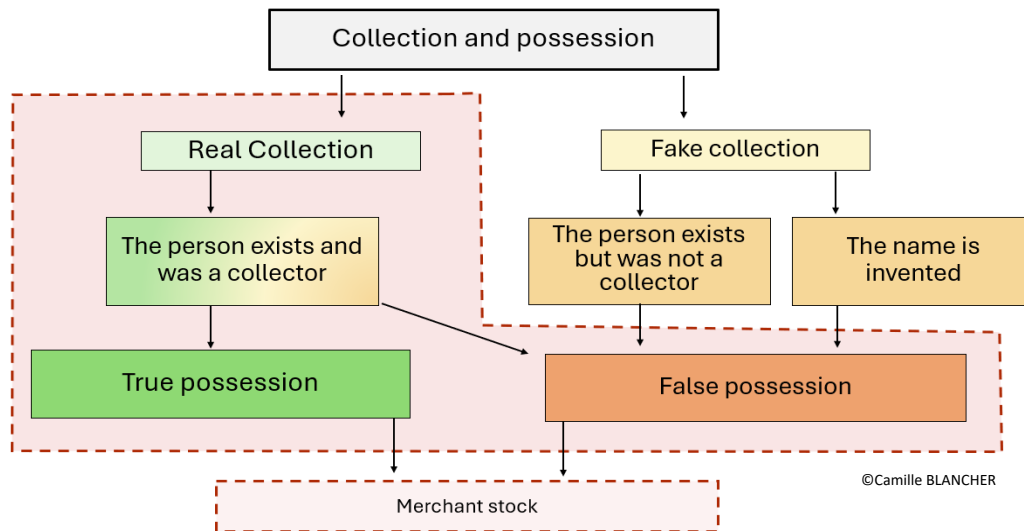
#### • *Confusion between gallery stocks and dealers' collections*

Within the art trade, unscrupulous dealers can easily engage in laundering antiques through their own reputation. Indeed, it is not uncommon for a dealer to be a collector himself; there can therefore be significant confusion between the dealers' personal collection, which is nominative, and their gallery's stock, which corresponds to their merchandise. Without mentioning the accounting and tax opportunities that this can create for professionals, this de facto leads to a mix of commercial and personal activities, especially since the dealer may consider that the works intended for sale are also part of his private collection.

To launder an object and attribute a provenance to it, the ploy is relatively simple for professionals: the dealer who has an illicitly acquired object integrates it into his gallery's stock while claiming that it comes from his own collection (or adds it in the name of a third person he knows). Obviously, the buyer will not make any distinction between the personal and commercial stock of the seller, like this marble head stolen from the archaeological reserves in Cyrene in late 1999 to early 2000 and sold with the collection notice "Mariaud de Serres" who was a collector (Jean-Alain) and the father of a famous Parisian gallery owner (Jean-Philippe of the same name) (**fig.21**). When his father died in September 1999, his son decided to sell part of the collection in October 2000. However, the head labelled under the name of the father's collection cannot be legitimate since when the latter died, the head had not yet been stolen in Libya.



**Fig. 21:** A Libyan marble head stolen in 1999 and sold as "Jean-Philippe Mariaud de Serres" collection  
©MAFL research.



- Cascade concealment

Antiquities can be resold several times before reaching their final destination, this is commonly called "cascade concealment". This legal concept is in fact used to describe a situation where stolen or looted objects pass from hand to hand through several intermediaries, quickly, to conceal their illicit origin, but also to feed their commercial provenances. The term "cascade" here refers to a chain of individuals or commercial institutions which, each at different stages of the transaction, hold and resell the stolen objects. They do not necessarily know the criminal origin, or do not necessarily seek to conceal it, but successively participate, through ignorance or lack of diligence, in the reception and sale of stolen or looted archaeological goods. "Cascade concealment" works with a classic transaction chain. For example, a stolen object is sold to a first intermediary. The latter is often a receiver who will serve as a screen for the origin of the object. This receiver then resells the artefact to another entity, an entity that may be unaware of the criminal origin or that chooses to turn a blind eye to it. Each stage of the sale thus creates a distance between the stolen or looted object and the final recipient, making it even more complex to identify the traceability of the object. The phenomenon of cascading receiving systematically involves several successive actors in the chain of sale and resale or possession.

- Previous sales not mentioned or modified

Unlike cascading concealment, which allows the looted or stolen object to quickly acquire a rich pedigree in terms of provenance, some traffickers or merchants omit (knowingly?) to mention previous sales. Fully studying the path of artefacts is therefore made difficult by the gaps in provenance that these absences imply; the lack of transparency and documentation of transactions is, in this case, notable. As a result, the buyer does not have complete knowledge of the history of the object and this provides more grey areas regarding its traceability. All persons (authorities, researchers, buyers, etc.) wishing to find the contemporary commercial provenance of an item therefore encounter obstacles; they cannot exhaustively trace the path of the object through its different owners or its various sales. For reasons of discretion, dubious dealers may wish not to be linked to an object deemed "sensitive", an object that could expose them to illicit trafficking. By hiding the previous provenance, they thus reduce the risks associated with their fraudulent activity, for example this looted Greek loutrophoros that passed through a British gallery from 2015 to 2017 and whose provenance is not mentioned in the sale announcement in 2021 (fig.22).





Published on Instagram  
June 29th, 2017  
During Masterpiece fair

201



A Greek Marble Loutrophoros  
Late Classical Period, Circa 350-325 B.C.  
Height 33 inches (84 cm).

Provenance:  
Private Collection, Princeton, New Jersey.  
Royal-Athena Galleries, New York (*Art of the Ancient World*, vol. IX, no. 32), 1997.  
John W. Kluge, Palm Beach and Charlottesville, acquired from the above.  
Christie's, New York, *Antiquities*, 7 December 2011, Lot 113.  
Private Collection, Paris, France.

202

**Fig. 22:** Example of a hidden provenance between an Instagram publication in 2017 and sale announcement on the art market in 2021  
©MAFL research.

Also, when mentioned, the provenances can be modified as sales announcements progress, either by changing indications such as dates (see announcements of the marble head stolen in Libya below) (**fig.23**), places, names (as seen previously), or to be made less precise or, on the contrary, gain in indication (such as the marble statue that goes from a “former private collection” to the “Hinzer Family” in the space of a few months) (**fig.24**). By being more explicit, even if the provenance is false and invented, this allows dealers to facilitate the sale of objects on the market.



- 2009** Provenance:  
Belgian private collection formed in 1982.
- 201** Provenance  
Private Collection, Belgium, acquired in 1971.
- 20** Provenance:  
Formerly priv. coll. in Belgium, founded in the 1960's.

**Fig. 23 :** Example of modified dates indications  
©MAFL research

- 201** Ancienne collection particulière constituée dans les années 1970.

- 201** Provenance  
Hinzer Family Collection, Germany, early 1970s.

**Fig. 24:** Example of added names indications  
©MAFL research.

As previously demonstrated, the illicit trafficking of antiquities is characterised by a set of laundering schemes, sometimes intertwined, which aim to conceal the fraudulent hoarding of stolen and looted objects to sell them to the highest bidder. All these techniques present challenges that must be overcome to detect suspicious objects. Whether through the manipulation of the objects themselves, the falsification of documents, or the opacity of transactions, these practices contribute to the proliferation of antiquities on the market, with disastrous consequences for scientific studies and, more generally, for the understanding of world cultural heritage.

Because of all these dishonest commercial practices, how do we distinguish between legitimate and illicit trade? Should we fall into an exacerbated mistrust of the market or, on the contrary, buy with our eyes closed despite the risks of trafficking? In order to acquire in complete transparency, the key word is: "knowledge" – that is, the stratagems that can be put in place by traffickers, used by merchants and believed by collectors. It is still necessary to know how to decipher certain information given by a very codified market, to know how to manipulate, use, and understand the tools used by merchants, in particular those made available to the public, like sales catalogues.

## Sales announcements as sources of study

Sales venues are places where objects, such as antiques, have been bought and sold legally for many years, if not centuries. This is not to stigmatise professions, but to reveal the vulnerabilities within the art worlds, of interest to both the art market and the collectors. Our research has shown that these same places can also be used as cover for the illegal trafficking of artefacts. Indeed, we have repeatedly observed that behind the labels and data mentioned in sales catalogues lies a much less shiny and commercial reality, particularly in terms of information that is more or less hidden, more or less mentioned, more or less modified, or even, sometimes, more or less invented to encourage and conclude transactions.

The information published in sales catalogues, whether in galleries or auction houses, is a valuable source of information for buyers, but also for researchers. For the former, all the advertisements for objects referenced in the form of a consultative list will mainly allow collectors to search for one or more "favourites" to enhance their display window. History enthusiasts looking for antiques that could potentially interest their collection purchase – normally – with full knowledge of the facts. In this perspective, catalogues play an essential role since they facilitate the decision-making of collectors and guide them towards the good(s) to buy. On the other hand, if at first glance the information about the objects seems to be transparent – because it is written in black and white and available to the public – when we analyse a sales catalogue more precisely, the reality is more opaque than enlightened. This observation remains even if the advertising is public, allowing for checks, as the professionals of auction houses are obliged to publish their catalogue 15 days before the sale.

Among those seeking to detect suspicious objects are researchers in Art History and Archaeology, whose recognition of potential illicit trafficking of archaeological goods is generally a real obstacle course, a quest that unfortunately (and most of the time!) comes up against the lack of proof in the case of looted objects. Nevertheless, there are several warning signs within the art market publications themselves that can warn buyers and scientists alike.

With the aim of identifying suspicious circulations such as a dubious origin, a lack of documentation, a lack of provenance and traceability and, more generally, a lack of verified and verifiable information, it is essential, and above all necessary, to read between the lines of the various advertisements. Understanding and studying the latter is essential to detect potential illicit trafficking. It is also essential to constantly question the information provided (or not) by sellers<sup>263</sup>. Indeed, when the reader consults the ads with a semblance of critical thinking, he is confronted with the fact that some of them only describe the object without mentioning any provenance, any traceability, any collection<sup>264</sup>(**fig.25**). The contemporary history of the object seems unknown before its current sale; this notable absence must then be a real "red flag".



60  
**DISCUBERT AU NOM DU GRAND PRÊTRE DE MENDES NESBANDJED.**  
Il est momifié, coiffé de la perruque tripartite, port de la barbe postiche, et tient les instruments aratoires en fort relief. Les jambes sont gravées de six lignes hiéroglyphiques (Chap. VI) au nom du "Charméon, l'écuyer des deux dieux, le Propriétaire d'Oron dans Anepi (Mendes), le Scribe du Trésor dans le Supérieur des prêtres, de Sekhnmet dans le nome du Daouyeh, le Propriétaire du Bâlel Seigneur de Mendes, Nesbandjed, né de Chenhat, justifié." Traduction J. Veyrie. (Superbe style).  
Falcone adhésive à gorges larges.  
Égypte, Tell el-Roba (Mendes), XXIX<sup>e</sup> dynastie.  
H. 164 cm

12 000 / 15 000 €

La tombe du Grand prêtre de Mendes Nesbandjed fut inventée par les habitants de Tell el-Roba, au-delà de Mendes, en 1902. Ses statues sont de cinq types différents : avec chapiteau V report en dix formes ici ou vers l'ouest, avec inscription en T, avec une brève formule verticale, les derniers étant anonymes. L'ouïsité présente figure parmi les plus beaux du troussau.

Bibliographie :  
J. & L. Aubert, Statuaires égyptiennes, Paris, 1974, p. 235.



65  
**STATUETTE DE CHATTE BASTET.**

Statuette votive représentant la déesse Bastet sous la forme féline, assise sur son amble-train, les pattes antérieures dressées. Son cou est gravé d'un collier avec un pendentif représentant l'œil ouïst.

Socle en matière des années 1940.

Bronze.

Petite lacune à l'arrière, nettoyage de la surface et reprises de la patine.

Égypte, Basse Époque.

H. 23 cm

5 000 / 8 000 €

Lorsque Rê gouvernait l'Égypte, son ail (l'œil) Oudjat quitta un jour le palais dans un moment de colère, pour gagner la Nubie. Il y prit l'aspect d'une femme sanguinaire, déesse sauvage et destructrice, Sekhmet, "La Lointaine". Elle massacrait à les

hommes en futa dans le désert et y prit goût. Rê décida d'arrêter le carnage, mais sa fille (Sekhmet) étant devenue incontrôlable, il chargea Shou et Thot de la faire revenir. Ceux-ci usèrent d'un stratagème : sous l'aspect de singes, ils versèrent dans le Nil, proche d'Elgharnah, sept mille cruches de bière mélangée à un colorant rougissant. Sekhmet, croyant découvrir un fleuve de sang, s'enivra de cette boisson et s'endormit. À son réveil, elle apparut comme une chatte apaisée, Bastet.

Son principal lieu de culte se situait à Bubaste ; d'autres se trouvaient à Memphis, Thèbes, Héliopolis, Léontopolis et Hérakleopolis.

Dès sous l'Ancien Empire, elle a un rôle protecteur auprès du roi. À la XXIX<sup>e</sup> dynastie, Ousorkon II introduit son nom dans sa titulature. En tant que chatte, elle est la gardienne du foyer et symbole de fécondité.



79  
**MASQUE DE SARCOPHAGE.**

Il représente le buste d'un homme coiffé de la perruque tripartite.

Calcaire.

Fragment éclaté.

Égypte, Basse Époque - Époque Protomaine.

H. 35 cm L. 51 cm

3 500 / 4 000 €

**Fig. 25: Examples on the French art market without any provenance**

©MAFL research.

<sup>263</sup> For example: was the property known before this sale? Was it published? Was it exhibited? If so, in what year? Is the information verifiable as it stands? Etc.

<sup>264</sup> The sales announcements attached to this part are given for information purposes only to illustrate what is published in the merchant catalogues; we do not claim – due to lack of proof – that the objects presented here are the result of illicit trafficking.

Another red flag, the very frequent mention of "old collection" which remains vast and incomplete. Generic and imprecise, the latter does not provide concrete and factual information to buyers. While this minimal indication of previous provenance may be intended to reassure potential buyers by suggesting legitimate origins, it actually offers little substantive information about the object's history (fig.26).



Fig. 26: Examples of American art market listings with "private collection" mentions

©MAFL research.

Other advertisements are more detailed and mention either initials, or only a surname, or even a first name and last name. On the other hand, when the collections are not extraordinary, such as those composed and published by major collectors, they remain unverifiable as they are. Even more so since the search for provenance is complex when the names of the collections mentioned are common. Indeed, it will be easier for a provenance researcher to find traces of an item that belonged to the famous family than to that of a person of no renown. When the names of collectors are mentioned, for the provenance to be lawful, two elements are essential: the collection must have actually existed (1) and the item in question must have been legally preserved there (2). Against all expectations, our research has shown that the mention of collection names in sales advertisements was not always synonymous with the truth and a guarantee of legality, making it necessary to systematically verify the written claims. As a reminder and example, the case of this Libyan statuette stolen in 2000 and appearing on the art market with the mention of "Hinzer family" followed by the date "1970" is a convincing illustration of our point (fig.27).

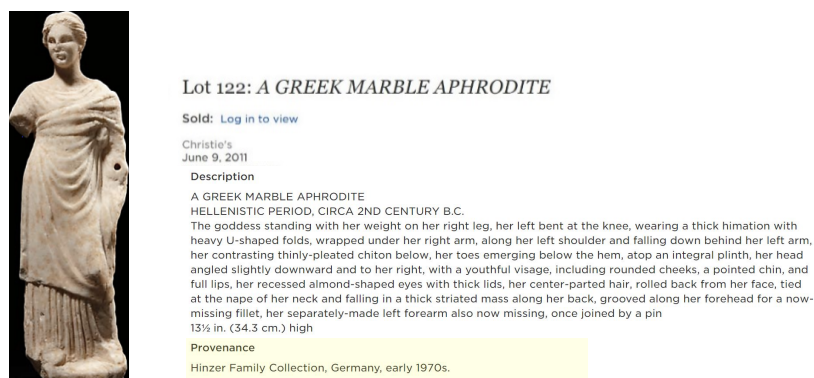


Fig. 27: Example of false indications about a Libyan statue stolen in 1999 and sold as "Hinzer" collection, 1970. ©MAFL research.

In addition to the previously discussed mentions, it is not uncommon to find provenances in catalogues that refer to a previous presentation of the item on the antiques market. However, they are not always verifiable as such. They certainly give an indication, but it can be complex to confirm or deny this information. For the provenance on the market to be easily verifiable, details such as the trading company, the place, the date, the title, the sale number, and the lot number are among the major, if not essential, elements in traceability research. While all these indications are ideal for carrying out checks, this does not mean that the item was known before it was first put up for sale on the market.

In other words, this Egyptian mask was indeed sold in 2014, but it could very well have been looted in 2013 (**fig.28**). Even more so when we know how much Egypt has suffered from numerous lootings and how much these have increased since the Arab Spring of 2011, causing a large quantity of objects to appear on the market with a falsified identity.



240  
AN EGYPTIAN CARTONNAGE MUMMY MASK  
PTOLEMAIC PERIOD, CIRCA 335-30 B.C.

With well-preserved polychrome paint on gesso, the white face with finely painted details, with almond-shaped eyes with large black irises, the extended cosmetic lines and brows blue, the corners of the eyes, lips, nostrils and details of the ears red, wearing a red beaded necklace with central amulet, a broad collar and a blue torqued wig, the torqued terminating in red and yellow stripes, secured at the forehead with a wide beaded fillet, striped bands and a band with hieroglyphic text above naming the funerary god Ptah-Sokar, 34.5cm high

£10,000 - 15,000  
€11,000 - 17,000  
\$13,000 - 20,000

Provenance:  
Private collection, Netherlands, acquired prior to 1974; and thence by descent.  
Anonymous sale, Bonhams, London, 3 April 2014, lot 188.  
Private collection, UK.

**Provenance:**

Private collection, Netherlands, acquired prior to 1974; and thence by descent.

Anonymous sale; Bonhams, London, 3 April 2014, lot 188.

Private collection, UK.

**Fig. 28:** Example of recent known sale on the art market ©MAFL research.

Also, even if all these indications are present and they seem genuine, they must be systematically verified. Indeed, indications of provenance can be misleading, like the one mentioned in the 2014 advertisement for this loutrophoros. Our research showed that it was not the same as the one sold in 1990 (**fig.29**).



251  
LOUTROPHOROS GRECQUE.  
Grande loutrophore grecque sculptée de deux registres de languettes séparées par une frise de méandres entrelacés.  
Marbre.  
Lacunes.  
Art Grec, N° siècle av. J.-C.  
H. 84 cm

20 000 / 30 000 €

Hesperia Arts Auction Ltd, New York, 27 novembre 1990, n° 54.

Provenance: collection privée, Paris, 1990.

hommes célibataires.

Bibliographie:  
M. Hamiaux, Les sculptures grecques, Paris, musée du Louvre, 1992, p. 188, n° 189.



834  
A Large Greek Marble Loutrophoros, early 4th century B.C., decorated in relief on the body with two registers of long-pate men grooming, separated by a band of double guilloché. The front sides of the handle have rosettes at the roots, and the front of the neck has a pair of opposed volutes. The loutrophoros was a special one which the Athenians used in rites of marriage and death. (Bauer, 2004). Marble, loutrophoros, early 4th century B.C.

£50,000-60,000  
The fourth century B.C. legally erected three. The provenance is in the series on the part of the body and base missing. See:

18.8 cm (7.4 in.)

For more information, see C. Kalka, Marble Loutrophoros (Catalogue, 1976), p. 189. For more information, see Kalka, Marble Loutrophoros and other. (Kalka, 1976), p. 189. For more information, see Kalka, Marble Loutrophoros and other. (Kalka, 1976), p. 189.

**Fig. 29:** Example of misleading indications of provenance ©MAFL research.

Furthermore, some ads mention a bibliography, which should not be confused with the pedigree of the artefact. Indeed, far from being synonymous, these two terms do not give the same information



to buyers. The bibliography corresponds to “additional documentation”, often scientific, related to the typology or historical period of the object for sale. These are references, referrals to exhibitions, specialised books, *catalogues raisonnés*, where similar objects have been mentioned. Bibliographies are not proof that the object for sale was known but only that this type of object exists. This is contextualisation on the part of the seller, wishing to specify the date, the country of origin, the civilisation, etc. but is only for information purposes for the buyer; such a mention does not indicate that the object appears in the indicated source, unlike its actual publication. Regarding the latter, it is important to note the date of the work; it indicates, logically, the knowledge of the object, at least since the time of writing. In addition to an element of documentation (of the object for sale), this also allows researchers to enrich the traceability of the artefact. *De facto*, in the announcement below, the reader can highlight one major element: the only publication of the object (which is a typology known to archaeologists, particularly specialists in Afghanistan) dates from 2002 (**fig.30**). It has no provenance and does not seem to have been known before this date.



84  
**PRINCESSE DE BACTRIANE.**  
Statuette représentant une femme assise, vêtue d'une importante jupe de kaunakès échancrée et formée de longues mèches striées. Elle pose ses bras sur les genoux. La tête stylisée présente une coiffure finement striée formant un bandeau.  
*Chlorite verte (corps et coiffure) et Calcite blanche (tête et mains).*  
Bouchages.  
Asie occidentale, Âge du bronze, ca. 2000-1900 av. J.-C.  
H. 13,5 cm

40 000 / 50 000 €

Exposition :  
Afghanistan, une histoire millénaire, Paris, musée Guimet, 1<sup>er</sup> mars 2002 - 27 mai 2002.

Publication :  
P. Cambon, *Afghanistan, une histoire millénaire*, catalogue d'exposition, Paris, musée Guimet, 1<sup>er</sup> mars 2002 - 27 mai 2002, n° 10.

Des recherches récentes ont montré le rôle funéraire des statuette de Bactriane. Toutes ont été retrouvées dans des sépultures. Elles seraient la représentation de la Grande Déesse, régulatrice de la nature, pacificatrice des forces sauvages, d'où leur apparence sereine.  
Constituées de chlorite/stéatite pour le corps, et de calcite blanche pour les membres et la tête, elles semblent être le contraire, même par l'emploi inversé des matériaux, des statuette de Balafra.

Bibliographie :  
P. Amiet, "Bactriane Proto-historique", dans *SYRIA LIV*, Paris, 1977, pp. 89-121.  
M.-H. Pottier, *Matériel funéraire de la Bactriane méridionale de l'âge du bronze*, Paris, 1984.  
A. Spycket, *La statue du Proche-Orient ancien*, Leyde, 1981, pp. 213-217, pl. 145.

**Fig. 30:** Example of a sale announcement that should be read with caution ©MAFL research.

Some objects may also have been publicly exhibited in the past, which is reassuring since, by definition, these were *a minima* referenced to the dates of their exhibition(s). On the other hand, in an advert such as this, no indication is given prior to 2002. Although the object was exhibited at that time, it may well have been looted in 2001.

As mentioned above, to demonstrate maximum diligence, it is necessary to systematically check the information given in sales catalogues. Without claiming to know and verify everything, to combat illicit trafficking in archaeological goods, it is nevertheless essential to have a critical mind. Our research has shown that in sales catalogues the smallest morsel of information, or lack of it, can indicate an issue. The traceability of objects is often full of grey areas that professionals and amateurs cannot always shed light on. When we analyse sales promotions, we can see that in some cases there is a total lack of transparency for future buyers, undoubtedly due to the famous "duty of confidentiality" so dear to the actors in this trade and thereby benefiting the trafficking networks. The art market is therefore, quite logically, often characterised as a "dark world".

In order to better understand this qualification, we studied different typical sales in the antiques market in more detail. For the production of this article, a typical sample of three sales, one from 2014, the other from 2016, and one from 2019, was selected to illustrate this phenomenon below. These three sales took place in the same French auction house and were solely dedicated to archaeology. The lack of provenance mentioned in these catalogues is edifying. To examine the traceability of all the lots (736 in total, studied one by one), we focused on three main factors:

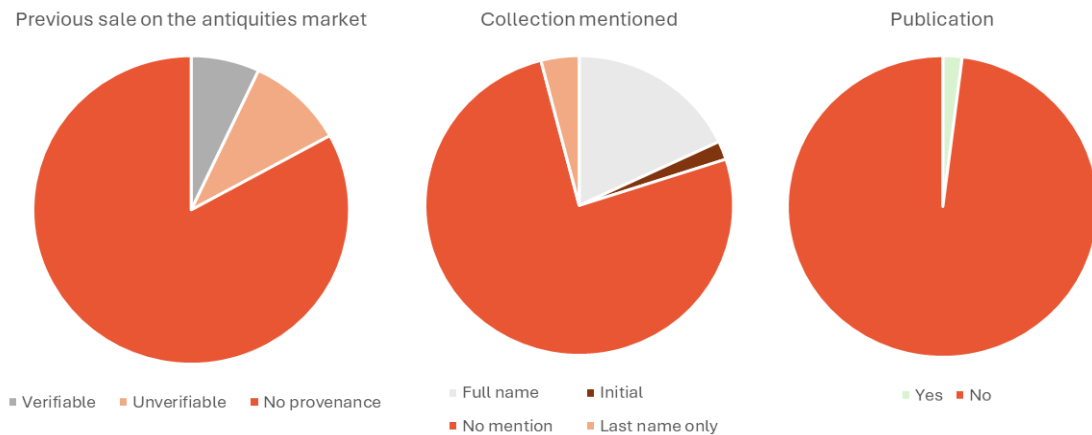
1. mentions of previous sales on the antiques market;
2. collections mentioned;
3. publications.

#### 2014 sale

For the first sale, out of 286 lots analysed, it turns out that only 6.6% of the lots have a verifiable provenance on the antiques market before 2014. 10.1% of the lots mention a sale, but it is not verifiable by the buyers since the complete information is not communicated. Thus, 83.3% of the lots have an unknown (or uncommunicated) commercial provenance before this sale. Regarding the collection mentions, 2.1% are initials, 3.8% correspond to the family name and 18.4% include the full name of the previous collector. This does not mean that the collection is real or that the item was actually kept there: additional verification research will have to be carried out in this sense. In 75.7% of cases, no clear and verifiable collection mention is given to future buyers. On the publications side, more than 98% of the objects had never been exhibited or published before the 2014 sale (**fig.31**).

#### Representative figures from a typical auction

*About 286 archaeological lots presented :*



**Fig. 31:** Example of a representative figures from a typical sale catalogue in 2014

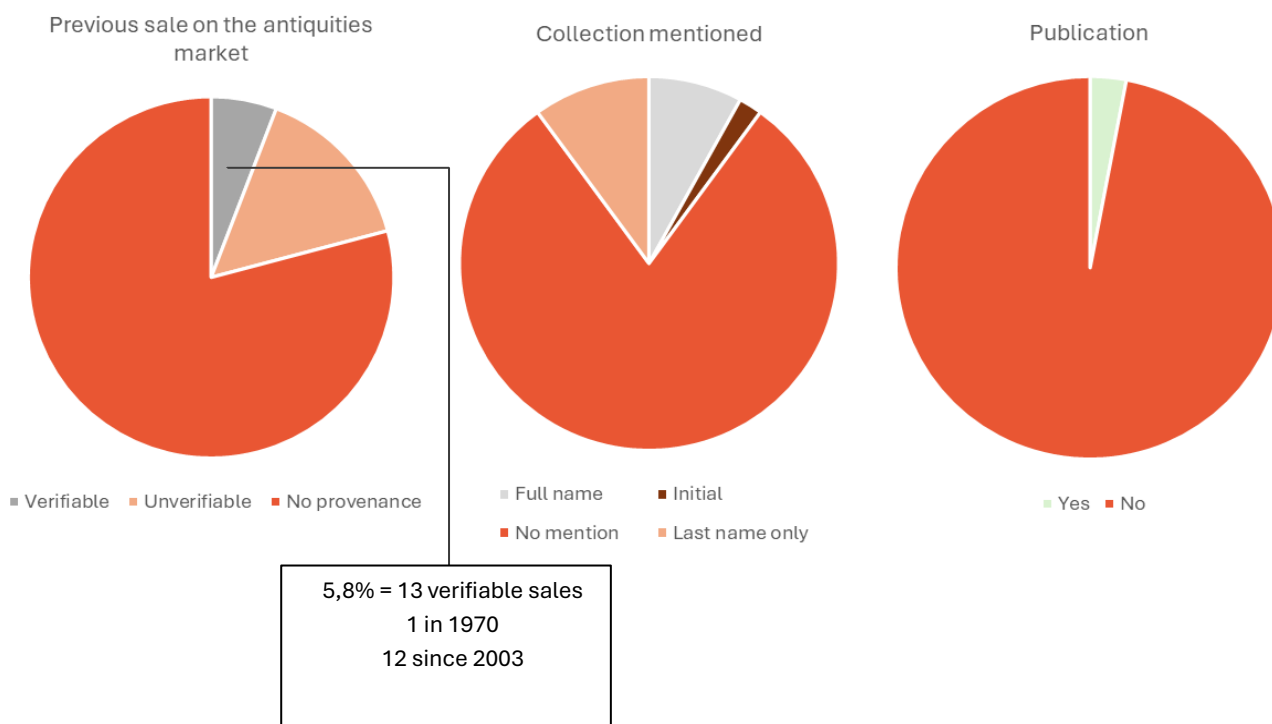
©Camille BLANCHER.

## 2016 sale

The second sale includes 225 lots and the percentages of the three categories are relatively similar to the sale previously analysed. 5.8% of the lots have a verifiable provenance on the antiques market, which corresponds to 13 lots in total. On the other hand, when we list the sale dates of these goods, only one is a so-called “old” sale (“1970”) while the other twelve took place from 2003, which is relatively recent as an appearance on the market. 15.1% are sales mentioned but unverifiable and 79.1% of the objects have no known previous sale. The collections indicated are 2.2% for initials, 8.5% which correspond to the full name, 10.2% which are accompanied by a surname, while 79.1% do not give any indication of collection. In 2016, publications are also rare: 97.3% of the objects have never been published and brought to the attention of the public before this sale (fig.32).

### Representative figures from a typical auction catalogue

About 225 archaeological lots presented:



**Fig. 32:** Example of a representative figures from a typical sale catalogue in 2016

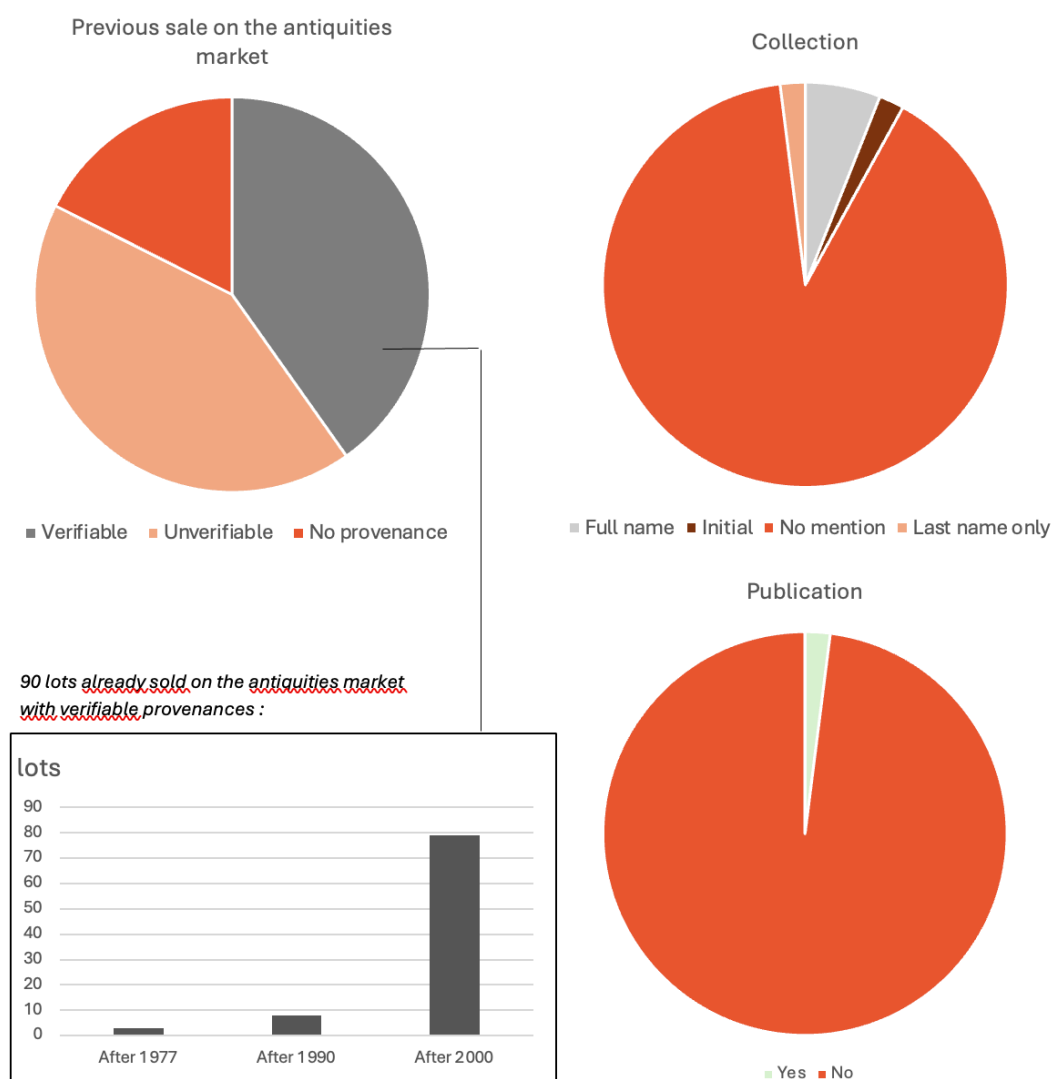
©Camille BLANCHER.

## 2019 sale

Also composed of 225 antique lots, the 2019 sale is divergent in the statistics concerning the mentions of previous sales on the antiques market. Indeed, it is notable that at this date, 40.2% of the lots (corresponds to 90 lots) now have at least one verifiable indication of sale on the antiques market. On the other hand, when we group the dates, only 3 lots are sold after 1977, 8 lots after 1990 and 79 lots are sold after 2000; the sales of the vast majority of objects are therefore recent transactions. Of the sales, 42.4% are indicated but are unverifiable and 17.4% are not stated. Another figure, more than 90% of the lots do not have any collection name and 97.8% of the objects have never been published (fig.33).

### Representative figures from a typical auction catalogue (2019)

About 225 archaeological lots presented:



**Fig. 33:** Example of a representative figures from a typical sale catalogue in 2019

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The figures speak for themselves: all the shades of red present on the graphs are synonymous with information not obtained, not communicated (because it does not exist?), sometimes hidden more or less skilfully, and therefore not verifiable as it is. All of these “unspoken things” contribute to the great opacity of the art market, where detailing provenance in advertisements is not obligatory, which is in the interests of its actors. However, how can a provenance be developed when the elements of it are not known, sometimes even by professionals? Some dealers will say “by inventing it”, “by arranging”, “by forgetting it” while others, the most honest, will choose not to take the risk of selling an orphan object likely to feed a criminal network.

A multitude of questions still arise, starting with: how can these schemes still exist when they have been reported many times by the authorities and researchers? What is the degree of involvement of the actors in the art market? Are they surprisingly ignorant, collateral victims, or eminently complicit? How can dealers serve as intermediaries and respect their duty of confidentiality without betraying the discretion of sellers by favouring the curiosity of buyers? It is these complex questions – among others – often left unanswered, which contribute to maintaining this opacity. This obviously benefits the networks of traffickers wishing to sell and circulate illegally obtained works, using and abusing the official channels of the antiques trade.

We have observed and studied that the illegal schemes operated by traffickers are part of the legal market, a microcosm prey to the infiltration of organised and international crime. The world of the antiques trade is vast in its scope, but the dubious actors identified are essentially the same depending on the sales and regularly return to the forefront. Even if some dealers are more modest than others, in the absence of a minimum of diligence, all sales locations can be the scene of morally and ethically reprehensible operations. Fortunately, some market professionals, aware of the issue and conscious of the stakes that illicit trafficking produces on their reputation, agree to clean it up.

Illicit trafficking in archaeological objects is not a recent phenomenon: it is the awareness of its scale that is. Thanks to this, only a common effort to implement good practices will be effective. The objective is simple, but the task is ambitious: to effectively combat a market that has been plagued by opaque habits and commercial arrangements for too many years.

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## Thomas Leblanc - Antique weights, a looted material that flies under the radar

**Thomas Leblanc**, PhD Candidate, Catholic University of Louvain

At the end of 2023, agents from the *Direction nationale du renseignement et des enquêtes douanières* (DNRED) put an end to a traffic in looted antiques and laid their hands on nearly 8,000 antique objects, presumed to be from Turkey, that had arrived illegally in France<sup>265</sup>. Over the past few years, online auction platforms have seen a resurgence in the sale of antique metal material. Among the items sold there are ancient commercial weights.

### Commercial weights

Antique Greek trade weights are objects used in daily trading to weigh the goods sold by merchants<sup>266</sup>. They take the form of metal plates ranging from 1 cm to 15 cm side length, with weights ranging from less than 10 g for the smallest denominations to several kilos for the largest. These objects are generally made from lead, but some weights are produced in bronze. These rarer weights are sold at much higher prices, with some examples fetching several thousand euros. Lead weights represent the majority of items arriving on online sales platforms, as they have the advantage of flying under the radar due to their low monetary value.

### A "recent" appearance on the market

Auctioning ancient coins is a long-standing practice. As Fr. de Callataÿ shows, as early as the late 19<sup>th</sup> century, sales catalogues were already showing potential buyers photos of the lots on offer. The situation for weights, however, is quite different, as this type of object only appeared commonly in sales around the 1980s. Over the last ten years or so, the number of weights sold on auction sites has risen steadily. A good example is the weights of the city of Cyzicus. In 2020, 136 weights were known from this city in western Asia Minor, whose territory lies in present-day Turkey. Today, no fewer than 256 weights are known, representing 120 previously unknown objects, all of which have appeared on the online antiquities market. Cyzicus' situation is not an isolated one, as the same is true for other cities: the number of weights sold online has risen steadily in recent years, testifying to an ever-increasing flow of objects ripped from the ground and decontextualised.

### What do these weights reveal?

The frequent appearance of these objects on online sales platforms, in the absence of any known scientific archaeological excavations in the territory of the object's issuing city, could testify that illegal looting may have occurred or taken place on this territory.

Weights are objects whose production and use are highly localised. In this sense, unlike coins, which may have circulated and therefore be found in places other than their place of issue, weights generally circulate very little<sup>267</sup> and represent a good marker for studying the case of localised illegal looting. Putting the appearance of these weights over time into perspective could eventually help determine

<sup>265</sup> See GRIESSEL 2024.

<sup>266</sup> For further information, see LEBLANC 2021a-b.

<sup>267</sup> GATIER 2014, p. 150, provides examples of Syrian cities.

when such looting took place, as there's a good chance that these objects, like coins, are sold off quickly. Indeed, their low monetary value and the lack of scientific knowledge about this type of artefact allow dealers to sell them without attracting attention.

The example of another city on the Troad is worthy of note, as it confirms this phenomenon of recent, flowing looting. Indeed, until the beginning of 2023, only one weight was known for Assos, and this had been the case since the 20<sup>th</sup> century. However, archaeological excavations have been taking place on the territory of the ancient city for several years<sup>268</sup>; this must not have escaped the attention of the looters. Indeed, in 2023 and 2024, three new, previously unknown weights appeared on the antiquities market and were sold by the same auction house. They may have come from a private collection, which was acquired by chance by the auction house shortly after the excavations. But it cannot be ruled out that they arrived on the online market as a result of illegal looting organised by looters who observed the arrival of archaeologists and seized the opportunity to find archaeological material.

### The route taken by the weights

Lack of knowledge of the networks prevents us from accurately depicting the chain of events involved in looting this material, but it is nevertheless possible, on the basis of the elements observed, to indicate that this archaeological material seems to follow two main routes.

The first is that looters or dealers do business with national private collectors who collect these objects for a variety of reasons. These collectors sometimes play an active role in the circulation and sale of these objects, which in some cases end up in museum collections.

The second route followed by these items is via online sales platforms, where they are sometimes sold by honourable houses, sometimes by companies created from scratch for the occasion, and which, after a dozen or so sales, disappear to allow other auction houses to flourish under other names, always selling the same type of equipment. These temporary houses are characterised by undefined sites, often under construction, and strange addresses (residential housing, isolated suburbs, etc.), which are regularly modified. In some cases, the managers are even in close contact with looters in the countries from which the objects originate, and don't hesitate to contact them directly to request information on the objects being sold. Furthermore, these houses use social networks to solicit professional numismatists, who are always eager to obtain more data, perhaps as a way to legitimise their sales.

### Impact on research

This material, abruptly torn from the earth, still provides information, but it is available at the discretion of the auction houses. Indeed, some well-known and reputable auction houses sell these objects after a study that at least preserves the object's primary information: mass, dimensions, a photograph. Today, however, more and more small, ephemeral auction houses are opening their virtual doors. They don't have the same rigour as the major auction houses, which are designed to endure over time and preserve their reputation. These small companies provide incomplete information, or in some cases no information at all. Doing so, the weight that has already lost its most precious scientific element – its archaeological context – is stripped of all information and becomes unusable. All these weights, of which there may never be another trace, will remain partially (un)known, if the information essential to their proper interpretation is lacking.

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<sup>268</sup> For more information on these excavations, see ARSLAN 2024.

## *Pondera*, the answer to the disappearing materials

The *Pondera Online*<sup>269</sup> project, created by Charles Doyen in 2016, aims to collect and gather information from all known or discovered weights over time on a single platform. This approach addresses the problem of disappearing items sold online. All the weights that pass through auction houses, but also those held in museum collections, are registered on a single platform in open access to facilitate searches and provide access to data that may never be seen again later, as many of these objects disappear into the limbo of private collections. As such, *Pondera Online* takes on a curatorial role. However, there's a flip side to this coin: scientific sanction. Indeed, consigning these objects to an online, freely accessible database makes the information available not only to the scientific world, but also to the world of antiques sales. Indeed, for some time now, many auction houses have been referring to *Pondera* in their descriptions to cross-reference objects similar to those being sold. This scientific sanction creates a situation where this information is used to, in a way, if not to sustain, at least to demonstrate toleration of the antiquities market, a provider of new data. But how can we, as scientists, not feel responsible for safeguarding information that is essential for future research into past civilisations? The answer to this question is complex and open to debate, but it's worth "reflecting on our responsibilities to protect cultural heritage, as well as our duty as researchers to preserve knowledge and make it accessible through study to all"<sup>270</sup>.

## Conclusion

This case study focuses only on antique weights, but the findings are alarming because they apply equally to a whole range of objects. A glance at the objects sold by the various ephemeral auction houses that can be found online will convince you of this. Alongside weights, there are coins, jewels, seals, small statuettes, etc...that fill catalogues of artefacts offered for sale. All these objects have the advantage, for looters, of being easily spotted by metal detectors and easily sold on the antiquities market. Moreover, few people are interested in them or able to identify them, which, coupled with their low monetary value (particularly for lead objects), makes it easier to slip under the radar.

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<sup>269</sup> <https://pondera.uclouvain.be/>, consulted 29/08/25. For more information on *Pondera Online*, see Delvigne & Doyen 2024.

<sup>270</sup> IAA 2018, p. 2.

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# Part 3

## The fight against trafficking: findings and outlook

### I – Actors and tools in the fight against trafficking





## Vincent Michel - The role of the researcher in the fight against illicit trafficking in cultural property

**Vincent Michel**, Professor of Classical Antiquity Archaeology, University of Poitiers

Interest and concrete action in the fight against the illicit trafficking of cultural goods are a recent phenomenon, with an initial development since the Arab Spring in 2011 and an acceleration with Daesh's activities from 2014–2015. There was a real turning point in general awareness when it was no longer just a question of "attacks on heritage" but of organised crime linked to heritage. Relationships between the various actors then intensified, based on the principle of the need for an interdisciplinary approach. While relations between archaeologists, customs officers, police officers, and magistrates had previously been restricted, new forms of collaboration were born, also initiating new ways of working by involving the academic and scientific world.

As archaeologists, we are regularly confronted with the problems of vandalism, destruction, or looting of our archaeological sites. We excavate in the morning and the next day, when we return, we find that the site has been visited by people who have been digging, carrying out clandestine excavations in the hope of finding archaeological objects. It's a traumatic experience for the archaeologist, who has no idea what the looters have found. It may be yet another corroded and illegible coin, but it may also be a dating object, shedding light on an entire stratum and contributing to an understanding of the site's history. Apart from scientific excavation, objects decontextualised by looting are lost forever. We have observed since 2011–2014, especially in the East, that we have moved from "artisanal looting" to large-scale "industrial looting", affecting many countries in conflict. This is linked to two main phenomena: awareness of the financial value of objects and the presence of conflicts exposing sites and museums to all kinds of predators. Having left their places of origin, illegal objects then circulate in the art worlds with apparent legality, finding themselves exhibited in museums or acquired by private collectors with impunity. Recent cases reveal just how vulnerable the art world is.

The complexity of the problem of illicit trafficking in cultural property makes it difficult to define and analyse. The lack of knowledge about current trends in the illicit trafficking of antiquities is one of the obstacles to effective action. Although scientific production on the subject is still very inadequate, we are gradually gaining access to reliable, illustrated data from a variety of sources. International investigative bodies such as the World Customs Organisation and Interpol regularly produce easily consultable data. Leading heritage institutions such as UNESCO and ICOM maintain up-to-date documentation. More recently, "private" studies have focused on this theme, such as ATHAR demonstrating the role played by Facebook in trafficking, or the report "The Docket – Conflict Antiquities" published by the *Clooney Foundation for Justice*. Several European projects, such as ANCHISE, AURORA, ENIGMA and PITCHER provide food for thought on equally scientific bases that no longer allow us to ignore or underestimate the scale of such a plague. If such reports exist, they must be constantly updated, and the academic world can make an effective contribution to the production of data.

We don't know the exact scale of the illicit market or its position in the criminal world; for a long time, it was estimated to rank third after drugs and arms, generating sales of up to 10 billion \$. These figures, given in a peremptory way and without precise justification, had the advantage of creating an electroshock in the international community; we became aware of the existence of a traffic that had remained unknown, generating comfortable revenues sometimes linked to the financing of terrorism. While it is difficult to give precise figures, we can nevertheless use three criteria to assess and analyse trafficking:

- **Clandestine excavations:** this is the starting point for the illicit trafficking of archaeological goods. Photographs showing gaping holes from clandestine excavations, dug by looters measuring 2 to 4 metres in diameter and depth, allow us to measure the size of large-scale looting activities, altering sites; thousands of cubic metres of earth are dug, moved, sifted in search of objects. This phenomenon is exacerbated by the development of metal detectors. It's a mass effect, the multiplication of occasional or regular attacks that are highly destructive in the long term on a global scale.

We always have the same questions: What has become of the objects? Are we able to recognise them when they arrive and circulate on the legal art market? How can we recognise them, how can we distinguish them from legal objects – are they the same? The main difficulty is that once they've been laundered, the objects will be very difficult to identify!

- **Internet sales:** Looted objects find their way to potential buyers via traditional channels or online marketplaces. Just look at the Internet to see both the exponential number of traditional merchant sites selling archaeological objects and the number of specialised merchant sites selling such cultural goods. This goes to show that, on a global scale, there is a real awareness of the financial value of archaeological objects, whose acquisition and sale are facilitated by the Internet, which can turn anyone into a perfect looter!

- **Seizures:** The final criterion is seizures, which tell us about the wide variety of objects circulating illegally, but also about the incredible polymorphy of trafficker profiles and the routes followed by objects from the place of illegal removal to marketplaces.



Fig. 1: Transfer and adaptation of art markets  
©Celtrac / HeRMA.

### Why is it so difficult?

Combating trafficking is a vast and complex subject, given the number of objects circulating on the art market and the existence of a legal market which sometimes creates confusion and a certain ambiguity in the resemblance between legal and illegal objects. Unfortunately, it is all too often chance that alerts us to the presence of illegal works on the legal market. The main difficulty lies not only with objects stolen from museums or private or public collections, because these are documented and inventoried. They have been stolen from a known owner; filing a complaint allows investigations to begin. We can hope to find them, because we know what we're looking for, even if their appearance and history have sometimes been altered.

On the other hand, the major challenge comes from looted objects, the result of clandestine excavations, brought out of the ground anonymously. They are the most numerous to flood the market. Outside a well-established and documented excavation context, once these objects have been looted and exported to the art market, it becomes very difficult to recognise their origin, as they appear with a new history, a new pedigree.

#### **After this quick diagnosis, what can we do?**

We need to step up our efforts to identify the vulnerabilities of the art worlds: firstly by listing archaeological sites and their typology (urban, rural, funerary, religious, etc.), then the objects at risk (typology of targeted objects); secondly, by documenting the *modus operandi* of the circulation of objects and illegal practices, which can be understood in three stages – the illegal birth of the object by looting or theft, then its physical circulation by air, sea, or land with border crossings, and eventually its entry into the art market thanks to a multitude of laundering techniques; finally, by specifying the evolving trends in illicit traffic. The aim is to eliminate fraudulent actions and to make stolen or looted objects unmarketable, taking them out of their original context and disguising them with a new story in order to be sold legally.

Faced with a criminal chain running from the looter to the buyer, via a whole succession of intermediaries who blur the traces and whitewash the objects, in order to resell them to the highest bidder, it is imperative to warn and mobilise the attention of all actors, particularly the scientific community, be they academics, museum workers, culture and archaeology professionals, who must take up this problem, in the service of those who investigate and protect. Indeed, effective action is not a matter for individuals, but for the systematic implementation of interdisciplinary and concerted action: law, heritage, investigation, and justice.

## **Teaching**

The scientific community represents a considerable pool of talent that must be invested in and inventive, using its freedom of action, initiative, and voice. As a teacher-researcher, the fight against the illicit trafficking of cultural goods and damage to heritage must become a priority. This means arousing the curiosity of students in undergraduate courses and Masters seminars, by systematically illustrating lectures with photographs of objects not only (and classically!) from major museum collections, but also from looted or destroyed archaeological sites, either through clandestine excavations or the identity-driven madness of belligerents. We need to be imaginative and convincing with our students. Those with greater experience can teach, alone or in collaboration, this theme in specialised seminars, taking care, for example, to distinguish four stages: (1) identification of attacks on heritage (definition of the notions of illicit trafficking, endangered objects and monuments, etc.); (2) presentation of the national and international legal basis; (3) identification of the actors involved in repression and protection; (4) repatriations, as the ultimate goal of the fight to protect heritage.

There are no university courses in France, or in Europe, specifically devoted to the fight against illicit trafficking in cultural goods; those that do exist are mainly concerned with provenance research, which is increasingly taught in both law and art history Masters programmes, such as at the University of Poitiers (M2), the École du Louvre (M1–M2) and the University of Nanterre (*Diplôme Universitaire*).

In addition to the university setting, it is important to raise awareness and train law enforcement agencies, not only in the illicit trafficking of archaeological objects, but also in photo-taking techniques, object handling, and the use of existing lists such as Interpol's Stolen Goods or the International Council of Museums (ICOM) Red Lists. Law enforcement agencies need to integrate the search for cultural property into their investigations and among the sources of trafficking. During a search or a home visit, an offence or a money-laundering circuit may be hidden behind an archaeological object, which must be identified.

Similarly, too few cases are brought to court, and too few magistrates are sufficiently aware of and trained in this type of offence. There is a real need to rethink the way in which cultural property

offences are dealt with, but also the training of magistrates. In France, it is the *Office Centrale de lutte contre le trafic des biens culturels* (OCBC) which coordinates for the *École Nationale de la Magistrature* (ENM) two one-week sessions a year for some twenty magistrates. Infringements of property rights are punishable under numerous articles covering a wide range of legal codes, requiring real specialisation on the part of magistrates; indeed, they need to be familiar with the civil and criminal codes, as well as the property, customs and commercial codes... One can hope that States will be able to equip themselves with both a specialised police force and an office of specialised magistrates.

## Research

The ANCHISE project is the ideal framework for reflecting on the role and modes of action of researchers. The scientific knowledge of academics, redirected towards the fight against illicit trafficking, makes them extremely effective as upstream whistle-blowers and downstream experts for the forces of law and order.

Students and teachers of art history, archaeology, law, and geopolitics are a highly effective weapon in this fight. Through their knowledge, research, and documentary investigations, they have the capacity to build up databases, identify suspect objects, document illegal practices and shed light on changing trends in illicit trafficking. It is in the medium and long term, for example, that objects in the laundering phase are detected.

As traditional sales channels evolve, we need to constantly adapt our ways of working, focus our research, and update our knowledge. The use of researchers is indispensable. It is all too often by chance that we spot the presence of illegal works circulating on the legal market. How many objects, from clandestine excavations and therefore not inventoried, pass *incognito* into the legal market? Clearly, the task is enormous. To make the most of the knowledge of these young researchers we need to support them with targeted (and funded!) subjects at Masters and PhD level, covering both endangered objects and all types of themes relating to the subject. You need to be specialised and have a sharp eye if you want to discover objects of dubious identity.

In addition to carrying out classic academic and bibliographical work, the student, who has been made aware of this beforehand, can expand his or her research through documentary monitoring, for example, by consulting and monitoring traditional online sales or dealer websites, as well as social networks. This approach not only increases the corpus of known and unknown works, which is scientifically useful for their study, but also enables us to monitor objects circulating on the art market and document suspicious transactions, which will enable us to renew our knowledge of trafficking while alerting investigators and the central and decentralised services of the Ministry of Culture who need them. Abroad, this pool of "experts" also exists, as France has more than 150 archaeological missions under the aegis of the Ministry of Europe and Foreign Affairs; these are experts who can be called upon to put their knowledge of the field to good use for law enforcement.

Teaching, training, and analyses must be accompanied by regular study days at the university, bringing together the main regional, national, and international actors. The idea is to systematically cross-discipline through a transversal and interdisciplinary approach, with archaeologists, jurists, investigators, magistrates and so on. Study days are also ideal opportunities to identify reliable and operational "experts", and to facilitate relations between them. It is important to multiply this type of approach and method.

## "Knower-investigator" pairing

Trafficking in cultural goods is a real novelty for many people, both students and the general public; most investigators are "generalists" and unaware of offences involving cultural goods.

One effective solution to the problem is to strengthen the winning "investigator-knowledgeable" binomial, by creating academic and scientific links between the two worlds, and by creating a network of scientists who can be easily mobilised. The starting point is what law enforcement agencies need: scientific expertise, first in the form of identification of the object as "cultural property", then in the form of analysis with targeted subjects and documentary monitoring carried out by researchers specialising in archaeology and art history.

Law enforcement agencies need reliable data on the phenomenon; many reports already exist, but they need to be constantly updated, and the academic world can contribute effectively to the production of such data. It's not so much a question of creating new profiles, but of redirecting the specialisation of students and young researchers towards subjects that law enforcement agencies need. We know that this type of link between experts and law enforcement agencies works, as in the case of the European Pandora actions coordinated by Interpol.

The scientific world has the capacity to carry out typological studies of particularly vulnerable objects, subject to looting, to scrutinise sales catalogues for "sensitive" antiquities on the European and international markets in terms of material, origin, type, provenance details, and monetary value. They also know how to map illicit trafficking routes based on antique seizures and identify networks by looking at the profiles of the people involved (dealers, politicians, experts, criminals, etc.). These are all subjects that researchers can use to help investigating forces combat trafficking when objects have left their place of origin and are circulating on art markets.

### Create a research structure: CelTrac

Any university can equip itself with a structure capable of creating synergies in terms of scientific research on this theme, like CelTrac, acronym for *Cellule de recherches sur le trafic illicite des biens culturels*, officially created in December 2022 at the University of Poitiers within the HeRMA laboratory, after several years of development. A member of the *Plan d'Action National* coordinated by the OCBC, CelTrac's aim is to provide law enforcement and justice agencies with academic knowledge on the illicit trafficking of cultural property. As previously stated, the aim is simply to redirect the scientific specialisation of young researchers to serve the fight against trafficking, by giving them research topics targeted to the needs of law enforcement and justice. Supervised by Celtrac, students on an internship check documents, create databases, and write a final report on a given subject, which will then be presented and sent to customs officers, gendarmes and police officers from the OCBC as well as magistrates, and members of the CelTrac.



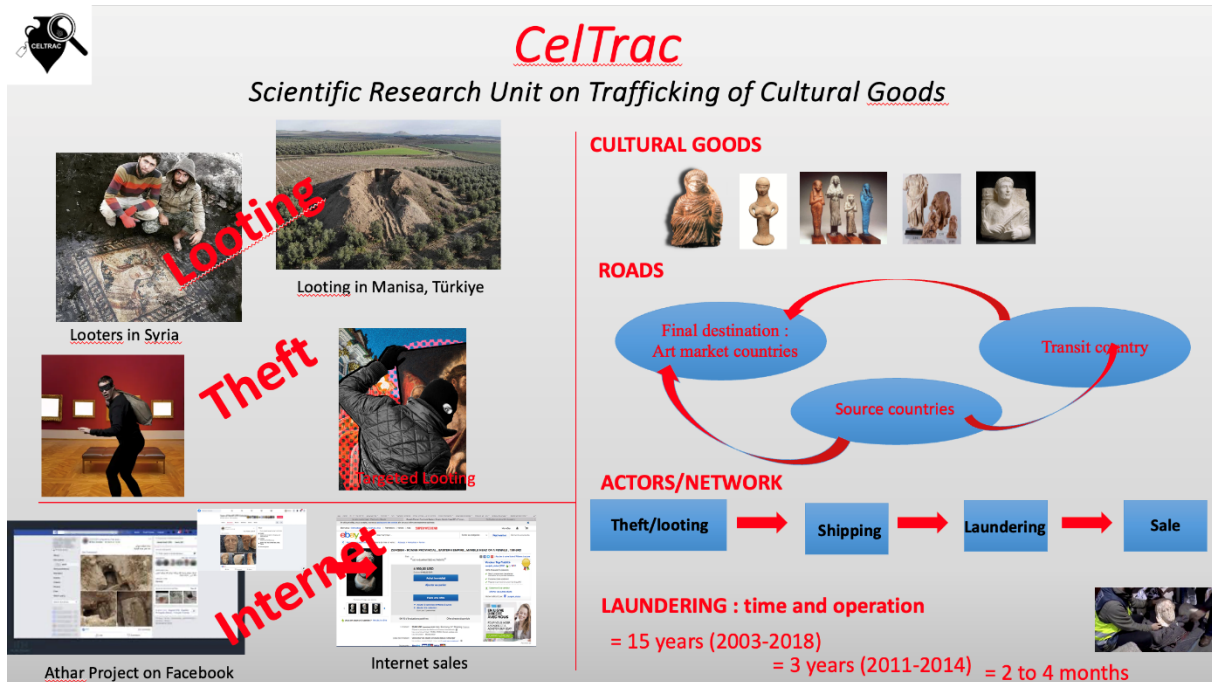


Fig. 2: Actors, routes and laundering methods.  
©CelTrac / HeRMA.

The operational aim of this research is to provide intelligence focused on the analysis of looting, theft, and sales of antiques on the art market, on the study of objects or object typologies, on routes, networks and laundering methods, and to initiate investigations. It is a simple solution that generates results and is easily duplicable, as all member states have talented researchers from the academic world who need to be mobilised to effectively combat the trafficking of cultural goods.

## Conclusion

The world of science must protect our heritage in concrete terms, and fight against all forms of ignorance. The aim is to ensure that no one can say they didn't know. In the face of evidence of destruction, looting and theft, in the face of reliable data from scientific reports and studies, it is no longer possible to ignore or underestimate the scale of the illicit traffic in cultural property. The fight against theft and looting involves first and foremost documenting collections, securing archaeological sites and museums, and then mobilising investigators to deal with this type of crime. Combating trafficking, i.e. the circulation of illegal objects, is pernicious and difficult, and cannot be achieved without the "researcher" working alongside the forces of law and order.

This networking of archaeologists, police officers, customs officers, and magistrates is essential; as at the University of Poitiers, it was also the aim of the European Netcher projects in the continuity of the POLAR project, "POLicier et ARchéologue", followed by Anchise whose mission is to build a network of information, resources, technological supports, and best practices on a European scale. There are many actions to be carried out, many people to be mobilised, convinced, and alerted, many institutions and collaborations to be strengthened. The research community must thus take up the fight against the illicit trafficking of cultural goods, in the service of the protection of heritage, unique, rich but also vulnerable. It is a challenge we must all rise to, and one that requires close coordination between all these actors, a *sine qua non* condition for success!

## Jean-David Desforbes - 2023 European tour of terrestrial archaeological looting

(or how French detectorists know how to plunder "good" ideas?)

**Jean-David Desforbes**, Archaeologist, *Halte au Pillage du Patrimoine Archéologique et Historique*, HAPPAH association

### Introduction

A title that evokes sporting competitions refers to the idea of archaeological looters in Europe who consider it a leisure activity. In France, the fight against archaeological looting, and the trafficking of domestic cultural goods, has been stepped up, notably thanks to the CAP 2016 law. A European perspective is needed to understand the disturbing impact of geopolitics and economics on looting. This paper will analyse the French treasure-hunting ecosystem and its relations with other countries, such as Benelux and England, by examining recent legislation and situations. The aim is to demonstrate how the treasure-hunting-friendly situation of legislation deteriorates heritage protection *in finibus et ex finibus*.

### Overview of legislation governing the use of metal detectors in Western Europe for French treasure hunters

Responsibility for heritage in Belgium lies with the federal government and the regional executives. Prior to 1993, the use of metal detectors was prohibited in Flanders. In Wallonia, the 2019 reforms relaxed the ban on detector use, but finds must be declared and their sale is prohibited. The new rules are considered too restrictive by treasure hunters.

In England and Wales, a 1996 reform made it compulsory to declare objects qualified as treasure. Regulations were put in place, and the *Portable Antiquities Scheme* was launched in 1997. Legislation has made the use of detectors conditionally legal, but non-compliance persists due to a lack of coercive will.

In the Netherlands, since 2016, the *Dutch Heritage Act* allows the use of detectors under certain conditions, but a large number of finds go unreported.

The use of metal detectors to find archaeological objects was prohibited by the 1941 law. A ruling by the French Supreme Court in 1989 defined the use of a metal detector as a sounding. Law no. 1989-900 was the first to regulate this use. Administrative authorisation is required to use detectors for historical research, with penalties for irregular use. Archaeological objects have been considered state property since 2016.

## Examples of actions in France influenced by laws in other countries

### **The FNUDEM project**

FNUDEM (*Fédération Nationale des Utilisateurs de Détecteurs de Métaux*) is the oldest association in this field. It currently has 136 members, including a number of sister associations. It considers the Ministry of Culture to be its supervisory authority. In 2007, former vice-president Jean-Louis Gerlach proposed a project to legalise non-targeted object detection, in exchange for a declaration of discoveries, based on the Anglo-Welsh model. This project failed, as many users rejected any form of control. Even the federation's management did not support the project. The FNUDEM advocates responsible detection, but many of its members don't practise it.

Encouraged by a liberalised system in Belgium and the Netherlands, French treasure hunters have founded a new association, the French Metal Detection Federation (FFDM). It claims to learn from the mistakes of other associations in their communication and relations with institutions, as well as by selecting executives with no criminal record. The FFDM was born in 2019 from a schism with the FNUDEM. These dissident members organised a detection rally, named *Déetectland 4*, in secret to avoid problems with the authorities. The event, supported by detector companies, offers prizes for participants. David Cuisinier, the organiser, is inspired by rallies in England and uses a fake news website to promote his ideas. His aim is to take control of the FNUDEM after a failed attempt to create a professional union of metal detector dealers.

In a speech on September 2021, David Cuisinier calls for civil disobedience regarding metal detection. He wants to establish a "Treasure Act à la Française" and wants archaeological objects found during a rally to be listed. However, members of the FNUDEM hold a declaration stand without official approval, which marks the beginning of dissent. The situation becomes more complicated for Cuisinier, who is involved in scams, and seeks to escape conviction. The association is financed by metal detector companies, taking legal action against heritage protection regulations. At the same time, a *Question Prioritaire de Constitutionnalité* is rejected. The FFDM does not support its members for legal reasons: a conviction would put an end to the project.

### **The FFDM project**

In 2022, this association launched a political lobbying campaign. Its president, supported by Senator Jean-Pierre Decool, drafted a bill to liberalise the use of metal detectors. Although it admits that treasure hunting can lead to illegal activities, its main aim is to protect its paying members from prosecution. Its strategy is to present the discovery of archaeological objects as a collateral effect of good deeds. It relies on foreign examples – England, Belgium, the Netherlands – and the public's sensitivity to ecology. Mr. Decool's argument is based on three main points: the clearance of explosives from world wars; the well-being of animals that may ingest metal debris; and the salvage of archaeological artefacts, which are seen by detectorists practising the first two points, copying foreign conciliation schemes, as successes. The quid pro quo for these volunteer services will be the issuance of depollution approval by the regional prefect, and a regime that derogates from the 2016 LCAP law on the ownership of archaeological property. In other words, under this scheme, the State would cede to the detectorist, as remuneration in kind, heritage objects that have been inalienable for almost 6 years.

The counter-arguments to this project, presented in counter-lobbying by our association, are: 1) every year in Europe, the handling of these explosives injures and kills those who dig up, touch, and transport these objects, i.e. detectorists; 2) while the argument of ingestion of metal debris led to the Danish conciliation regime, studies show that the majority of problems occur on farms and the metal detector doesn't help; 3) the deterioration of archaeological objects by agricultural factors has not been proven;

on the other hand, the treasure sought by the detectorist is, demonstrably, an archaeological object. This is the primary target. Conciliation schemes are often evaluated by those who benefit from them, which biases the results. In Belgium and the Netherlands, data show that few detectorists declare their discoveries, as this would limit their hobby. In this French association project, all declarations made would be uncontrolled and unverified, as they would come from sampling "à la détectoriste", without witnessing or recording. The French Heritage Code allows detectorists to be authorised, but this is seen as a constraint. The FFDM refuses to help its members apply for authorisation. The promised database would be unreliable: the perceived success is explained by the exponential growth of the databases, with quantity taking precedence over quality. The situations in Belgium, Denmark, and England show that conciliation is a failure, that the predation on heritage does not cease and that the main actor in this predation is the detectorist.

### ***The Steyer project***

Treasure hunter activism in France is represented by Gérard Steyer, president of the Alsace Détection association. In the 2000s, his association had some success with archaeological missions, but the quest for results led to tensions with archaeologists, resulting in breaks in communication and a reminder of the rules. Despite the logic of decline, Gérard Steyer maintained his visibility, even as president of an empty association. In 2008, he created the character of Gégé, the Gallic plumber, and developed a conspiracy website, becoming fervently anti-vaccinate during the Covid pandemic. He sent numerous messages to ministers and members of parliament, seeking support. Steyer made contact with the European Commission, suggesting that regulating the use of detectors is a barrier to the free movement of goods. In 2014, the HAPPAH association supported an opposing position on this issue. The upshot of this affair is that archaeological heritage is seen by detectorists and their allies solely as a source of profit. They ignore scientific data and conservation, the collective interest now and in the future. The danger to archaeological heritage is a daily occurrence.

## **Conclusion**

Lobbying by treasure hunters and metal detector dealers can directly influence legislation in European countries, to disastrous effect. The examples given in this paper are either institutional or the work of officially constituted bodies. They correspond to well-thought-out projects, the fruit of exchanges with foreign detectors, trips, experiments, training courses, and even acts of plundering outside French borders.

In conclusion, it's worth pointing out that French entrepreneurs have been importing ideas as well as detectors since the 1980s. It is more unusual to see foreign actors directly attacking French regulations. If French detectorists have a poor grasp of the laws of other countries as well as their own, we have frequently seen that the pillars of Dutch, Belgian, or English associations have no better grasp of the laws of their own countries as well as ours. What can we say, then, about their understanding of heritage and archaeological notions? They are no more interested in scientific rigour than they are in binding laws.

# Yves Ubelmann, Titien Bartette, Jonathan Chemla & Mehraïl Saroufim - Harnessing technology to safeguard cultural heritage

## A case study of archaeological site monitoring in the Bactrian region

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### Introduction

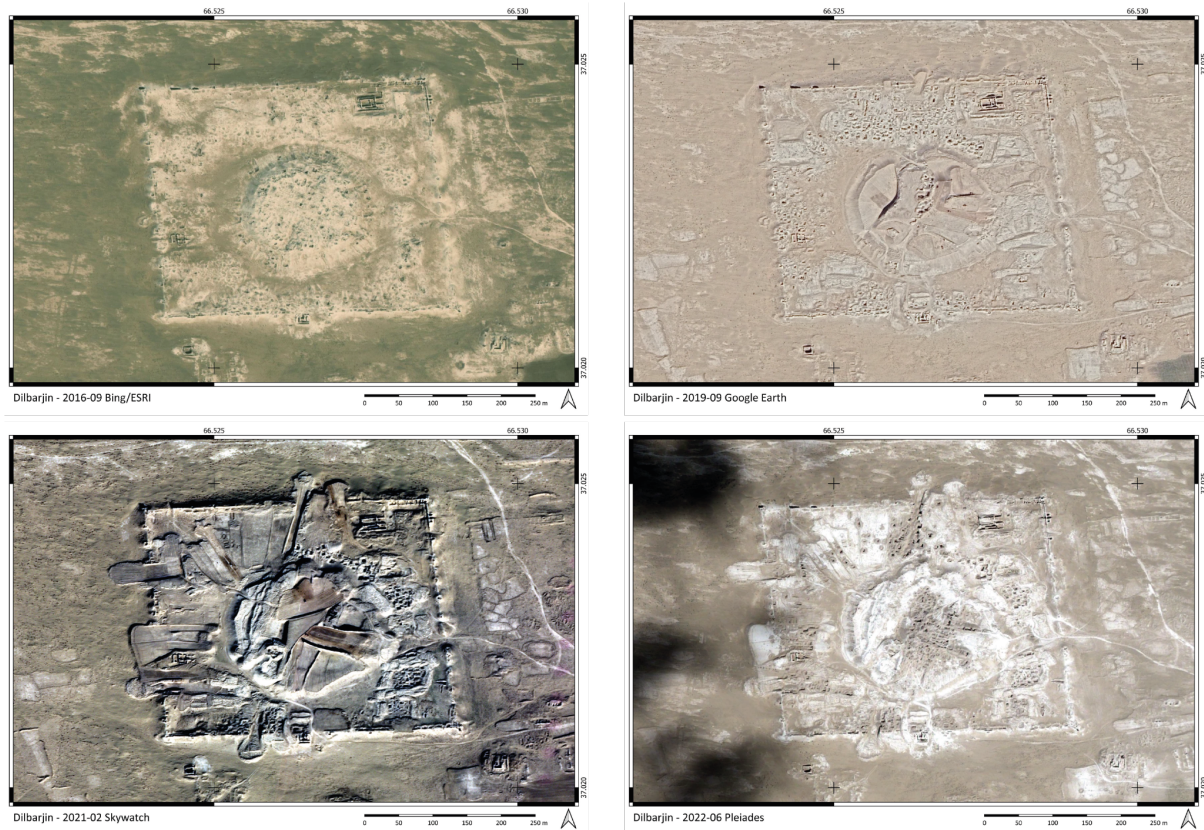
The preservation of the world's cultural heritage in the face of looting and illicit trafficking activities poses a major challenge for the archaeological community and international bodies. In this context, technological advancements, particularly in the field of satellite imaging, offer new opportunities to monitor and document threatened archaeological sites. Our contribution aims to examine the contribution of these new technologies to combating the illicit trafficking of cultural artefacts and the monitoring of archaeological sites, based on a recent investigation conducted in the region of Bactria. We will highlight the context of the investigation, the methodology employed, and the results obtained to underscore the importance of these technological advancements for the preservation of global heritage.

### Context and problem statement

The region of Bactria, located in Central Asia, is a cradle of remarkable archaeological wealth, bearing witness to its deep history since the time of the Hellenistic Empire. However, this region is currently facing a growing and insidious threat: looting and illicit trafficking of cultural artefacts. This phenomenon poses an imminent danger to the preservation of this millennia-old heritage, risking depriving future generations of their cultural inheritance.

Once limited to manual looting activities, this scourge has evolved into mechanised methods, causing irreparable damage to the archaeological sites of the region (**fig. 1**). This alarming context raises a fundamental issue: how to effectively protect these precious remnants of the past against the growing threat of looting and illicit trafficking of cultural artefacts, while reconciling the imperatives of economic development and urbanisation? This question underscores the urgent need for a concerted and innovative response, involving close collaboration among archaeological research stakeholders, local authorities, and international bodies, as well as the exploration of new technological approaches for the surveillance and protection of threatened archaeological sites, particularly in challenging contexts where site accessibility may be compromised.

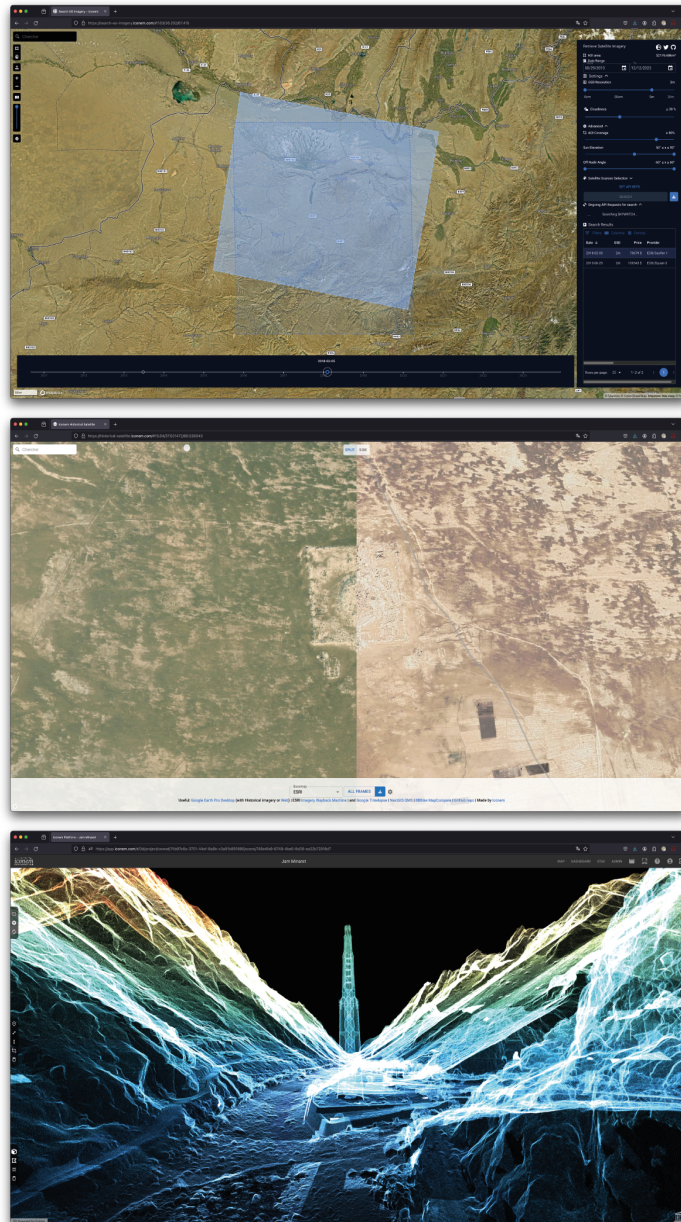




**Fig. 1:** Demonstration of the transition from manual methods to mechanised methods using the example of the site of Dilbarjin (Afghanistan) between 2006 and 2022  
© Iconem.

## Methodology

To grasp the extent of looting and illicit trafficking of cultural artefacts in the Bactria region, a comprehensive and multidisciplinary investigation was undertaken, mobilising experts in archaeology, engineering, and data analysis. The methodology of this investigation relies on the combined use of various technologies and approaches, integrating satellite imagery, geospatial analysis, and field research. The team utilised high-resolution satellite images, enabling regular and detailed monitoring of archaeological sites in the region. This approach was supplemented by on-the-ground topographic surveys to verify and validate the data collected by satellite imagery. Additionally, the team developed specific analysis tools based on advanced algorithms and image processing techniques to process and interpret the obtained information. This rigorous methodological approach yielded precise and reliable results on the extent of looting at archaeological sites in the Bactria region, as well as trends and dynamics of this phenomenon. Furthermore, this multidisciplinary approach fostered a comprehensive understanding of the underlying factors driving looting and illicit trafficking of cultural artefacts, paving the way for innovative and effective solutions for the preservation of this global heritage.



**Fig. 2:** Iconem Monitoring Toolbox overview; a. Satellite imagery search tool; b. Satellite imagery comparison tool; c. 3D model analytical tool  
© Iconem.

## Towards the development of specialised tools

Iconem has developed a comprehensive toolbox encompassing a methodology and technical resources to address the detection, characterisation, and dating of potential traces of illicit excavation and other looting activities through 3D photogrammetric scanning and satellite imagery analysis (**fig. 2**).

One notable feature is an aggregator designed for targeted satellite imagery search within a specified area (**fig. 2a**). This tool enables users to query various providers, accessing practical details such as the

image acquisition date, satellite source, spatial resolution, image type (optical or SAR), and pricing. This streamlined approach is particularly beneficial, as it minimises the time-consuming process of searching and selecting suitable image types, providing users with an initial overview of available information and facilitating informed decision-making. Additionally, we recognise the importance of examining the temporal evolution of looting phenomena and the associated traces. To address this, we have developed a tool facilitating immediate visual comparison between temporal archives (**fig. 2b**). By enhancing the temporal resolution of satellite images through multiple sources, this tool enables researchers to analyse changes over time effectively.

Our approach also includes the three-dimensional digitisation of archaeological sites affected by or at risk of looting, enhanced through an analytical 3D viewer gathering measurements and archivistic technologic tools (**fig. 2c**). This multiscale digitisation method offers both a comprehensive site overview and detailed analysis of observed looting traces. By recurrently digitising sites, we aim to measure and characterise changes over time accurately. Furthermore, we are committed to on-site capacity building and are currently preparing a white paper on data acquisition methods tailored to communities grappling with looting, with the objective of producing photogrammetric 3D models.

## Results

The results of the investigation have shed light on the alarming extent of large-scale looting at archaeological sites in the Bactria region, with over two hundred archaeological sites identified as having suffered considerable damage, primarily caused by mechanised looting activities contributing, ultimately, to the illicit trafficking of cultural artefacts. As an illustration of looting activities and identified methods, the use of earthmoving machinery such as graders, bulldozers, and mechanical digging equipment has been identified as a prevalent trend in the mechanised looting of archaeological sites in the region (**fig. 3**). The use of satellite imagery has allowed for close monitoring of the temporal evolution of the destruction, thereby providing an in-depth understanding of looting dynamics. The gradual disappearance of certain sites over time has been observed, quantified, and temporally measured, underscoring the urgency of intervening to protect these precious remnants of the past.

Data interoperability has played a crucial role in the analysis of the gathered information. By cross-referencing data from different sources, correlations between looting activities and other factors have been identified, particularly concerning changes in land use and regional development projects, such as agricultural exploitation and infrastructure construction (**fig. 4**). For instance, the study revealed that construction work on a canal in the region was closely linked to increased looting activities, highlighting the socio-economic and political complexities of issues related to the preservation of archaeological heritage in a context of economic development and increasing urbanisation.

These findings emphasise the urgency of adopting enhanced protection and surveillance measures to preserve the cultural heritage of the Bactria region and underscore the crucial role of new technologies in this endeavour.



## Conclusion

The toolbox created by Iconem serves as an integrated and comprehensive solution for site monitoring and studying looting traces in correlation with known archaeological contexts. This approach aims to produce analytical documentation to assess the conservation status of heritage sites facing looting, enabling comparison of observations and characterisations, and measuring the extent and dynamics of the phenomenon. Moreover, it seeks to initiate decision-making processes for site conservation, whether preventive or protective. In the long term, this toolbox and its functionalities form an operational chain for observing, monitoring, and analysing threatened or looted sites. It provides specialists with user-friendly tools to conduct research, select relevant images, compare data, and promptly extract results, streamlining their workflow and enhancing efficiency.

Our contribution underscores the crucial importance of new technologies in combating illicit trafficking of cultural artefacts and preserving archaeological sites. Advanced use of satellite imagery and the development of specific analytical tools have thoroughly documented looting activities in the Bactrian region, providing valuable insights for implementing protective and conservation measures. However, this study also highlights the need for a multidisciplinary approach and enhanced international cooperation to address this growing threat and safeguard the world's cultural heritage for future generations.

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# Ipek Bayraktar, Levent Tökün & Colin Alexander Duffy - Protection of cultural artifacts through bilateral agreements: the case of the United States of America and the Republic of Türkiye

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## Introduction

Anatolia has birthed numerous civilisations whose tangible heritage has outlived them. Modern Anatolia, the Republic of Türkiye, is endowed with their immense physical legacy and has a long history of artefactual fascination and exploitation. The Turkish state maintains a pro-repatriation policy and views repatriation as a resolution to prior looting and subsequent trafficking as a source country. The United States of America, by contrast, represented 42% of the global market in 2023, accounting for the largest plurality.<sup>271</sup>

Rectifying illicit tracking has increasingly become the subject of interstate agreements since the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970 UNESCO Convention).<sup>272</sup> This effort was further expanded upon in 2021 through the bilateral *Memorandum of Understanding between the Government of the United States of America and the Government of the Republic of Turkey concerning the Imposition of Import Restrictions on Categories of Archaeological and Ethnological Material of Turkey*<sup>273</sup> (MOU) concluded between the United States and Türkiye.<sup>274</sup> Article 15 of the 1970 UNESCO Convention<sup>275</sup> explicitly permits bilateral agreements, including the Memorandum of Understanding between the US and Türkiye, which delineates the terms of cooperation between the two, empowers American law enforcement agencies to repatriate artefacts, incentivises direct dialogue, and fosters goodwill.

This article explores the impact of the 2021 Memorandum of Understanding within the context of prior international cooperation between Türkiye and the US on Turkish cultural property protection, including repatriation, and evaluates the explanatory value of repatriation volumes, *causa sui*, in assessing the efficiency of the MOU. The article investigates the mechanisms of prior repatriations

<sup>271</sup> McAndrew, C. (2024). *Art Market Report 2024*. Basel: Art Basel & UBS, 26, <https://theartmarket.artbasel.com/download/The-Art-Basel-and-UBS-Art-Market-Report-2024.pdf>, consulted 29/08/25.

<sup>272</sup> UNESCO, “Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property,” 14 November 1970, <https://www.unesco.org/en/legal-affairs/convention-means-prohibiting-and-preventing-illicit-import-export-and-transfer-ownership-cultural>, consulted 29/08/25.

<sup>273</sup> See the MOU: “Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of Turkey Concerning the Imposition of Import Restrictions on the Categories of Archaeological and Ethnological Material of Turkey”, <https://www.state.gov/wp-content/uploads/2021/05/21-324-Turkey-Cultural-Property-Import-Restrictions.pdf>, consulted 29/08/25.

<sup>274</sup> See Figure 1 for the signing ceremony of the MOU.

<sup>275</sup> UNESCO, “Convention on the Means of Prohibiting,” Article 15.



and highlights the limited information available to explain the effects of the Memorandum of Understanding, in an attempt to provide a clear area where future research can be pursued to better understand where the MOU has caused a return.

## 1970 UNESCO Convention

Türkiye and the United States have demonstrated substantial and vested interests in cultural property protections. Türkiye ratified the 1970 UNESCO Convention in 1981<sup>276</sup> and currently maintains 12 bilateral agreements,<sup>277</sup> while the United States accepted the Convention in 1983<sup>278</sup> and retains 32 effective bilateral agreements under its framework.<sup>279</sup> The two countries implemented the 1970 UNESCO Convention through national legislation – Türkiye through Law No. 2863 on the Conservation of Cultural and Natural Property, and the United States through the Convention on Cultural Property Implementation Act.

The United States implemented Article 7(b) and Article 9 of the 1970 UNESCO Convention by enacting the Convention on Cultural Property Implementation Act (CPIA) in 1983.<sup>280</sup> The CPIA empowers the American executive branch in two significant ways: 1) by enhancing the ability to create import restrictions, and 2) through the creation of the Cultural Property Advisory Committee (CPAC). This Act creates an exception to the normal rules regarding the formation of bilateral and multilateral agreements and empowers the President of the US and his executive agencies to form agreements relevant to the protection of cultural properties. The CPIA further empowers the President to establish emergency import restrictions for cultural properties where it is believed there is some outstanding risk to their sites of origin, or that the properties themselves are extraordinary.<sup>281</sup>

The CPAC facilitates the CPIA in affecting the requirements set forth in the MOU through contributions to the creation of a Designated List containing pertinent archaeological artefacts. The CPAC is an eleven-member Committee including museum representatives; experts in archaeology, anthropology,

<sup>276</sup> See the List of the States Parties to the Convention: UNESCO, “States Parties to the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property”, 2024, accessed 10 December 2024, <https://www.unesco.org/en/legal-affairs/convention-means-prohibiting-and-preventing-illicit-import-export-and-transfer-ownership-cultural?hub=416#item-2>.

<sup>277</sup> T.C. Kültür ve Turizm Bakanlığı Basın ve Halkla İlişkiler Müşavirliği, “Kültür ve Turizm Bakanlığının 2023 Bütçesi TBMM Plan ve Bütçe Komisyonunda”, 17 November 2022, accessed 9 Dec 2024, <https://basin.ktb.gov.tr/TR-332138/kultur-ve-turizm-bakanliginin-2023-butcesi-tbmm-plan-ve-butce-komisyonda.html>; Erdoğan, K. (2024, December 10). Exclusive: Turkish official denies British Museum’s claims on Greece’s artefacts. *Türkiye Today*, accessed 10 December 2024, <https://www.turkiyetoday.com/culture/exclusive-turkish-official-denies-british-museums-claims-on-greeces-artifacts-90288/>.

<sup>278</sup> See the List of the States Parties to the Convention: UNESCO, “States Parties to the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property”, 2024, accessed 10 December 2024, <https://www.unesco.org/en/legal-affairs/convention-means-prohibiting-and-preventing-illicit-import-export-and-transfer-ownership-cultural?hub=416#item-2>.

<sup>279</sup> U.S. Department of State, “Current Agreements and Import Restrictions,” (n.d.), accessed 9 December 2024, <https://eca.state.gov/cultural-heritage-center/cultural-property/current-agreements-and-import-restrictions>.

<sup>280</sup> Gerstenblith, P. (2012). “United States of America and Canada Expert Report by Patty Gerstenblith for participants in the Second Meeting of States Parties to the 1970 Convention”, Paris, UNESCO Headquarters, 20-21 June 2012, 2, [https://www.obs-traffic.museum/sites/default/files/ressources/files/Gerstenblith\\_expert\\_report\\_0.pdf](https://www.obs-traffic.museum/sites/default/files/ressources/files/Gerstenblith_expert_report_0.pdf).

<sup>281</sup> Congress. (2022, December 27). *Convention on Cultural Property Implementation Act*. [Government]. U.S. Government Publishing Office, §303(f)-304(c), accessed 10 December 2024, <https://www.govinfo.gov/app/details/COMPS-14561>.

and ethnology; specialists in international cultural property sales; and, members representing the general public's interests.<sup>282</sup> CPAC evaluates requests for import restrictions from foreign governments, reviews and recommends extensions or emergency actions for existing agreements, and reports findings for the inclusion of artefacts in the Designated List. In this way, the Designated List serves as a comprehensive but non-exhaustive guide to the agencies and authorities monitoring the importation of relevant objects.

Pursuant to Article 90 of the Constitution of the Republic of Türkiye,<sup>283</sup> the 1970 UNESCO Convention did not require additional implementing legislation and became self-executing following its adoption by the Grand National Assembly of Türkiye and its publication in the Official Gazette of the Republic of Türkiye.<sup>284</sup> However, Law No. 2863 on the Protection of Cultural and Natural Assets,<sup>285</sup> which has been in effect since 1983, provides basic legislative arrangements consistent with the obligations in the 1970 UNESCO Convention and establishes a legal framework for the conservation, management, and promotion of cultural (and natural) artefacts and sites.<sup>286</sup> Article 5 of the Law requires "Immovable property belonging to the state, public institutions, and organisations and movable and immovable cultural and natural property to be protected that is known to exist or will be discovered on an immovable property owned by real and legal persons subject to civil law shall have the quality of state property."<sup>287</sup> Article 32 of Law No. 2863 explicitly prohibits the export of cultural (and natural) property: "Movable cultural and natural property to be protected in the country cannot be taken abroad."<sup>288</sup>

<sup>282</sup> U.S. Department of State, "Cultural Property Advisory Committee," (n.d.), accessed 1 May 2024, <https://eca.state.gov/cultural-heritage-center/cultural-property/committee-members#:~:text=Cultural%20Property%20Advisory%20Committee&text=The%20Convention%20on%20Cultural%20Property,interests%20in%20cultural%20property%20matters>.

<sup>283</sup> Grand National Assembly of Türkiye, Constitution of the Republic of Türkiye, 1982, Article 90, <https://cdn.tbmm.gov.tr/TbmmWeb/Yayinlar/Dosya/ea266075-d26a-4bad-8007-efa2b7b773a8.pdf>, consulted 29/08/25.

<sup>284</sup> "Law No. 2256," 6 January 1980, Official Gazette No. 16861, <https://www.resmigazete.gov.tr/arsiv/16861.pdf>.

<sup>285</sup> "Law No. 2863," 23 July 1983, Official Gazette No.18113, <https://www.resmigazete.gov.tr/arsiv/18113.pdf>.

<sup>286</sup> Additionally, certain articles of the Turkish Criminal Code, Criminal Procedure Code, and Civil Code are applicable to offences related to cultural property. For further information: Dülger, M. V. (2014). Legal Protection of Cultural Property and Work of Arts. *Journal of İstanbul Medipol University School of Law*, 1(1), 107-161. <https://dergipark.org.tr/en/download/article-file/1102130>; UNESCO, 2023, "National report on the implementation of the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property: Türkiye, reporting period: 2019-2022", accessed 9 December 2024, <https://unesdoc.unesco.org/ark:/48223/pf0000387110.locale=en>.

<sup>287</sup> The Grand National Assembly of Türkiye, Law on the Conservation of Cultural and Natural Property, Law No. 2863, Official Gazette No. 18113, 23 July 1983, Article 5, <https://kvmgm.ktb.gov.tr/TR-43249/law-on-the-conservation-of-cultural-and-natural-property-2863.html>.

<sup>288</sup> Ibid, Article 32. Except for temporary exhibitions permitted by the State, and members of the diplomatic corps in Türkiye who have previously declared cultural property of foreign origin brought with them.

## The Memorandum of Understanding

The Memorandum of Understanding was signed on 19 January 2021. It became effective in Türkiye on 5 March 2021,<sup>289</sup> and it entered into force in the United States on 24 March 2021<sup>290</sup> and the Designated List for the import restrictions became effective on 16 June 2021.<sup>291</sup> The signing of the eponymous MOU represents a historic expansion of cooperation between Türkiye and the US to protect cultural heritage and combat the illicit trafficking of cultural objects and does so with the explicit intention to “...reduce the incentive for pillage of [...] Turkey’s cultural heritage.”<sup>292</sup> Within the relevant legal and financial constraints of each State<sup>293</sup> Article I, Paragraph 2 of the Memorandum designates an exclusive list of objects or materials that will be considered archaeological and ethnological items subject to US import restrictions and includes articles spanning from approximately 1,200,000 BC to AD 1770 for archaeological material, and from the 1st century AD to 1923 for ethnological material encompassing Türkiye's diverse cultural heritage.<sup>294</sup> In doing so, Article II, Paragraph 3 obliges Türkiye and the United States to “...use [their] best efforts...”<sup>295</sup> and obligates specifically the United States “...to facilitate technical assistance to Türkiye as appropriate under available programs in the public and/or private sectors.”<sup>296</sup>

In the period prior to the Memorandum of Understanding (1980-2020), approximately 2480 artefacts were repatriated to Türkiye from the US, representing an estimated mean per annum return of 60 artefacts. Following the MOU, returns numbered an estimated 37 artefacts per year in December 2024.<sup>297</sup> The decline in repatriations after the MOU represents an unexpected discrepancy and raises questions about the efficacy of the bilateral agreement, but the numbers alone provide little insight in the absence of any causal explanation for this downward trend. Of the 44 distinct events of

<sup>289</sup> See the President of the Republic of Türkiye's approval of the MOU, along with the MOU itself, in the Official Gazette of the Republic of Türkiye: “Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of Turkey Concerning the Imposition of Import Restrictions on the Categories of Archaeological and Ethnological Material of Turkey,” 5 March 2021, Official Gazette No. 31414, accessed 9 December 2024, <https://www.resmigazete.gov.tr/eskiler/2021/03/20210305-13.pdf>.

<sup>290</sup> See the MOU: “Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of Turkey Concerning the Imposition of Import Restrictions on the Categories of Archaeological and Ethnological Material of Turkey”, accessed 9 December 2024, <https://www.state.gov/wp-content/uploads/2021/05/21-324-Turkey-Cultural-Property-Import-Restrictions.pdf>.

<sup>291</sup> Import Restrictions Imposed on Categories of Archaeological and Ethnological Material of Turkey Department of Homeland Security U.S. Customs and Border Protection Department of the Treasury 19 CFR Part 12 [CBP Dec. 21-09] RIN 1515-AE64, accessed 9 December 2024, <https://www.federalregister.gov/documents/2021/06/16/2021-12646/import-restrictions-imposed-on-categories-of-archaeological-and-ethnological-material-of-turkey#h-11>.

<sup>292</sup> MOU, 2021, Article II.

<sup>293</sup> Ibid, Article III.

<sup>294</sup> U.S. Department of State, “Turkey Cultural Property Import Restrictions,” 24 March 2021, accessed 1 May 2024, <https://www.state.gov/wp-content/uploads/2021/05/21-324-Turkey-Cultural-Property-Import-Restrictions.pdf>.

<sup>295</sup> MOU, Article II, Par. 3.

<sup>296</sup> Ibid.

<sup>297</sup> See the List of the Returned Objects from Abroad: T.C. Kültür ve Turizm Bakanlığı Kültür Varlıkları ve Müzeler Genel Müdürlüğü, “Yurt Dışından İadesi Sağlanan Eserler”, accessed 9 December 2024, <https://kvmgm.ktb.gov.tr/TR-44470/yurt-disindan-iadesi-saglanan-eserler.html>.

repatriation since 2021, involving 8,778 cultural artefacts from 11 countries, approximately 40% were facilitated by the United States, representing the highest proportion amongst participants.<sup>298</sup>

There is no indication that the MOU was indispensable in facilitating the return of any artefacts following its signature. The mechanisms that facilitated repatriations before the MOU still represent the underlying impetus driving repatriations and could have been accomplished without the mechanisms laid out in the MOU. The majority of repatriated artefacts are the product of investigations which precede the signing of the MOU and further confound the utility of repatriation statistics *ex post facto* as a means of evaluating its efficacy.

### *Existing Turkish-American Cooperation*

There are Anatolian artefacts in various collections which have yet to be repatriated. Private collectors, for instance, likely possess artefacts unknown to national institutions, which have historically been repatriated through mechanisms unchanged by the new obligations under the MOU. Notable examples include goodwill repatriations such as the 2012 voluntary return of a marble stele and a head figure by two separate individuals through the Washington Turkish Culture and Tourism Office,<sup>299</sup> the 2016 repatriation of a marble architectural piece originally from Ephesus by a private collector,<sup>300</sup> and the 2018 return of the Zeugma Mosaics from Bowling Green State University facilitated through extensive research and collaborative efforts.<sup>301</sup>

Repatriations have often been the result of circumstance and best illustrated by the year 2014, in which 69<sup>302</sup> of 82 repatriated artefacts<sup>303</sup> were seized in New York during a single airport transit incident. That same year, two artefacts were voluntarily returned from an individual to the Turkish Embassy in Washington, D.C.,<sup>304</sup> later one artifact was also voluntarily returned from a private collector to the Turkish Consulate in Los Angeles,<sup>305</sup> and 10 Lydian stelae were returned following the then-

<sup>298</sup> Ibid. As of December 2024.

<sup>299</sup> T.C. Kültür ve Turizm Bakanlığı Kültür Varlıkları ve Müzeler Genel Müdürlüğü. (2012). 68. ABD’den gönüllü iade alınan kültür varlıkları (2 adet), accessed 9 December 2024, <https://kvmgm.ktb.gov.tr/TR-47531/68-abdden-gonullu-iade-alinan-kultur-varliklari-2-adet-2012.html>.

<sup>300</sup> T.C. Kültür ve Turizm Bakanlığı Kültür Varlıkları ve Müzeler Genel Müdürlüğü. (2016). 92. ABD’den gönüllü iade alınan Efes kökenli mermer mimari parça (1 adet), accessed 9 December 2024, <https://kvmgm.ktb.gov.tr/TR-269737/92-abdden-gonullu-iade-alinan-efes-kokenli-mermer-mimari-parca-1-adet-2016.html>

<sup>301</sup> Bayraktar, İ., & Tökün, L. (2020). Two case studies: Turkey’s approach to cultural property repatriations. In A. de Carvalho Antunes, G. Angjeliu, & M. Bellanova (Eds.), *Advances in Cultural Heritage Studies: Year 2020; Contributions of the European Students’ Association for Cultural Heritage*, Oeiras: Mazu Press.

<sup>302</sup> T.C. Kültür ve Turizm Bakanlığı Kültür Varlıkları ve Müzeler Genel Müdürlüğü. (2014). 83. ABD’den iadesi sağlanan New York Havalimanı’nda ele geçirilen kültür varlıkları (69 adet), accessed 9 December 2024, <https://kvmgm.ktb.gov.tr/TR-130849/83-abdden-iadesi-saglanan-new-york-havalimaninda-ele-gecirilen-kultur-varliklari-69-adet--2014.html>.

<sup>303</sup> See the List of the Returned Objects from Abroad: T.C. Kültür ve Turizm Bakanlığı Kültür Varlıkları ve Müzeler Genel Müdürlüğü, “Yurt Dışından İadesi Sağlanan Eserler,” accessed 9 December 2024, <https://kvmgm.ktb.gov.tr/TR-44470/yurt-disindan-iadesi-saglanan-eserler.html>.

<sup>304</sup> T.C. Kültür ve Turizm Bakanlığı Kültür Varlıkları ve Müzeler Genel Müdürlüğü. (2014). 78. ABD’den gönüllü iade alınan amphoralar (2 adet), accessed 9 December 2024, <https://kvmgm.ktb.gov.tr/TR-102910/78-abdden-gonullu-iade-alinan-amphoralar--2-adet-2014.html>.

<sup>305</sup> T.C. Kültür ve Turizm Bakanlığı Kültür Varlıkları ve Müzeler Genel Müdürlüğü. (2014). 81. ABD’den gönüllü iade alınan bronz at koşum takımı parçası (Gem) (1 adet), accessed 9 December 2024,

Minister of Culture and Tourism of the Republic of Türkiye, Mr. Ömer Çelik's instructions for renewed initiatives through the Turkish Ministries of Interior and Foreign Affairs regarding the stelae and subsequent, joint efforts between the Federal Bureau of Investigation and the Office of the Counsellor of Security Cooperation and Interior Affairs in Washington, D.C.<sup>306</sup>

In the year the Memorandum of Understanding was signed (2021), two artefacts were voluntarily returned that had been previously donated to the Natural History Museum of Arizona in 1986<sup>307</sup> and another two artefacts were also voluntarily returned by an individual who reached out to the Turkish Consulate in Los Angeles.<sup>308</sup> In December 2021 alone, 28 antiquities were authorised for return to Türkiye by the Manhattan District Attorney (DA).<sup>309</sup> Of these, 14 objects were seized by the Manhattan DA as the conclusion to an investigation predating the MOU, two were seized as part of an ongoing investigation, and 12 as part of a prosecution that concluded in 2012.<sup>310</sup> These artefacts are confirmed to have been officially repatriated by 2022.<sup>311</sup>

Similarly, in 2023, Türkiye received 56 artefacts from the US.<sup>312</sup> Among them, two artefacts were voluntarily returned by individuals and handed over to the Turkish Consulate in Miami.<sup>313</sup> One bronze sword of Turkish origin was confiscated by the United States Customs and Border Protection Unit and returned.<sup>314</sup> In addition to individual gestures of goodwill or unplanned transfers of artefacts, there is a significant sustained collaboration between the United States and Türkiye, which further complicates an assessment of the efficacy of the MOU.

Over 90% of artefacts repatriated from the US in 2023<sup>315</sup> are the result of ongoing cooperation between the Manhattan District Attorney's Office, the Department of Homeland Security Intelligence

<https://kvmgm.ktb.gov.tr/TR-113206/81-abdden-gonullu-iade-alinan-bronz-at-kosum-takimi-parcasi-gem-1-adet2014.html>.

<sup>306</sup> T.C. Kültür ve Turizm Bakanlığı. (2014). 80. ABD'den iadesi sağlanan Lidya Bölgesi'ne ait mezar ve adak stelleri (10 adet), accessed 9 December 2024, <https://kvmgm.ktb.gov.tr/TR-113207/80-abdden-iadesi-saglanan-lidya-bolgesine-ait-mezar-ve-adak-stelleri-10-adet-2014.html>.

<sup>307</sup> T.C. Kültür ve Turizm Bakanlığı Kültür Varlıkları ve Müzeler Genel Müdürlüğü. (2021). 119. ABD'den gönüllü iade alınan pişmiş toprak çömlekler (2 Adet). <https://kvmgm.ktb.gov.tr/TR-289262/119-abdden-gonullu-iade-alinan-pismis-toprak-comlekler-2-adet-2021.html>, consulted 29/08/25.

<sup>308</sup> T.C. Kültür ve Turizm Bakanlığı Kültür Varlıkları ve Müzeler Genel Müdürlüğü. (2021). 118. ABD'den gönüllü iade alınan amphoralar (2 Adet). <https://kvmgm.ktb.gov.tr/TR-289261/118-abdden-gonullu-iade-alinan-amphoralar-2-adet-2021.html>, consulted 29/08/25.

<sup>309</sup> Manhattan District Attorney's Office. (2022, January 21). D. A. Bragg: 28 antiquities repatriated to the people of Turkey. Manhattan District Attorney's Office. <https://manhattanda.org/d-a-bragg-28-antiquities-repatriated-to-the-people-of-turkey/>, consulted 29/08/25.

<sup>310</sup> Ibid.

<sup>311</sup> T.C. Kültür ve Turizm Bakanlığı Kültür Varlıkları ve Müzeler Genel Müdürlüğü. (2022). 126. ABD'den iadesi sağlanan eserler (14 adet). <https://kvmgm.ktb.gov.tr/TR-312144/126-abd39den-iadesi-saglanan-eserler-14-adet-2022.html>, consulted 29/08/25.

<sup>312</sup> See the List of the Returned Objects from Abroad: T.C. Kültür ve Turizm Bakanlığı Kültür Varlıkları ve Müzeler Genel Müdürlüğü, "Yurt Dışından İadesi Sağlanan Eserler," accessed 30 April 2024, <https://kvmgm.ktb.gov.tr/TR-44470/yurt-disindan-iadesi-saglanan-eserler.html>.

<sup>313</sup> T.C. Kültür ve Turizm Bakanlığı Kültür Varlıkları ve Müzeler Genel Müdürlüğü. (2023). 135. ABD den gönüllü iade alınan pişmiş toprak kandiller (2 Adet). <https://kvmgm.ktb.gov.tr/TR-335751/135-abd39den-gonullu-iade-alinan-pismis-toprak-kandiller-2-adet-2023.html>, consulted 29/08/25.

<sup>314</sup> T.C. Kültür ve Turizm Bakanlığı Kültür Varlıkları ve Müzeler Genel Müdürlüğü. (2023). 137. ABD'den iadesi sağlanan bronz kılıç (1 adet). <https://kvmgm.ktb.gov.tr/TR-339111/137-abd39den-iadesi-saglanan-bronz-kilic-1-adet-2023.html>, consulted 29/08/25.

<sup>315</sup> See Figure 2 and Figure 3 for examples of artefacts that were returned through these joint efforts.



Unit, and the Turkish Ministry of Culture and Tourism (MoCT).<sup>316</sup> The collaboration led to the successful repatriation of 44 culturally significant objects across three separate groups in 2022 and 2023. This achievement was made possible through joint efforts in gathering evidence, including numerous scientific reports, and the examination of thousands of archival documents.<sup>317</sup>

In April 2024, following new evidence provided by the Manhattan DA's Office,<sup>318</sup> the J. Paul Getty Museum in Los Angeles initiated the return of an ancient bronze bust.<sup>319</sup> In the same year, through the efforts of the MoCT, another collaboration with the J. Paul Getty Museum resulted in the return of a bronze kline to Türkiye. This artifact, looted in Manisa in 1979, was initially trafficked to Switzerland before being sold to the J. Paul Getty Museum in 1982 with forged documents and false provenance records.<sup>320</sup> There were several similar returns in 2024 from private collections in the United States and other countries to Türkiye.<sup>321</sup>

The Memorandum of Understanding's Designated List<sup>322</sup> has the potential to offer similar benefits to the International Council of Museums' *ICOM Red Lists*, which provide visual and textual details of artefacts considered to be at risk of illicit trafficking. The *Lists* have been directly credited with the repatriation of thousands of stolen objects:<sup>323</sup> many facilitated by the Customs and Border Patrol – but, as yet, there is no *ICOM Red List for Türkiye* despite its creation having been authorised in 2023.<sup>324</sup> The MOU's Designated List has the capacity to provide for a similar effect in obligating relevant authorities to seize artefacts known to be at risk, but assessing outcomes is as yet difficult, as will be discussed in the following section.

### Research limitations

The limited degree of research materials available to the public regarding the seizure of artefacts by the various national customs institutions makes a detailed assessment of the motivations difficult, and

<sup>316</sup> T.C. Kültür ve Turizm Bakanlığı Kültür Varlıkları ve Müzeler Genel Müdürlüğü. (2023). 144. ABD'den İadesi Sağlanan Eserler (41 Adet). <https://kvmgm.ktb.gov.tr/TR-365612/144-abdden-iadesi-saglanan-eserler-41-adet-2023.html>; T.C. Kültür ve Turizm Bakanlığı Kültür Varlıkları ve Müzeler Genel Müdürlüğü. (2023). 138. ABD'den İadesi Sağlanan Eserler (12 Adet). <https://kvmgm.ktb.gov.tr/TR-340608/138-abd39den-iadesi-saglanan-eserler-12-adet-2023.html>, consulted 29/08/25.

<sup>317</sup> T.C. Kültür ve Turizm Bakanlığı Kültür Varlıkları ve Müzeler Genel Müdürlüğü. (2023). 138. ABD'den İadesi Sağlanan Eserler (12 Adet). <https://kvmgm.ktb.gov.tr/TR-340608/138-abd39den-iadesi-saglanan-eserler-12-adet-2023.html>, consulted 28/08/25.

<sup>318</sup> Goukassian, E. (2024). "Antik bronz büst Getty Müzesi tarafından Türkiye'ye iade ediliyor", *The Art Newspaper Türkiye*, 26 April, accessed 9 December 2024, <https://www.artnewspaper.com.tr/2024/04/26/antik-bronz-bust-getty-muzesi-tarafindan-turkiyeye-iade-ediliyor>.

<sup>319</sup> See Figure 4 for the ancient bronze bust.

<sup>320</sup> T.C. Kültür ve Turizm Bakanlığı Kültür Varlıkları ve Müzeler Genel Müdürlüğü. (2024). 154. ABD'den İadesi Sağlanan Bronz Kline, accessed 9 December 2024, <https://kvmgm.ktb.gov.tr/TR-378849/154-abdden-iadesi-saglanan-bronz-kline-2024.html>

<sup>321</sup> See the List of the Returned Objects from Abroad: T.C. Kültür ve Turizm Bakanlığı Kültür Varlıkları ve Müzeler Genel Müdürlüğü, "Yurt Dışından İadesi Sağlanan Eserler," accessed 9 December 2024, <https://kvmgm.ktb.gov.tr/TR-44470/yurt-disindan-iadesi-saglanan-eserler.html>.

<sup>322</sup> *Import restrictions imposed on categories of archaeological and ethnological material of Turkey*. [CBP Dec. 21–09] 19 CFR Part 12, RIN 1515–AE64. <https://www.govinfo.gov/content/pkg/FR-2021-06-16/pdf/2021-12646.pdf> accessed 7 December 2024.

<sup>323</sup> ICOM. (2021). ICOM Red List of Southeast European Cultural Objects at Risk - Press Kit, 8, [https://icom.museum/wp-content/uploads/2021/10/ICOM\\_RL-SEE\\_Press\\_Kit\\_pages\\_EN\\_FINAL.pdf](https://icom.museum/wp-content/uploads/2021/10/ICOM_RL-SEE_Press_Kit_pages_EN_FINAL.pdf).

<sup>324</sup> Anadolu Ajansı. (2023). Türkiye'nin Kültürel Mirası Kırmızı Liste İle Korunacak, accessed 9 December 2024, <https://www.aa.com.tr/tr/kultur/turkiyenin-kulturel-mirasi-kirmizi-liste-ile-korunacak/3031120>.

largely inconclusive. Of the information available, we know that the aforementioned bronze sword, successfully repatriated in 2023, was seized by the Customs and Border Patrol<sup>325</sup> whose regulations were modified in 2021 as a direct result of the Memorandum of Understanding.<sup>326</sup> The regulations were revised to include the Designated List within their import restrictions. The List includes descriptions of swords whose<sup>327</sup> characteristics match that of the sword we know to have been repatriated, but without more specific information, it is not possible to assert whether the MOU was a direct cause of the seizure. It does, however, appear likely that it played a role. In the absence of Freedom of Information Act requests, warrants, or judicial proceedings, it would be challenging to conclusively assess the success of the MOU.

There is at least one other instance in which the Memorandum of Understanding would have positively impacted the repatriation process for a culturally significant artefact. In 2010, 21 terracotta vessels were seized by the Customs and Border Patrol, and following examination by the Turkish Ministry of Culture and Tourism, were ultimately repatriated to Türkiye in 2022.<sup>328</sup> As in the case of the bronze sword, their inclusion within the Designated List would have precluded the need to involve experts from the MoCT in a lengthy examination and would have made the Customs and Border Patrol more prepared to audit the transit of items representing their description.

### *Potential Opportunities for Investigation*

Paragraph 104 of the 1970 UNESCO Convention's Operational Guidelines<sup>329</sup> provides for appeals to the *Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation*<sup>330</sup> (ICPRCP) for return and restitution where multilateral agreements do not apply, and bilateral agreements have failed. The ICPRCP has previously assisted in the resolution of six cases, two of which involved Türkiye.<sup>331</sup> Although the Committee has yet to settle a dispute involving the United States,<sup>332</sup> should the ICPRCP mediate a dispute involving the United States and Türkiye, those proceedings would offer further insight into the bureaucratic dynamics of the Memorandum of Understanding as it functions in practice.

<sup>325</sup> T.C. Kültür ve Turizm Bakanlığı Kültür Varlıkları ve Müzeler Genel Müdürlüğü. (2023). ABD'den iadesi sağlanan bronz kılıç (1 adet), accessed 9 December 2024, <https://kvmgm.ktb.gov.tr/TR-339111/137-abd39den-iadesi-saglanan-bronz-kilic-1-adet-2023.html>.

<sup>326</sup> U.S. Customs and Border Protection. (2021, June 16). Import restrictions imposed on categories of archaeological and ethnological material of Turkey. Federal Register, accessed 9 December 2024, <https://www.federalregister.gov/documents/2021/06/16/2021-12646/import-restrictions-imposed-on-categories-of-archaeological-and-ethnological-material-of-turkey>.

<sup>327</sup> Ibid.

<sup>328</sup> T.C. Kültür ve Turizm Bakanlığı Kültür Varlıkları ve Müzeler Genel Müdürlüğü (2022). ABD'den iadesi sağlanan pişmiş toprak çömlekler (21 adet), accessed 9 December 2024, <https://kvmgm.ktb.gov.tr/TR-308663/123-abd39den-iadesi-saglanan-pismis-toprak-comlekler-21-adet-2022.html>

<sup>329</sup> Operational Guidelines for the Implementation of the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. (2015). <https://unesdoc.unesco.org/ark:/48223/pf0000388413>, consulted 29/08/25.

<sup>330</sup> For details about the ICPRCP: <https://www.unesco.org/en/fight-illicit-trafficking/return-and-restitution>, consulted 29/08/25.

<sup>331</sup> For further information about the cases: UNESCO, "Return and Restitution under the aegis of the ICPRCP", accessed 9 December 2024, <https://www.unesco.org/en/fight-illicit-trafficking/return-and-restitution-under-icprcp>, consulted 29/08/25.

<sup>332</sup> As of December 2024.

## Conclusion

Turkish-American bilateral agreement exemplifies a proactive approach complementing efforts in the 1970 UNESCO Convention in protecting cultural artefacts, but we cannot (yet) draw conclusions about the efficacy of the Memorandum of Understanding. Repatriation figures alone do not articulate any causative relationship between returns and the MOU. Recorded volumes in themselves reveal little about the causes or factors leading up to the return of artefacts, and a comparison of known causes of repatriation both before and after the agreement fails to provide much evidence for the efficiency of the MOU. The only known case with a tentatively causal relationship to the MOU is the seizure of the bronze sword, wherein there remains insufficient evidence to assert that the Customs and Border Patrol seized the artifact based specifically on those changes which the MOU introduced in 2021 – although, it does appear to have been a likely contributor.

Each country's institutional processes are frequently inscrutable, exacerbating inadequacies in available data, and precluding our ability to accurately gauge the impact of the agreement between Türkiye and the US. Further years of observation are necessary to comprehensively assess the bilateral agreement as cultural property returns continue through different methods and stakeholders. Annual numbers cannot as yet reflect the agreement's full potential.

## Figures



**Fig. 1:** Signing ceremony of the Memorandum of Understanding between the United States of America and the Republic of Türkiye at the Museum of Anatolian Civilizations in Ankara, Türkiye, in 2021.

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**Fig. 2:** One of the 41 artefacts returned from the United States in 2023.  
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**Fig. 3:** Two of the 41 artefacts returned from the United States in 2023.  
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**Fig. 4:** “Head from a Statue of a Youth” returned from the J. Paul Getty Museum in 2024.  
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## Figures

- 1-** Signing ceremony of the Memorandum of Understanding between the United States of America and the Republic of Türkiye at the Museum of Anatolian Civilizations in Ankara, Türkiye, in 2021. Source: <https://basin.ktb.gov.tr/TR-281231/turkiye-ile-abd-arasinda-tarihi-mirasin-korunmasi-anlasmasi-imzalandi.html>, accessed 9 December 2024.
- 2-** One of the 41 artefacts returned from the United States in 2023. Source: <https://kvmgm.ktb.gov.tr/TR-365612/144-abdden-iadesi-saglanan-eserler-41-adet-2023.html>, accessed 30 April 2024.
- 3-** Two of the 41 artefacts returned from the United States in 2023. Source: <https://kvmgm.ktb.gov.tr/TR-365612/144-abdden-iadesi-saglanan-eserler-41-adet-2023.html>, accessed 30 April 2024.
- 4-** “Head from a Statue of a Youth” returned from the J. Paul Getty Museum in 2024. Source: <https://kvmgm.ktb.gov.tr/TR-378850/155-abdden-iadesi-saglanan-eserler14-adet-2024.html>, accessed 1 December 2024.



# Part 3

## The fight against trafficking: findings and outlook

### II - The antiques market



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## Emily Peacock - Shifting perspectives on provenance in the antiquities trade: dealers' attitudes and academic challenges

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### Differing perspectives

Perspectives on provenance generally fall into two categories: those of archaeologists and those of antiquities dealers. Finding common ground between these two groups is challenging, and debates on provenance can be intense. To grasp the point of view held by both sides, it is essential to understand the values which underpin both arguments. Through considering these values, as well as analysing the reality of how provenance information is presented by antiquities dealers, it is possible to find ways to bring some nuance to a highly polarised arena. In order to ascertain the shifting perspectives on provenance in the antiquities trade, and examine dealers' attitudes and academic challenges, this research uses a 'snapshot' methodology.

Somewhat self-evidently, antiquities dealers primarily value the economic value of antiquities as commodities. Traditionally, buyers have not been overly concerned with the concept of provenance, and as such in the antiquities trade, provenance has not historically been considered to be of primary importance. Instead, the primary concern for buyers of antiquities has largely been whether an object is authentic, not whether it has been looted. As Yates explains, 'A valuable antiquity is not necessarily a legal one. A valuable antiquity is a 'real' one' (2015: 73). Indeed, sometimes looters have even provided evidence that an antiquity for sale has been freshly looted by leaving dirt or sand still on or taking a photo next to the findspot to prove it is authentically ancient (Dundler, 2019).

As van der Lande, chair of the Antiquities Dealers Association argues, due diligence has only recently become a normalised practice within the industry, taking around seven to ten years to gain widespread acceptance (van der Lande, 2021). Before this, there was "no legal obligation to keep business records" and for 'private buyers there is no legal obligation to keep any paperwork at all' (van der Lande, 2021). Geerling, chair of the International Association of Dealers in Ancient Art, has gone so far as to say the current need for provenance "has real consequences. I know of a couple with a pair of cuneiform tablets which they knew had been with a relative for years, but they had no paper provenance pre-1990. They ended up throwing the tablets away as no one would buy them or accept them as a gift." (Pryor, 2023). From the perspective of these dealers, then, there is a time gap which means that many objects are circulating on the market which were removed from the ground at some point before the last ten years and though legal, do not have any provenance information to prove it. Van der Lande refers to these unprovenanced objects as "orphan objects" (van der Lande, 2021). Note that the term "orphan objects" here should not be confused with other uses of the term "orphan objects", such as for fragmentary finds or objects museums decline to acquire (Leventhal and Daniels, 2013: 339) These "orphan objects" fill dealers' inventory with unprovenanced stock. The dealers' rationale is that in the trade in antiquities, it is necessary to deal in these "orphan antiquities", as although they do not have provenance information, they make up a large amount of the material on the market. Therefore, although lacking in provenance information, dealers do not necessarily consider these objects illicit.



In contrast, the importance of provenance information from an archaeological perspective is well summed up by the open letter from Society for American Archaeology, the Society for Historical Archaeology, and the American Anthropological Association to Amazon.com:

Whatever their aesthetic qualities, artefacts cannot contribute to archaeological understandings of the past unless they have been systematically recovered in a way that documents their "context"... these objects cannot contribute to our understanding of the past unless they are available for scientific study (Kintigh, 2000: 1).

Wages for archaeologists suggest practitioners do not choose the domain for economic reasons; rather, it is a career based on a passion for the subject. For many scholars, the emotional draw of archaeological objects is tied to their potential to provide social, political, or cultural insight into the past. Without provenance, an object becomes purely aesthetic, and the scientific value of an object becomes null. The emotional response from archaeologists to the loss of provenance information is compounded by the fact that archaeology is a finite resource. Removing objects from their contexts, therefore, causes 'irreparable damage to humanity' (Polner, 2019).

Provenance information, then, is of primary importance for archaeologists. When it comes to "orphan antiquities", many archaeologists disagree with the dealers' central claim that provenance has only recently become a hot-topic and instead see "orphan antiquities" as being likely to have been recently looted. The 1970 UNESCO Convention, which highlighted the importance of due diligence, demonstrates that concepts around provenance and its importance have been circulating for decades. Indeed, the League of Nations discussed a draft international treaty against the illicit antiquities trade in the 1930s. Alongside this, archaeological evidence suggests that the illicit trade is a greater issue than ever. Satellite imagery and other forms of remote sensing (Tapete and Cigna, 2019; Masini and Lasaponara, 2021) demonstrate the growing damage looting is causing to archaeological sites. The Art Provenance Report (Agha, 2023) suggests looting of cultural heritage in Ukraine is on a similar scale to the looting of Europe during the Second World War. Many archaeologists report witnessing evidence of looting themselves when undertaking fieldwork (Balestrieri, 2018). Therefore, researchers often consider the unprovenanced objects for sale by antiquities dealers as more likely to be illicit than not. As such, from the perspective of many archaeologists, "unprovenanced antiquities bought and sold on the Internet are generally believed to have been traded in contravention of national or international laws" (Brodie, 2015).

Therefore, for many academics, the objects van der Lande calls "orphan antiquities", those lacking in provenance information, have both lost archaeological value and are most likely illicit antiquities. This produces a stalemate. The same objects can be dubbed as unprovenanced and, in all likelihood, looted, or 'orphan objects' which may well be legal but appeared on the market before provenance information was deemed necessary, depending on the speakers' perspective. There is, as yet, no objective way to measure the number of illicit antiquities on the market. There is not, and never will be, a way to go back in time and regain provenance information for objects without it. Once it is gone it is gone. Reliable statistics regarding the size, nature, and function of the contemporary illicit antiquities trade are scarce, and the trade is often referred to as a "grey market" as it takes place in a murky zone moving between white (legal) markets and black markets (Mackenzie et al., 2019; Gerstenblith, 2019). Consequently, obtaining accurate figures becomes exceedingly challenging, and in reality we have a lack of evidence. As we are all taught in school, absence of evidence is not evidence of absence. Nevertheless, scholars and dealers both claim their position is correct due to a lack of evidence to the contrary. Archaeologists claim the absence of legal paperwork means unprovenanced material is probably loot, and dealers argue the absence of clear indications of looting mean

unprovenanced material is probably legal. John Locke's 1689 appeal to ignorance – *ad ignorantiam* – is being used here. Both positions are a fallacy of logic, as both positions shift the burden of proof on the other side. The argument is a paradox, as both sides are using the same appeal to ignorance to prove diametrically opposed views. This kind of argument is logically weak, yet it is often rhetorically effective as it evokes an emotional response (Walton, 1999; Nordquist, 2019), and in this debate emotions run high.

Yet this dispute is not happening in a vacuum. There is a global shift in the importance given to provenance, which can be linked to the shifting societal attitudes towards museum repatriations, and the increased awareness of such issues in the public conscience. The conversation around famous repatriation cases, such as the Parthenon marbles and the British Museum (McAuliffe, 2021), which have made headlines across the globe in recent years (Seymour, 2022; Jilani, 2023), have brought what was a fairly niche debate into a mainstream area of discussion. In this atmosphere, no professional antiquities dealer would admit to not performing thorough due diligence. Unlike many sellers on platforms like Facebook Marketplace or eBay, professional antiquities dealers cannot justify mistakenly selling illicit goods because of a lack of knowledge. How, and whether, antiquities dealers try to bridge the gap between the historic unimportance given to including provenance information, resulting in a market full of “orphan antiquities”, and the current increasing pressure to include it, is a compelling question. Though we cannot go back in time to discover whether objects without provenance are illicit or not, we can take a look at the contemporary antiquities market in order to enlighten our picture of how provenance is treated by dealers today.

## Market analysis

We can reformulate this question as: “what level of provenance information is included on online listings for antiquities for sale today?”. This research uses a “snapshot” method (Bērziņa, 2021, p. 228), also known as a *cross-sectional analysis* (Setia, 2016), of collecting data from many participants simultaneously over a predetermined period of time. To delineate this market analysis, provenance information included on online listings by members of the Antiquities Dealers Association (ADA) acts as the study population. The ADA is an industry leader, and claims to be committed to promoting good practices and upholding the highest scholarship and due diligence standards (ADA, 2022). The association comprises 20 antiquities dealers with online sales listings, including some of Britain's most famous dealers, David Aaron and Bonhams. Antiquities for sale by these dealers range from one-of-a-kind statues to low-value, low-grade coins. To become a member of the ADA, an antiquities dealer must sign a Code of Conduct agreeing to perform a high level of due diligence (ADA, 2022). It is essential to note that these antiquities dealers are in no way being accused of participating in the illicit trade. The aim is to provide a clear image of the buyers' end of the market to understand the context in which provenance information is displayed and debated. Indeed, by providing an accurate account of provenance information provided by antiquities dealers, the goal is to create a space for dialogue between dealers and scholars. Clear communication between parties is only possible with accurate data, and dealers and scholars both have reason to wish for the end of the debate on the trade in illicit antiquities.

As such, a “snapshot method” allowed the provenance information provided by a range of certified, legal, antiquities dealers on their online listings to be examined. Over the entire month of July 2023, the websites of all twenty dealers were scanned. Listings of objects described as “Roman jewellery” and ‘Roman marble’ were analysed for the snapshot. These definitions were chosen to give parameters to the research, and “Roman jewellery” and “Roman marble”, worked as exemplary of lower-value portable antiquities, and as a higher-end comparison respectively. All examples of “Roman jewellery” were priced lower than £3000, contrary to only seven listings categorised as

“Roman marble” costing less than £3000 out of 63 listings. In total, 19 sellers had listings of either “Roman jewellery”, “Roman marble” or both on their websites at the time of the “snapshot”.

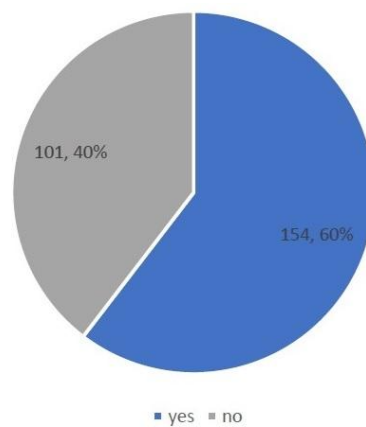


Fig. 1: July 2023.

The overall quantity of listings which included some mention of provenance on their listings stood at 60%. Considering that both archaeologists and antiquities dealers agree that there is an enormous amount of material on the market without any provenance, even if the two camps may not agree on the reasons for this, finding that over half of the material for sale does include some level of provenance is striking. At the time of the “snapshot”, antiquities dealers sold far more material in the “Roman jewellery” category, with 190 objects fitting the definition, versus 63 sales of “Roman marble”. This result was unsurprising, as low-end antiquities are increasingly making up a higher percentage of the market (Brodie et al., 2022).

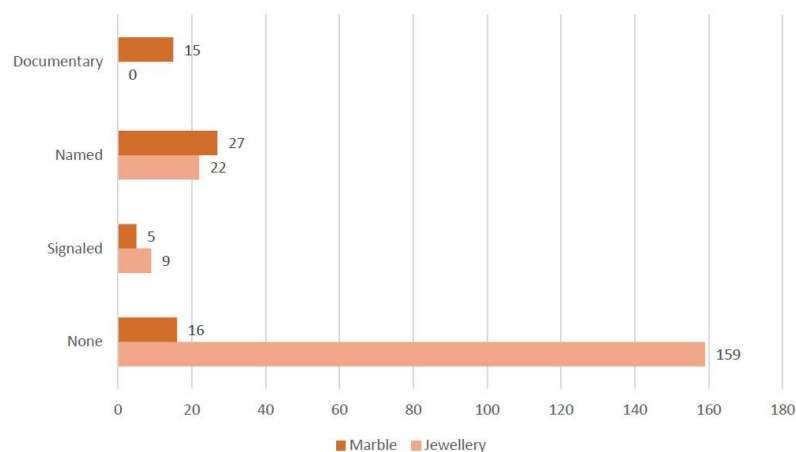


Fig. 2: July 2023.

Yet provenance information is not all equal and can be separated into distinct levels of detail. Provenance research, as a discipline, is concerned with filling gaps in ownership history (Friedel and von Gliszczynski, 2018). In Fig.1 *any* mention of provenance was counted as including provenance information and was tabulated as “yes”. Contrastingly, in Fig. 2 vague provenance statements such as “from an old Swiss collection” with no further information to back-up such claims, were considered useless and instead included in the “None” category. From “None” to “Documentary” the strength of the provenance information increases as the level of information becomes more detailed. In Fig.2, “Signaled” is defined by reference to a previous exact sale, such as “Sotheby’s New York 8 June 1994, lot 234” (Kallos Gallery, 2023) The “Named” level is for provenance information including a named

collector. “Documentary” level is for provenance information where previous ownership documents are included in the listing, such as photographic evidence from previous sales or images of the object in a previous publication. Fig. 2 demonstrates that all of the objects with “documentary” level provenance, the highest level of information, belong to the “Roman marble” category. High-end dealers, such as David Aaron, selling “Roman marble”, include detailed documentary provenance on listings and also include “Notes on Provenance” (David Aaron, 2023), in which they include a biography of important previous owners, sometimes going back centuries. The difference between the “Roman marble” and “Roman jewellery” results is clear, and as these terms function as stand in for higher end/lower end markets, it is evident that these markets operate distinctly regarding the levels of provenance information they provide.

## Summary

The “snapshot” can be seen as going some way towards answering the question “what level of provenance information is included on online listings for antiquities for sale today?”. We see antiquities dealers across the price range considering the importance of adding some provenance information to their listings. Perhaps this is evidence of antiquities dealers at all price points responding to the increasing societal expectation to engage with where archaeological material originates. Yet the most illuminating result from the “snapshot” is the difference in the level of provenance information provided between the high-end and lower-end dealers. As high-end dealers have more concern for reputational damage, this result may demonstrate a wind-change which has yet to reach the lower-end market. This result certainly challenges the notion of a homogenous “antiquities dealer” perspective. The “snapshot” market analysis is limited by the research focus on “Roman marble” and “Roman jewellery” and by small sample size, however it nonetheless demonstrates the error in considering all antiquities dealers as being disinterested in providing provenance for their listings. It is not possible to research the sales history of every antiquity for sale of the market, to find out whether it should be considered an “orphan antiquity” or illicit goods, however by analysing a slice of the contemporary antiquities trade we can gain a clearer understanding of how perspectives on provenance are shifting.

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## Marc-André Haldimann - The Édouard Guigoz collection, a Rosetta Stone of the post-war art market

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Created since the 1930's and donated to the State of Valais in 1970, the Édouard Guigoz collection was one of the triggers for the creation of the Cantonal Museum of Archaeology, inaugurated in 1976. The Édouard Guigoz collection, through its early donation and exhibition, has had an atypical career in Switzerland. After a key work was returned to Italy in 1979, it was placed in storage in 1986; a source of rumours and allegations ever since, its subsequent history has been just as unusual. How can a leading Swiss museum institution manage a collection whose history is as problematic as it is little-known?

With financial support from the Federal Office of Culture and Michelle Guigoz, the collector's niece, a groundbreaking research conducted under the scientific direction of Marc-André Haldimann, was carried out by Arnaud Meilland (Bureau Cléo Sàrl) for the historical aspects, and by a group of scientists specialised in the typological study of the objects<sup>333</sup>. The results include an online catalogue of the 3,709 items of the donation<sup>334</sup> and a scientific report that translates the transparency desire expressed by Pascal Ruedin, then Director of the *Musées cantonaux du Valais*, and implemented by Pierre-Yves Nicod, Archaeological Collections Curator at the Valais History Museum<sup>335</sup>.

### Edouard Guigoz as a person

Édouard Guigoz, born in Saxon on 7 July 1902 and died in Lugano on 13 December 1970, came from a family having close links to the Church. After graduating from the Schwyz College in 1920, he moved to Chiasso the same year and worked for three years at the international transport company GONDRAND. From 1923 to 1951, he was first representative and then manager of the BOTOT mouthwash branch in Ponte-Chiasso (Italy) and, from 1936 onwards in Chiasso (Switzerland). In 1951, he set up his own business, Verreries MIGNON SA, specialising in the manufacture of glass bottles. At the time of their creation, they were the largest glassworks in Switzerland; with 150 workers in 1966, they became the most important industry in Chiasso. Described as a "*mezzo genio*", Guigoz was a workaholic and held the reins of his business alone, assisted only by his accountant<sup>336</sup>.

Already trained to their importance within his family, Édouard Guigoz quickly developed his own networks. Politically, he was a member of the Ticino Liberal-Radical Party and close to the radical State Councilor Isidoro Antognini (1935–1943), being engaged to his daughter until her tragic death in 1938. Well-introduced politically and backed by his international professional experience with Italy and France thanks to BOTOT mouthwash, Édouard Guigoz became active in Swiss counter-espionage during the Second World War. He was hired because of his reputation as "king of the net – *re del contrabbando*" by Captain Guido Bustelli, charged in 1940 with setting up an intelligence office in

<sup>333</sup> For metal objects, the college includes Martin Guggisberg and Enrico Regazzoni (University of Basel), for glass objects Chantal Martin Pruvot (independent archaeologist), for ceramics Jean-Robert Gisler (University of Fribourg), for sculpture Clara Bolle-Fivaz (University of Geneva) and for oil lamps Marc-André Haldimann (University of Bern).

<sup>334</sup> [https://www.vallesiana.ch/patrimoine/recherche-14.html#!search;query=Edouard+Guigoz;filter=type\\_gen%25C2%2522http%253A%25C0%25C0culture.valais.ch%25C0class%25C0objetmusee%2522](https://www.vallesiana.ch/patrimoine/recherche-14.html#!search;query=Edouard+Guigoz;filter=type_gen%25C2%2522http%253A%25C0%25C0culture.valais.ch%25C0class%25C0objetmusee%2522), consulted 31.08.25.

<sup>335</sup> [https://musees-valais.ch/wp-content/uploads/2025/03/RA\\_Guigoz\\_Rapport\\_final\\_20220502\\_low.pdf](https://musees-valais.ch/wp-content/uploads/2025/03/RA_Guigoz_Rapport_final_20220502_low.pdf). Consulted 31.08.25.

<sup>336</sup> Phone interview with Clementina Roncoroni, daughter of Lidia Ghielmetti, 12.12.2020.

Lugano within the Frontier Brigade 9<sup>337</sup>. At Bustelli's request, Edo's (his code name) villa became the centre of the "REX" intelligence network, headed by Adelio Ponce de Leon (code name "Adelia") and Sandro Zafferi (code name "Maria"), active since spring 1944 throughout northern Italy. This network, created and monitored by Captain Bustelli, now attached to the Swiss Army General Staff, also had links with the French 2<sup>e</sup> Bureau and the British Intelligence Service. His villa in Chiasso also serves as a contact point for Allied and Swiss intelligence services for their networks between Switzerland and Italy, helping to move men and resources across the border<sup>338</sup>.

## Origins and constitution of the Guigoz collection

Immersed in a family tradition of collecting, Édouard had been building his own collection since the 1930s<sup>339</sup>; it was already "well advanced" in 1943 when Michelle Guigoz's father met him in Ticino during his mobilisation<sup>340</sup>. For a long time, the extent of the collection remained known only to close friends and family. In addition to the vast display cases housing his growing collection of antiques, his rooms were decorated by style.

The collection remained unknown to the public until 7 May 1964, when a double-page spread in the periodical *Illustrazione Ticinese* offered a reflection of the glass-centric collection entitled *Un museo del vetro a Chiasso*<sup>341</sup> (fig.1). A new article, appearing in *Die Tat* of 9 April 1966<sup>342</sup>, takes the reader into the private sphere of the collector whose residence is surrounded by a "militarily ordered jungle" lined with columns and colonnettes. His interior, adorned with *sgraffiti* and varied marble paving, houses not only his archaeological collection but also his library, a collection of paintings, Persian hangings, Japanese and Chinese paneling, and a small chapel filled with Baroque works. This deliberately impressionistic description is precious, as it allows us to grasp the collector's overall environment within his patrimonial and botanical universe, while restoring the archaeological collection to its original setting.

It was in this context of growing recognition of his collection that Édouard Guigoz and Albert de Wolff, Director of the *Musées cantonaux du Valais*, came into contact and finalised a donation process. De Wolff's keen interest stemmed from the possibility of using the collection to develop the Cantonal Museums and raise awareness of heritage among the Valais political class, which at the time had little inclination towards culture.

<sup>337</sup> Correspondence with Matteo Millan, University of Padua, 13 November 2020; Fucci 1983, 205; <https://hls-dhs-dss.ch/fr/articles/033499/2000-07-17/> consulted 15.11.20.

<sup>338</sup> Millan, 2009: 250–251; Fucci, 1983: 203–205, 209, 217. Information about him comes from an interview between Franco Fucci and Guido Bustelli and from the Guido Bustelli collection in the Ticino cantonal archives. See also Meilland 2020: 32.

<sup>339</sup> Meilland, 2020: 31.

<sup>340</sup> Meilland, 2020: 31, note 112.

<sup>341</sup> Meilland, 2020: 33.

<sup>342</sup> Meilland, 2015: 34 ; Meilland, 2020: 33, note 119.



Fig. 1: Page from the periodical *Illustrazione Ticinese* of 7 May 1964.  
© Illustrazione Ticinese.

## The arrival of the collection in Valais and its exhibition (1970–1976)

On 13 December 1970, the death of Édouard Guigoz triggered the process of transporting the donated collection. Following the Council of State's decision on 18 March 1970 to create a Cantonal Museum of Archaeology to house the Guigoz collection and the Neolithic steles from the Petit-Chasseur, planning and work to convert the Grange à l'Évêque into a museum took place between 1972 and its inauguration on 16 October 1976. Displayed in one of the two large halls, and benefiting at the time from a modern and meticulous museography, the Guigoz collection was particularly highlighted by the press of the time, which saw in it "a glass collection almost unique in the world"<sup>343</sup>.

## The Aldobrandini sphinge affair and its consequences

Published in the 1976 brochure of the *Musée cantonal d'archéologie*, the Roman marble sphinge is one of the highlights of the Guigoz collection (fig. 2). Its illicit origin was known to the collector who, unlike the rest of his collection, kept it hidden under a blanket in a room away from the display cases housing the other objects<sup>344</sup>.

In the autumn of 1953, this important work was uncovered on land belonging to Prince Aldobrandini in Pianabella, on the site of the ancient port of Ostia, near Rome. Reported to the Ostia Superintendency, the find was entrusted to the owner of the estate, who kept it on site. Its theft, during the night of 21–22 June 1958, was reported to the relevant authorities on 24 June<sup>345</sup>. Widely publicised in connection with the opening of the *Musée cantonal d'archéologie*, its illicit presence in Sion was reported in June 1978 by the *Nucleo tutela patrimonio artistico* to the Italian Ministry of

<sup>343</sup> *Nouvelliste* of 18.10.1976; *L'Express* of 18.10.1976; *Le Treize Etoiles* of November 1976; *Le Matin* of 18.10.1976; Meilland, 2015: 22.

<sup>344</sup> Interview de Georges Spagnoli, 16 novembre 2016 in rapport Haldimann, 2017: 11.

<sup>345</sup> Letter dated 16 July 2020 from Paola Germoni, superintendent of the *Parco archeologico di Ostia Antica* to Pierre-Yves Nicod, curator at the Musée d'histoire du Valais.

Culture. Steps taken with the Valais authorities led to its restitution on 28 October 1979, with the sphinge returning to the Ostia Museum in November.<sup>346</sup>

In 1987, Marie-Claude Morand, Directress of the *Musées cantonaux du Valais* decided to stop exhibiting the Guigoz donation, as its provenance was too poorly documented, and it was therefore of little interest to the Valais public. It was the background to the Guigoz donation that led her, as President of ICOM Switzerland in 1993, to establish ICOM's deontology commission, a body for the dissemination of good museum practice, as well as for recourse in the event of deontological difficulties.

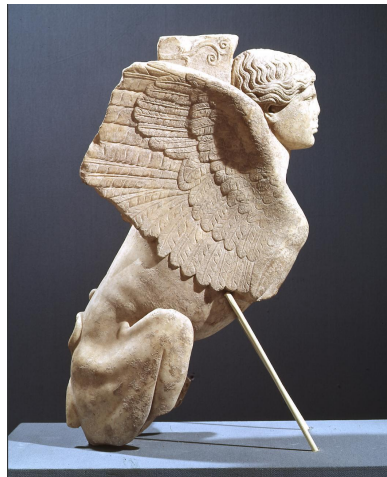


Fig. 2: The Aldobrandini sphinge in 1976. Photograph Heinz Preisig, Musée cantonaux du Valais.

## A collection both consistent with and original among post-war private collections

Based on these two fundamental parameters – the geographical areas of provenance and the chronology of the works – Édouard Guigoz's collection is both consistent with and original among post-war private collections<sup>347</sup>. The predominance of works from the Near East and an interest in civilisations preceding and succeeding classical antiquity are key features. With its Near Eastern centre of gravity, the Guigoz collection reveals a close affinity with American private collections of lamps (Myriam Schaar-Schloessinger, New-York; Louis and Carmen Warschaw, Los Angeles), Israeli glass collection (Eliahu Dobkin, Jerusalem), and Lebanese glass collection (Henri Pharaon, Beirut), all established in the post-war period. This strong focus is also reflected in the periods represented: more than a third of the chronologically determined objects belong to the Byzantine, Islamic, and Medieval periods. These periods are also strongly represented in American and Near Eastern private collections of his time. Comparisons with post-war private collections in Europe are more delicate: they are rarely published, and do not offer easy points of comparison.

Points of convergence include an interest in pre- and protohistoric civilisations, a core collection devoted to the Greek, Hellenistic and Roman periods, and a substantial part of the collection devoted to the Byzantine world. The Guigoz collection, on the other hand, stands out for its lack of major works – less than twenty out of 3709 items – the core of the collection being marked by an abundance of everyday items. It also differs in the rarity of Egyptian objects and a higher concentration of Islamic, medieval and modern periods artefacts.

<sup>346</sup> Walliser Bote, 29 October 1979; letter from the Ostia Superintendency, 17 July 2020.

<sup>347</sup> Haldimann *dir.* 2022: chap. 6-7, 49–76.

## Édouard Guigoz, collector and business partner

Édouard Guigoz was not only a collector, he was also a figure of the art market, as evidenced by an interview with Clementina Roncoroni and the American Hesperia Arts Gallery advertising page published in the first issue of the Basel-based magazine *Antike Kunst* (n° 1, 1958: 30), which quotes Édouard Guigoz as follows: "A large part of our stock is in Europe. European customers are kindly requested to address their inquiries to our correspondent in Switzerland: Monsieur Édouard Guigoz, Chiasso (Switzerland), P.O. Box 308" (fig. 3).

The gallery's owner, George Allen, is no stranger. A recent study traces his background<sup>348</sup>. The son of Philadelphia bookseller William Allen, George and his brother Ernest completed their secondary education at Haverford PA College, both developing an interest in classical antiquity. George graduated in Latin and subsequently took over his father's bookshop. From the mid-1950s, he became the agent of Robert E. Hecht, himself a 1941 graduate of Haverford PA College.

As a renowned antiquities dealer, Robert E. Hecht appears in the background of all the court cases that rocked the business from 1961 onwards<sup>349</sup>. Joining the US Navy Reserve during World War II, he served post-war as a translator at the Nuremberg trials before returning to civilian life. After a semester at the University of Zurich, fascinated by Antiquity studies, he obtained a scholarship at the American Academy in Rome, being a member until 1949. This proved to be a decisive step in his career, forming the starting point for his activity in the antiquities market. Based permanently in Rome, he acquired antiques from all over the Mediterranean, selling them to collectors and museums in Europe and the USA<sup>350</sup>.

It was in this context that he met George Allen and offered to sell directly from his bookshop the antiquities he had acquired in Italy. In doing so, he secured a sales outlet in Philadelphia, a city known for the large number of collectors living there<sup>351</sup>. Named Hesperia Arts, this new "gallery", originally set up in the backroom of his father's bookshop, quickly became a point of reference for the North American market, thanks to the very high-quality works imported from Italy and other parts of the Mediterranean, notably Turkey.

Switzerland played a central role in this context: in the absence of any specific regulations at the time to control the import or export of antique objects, it became the natural first export destination for objects originating from the illicit trade<sup>352</sup>. During their stay in Switzerland, the works benefited from talented restorers including Fritz Bürki, Robert E. Hecht's appointed restorer<sup>353</sup>. Switzerland thus served as a staging post for the illicit market in antiques, which were then preferably exported to London and New York to be sold there at the best price<sup>354</sup>.

The link between Édouard Guigoz and Robert "Bob" E. Hecht was in fact direct. The two men knew each other and, in addition to their business partnership, had friendly ties, Bob Hecht often being Guigoz's guest in Chiasso<sup>355</sup>. Through his business partnership with Robert Hecht, who sold a number of major pieces to American museums and individuals until the 2000s, Édouard Guigoz found himself *de facto* at the heart of the illicit antiquities trade. As Robert Hecht's business partner and George Allen's Swiss correspondent, Édouard Guigoz could not have been unaware of the illicit provenance of works transiting through his intermediary. As a result, his collection could potentially have been greatly enriched by this illicit market according to the legislation in many source countries<sup>356</sup>.

<sup>348</sup> Felch 2014: 48.

<sup>349</sup> Mazur, 6 December 2005.

<sup>350</sup> Silver 2010: 26–27.

<sup>351</sup> Telephone interview with Brian I Daniels, Director of the Penn Museum, Philadelphia, 30 September 2020.

<sup>352</sup> Silver 2010: 30.

<sup>353</sup> Felch and Frammolino, 2011: 153. Bürki later played a leading role in the acquisition of the Euphronios chalice by the Metropolitan Museum in 1972; see Silver, 2010: 65 and 69.

<sup>354</sup> Silver, 2010: 29.

<sup>355</sup> Telephone interview with Clementina Roncoroni on 12.12.2020.

<sup>356</sup> Haldimann *dir.* 2022: chap. 10.



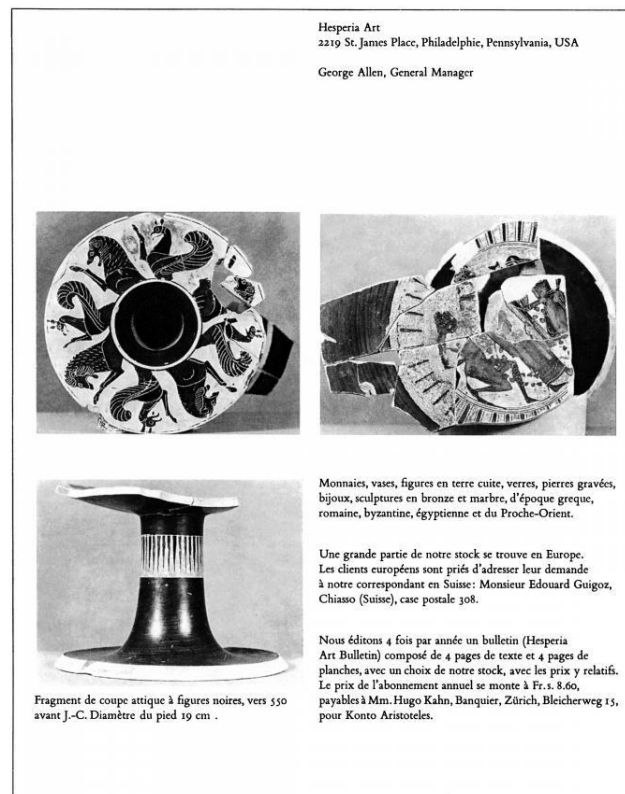


Fig. 3: Hesperia Fine Arts gallery advertisement in *Antike Kunst* 1 magazine, 1958.  
© Antike Kunst.

## Édouard Guigoz's networks: towards a new light on the historical framework of the post-war period?

Already perceived as *re del contrabbando*<sup>357</sup> in 1943, Édouard Guigoz's activity within Swiss counter-espionage with close links to Italian resistance movements, and his subsequent involvement in the art market circle operating around Robert E. Hecht, call for fresh questioning of the broad historical framework of the Second World War and the post-war period.

The Second World War is hardly ever cited as the cause of the post-war drift in the art market. Yet it was the cause. As with the rapid rebuilding of devastated towns and landscapes, the reopening and development of museums was just as much the result of a vital need to rebuild.

The post-war economic boom also saw the emergence of the nouveau riche, who turned out to be great art lovers, understanding the importance of art to their social ascension. They were particularly fond of the antiques niche, which offered a plethora of new masterpieces and instant social recognition. The combination of these expectations led to an explosion in demand in the Mediterranean Basin and the Near East, as well as in Latin America and Asia. Previously a niche market for passing tourists, the networks supplying the art market are becoming a global supply chain, with the corollary of an increase in clandestine excavations destroying archaeological sites<sup>358</sup>.

<sup>357</sup> Millan, 2009: 251; see Meilland, 2020 report: 32.

<sup>358</sup> Felch and Frammolino, 201: 3–4.

Often driven by a desire for anonymity or business secrecy, widespread silence about the origin of works exhibited or acquired during these economically prosperous years is the rule<sup>359</sup>; it is justified by the false truth that an archaeological object in a showcase is a saved object. Archaeological science is the main victim of this state of affairs. In the 1960s, field archaeology was relegated to the background in favour of the aesthetic quality of works of art, as museums sought to enhance their value. This led to the adoption of the 1970 UNESCO Convention. "Particularly skillful and connected to underground networks<sup>360</sup>", Guigoz, *il re del contrabbando*, seems to have its rightful place within the historical economic and political framework of the post-war period, largely dominated by the Cold War and the ideological confrontation that resulted<sup>361</sup>.

### The Guigoz Collection: a lack of ordinary deontology?

Acquired without any preserved export certificate or authorisation, and with one exception – the Ostia sphinge discovered as such in 1978 – devoid of any traceable provenance, the works in the Guigoz collection are in the ordinary course of their time, their commercial origin depending solely on the memory of their owner. Reinforced by the absence of any inventory, this legal situation left the owner free to develop his collection with very little risk of seeing one of his pieces challenged under article 728 al. 1 of the Swiss Civil Code. The Guigoz Collection is by no means an exception among Swiss private collections: they all developed within this legally secure framework until the Law on the International Transfer of Cultural Property came into force without retroactive effect on June 1, 2005. However, as the works in the collection are exclusively from the art market, their complete lack of traceability raises a problem. The trade in antiquities, the obvious result of the looting of ancient sites, was already in the spotlight in source countries, particularly Italy and Turkey, in the 1950s. By its very nature, therefore, the Guigoz collection does not meet the deontological criteria promoted today by Swiss museum institutions. A working hypothesis which saw the Guigoz collection as "the hidden treasure of Mussolini and the Fascist regime" is, after examination by MIBAC expert Dr. Alessandrini, implausible<sup>362</sup>.

### Towards a study of the art market in the social, political and economic context of the post-war period

The context surrounding Édouard Guigoz's activities, from the Second World War to the 1960s, sheds light on the importance of the social, political, and economic framework in which the Western art market developed. Édouard Guigoz's involvement in the circle of dealers gravitating around Robert E. Hecht is emblematic of the networks exponential development within the Western world in the midst of the Cold War, in which the reception of Antiques became a strong identity symbol, reaffirming the supremacy of democracies, the modern heirs of ancient Athens.

The historical study needed to capture the art market evolution within this broad framework remains yet to be done. It offers the prospect of shedding light on Switzerland's role as a hub in the post-war period, and even more recently. This study would be a much-needed key for a better understanding of the networks driving the art market in the Western world.

<sup>359</sup> When discussing the silence of the works, it's hard not to recall the attitude of the survivors of the conflict, most of whom preferred to keep silent about what they had experienced: "Contrary to popular belief, this silence was not imposed on them from outside, but rather imposed on them as a principle of survival and reconstruction – 'a structuring silence'" (Frischer, 2008).

<sup>360</sup> Meilland 2020, 32.

<sup>361</sup> The presence alongside Édouard Guigoz of M<sup>e</sup> Pierfranco Campana, on trial for smuggling operations involving secret services from several countries (see Haldimann dir. 2022, chap. 2.4) is an indication of the need to take the political-economic sphere into account.

<sup>362</sup> Haldimann dir. 2022, 102.

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## Maxime Girard - Provenance research: issues and prospects

**Maxime Girard**, Research Engineer, University of Poitiers

Knowledge of a work of art's provenance – or lack thereof – is essential for everyone in the art world, from creators to professionals to viewers. This applies equally to famous works with well-documented histories and to lesser-known pieces with more obscure pasts.

### A multidisciplinary unifying process

Provenance research is the relatively recent name for a multidisciplinary body of knowledge, techniques, places, resources, and activities initially deployed by museum and collection curators, and more recently by a much wider range of art world actors. Provenance research discerns, discovers, describes, and evaluates the history of a work of art. From basic ownership documentation on museum labels to complex investigations into the legitimacy of transfers and movements, provenance research has become fundamental for all stakeholders in the art world, whether they are directly or indirectly involved with art.

Provenance research can be defined as the process of tracing the history and background of objects, artistic or otherwise. Although the practice of making inventories of collections goes back a long way, this term, associated with art history, has only recently come into use<sup>363</sup>. Today, this approach is strongly associated with its hoped-for or, on the contrary, feared finality, namely the restitution of goods to the victims of dispossession who would request it. Indeed, to decide on the legitimacy and legality of restitution, it is essential to document the movements and changes of ownership of objects, and to shed light on their provenance. As a field of art history, provenance research, a multidisciplinary scientific approach at the crossroads of anthropology, law, sociology, and international relations, not only sheds light on the debates surrounding fractured memories, of which the objects are sometimes the only remaining witnesses, but also provides important information on the history of collections and the history of taste, and thus adds a certain value to art objects on the market.

### A tool for constructing an object's biography

Provenance research should not, however, be considered solely as a tool that can be mobilised in the resolution of conflicts linked to the possession of cultural goods, even if it is indispensable in this sense.<sup>364</sup> Making the "biography of objects"<sup>365</sup>, means working on the "political, social, ideological, literary or artistic contexts"<sup>366</sup> of their creation. It sheds new light on the history of collections and taste, as the study of artworks is essential to understanding art's social history.

<sup>363</sup> Arthur Tompkins, "The History and Purposes of Provenance Research" Arthur Tompkins (ed.), *Provenance Research Today. Principles, practice, problems*, London, Lund Humphries, 2020: 16-17.

<sup>364</sup> Leila Aminatedoleh, "The Role of Provenance in Resolving Art-World Disputes", Arthur Tompkins (ed.), 25–38

<sup>365</sup> Igor Kopytoff, "The cultural biography of things: commoditization as process", Arjun Appadurai (ed.), *The Social Life of Things*, Cambridge, Cambridge University Press, 1986: 64–92.

<sup>366</sup> Bérénice Gaillemine and Élise Lehoux, "Pourquoi et comment tracer les trajectoires des images", *Images Re-vues*, no. 15, 2018: 3.

Their relationship with society doesn't end when their genesis comes to an end. From that moment on, they live in time, forgotten or passed on, respected or destroyed, they are the object of repeated social filtering, and when they manage to survive, they are reinterpreted, revised, revisited.<sup>367</sup>

This type of research questions the material aspect of the past. By researching provenance at different points in a work of art's life, and in particular at times of translocation, key moments of transition are raised in order to understand how the value or use of an object can change, and how it is perceived by its contemporaries. By shedding light on the provenance of an art object, and analysing its successive translocations, the art historian and provenance researcher can contribute new elements to art history, and thus validate or refute the original acquisition, transfer of ownership and authenticity of the work in question.

As provenance research has become a "new requirement" of the art market<sup>368</sup>, all its actors have to deal with it, and each through their own prism. Indeed, the notion of provenance research, plebiscited by everyone in official discourse, unfortunately comes up against numerous effective limits, encountered and raised by the various art market participants, at varied scales and multiple moments in the life of a work of art.

When it comes to archaeological property, the issue is even more complex, since the objects concerned, buried in the ground, are not part of any inventory, any database, and are simply unknown. As such, they are not protected by the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. This makes cultural property particularly vulnerable since, despite an existing legislative framework, the impossibility of ensuring that the property we are dealing with falls within this framework drastically reduces the possibility of protecting this illicitly excavated property. Since databases are inoperative in the case of archaeological property, the only current practice consists of the establishment of Red Lists by ICOM. ICOM Red Lists identify categories of endangered archaeological objects or works of art, in certain parts of the world deemed vulnerable. These Red Lists do not correspond to specific, unique objects that have been stolen, but rather to a list of objects representative of categories and subcategories at risk, due to high market demand, the ease with which they can be moved and then resold.

## Dealer compliance and market integrity

It is interesting to examine the market's perspective on provenance research, particularly that of gallery owners and antique dealers, as it is all too underdeveloped. Indeed, from a purely practical point of view, some research does not provide any concrete evidence of the object's economic value, but it can provide assurance of its provenance and regular traceability. So, it is not so much the added value that is sought primarily, but the possibility of obtaining a guarantee for large public institutions, which will then be much less reluctant to make a purchase. When provenance research is undertaken on cultural goods offered for sale, the possibility of discovering suspicious origins must be faced, potentially leading to the immobilization of objects during extended investigation periods.

<sup>367</sup> Enrico Castelnuovo, " L'histoire sociale de l'art", *Actes de la recherche en sciences sociales*, vol. 2, no. 6, décembre 1976: 75.

<sup>368</sup> "Provenance research, a new requirement of the art market", is the name chosen by INHA, Drouot Paris and the Conseil des ventes, for the study morning they hosted on 7 November 2022, during which they proposed, in a cross-disciplinary approach, to debate the various problems presented by provenance issues.



This possibility is conceivable for auction houses who have not purchased the cultural object in question, or for museums who generally allow themselves a considerable amount of time to carry out their research, or to obtain the necessary funds for the purchase... However, for private dealers, the issue can be far more complex and pernicious, as they need to be able to withstand such an economic ordeal, which can range from immobilising a cultural object to removing it from their stock altogether. Since judgments are excessively long in France, obtaining a possible refund for the price paid, should the good faith of the private dealer be proven, can take several years, which is unthinkable for most dealers.<sup>369</sup>

As a result, many dealers simply refuse to engage in this research process, as they are neither sufficiently numerous to allow themselves *a priori* search for a purchase, nor competitive enough to compete with full teams of auction houses, who themselves have the opportunity to keep their sellers waiting, using the organisation of a late sale as a pretext to better showcase their objects.

However, as some dealers have recognized this, working on the provenance of an object, its traceability, and more broadly on its biography, potentially uncovers information that can be quantified from a financial point of view, thanks in particular to the discovery of the original owner and the history of the commission, the creation of the work, or even that of subsequent eminent owners who have owned it, all of which can result in a significant valuation of the said cultural asset. Lastly, even if this time-consuming work can result in the immobilisation of an object or funds, the current era is more than conducive to provenance research, which is highly appreciated by the vast majority of buyers and collectors who are keen to obtain this information. Systematic provenance research for both new acquisitions and existing holdings has become an essential practice for dealers seeking to avoid future complications.

## Prospects and emerging hope

However, the efforts made by French cultural figures are to be welcomed, as the news of provenance research has never been so present, whether in the specialised or even general media, leading an increasingly wider public to become aware of the need to carry out such research.

As a result, we can note the existence of an increasing number of works on the subject, whether by university researchers, historians or art historians, legislators, law enforcement representatives, or art market actors such as auction houses, the CNE (*Compagnie Nationale des Experts en art*), the SNA (*Syndicat National des antiquaires*), and other stakeholders.

The search for provenance, as a key current theme in the world of culture, is the subject of an ever-increasing number of training courses, diplomas, symposia and European projects organised by and for actors in the field, to ensure that they are best placed to identify and understand risk situations, so that they can react in the best possible way.

Similarly, more and more training courses are being set up to educate tomorrow's researchers, curators and magistrates in this area, which has so far received too little attention. For instance, the training provided at Nanterre, as part of a University Diploma, offered since February 2022, and dedicated entirely to provenance research for works of art, as well as, more recently, the new Master 2 course offered at the *École du Louvre* since the start of the 2023–2024 academic year entitled "Sensitive goods, provenances and international issues".

These training courses for students are not the only ones on offer, however, since for a wider audience already in post, other initiatives have emerged, whether through colloquia such as those offered by INHA (*Institut National d'Histoire de l'Art*) and Drouot, infamously named "Provenance research, the art market's new requirement", or those offered by auction houses Sotheby's and Christie's, in 2022

<sup>369</sup> Cf. "Interviews with the art market" articles below.

and 2023 respectively<sup>370</sup>. The topic is of interest and was also the subject, on 20 June 2023, of the 4th edition of the *Assises de la Compagnie Nationale des Experts de Paris*, where a round table on provenance and traceability was organised.

Along with the increase in training courses and participants, new projects and programmes are emerging, to enable easier research on a specific theme, concerning collections acquired as a result of colonisation, Nazi spoliation, or more generally on the use of new technologies to help customs forces.<sup>371</sup>

It should also be noted that the *Observatoire du marché de l'art* has been reactivated from September 2023, following the recommendations of the report provided by Christian Giacomotto, Marie-Christine Labourdette and Arnaud Oseredczuk, dated November 21, 2022<sup>372</sup>.

Alongside these many current developments, we should also mention some more distant but equally important prospects in this field, such as the establishment of a digital passport that would accompany cultural goods throughout their entire history. The creation of such an identity document would make it possible to ensure that cultural goods are registered and that their various translocations are recorded, whether they are passing through customs, leaving the country to be presented at an exhibition, an international fair, a sale, or even a restoration. Each time a cultural object leaves the country, it would be recorded on this document, providing a true visual record of the object's history. An object with a blank digital passport would have to be the object of particular attention, as it could come from trafficking or looting. This method would provide a semblance of an answer for looted archaeological objects that do not appear on any database, since they are *de facto* unknown.

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<sup>370</sup> Namely "Reflecting on restitution: A whole year dedicated to the fundamental role and history of art restitutions" for Christie's in 2023, and "Provenance research: Issues and methods. Sotheby's restitution policy. Case study" in February 2022 for Sotheby's.

<sup>371</sup> For more information, see Digital Benin / RAMA / ARTE-FACT.

<sup>372</sup> Ministry of Culture, *Synthesis of the mission report, Improving the security of acquisitions by national museums*, 21 November 2022: 6.

## Interviews with the art market

In order to obtain a multi-disciplinary point of view in this report, we considered it important, and even necessary, to conduct interviews with art market professionals, in order to obtain their points of view on the market, its current situation, its evolution, its regulations, etc. In order to gain a clearer perspective on the issue, we decided to interview a number of art market personalities, each representing a different profession, and therefore with a different perspective on the question of provenance research, the illicit trafficking of cultural goods, the obligations and due diligence currently governing the market, and the future import regulations that will be in force by June 2025, in addition to the various measures that these actors will have to carry out on a daily basis.

The following interviews were conducted with Marie-Charlotte PILLON, auctioneer in Colmar (France), Mathias Ary Jan, gallerist and Director of the *Syndicat National des Antiquaires* (SNA), and Pierre Taugourdeau, *Secretary General of the Conseil des Maisons de Ventes* (CMV).

These interviews were conducted in November and December 2024 by Vincent Michel, with the invaluable assistance of Maxime Girard, who also transcribed and translated them, and with the participation of Camille Blancher.

## Marie-Charlotte Pillon (Auctioneer and Art Advisor in Mulhouse, graduated in 2011)

### - Provenance research in the art market: in its early stages

Interested in provenance research from the outset, I enrolled in the only French course at the time, the *Diplôme Universitaire* (DU) at Nanterre University, where I met young "provenance researchers". Today, I'm still embracing everything I learned at the DU, which enabled me to grasp the basics you never hear about.

For art market professionals, we're still in the infancy of a science whose ins and outs are completely unknown. We never know where to start our research. The training course has enabled me to adopt a methodology, which I use by often relying on provenance researchers from other backgrounds when I'm faced with real questions about my subject.

Even if the various art market professions do not share the same concerns, we are seeing more and more seminars and conferences organised by and for art market professionals on this theme. The difficulty lies in the wide range of profiles of art market professionals who meet, trust, and sometimes oppose each other. Tensions sometimes arise due to misunderstandings between institutions and art market actors, despite a certain amount of goodwill. It's a subject for discussion that doesn't lead to real solutions or a methodology for professionals. Auctioneers are at the heart of this issue, as they are the only regulated profession in the art market to have a code of ethics, with precise obligations laid down by law.

The DU enabled me to discover a huge number of databases, which helps me a lot in my day-to-day work. For a very long time, provenance was nothing more than a marketing tool for many art market operators. Indeed, it was an element that was put forward for objects from major collections, to bring prestige and therefore value to the object in question. For a long time, this practice was limited to marketing, which is why there was no real research or verification of provenance beyond that. Provenance, as such, was something that was quickly added to a catalogue or description, but without any further research.

Currently, as auctioneers, we have an obligation of means which is the limit of the exercise, because we are asked to carry out our verifications, without any methodology being imposed or even proposed to us. As a result, each auctioneer has his own methodology, without knowing whether it is sufficient or not! We are therefore waiting for case law to specify the limits of this obligation of means, and therefore to set a precise framework for the research we are required to carry out.

### - Obligations and ethical rules

The auctioneers' code of ethics was revised in 2022, and a significant part of it focused on the question of provenance, reminding us of the obligations of vigilance and verification. But nothing specifies the actions to be taken to ensure the quality of the person who brings an object, or the information attached to the item in question. Each professional has to carry out tasks without knowing exactly what their due diligence obligations are, particularly as concerns sellers.

As soon as we come across an item considered sensitive, we ask about its provenance: does it come from an estate; if so, is there a document attesting to the family transmission, such as an official

archive from notaries or verifiable family archives. In addition to this due diligence, there is of course a great deal of verification work.

The code of ethics specifies that sellers and buyers must be assured of the confidentiality of their personal data. Therefore, their names cannot be mentioned in the catalogue.

With regard to the seller's name, an auctioneer or auction house may choose to indicate only the seller's initials. Following the purchase of the object in question, the buyer may request the documents cited for the provenance. Today, when establishing provenance and citing sources, auction houses can communicate certain elements, always respecting the confidentiality of the sellers (if not with their formal agreement). In practice, for example, it's easy to pass on old certificates of authenticity held by sellers, on which the sellers' contact details do not appear<sup>373</sup>.

Indeed, in law, when an auctioneer displays a provenance, he must be able to prove it, and therefore to respond to any request for communication of documents that may justify the provenance indicated. In France, this obligation is different, since historically the same actors are subject to this duty of confidentiality. In practice, 99% of auctioneers will refuse to disclose the name of their seller. Auctioneers are obliged to guarantee the confidentiality of the parties involved, in the face of any request from private individuals. The only exception is when the request comes from an authority such as public authorities or the police.

#### **What are your obligations in terms of provenance and display?**

As auctioneers, we are bound to verify the provenance presented to us and therefore advertised.

In terms of obligation, the important thing is that everything written under the heading "provenance" must be proven by precise and unequivocal documents.

Auctioneers are responsible for this. If the auctioneer is the expert who drafts the notice, he is responsible for the elements he has decided to include in the notice for the item sold. The auctioneer is presumed to have verified the provenance proposed by the expert.

With regard to the various ethical rules associated with the auctioneering profession, due diligence is the most important point, specified in our new code of ethics dating from 2022. Vigilance is thus named for provenance.

In the Code of Ethics, these rules are binding on auctioneers, and any breach may be sanctioned. There is a limit to the exercise: everyone must take responsibility and determine whether they have been vigilant.

#### **- A generational issue – distrust of the market *versus* trust in experts**

As auctioneers, we have a natural distrust of sellers who come to us without any evidence of provenance, or who cannot prove provenance via official documents, involving so-called sensitive or high-value goods. On the other hand, in the market between professionals, there is a relationship based on trust. In this way, auction houses will rely on an expert who enjoys a reputation and is recognised in the market by his peers. In the event of a dispute, responsibility is shared when auction houses call on independent experts. The auction house can refer to the expert who has drawn up the

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<sup>373</sup> For example, a handwritten certificate on the back of a photo of the object, stamped by the expert or gallery, an old committee certificate with no mention of the addressee but bearing a description of the object sold, or similar elements disguising the name and address of the sellers.



entries. In practice, the auctioneer is the one who will be prosecuted first, but he can defer to his expert.

Today, all art market professionals are aware of this issue. There is a real awareness of the checks that need to be carried out on sensitive objects. To be more precise, we observe that objects that were sold lawfully by major auction houses 10 years ago, are today refused by these same houses.

However, there is a part of the profession that is resistant to or unaware of the question of provenance. They have spent their entire careers unconcerned about this question, so imposing additional research on them, and sometimes even an additional employee dedicated to these questions, is considered a waste of time and therefore a waste of money. For them, carrying out this research means taking the risk of the object being presented to another competing house if the response is too late.

- **Numerous unknowns: In terms of provenance, there are legal and illegal sources. Can all illegal sources be verified? Isn't it illegal if you can't prove it's legal?**

There are many questions concerning certain private archives, such as those held by auction houses. These are not officially available for consultation; unless you have all the sales catalogues for your specialty, it is often impossible to obtain information on past sales. Some unscrupulous parties play on this lack of transparency to write or rewrite the history of an object originating from illicit excavations or theft, by writing up false provenances and sales, which are difficult to verify.

When we are faced with a suspicion, the only possibility is to contact these auction houses, which can help us to find these archives and provide us with the information we need to verify our suspicions. The opacity of the art market and of certain market operators is a real obstacle to provenance research, but it remains our duty to carry out these verifications, as far as possible.

- **The vulnerabilities of the profession**

As a major actor in the art market, we face a number of vulnerabilities in the profession, particularly with regard to forgeries: fake objects or documents (estate inventories, for example).

Given these vulnerabilities, it has become urgent to include provenance verification in auctioneer training. Today, we know that the authenticity of an estate inventory can be verified at the INHA (*Institut National d'Histoire de l'Art*)<sup>374</sup> and *FranceArchives* (national archives). Some of the procès-verbaux and old auction catalogues accompanying an object are also available for consultation. In fact, a large proportion of the minutes are deposited on sites such as France Archives or Paris Archives, for example, with a deposit limit dating back to the 1950s that was imposed on public officers, former auctioneers.

On the other hand, there is a real vulnerability when it comes to private archives, particularly those of Anglo-Saxon auction houses, which have the largest market share and sell the most highly-rated works at the highest auctions. However, there is no open-source consultation option, even though there is a real issue surrounding this type of archive.

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<sup>374</sup> Inventories of estates submitted at the end of a legal period, corresponding to 70 years after the close of the estate, are deposited and may be consulted.

Certain members of the art market who have been working for decades have never bothered with this issue, and are therefore reluctant to carry out such research. The vulnerability of the profession in this respect should not be underestimated, but it is undoubtedly the one that will be resolved most simply, as there will be a natural renewal of professionals over time. As these themes are increasingly present in the news, in training courses and in legislation, new professionals are accustomed to them, and provenance research will become a normal and automatic practice.

- **Difficulties related to provenance research**

Most of the time, we deal with bona fide owners who inherit the objects they put up for sale; they are not the first to have acquired the work, which may therefore have a contentious provenance. For high-value objects, I call in a provenance researcher, which represents a cost. How are we going to manage this cost? Should we pass it on to the seller?

It's important to understand that, as intermediaries, we are economic actors in an economic market that is quite distinct from that of museums and other institutions. The logic adopted is therefore quite different. It's a cost that slows down the regularity of a sale, and therefore impacts the market in all cases.

Provenance research as applied to art market professionals is something that is slowly coming into its own. For those involved in the art market, the practice is still somewhat opaque. Provenance researchers represent a young profession in the making, and most of them come from university or research backgrounds. They are not very accustomed to the rhythm and obligations of the art market. The speed of the art market does not always make it possible to carry out this research upstream, and so we have yet to find a way of combining these two seemingly opposing elements: the speed of the art market and the need for provenance research. At various conferences and symposia on this subject, questions are sometimes raised between professionals from museums and cultural institutions, and those involved in the art market. Indeed, commercial and economic logics sometimes clash with research logics, and no answer has yet been found to satisfy everyone.

It's simply not economically viable to require auction houses and auctioneers to set up provenance research departments or hire researchers to carry out these tasks. The sales houses don't have the same turnover. Christie's and Sotheby's have such dedicated departments, but the auction houses at Drouot (Paris), where the number of staff is extremely small, do not. They can't all spare an extra salary for provenance research. Modest auction houses do not ask the question of provenance: they will refuse a dubious object, as this presents a risk of bad publicity, in the event of a lawsuit, concerning an object for which they would not have had the time to carry out the necessary research.

The difficulties faced by professionals are the absence of a methodology for carrying out research and the multiplicity of databases, some specialised, some foreign. That's why I call on the services of an Alsace-based source researcher who is fluent in German. The main difficulty is the time spent, which has to be weighed against the cost. It's difficult to pass on the cost of research to the customer. I think that's another reason why auction houses don't have a specialised department.

It is sometimes difficult to make a customer understand that the sale of his item can only take place subject to an assured provenance, and that he will bear the financial burden.

This search for provenance complicates our day-to-day work, while at the same time honouring it. For the time being, it's difficult to know when to stop and when, from a legal point of view, it will be

decided that our due diligence has been properly carried out, or on the contrary, is not sufficiently successful.

- **What is a typical provenance research?**

If a seller presents me with an estate or insurance inventory, I check that it exists. This starts with the basics: if there's the name of a notary office, we check that it has indeed existed, by contacting it, depending on the value and importance of the object, to obtain precise information to back up what the seller has said... There are, however, questions about the documents accompanying the object. The time for blind trust is over. The family archives will be checked if there are any, and this is also the case for documents such as partition inventories or insurance policies... A request for these documents is made to verify the seller's statements, and then these are completed and compared with my personal research. I had to set up my own methodology because I'm in a cross-border region (Switzerland, Germany, etc.) that can sometimes pose a problem in terms of tracking objects.

- **What are the future prospects for art market professionals?**

The art market is slowly but surely evolving in terms of provenance. Indeed, as far as the French art market is concerned, we were all brought up, 10 or 15 years ago, with the famous article 2276 paragraph 1 of the French Civil Code: "In the case of movable property, possession is worth title". Art market operators are increasingly reluctant to go against this adage. However, in view of current practices and legislation, we are increasingly moving against this maxim. Working methods are also changing with the times. As far as my peers are concerned, and particularly those of my generation, we are more inclined to carry out this research and integrate it into our working methods. On a more personal note, I also produce training courses in Alsace for financial market professionals interested in heritage and valuables. For example, I address the question of provenance for valuable collectibles. This research and practice is spreading even outside the art market, to all those who have to deal with valuable objects in a collection at any given time. As a result, even professionals outside the art market are now learning to ask a few questions and pay attention to provenance, in addition to the various due diligence, notably linked to Tracfin. Other developments could also be brought to art market professionals, and in particular concerning false documents. In view of the development of methods for creating a false history of an archaeological object, it would be interesting to make these actors aware – even if the modalities have yet to be defined – of the laundering methods of which they could be victims. The profession has many tools and databases that are consulted on a regular basis. It should be pointed out, however, that given the number of objects presented and the number of sales made, it is difficult to carry out an in-depth provenance search for each object; there is therefore a price criterion and a criterion of doubt. For example, a painting or a drawing with a visible or scratched mark, a slightly faded signature... are all situations that oblige us to carry out more detailed research, if the value and interest of the object justify it. It is, however, unimaginable to move from an obligation of means to an obligation of result. Imposing such an obligation on an art market professional, would be somewhat "anti-market" and would cause the market for certain categories of items to collapse, while leading to the birth of a parallel market, just like the ivory market.

- **Are buyers looking for provenance?**

Today's collectors and buyers are increasingly aware of these issues and may be prompted to ask about the provenance of an item they wish to acquire. Some have objects they bought 20 or 30 years ago, which are now illiquid on the market. So they're very acclimatised to these issues, and when they buy at auction, they expect provenances that can enable their heirs to resell objects at a given time. This is often the case for collectors' items, high-value objects or sensitive archaeological artefacts. Buyers and collectors are well aware of the problems.

## Mathias Ary Jan and Christophe Hioco<sup>375</sup>

Mathias Ary Jan, President of the *Syndicat National des Antiquaires* (SNA)  
Christophe Hioco, General Secretary and Chairman of the SNA Legal and Tax Commission

### - State of the market (financial crises/unstable global political climate)

#### Mathias Ary Jan (MAJ)

France accounts for around 60% of the European art market. Currently, the level of art market transactions has been slowing down for some time now. There are serious difficulties for European galleries, particularly in France. The market crisis is due to several factors that are not facilitating transactions: the war in Ukraine, the uncertainties and the new economic situation with the United States, and the economic reality in Europe. All the same, there has been a real freeze on sales, on the order of 30% to 40% overall. Some galleries are still growing and doing very well. But what we are hearing from the syndicate is a clear slowdown in economic activity.

#### Christophe Hioco (CH)

This situation affects just about every field. The representative of the *Comité Professionnel des Galeries d'Art* (CPGA) said, surprisingly, that the market was down by almost 40% in sales, even in contemporary art. There are a number of geopolitical and economic factors at play, including inflation, rising interest rates... All this has had a major economic impact, potentially turning collectors away from the art market.

### - A market affected over the past decade by a series of high-profile cases (Subhash Kapoor/Nancy Wiener)

**CH:** As an antique art specialist, I can tell you that the business has been affected for 10 years now. There are good sides to the market being affected. As a result of these cases, the market is much healthier; the merchants and resellers who tarnished the market have been eliminated.

**MAJ:** Finally, today in France, concerning sales houses where there is a provenance problem, things are much clearer than they were 10 or 15 years ago.

**CH:** There are a lot of dealers who have simply disappeared. The New York art market is a striking example that really affects the field of provenance: the Subhash Kapoor case. The FBI has launched several investigations, with a great deal of publicity. It is a bit like the American system, which needs to publicise every case. For example, the FBI came to collectors' homes and said: "You bought this object from Subhash Kapoor, we are here to seize it". Then there was the notorious DA Vance's raid on Christie's in New York, in the middle of Asian art week, the day before the sale. They also raided other dealers. There was the case of Nancy Wiener, who was arrested, and whose name made the headlines, which ended up killing the market.

The subject of provenances is the most important thing for merchants. That is why we have to fight, as unions, against "black sheep". It is the worst thing of all, because in the United States, it has killed the market. On the other hand, it is false competition, because we are up against people who can afford to offer much lower prices, because they buy for very little, whereas we buy at full price from private individuals or auction houses.

<sup>375</sup> Interview conducted by Vincent Michel and Maxime Girard on 28/11/2024 in his Paris gallery at 32 avenue Marceau in the 8th arrondissement of Paris.



#### - Difficulty in obtaining information on items from auction houses

**MAJ:** For us, as a syndicate and as an art-dealer, it is all about the auction houses. Indeed, when we buy from a private individual, we find out the provenance by talking to the seller, tracing the history of the property with him. When we go to auction houses, if we look closely at the sales catalogues, we realise that most of them don't do the work, or do it but without really digging into the subject. Once we buy the object, we can't always get the information behind the provenance, the auction houses refusing, as intermediaries, to give the name of their seller.

This is a point on which I am absolutely opposed. I absolutely want auction houses to do some serious groundwork, so that when you buy an object, whatever it may be, you can get in touch with it or find out its true provenance and be sure of it.

**CH:** This is not a problem with all auction houses. They are obliged to disclose this information. However, in practice, if we ask them about the provenance and the seller, the auction houses that don't want to divulge this information will remain vague; they won't provide sufficient details to enable us to carry out the research and verification expected of us with our "due diligence". We will get answers such as those often found on sale labels and catalogues, i.e.: "French collection, year 1970", or at best the seller's initials.

#### - Shifting buyer confidence: from art-dealers to auction houses?

**CH:** Although, as an art dealer, we have no legal obligation to provide this information, the reality of the market is completely different. Indeed, being an art dealer means first and foremost working with a clientele that you have to develop, which takes time. You want to win the loyalty and trust of your customers. To do this, you need to be as transparent and honest as possible. So, even if it is not a legal obligation, it is something you have to do.

I don't want a customer to come back to me several years after a purchase wanting to resell it, and to whom I will be obliged to say that since there's no provenance on the object, I can't buy it back. Whether it is a customer who comes back to me or decides to turn to the auction houses, if I, as a dealer, don't do this provenance research work and sell without any documents, the collector who wants to resell his object will be told the same thing everywhere, namely that without a document attesting provenance, no auction house will accept the object.

When I entered the art market as a dealer, I was first and foremost a collector and former banker. I became a dealer through my acquisitions and my desire to build a loyal clientele. When I buy cultural property, I pay attention to these issues, firstly because it is my heritage, but also because an object with a provenance is also a reassuring factor for me and for collectors. Another practice I regularly employ to reassure customers is the use of scientific analysis to verify the authenticity of the goods I sell. Performing these analyses and presenting the report to a potential customer is reassuring. It gives you total confidence in both the object and the dealer.

However, despite our efforts in the pre-sales phase, over the past ten years or so, collectors have shown greater confidence in auction houses than in dealers.

**MAJ:** For collectors, the "auction house" label is a sign of trust, which was not the case 20–30 years ago. Today, houses like Sotheby's, Christie's or Bonham's are labels of security for collectors, which is an absolute decoy. As a dealer, we are much more committed than an auction house can be to the guarantees provided during a transaction.

20–30 years ago, the art market's benchmark and guarantee of quality came from the dealers. Customers came to dealers to be sure of the quality of a piece of furniture, or any other art object. Unfortunately, the cases that came out in the press affected more art dealers than auction houses, even the latter are not free of cases; this was treated differently by the press.

What has happened? There has been a reversal of practices among collectors, who believe that auction houses are more serious because there are no cases with them... which is not true.

Today, the collector is very little informed about the weakness of the information given in catalogues, the weakness of the provenances indicated, the fakes circulating in quantity in the sales rooms.... Even if there are more forgeries and bad or dubious provenances in auction houses, it is ultimately the dealers who attract the ire of journalists and suffer the most.

**CH:** This can also be explained by the opposition between dealers and auction houses. In auction houses, sometimes you are faced with a fake; the expert didn't realise it, which can happen even in an honest way. In this case, the auctioneer will pass the buck to his expert, but will above all send you to the seller, since he is merely an intermediary. So in fact, it is no longer even a matter for the auctioneer, it is a matter between the buyer and the seller directly. Whereas for us merchants, if a collector comes to buy a painting from us that turns out to be fake, he is going to turn to us directly. Art dealers provide guarantees that have nothing to do with those of auction houses, which are limited to a maximum of 5 years in France, whereas before the reform of their statutes, the statute of limitations was 30 years. As dealers, we are bound for more than 20 years in terms of authenticity and provenance. We are committed for over 20 years, so we are obliged to do serious research.

**- Import regulations? How do you see and anticipate this new regulation, at European level, of import controls?**

**CH:** This is both good news and bad news. The regulations are good in principle, but in practice, their application is totally unrealistic.

It is unrealistic because they ask for documents that, in 95% of cases, don't exist. For example, to say that someone is going to show me that in 1960, the person who bought the object had an exit document from Cambodia, Thailand, or Mexico. In some so-called "source countries", such documents simply didn't exist at the time. Asking us for documents that don't exist is problematic. When it comes to applying the regulations, everyone seems to be opposed.

As a dealer, there are many objects that we will no longer be able to buy, as they will no longer come to Europe because of these constraints, whether as a private collector or a dealer. As a private collector, importing from outside Europe will become a real chore, presenting an administrative complexity that will discourage many and prevent them from buying.

Another problem: if we look at the future of this regulation, Europeans will be able to import very little; on the other hand, they will have no worries about exporting. There will be *de facto*, an impoverishment of European collections. It is obvious that, in the long term, objects will leave but no longer return to Europe. The danger for France is that this kind of rigour will be applied nowhere else. In addition to the impoverishment of European collections, there will ultimately be a displacement of the art market, as art objects will be taken out of Europe but it will become complex to import any work of art at all.

**- Declaration of honour and affidavit from outside Europe**

*There will be very community-based traffic, but there is still the possibility of obtaining a document, a sworn statement.*

**CH:** You are right, and it is a subject under discussion. Affidavits in the United States are recognised as a legal document that binds you; there is currently work being done at European level to make improvements, at the margin of these attestations on honour. If these attestations were indeed recognised, it could be a great help to us. However, it also remains to be seen where these affidavits come from, as they do not have the same importance in all countries. Where they are binding in the USA, they are not so binding in other market countries...

**- Legal obligation of means vs moral obligation of results**

*In terms of "due diligence", vigilance and above all obligation, you are, as a player in the art market, and as a dealer more precisely, bound by an obligation of means. There is no question of asking you to be bound by an obligation of results.*

**CH:** For me, as a dealer, I am actually bound by obligations of result. I am not obliged to buy a piece. That is the difference with an auctioneer, that is the difference with a broker. We are the owners of our objects, so I have an obligation of means and of result in this sense. Let us say that we have a legal obligation of means, but an obligation of result from a patrimonial, moral, and more particularly, reputational point of view.

Our legal obligation of means does not protect us, either financially or in terms of reputation. Indeed, our good faith is not sufficient, and in the event of a mistake on our part, we are obliged to write the item off our stock. As a merchant, our best asset is our reputation, and while it may take us 30 years to build it up, it can take us two minutes to destroy it. That is why we are telling you that, as a merchant, we have an ethical and moral obligation to achieve results in our research.

#### **- An evolution in sales practices**

**CH:** The art market actors who work, who take part in fairs, who put on exhibitions, who run galleries, today do extremely serious work. Practices have changed dramatically. The old actors in the market didn't have the same reflexes we have today. 20–25 years ago, nobody in the business had this reflex, and nobody even thought about these ideas of provenance, they just bought without bothering.

We really want to preserve the European market, and the French market in particular, and avoid a situation like the one in New York. What frightens me is that, in the end, we will end up displacing the market, which will discourage collectors and young dealers.

At the SNA, we also have a role to play in passing on our passion for the trade to new, young dealers. Our aim is to use the show to encourage people to offer exhibitions and enter the business.

#### **- In-depth work and training at SNA**

**MAJ:** As a *Syndicat*, our role is to support our members, to ensure that they receive the right training and develop the right practices and reflexes. The Syndicate goes to great lengths, but disseminating information takes time. It is true that for a while we have not been working on new terms of deontology as it should be put into practice these days; this is a step for 2025. It is becoming necessary to redraft a code of ethics and circulate it to our members. However, we regularly offer training in a wide range of areas, and we hold meetings with prominent figures whom we invite, be they lawyers, chartered accountants or even customs officers, to provide training on regulations. They are due to return from January 2025 to precisely inform our members, continue training on good practices.... It is also through newsletters that we disseminate good practices to our members. In the end, even if the code of ethics is not written in black and white, we professionals are informed.

**CH:** We have put together a serious 3-4 hour training course on anti-money laundering and risks. A lawyer, specialised in this field, trained the Syndicate on these issues and so our 200 members are now trained on the subject. At the last session, Maître Marion explained all the risks, all the rules, and the work that needed to be done. We have a thirty-page procedure describing what has to be done by merchants. We also have customer data sheets, which are available as templates for everyone to use.

**- The difficulty of carrying out this research (resources, time, personnel, etc.)**

**MAJ:** "Provenance research" is an essential subject for dealers, even if most of them work in small structures, in galleries where the number of staff is kept to a minimum. We often hear about the need to hire people with specialised training to carry out such research. Yet in reality, we are not large institutions with the capacity to hire; we are an economic player, in a fragile economic market with realities that impose themselves on us. Between purchases, sales, transport, gallery management, reception, exhibitions, fairs, it is impossible for our small structures to devote weeks of research to each object acquired, as a major institution might. Upstream of a purchase, we only have a few days after the catalogue is published to carry out our research on an object that interests us, and a posteriori to the purchase, we often can't afford to hire a person who would be dedicated, full-time to this research. The reality for SNA members is that they are, for the vast majority, organised as micro-businesses. As such, they can't mobilise as many resources on these issues, although they are obviously crucial for their reputations and the market. However, I insist on the fact that as professionals we are committed and do our utmost to make the subject of provenances as secure as possible.

## Pierre Taugourdeau - The *Conseil des Maisons de Vente* (CMV) and its evolution

Created by the law of 28 February 2022 to modernise the regulation of the art market, and instituted in January 2024, the *Conseil des maisons de vente* succeeded the *Conseil des ventes volontaires* (CVV), which had been set up in 2000, when, at the request of European institutions, the French law of 10 July 2000 opened up the organisation of public auction sales to private operators from all over the European Union, in the name of the principle of freedom of movement of services. The law did not completely liberalise the profession, as it considered that the activity still needed to be regulated by the CVV.

The law of 2000 was reformed in 2011, with greater liberalisation in the exercise of the activity. Among other things, auction houses were now able to sell new properties or conduct private sales. In terms of structure, auction houses were no longer required to incorporate as a commercial company, and their access to the business was no longer subject to CVV approval, the approval process having been replaced by a simple declaratory process. However, auction houses continued to be subject to a set of ethical obligations. Since 2000, the CVV has had a disciplinary mission, with the power to sanction breaches by auction houses and auctioneers of their legal, regulatory or professional obligations. These professional obligations were not grouped together in a body of rules. They were defined on a case-by-case basis by the Council's disciplinary panel, referred to by the Government Commissioner, a magistrate from the Public Prosecutor's Office seconded to the Council to carry out prosecution and investigation functions, and whose decisions defined what constituted good or bad professional behaviour. In the wake of the Cols Rouges (Savoyard) scandal, and at the request of the French Minister of Justice Michèle Alliot-Marie, a first set of ethical obligations was adopted in February 2012; it included an obligation to inquire about the origin of goods to be sold, and asked auctioneers to refrain from selling when in doubt about the origin of goods they were asked to put up for sale.

The law of 28 February 2022 modernised the regulation of the art market by radically modifying the *Conseil des maisons de vente* (CMV). The CMV is now made up of six auctioneers elected by their peers and five qualified personalities appointed by three ministers (two members appointed by the Minister of Justice, two by the Minister of Culture and one by the Minister of the Economy). This has changed the nature of the structure, which, in its composition and missions, is both a regulatory authority and a professional order.

- **The different missions of the CMV**

**Training mission:** The Board has always been responsible for the initial training of auctioneers. This two-year training consists of professional internships/seminars interrupted by periods of theoretical training provided in particular by the *École du Louvre* and ESCP.

To this mission, the law of 28 February 2022 added a mission of continuing education to which auctioneers are now obliged. This is being introduced progressively, and includes current topics that were not covered by previous generations. Today, provenance is going to be given pride of place, where this theme was not or hardly studied before.

**Disciplinary mission:** The CMV has all the legal tools at its disposal, if need be to require auctioneers to concern themselves with questions of provenance of the goods they offer for sale. The board's disciplinary panel is now placed outside the board, and it is a sanctions commission made up of non-board members, which is independent; until now, the disciplinary panel was made up of board members.



In addition, the Chairman has his own power of emergency suspension, which can be used when an auction house or auctioneer no longer meets the conditions for carrying out its activity, or when the sale of an item is likely to contravene the law (e.g. human remains).

**Advisory mission:** this legal advisory mission given to formerly "invisible" professionals is now written into law.

**Economic Observer Mission:** Mission to collect economic data from auction houses to enable the publication of summaries in the Auction Report, which also includes an analysis of the global auction market.

**Mission to support the profession:** this new mission is part of a more general effort to bring the institution closer to the profession.

**Mission of proposing reforms to public authorities**

**Mission to promote best practices:** mission going hand in hand with the training mission and relevant to provenance issues.

- **CMV: a worldwide singularity**

As the regulatory authority for the voluntary public auction sector, the CMV is a French singularity that has no equivalent in Europe or anywhere else in the world. In France, it is the fact that public auctions are a tool used in the service of justice that historically justifies the existence of specific regulations and a regulator specific to the activity.

In other countries, public auctions are treated as a commercial activity like any other, subject to the general rules of commerce, with no pronounced special features. Professionals may, where appropriate, self-regulate within entities they set up themselves.

- **Undefined due diligence**

Auctioneers must check the provenance of goods offered for sale, and if in doubt, refuse them. However, there is no clear definition of doubt. Everyone has their own appreciation of doubt, making it difficult to define. To date, no case law has established what should be understood by auctioneers as doubt, and the definition of doubt remains unclear. The definition of due diligence also remains to be clarified. Duty of care is still a purely subjective notion, and is really assessed on a case-by-case basis. The aim is to highlight the good faith or, conversely, the bad faith of the professional in the event of an inspection.

There is a real demand, because auctioneers are somewhat at a loss as to what they can be asked to do, knowing that these diligences necessarily differ according to the nature and value of the goods. We're not going to do the same research for an archaeological piece as we would for a 17<sup>th</sup> century painting. While private agencies such as *Art Loss Register* can be used, no single solution can be considered as infallible. This may be a way of showing the good faith of the auction house, but it is not necessarily sufficient. TREIMA, the public database, is the most complete, but it is not accessible to the public. The Interpol database is open but limited in terms of the number of items reported stolen. In any case, no practical guide to tracing provenance is available at this stage.

- **The relationship between auctioneer and expert**

In the case law on authenticity, the auctioneer and his expert are jointly and severally liable when they put up for sale an item that turns out to be inauthentic. The burden of compensation is then apportioned by the judge according to each party's contribution to the damage suffered by the plaintiff. In particular, the judge examines the diligence of each party, starting with whether or not the auction house called in an expert. As a generalist, an auctioneer who fails to call on the services of a specialist expert for an item requiring a specific appraisal runs the risk of having to pay compensation for damages. If, on the other hand, the auctioneer calls in a recognised expert in the specialty concerned, his contribution to compensation will be significantly, if not completely, reduced.

- **A necessary transition period for evolution**

The art market is currently in a period of transition. We're moving from a period when provenance was just one criterion used to establish the authenticity of an item among others, to the current period when provenance is now an essential criterion in its own right, on a par with authenticity. In this period of transition, everyone is trying to find their way around, trying to shift the blame onto others.

Admittedly, there is a period of hesitation, which is only logical, since taking on this theme implies major changes in professional practice, and additional constraints, whether in terms of organisation, time or money.

Professionals who are currently being trained will directly integrate the importance of provenance and the obligation to refrain from offering for sale an object with a dubious or exaggeratedly vague indication of provenance.

Provenance research will become a routine reflex, and provenance will be elevated to the same level as authenticity as an essential quality of cultural goods, without the need to demonstrate its importance for both parties to the purchase contract, according to civil case law on the sale of cultural goods.

### **Import regulations: a tool in the fight against trafficking in cultural goods**

Regulation of the circulation of cultural goods is largely based on European law. In addition to the objectives of the 1970 UNESCO Convention to combat trafficking in cultural goods, the sole purpose of these regulations has traditionally been the protection of national heritage. The result is the export control system: all cultural property may be exported from a State, unless it constitutes a national treasure, by its very nature or because of its exceptional heritage interest. The export control system, which requires a certificate to be issued, is designed to check that the object for which export is requested is not a national treasure and, if it is, to offer the State the opportunity to acquire it.

In addition to export controls, we have gradually added controls on the import of cultural goods, in line with the new objective of protecting "universal" heritage, which has developed as a result of the intensification of trafficking in archaeological goods in armed conflict zones with a rich archaeological heritage in the Middle East.

This movement first led the French legislator to strengthen the heritage protection system. This resulted in the following rules:

- Article 322-3-1 of the penal code, resulting from the law of June 3, 2016 reinforcing the fight against organised crime, terrorism and their financing, punishes the import, export, transit, transport, possession, sale, acquisition or exchange of "a cultural object of archaeological, artistic, historical or scientific interest in the knowledge that such property has been removed from a territory which constituted, at the time of removal, a theatre of operations of terrorist groups and without being able to justify the lawfulness of the origin of such property" ;

- Articles L. 111-8 to L. 111-12 of the French Heritage Code enacted by law [no. 2016-925 of July 7, 2016](#) provide that the import of cultural property from a State party to the 1970 UNESCO Convention is subject to the production of a document attesting to the lawfulness of its export from its country of origin when the latter makes exports subject to the issue of such a document. In the absence of an export certificate from the country of origin, sale is prohibited, and buying or selling without such a certificate constitutes a criminal offence. Furthermore, the sale or possession of cultural property that has been illicitly exported from a third country in violation of a UN resolution is prohibited.

This national system has been significantly strengthened by Regulation (EU) 2019/880 of the European Parliament and of the Council of 17 April 2019 on the introduction and import of cultural goods. This regulation stipulates that the import of cultural goods into the European Union is prohibited if the good has been illegally exported from its country of origin. The import of goods legally exported from their country of origin is subject to a licence or simple declaration, depending on the nature, age, and value of the object concerned: the import of archaeological objects more than 250 years old, elements of historical monuments more than 250 years old, or liturgical icons and statues, whatever their value,

is subject to a license issued by the administrative authority of the host country, which must ensure that the object has been exported from its country of origin in compliance with the regulations of that country, or that the country of origin does not restrict the export of cultural goods.

The import of other cultural goods is subject to prior declaration, provided they are over 200 years old and their value is equal to or greater than 18,000 euros. The declaration must include a description of the item and a statement that it has been legally exported from its country of origin.

This regulation will come into force in June 2025.

- **The issue of competition**

The issue of competition is not one to be taken lightly. The constraints imposed on the circulation of cultural goods, and archaeological goods in particular, can only be truly effective if they are uniformly applied in all countries. Otherwise, they will simply have the effect of turning the market away from these objects towards other, less watchful, markets.

This does not mean, of course, that we should encourage disobedience of this regulation, but we do have to accept that its implementation may take a little time in terms of mentalities and, in concrete terms, in terms of the formalities to be completed. The same question arises regarding the due diligence required: what should be done, and when is it considered to have been done?

- **Issues facing professionals**

Art market participants are asking themselves a lot of questions at the moment. Although knowledge of their vulnerability as market actors is in the process of being acquired, they have to face difficulties on a daily basis, whether in terms of definition or applicable regulations, which differ from state to state and from speciality to speciality, leaving professionals dubious. In fact, archaeology does not begin at the same time on every continent, or even in every country. As a result, definitions vary, and the essential regulations on which to base them are sometimes blurred, as some states play on the boundary between the date of establishment of a practice prohibiting the removal of certain types of cultural property from their territory, and the actual date on which this regulation was applied and implemented. The important thing is to be able to demonstrate that the item has been lawfully removed from its country of origin. There is also the problem of defining the regulations applicable at the time of departure from the country of origin. Professionals are apprehensive about these complex issues. This research is seen as imposing new constraints on them, even if no one doubts its virtuous purpose.

One of the most pressing issues facing the art market is the need to facilitate access to information, and to ensure that due diligence requirements are practicable for professionals.

- **The need to facilitate access to information for art market professionals**

There are a number of topical issues that cast doubt on the profession. In addition to the problem of provenance, there is the question of what to do with "orphaned goods", those for which it is impossible to establish or prove their right or wrong provenance. What happens to these goods? Do we take them off the market? Do we sell them on condition that an illicit provenance can be demonstrated? Article 3.1 of the 2019 European regulation on the introduction and import of cultural goods prohibits the sale of goods whose provenance cannot be established: this can deprive a host of cultural goods of their legal status, given the multitude of goods of this type whose provenance cannot be established, even with the best will in the world.

We need to be pragmatic and take as our reference the texts or decisions actually implementing export control measures in the States of origin, rather than texts that have never been applied or have only recently been applied. As far as the regulations in question are concerned, UNESCO currently maintains a database on the various national legislations relating to cultural heritage (Natlaws Platform), the aim of which is to provide quick and easy access to national regulations. However, each

state is obliged to provide its own regulatory text; it may therefore provide a text which, although drafted, has never actually been used...

The need today is therefore to be pragmatic in implementing the various regulations, so that art market professionals can truly make them their own, whether in terms of access to information, tools or databases.

## General conclusion

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During the two-day symposium organised by the University of Poitiers, in collaboration with the International University of Florence as part of the ANCHISE project, and in this report, we have been keen to explain and illustrate how the illicit trafficking of archaeological goods organises and thrives on an international scale, focusing primarily on the socio-economic contexts favouring it. We have proceeded empirically, backing up general and theoretical information with concrete cases.

The multidisciplinary approach that guided the research and presentations at the international symposium on "The economic and social context of illicit trafficking in archaeological goods" highlighted several fundamental points.

## General overview

The history of looting and trafficking of antiquities reminds us that these activities have their roots in the 19<sup>th</sup> century in many source countries (Middle East<sup>376</sup>, North Africa<sup>377</sup>, but also Europe<sup>378</sup>). These phenomena have evolved with different temporalities in different countries, but with relatively similar logics in countries in situations of armed conflict for decades (Cambodia from 1960 to 1990<sup>379</sup>, Lebanon<sup>380</sup> and Afghanistan<sup>381</sup> from the 1970s to 1980s, Iraq from the 1990s to 2015 Egypt<sup>382</sup>, Yemen<sup>383</sup>, Syria<sup>384</sup>, and Libya from 2011<sup>385</sup>, Ukraine since 2014<sup>386</sup>). From the 1960s to the 2020s, looting techniques have evolved, becoming more and more sophisticated, sometimes with light but increasingly sophisticated logistics (drones, detectors, etc.), sometimes requiring heavier logistics and financing prior to illicit excavations, particularly when looting becomes systematic<sup>387</sup>. Clearly, the pace of looting has slowed down in recent years in countries or regions that had been the object of intense looting in the past (Eastern Europe, Syria, Iraq)<sup>388</sup>. The historical approach also shows the evolution of antiquities markets, whose interest in archaeological objects specific to a civilisation, geographical area or historical period has fluctuated according to the export restrictions specific to each country, the market value of the objects, or a fashion effect. Indeed, markets increasingly obey illicit and underground networks as legislation evolves<sup>389</sup>. These evolutions are the sign of a constant and reproducible adaptation to new constraints (e.g. the deteriorating security situation in source

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<sup>376</sup> Favier, 2024: 60.

<sup>377</sup> Belzic, Michel, 2024: 93.

<sup>378</sup> Belzic, Hardy, 2024: 37.

<sup>379</sup> Biard, 2024: 113

<sup>380</sup> Favier, 2024: 60.

<sup>381</sup> Marquis, 2024: 87.

<sup>382</sup> Qassar, 2024: 102.

<sup>383</sup> Breton, 2024: 81.

<sup>384</sup> Butterlin, 2024: 91.

<sup>385</sup> Belzic, Michel, 2024: 93.

<sup>386</sup> Chaplian, Kravchenko, 2024: 110.

<sup>387</sup> Belzic, Hardy, 2024: 37.

<sup>388</sup> Ubelmann, Bartette, Chemla, Saroufim, 2024: 218.

<sup>389</sup> Blancher, Michel, 2024: 173.



countries or the tightening of legislation) and new opportunities (e.g. the rise of social networks as a distribution and sales platform). In recent times the documentation of looting in war-torn source countries has had at its disposal new technologies (high-resolution satellite images, modelling of excavated and looted sites)<sup>390</sup> and new methods of remote research (*conflict Archaeology*)<sup>391</sup>. Documentation of trafficking still appears fragmentary, and statistics, where they exist, are rarely available and adapted for the general public. Fortunately, the work of the academic community is trying to overcome this by scientifically studying quantifiable and concrete data, such as looting pits or the analysis of a particular object typology<sup>392</sup> for example, to measure the extent of the problem.

At the socio-political level, the factors explaining looting are multiple and are exacerbated in times of conflict<sup>393</sup> :

- Firstly, the fragmentation of states, or the disintegration of central administrations and the rise to power of non-state armed groups, in contexts of highly destabilising foreign military interventions – foreign occupation forces and local military factions then participate either in the direct destruction of cultural heritage, or in antiquities theft and trafficking (Lebanon and Afghanistan in the 1970s–1980s, post-2003 Iraq, Syria after 2011<sup>394</sup>, Ukraine since 2022<sup>395</sup>)
- Secondly, critical economic situations, with government priorities focused on sectors of greater economic profitability and the impoverishment of local communities. There also seems to be a direct correlation between the decrease, or even cessation, of archaeological excavations for scientific purposes (due to the security situation), and the increase in looting (Afghanistan in the 1920s<sup>396</sup>, Lebanon in the 1980s<sup>397</sup>, Libya in the 1990s<sup>398</sup>, Syria in the 2010s).
- Lastly, the number of actors involved in protecting cultural heritage and investigating acts of looting (experts, civil society, law enforcement agencies and the judiciary) is often derisory compared to the multitude of actors involved in criminal activities (which is as true in Europe as it is in the MENA region)<sup>399</sup>. What's more, in lawless states, security, judicial, and political actors participate in, or even encourage, such activities (Syria<sup>400</sup>, Russia, Belarus<sup>401</sup>). However, these factors do not, in themselves, explain the fluctuations in antiquities trafficking, which obey other logics, principally the demands of the market (local, regional, international). In this respect, analysis of the final destinations of looted or stolen archaeological objects remains crucial but less well documented. The case studies presented in this report (Yemen, Lebanon, Libya...) show the importance of Western auction houses, but also the growing demand to supply private collections in the very region of the source countries (whether local antiquarians or the collections of Princes in the Gulf States<sup>402</sup>).

<sup>390</sup> Ubelmann, Bartette, Chemla, Saroufim, 2024: 218.

<sup>391</sup> Butterlin, 2024: 91.

<sup>392</sup> Leblanc, 2024: 204.

<sup>393</sup> Favier, 2024: 60.

<sup>394</sup> Favier, 2024: 60.

<sup>395</sup> Chaplian, Kravchenko, 2024: 110.

<sup>396</sup> Marquis, 2024: 87.

<sup>397</sup> Favier, 2024: 60.

<sup>398</sup> Blancher, 2024: 153.

<sup>399</sup> Belzic, Hardy, 2024: 37.

<sup>400</sup> Butterlin, 2024: 91.

<sup>401</sup> Chaplian, Kravchenko, 2024: 110.

<sup>402</sup> Favier, 2024: 60.

The sociology of looting actors highlights different configurations according to the countries and periods studied, but generally speaking two types of actors coexist, and sometimes work in coordination: local communities, organised around families or tribes, and organised groups or gangs, linked to other criminal networks, such as terrorists for example (notably Daesh) who may integrate a looting cell within their organisation itself, their aim being mainly to self-finance their subsistence and their violent and ideological actions. The dealers who play an intermediary role, meanwhile, have knowledge of the art market and, often, political protection in the source countries<sup>403</sup>. The situation in Europe is not very different from that in other parts of the world, although the pool of looters is growing with the popularisation of metal detection<sup>404</sup> and underwater looting<sup>405</sup>. Moreover, the structure of the illicit antiquities trade is, in general, known *a posteriori* thanks to the testimonies of former looters and dealers – or the biographies of art dealers available after their arrest or death<sup>406</sup>. The intersections between cultural property crime and other illegal trades are diverse: in Afghanistan in the 1970s<sup>407</sup>, the drug trade may have been in direct contact with actors in the antiquities trade, and in Eastern Europe some antiquities looters may also be active in cannabis cultivation or the sale of arms and ammunition<sup>408</sup>. However, antiquities trafficking does not systematically follow the same routes as other goods, which are by their very nature entirely illicit (like drugs or arms) and can be shipped and processed in the market with a legal appearance<sup>409</sup>.

Responses to the looting and trafficking of antiquities were initially legal in nature, and therefore repressive. National and international legislation has multiplied, often in a reactive and successive manner. Numerous legal solutions now exist to deal with existing problems, but they are still little known or little used by the state authorities. In fact, at national level in source countries, the implementation of these laws is largely dependent on the political context (rule of law, level of corruption, willingness of public authorities) and the (limited) resources deployed. A recurring request from local authorities is for endangered sites to be included on UNESCO's *World Heritage in Danger* list, which does not put an end to looting, but often enables documentation to be improved and financial resources for heritage protection to be received. On an international level, the regulation of the art market protects its actors. The development of technologies in Europe is now favoured for tracing stolen or lootable objects, and for identifying networks of dealers. In view of the economic crises and the collapse of state institutions in certain source countries, however, there seems to be a growing disconnect between the socio-economic and political realities of these countries (source or transit) and those of Western countries, which could undermine the effectiveness of the fight against trafficking.

Beyond legal responses, many other solutions – existing or potential – have been discussed and mentioned in this report: a heritage watch system in France to monitor looting of archaeological sites and the market in archaeological objects from Afghanistan from 2021; training of local authorities and experts (archaeologists, customs officers) to combat the trafficking of antiquities from the countries of origin; development of country archaeological maps and centralised databases of archaeological

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<sup>403</sup> Favier, 2024: 60.

<sup>404</sup> Desforges, 2024: 215.

<sup>405</sup> Belzic, Hardy, 2024: 37.

<sup>406</sup> Belzic, 2024: 133.

<sup>407</sup> Marquis, 2024: 87.

<sup>408</sup> Hardy, 2024: 118.

<sup>409</sup> Blancher, Michel, 2024: 173.

objects (whether stolen, owned by public institutions or private collectors); updating and digitisation of inventories and archives (one of the fundamental missions of museums) with a view to developing automatic searches by associating an image with a text; projects to digitise sales catalogues; awareness-raising campaigns aimed at local populations.

## Fighting against a multi-faceted phenomenon

As we have seen, while this type of trafficking sometimes converges with other illegal trades, since they are all, by nature, obscure, international and protean phenomena, the one involving archaeological goods is special, since archaeological remains, the archives of humanity, find themselves victims of a desire for money and/or monopolisation.

After being stolen and looted, these goods find their way into a vast illicit circuit involving other cultural goods of all kinds. As we have seen, the international nature of this market – driven by the globalisation of sales – contributes to the worldwide dissemination of cultural heritage. Indeed, depending on sales and the nationality of buyers, goods are likely to be exported from country to country, market to market<sup>410</sup>. The presence of major international sales structures (online platforms, auction houses, etc.) contributes to the worldwide circulation of works of art, for better or for worse.

The typical image of archaeological traffickers is not only that of the gold digger perpetuated in literary or cinematographic works, or of the needy in search of income. Our research has shown that the reality is multi-faceted, and that this trade is mostly conducted by structured, organised networks, more or less aware of their malicious acts, with thoughtless tourists, modest or wealthy private collectors, or museums<sup>411</sup>, at the end of the chain. There are, in fact, many different profiles and motivations for the individuals who generate, directly or indirectly, voluntarily or involuntarily, these illegal activities.

The fight against this form of trade and against all forms of damage to heritage has become, by necessity, a cause of general interest. On an international scale, we are constantly becoming aware of regular acts of looting, theft and destruction, as well as high-profile court cases affecting the art world. It's an unfortunately rich and varied news story, which has the merit of alerting and raising questions about the vulnerability of a non-renewable, fragile, targeted, and coveted heritage.

While the media frenzy has helped to shed light on some of the scandalous realities of the archaeology market<sup>412</sup>, this traffic continues relentlessly: the battle begun in the 19<sup>th</sup> century is far, very far, from over. Certainly, works of art, both known and unknown, are still being stored out of sight, waiting to gradually emerge on a market already "polluted" by this large-scale traffic.

As a result, rigorous documentary and scientific monitoring, as well as vigilance on the part of sellers and buyers, combined with the appropriate technical resources, are necessary to effectively combat objects derived from trafficking.

The symposium also demonstrated that the theft and looting of archaeological objects, while two phenomena that can be observed throughout the world, are eminently facilitated in the absence of control in countries in conflict or experiencing serious structural crises. We have seen, however, that they also thrive – to a lesser extent, certainly, but in a devastating way – in countries that are not experiencing such major difficulties, including those of the European Union.

Illicitly extracted objects, when of the slightest value, are generally resold to buyers via commercial intermediaries, who set up a more or less elaborate laundering process, from the material alteration

<sup>410</sup> Blancher, Michel, 2024: 173.

<sup>411</sup> Leblanc, 2024: 204.

<sup>412</sup> Blancher, Michel, 2024: 173.

of the work to the production of false documents, via simple fake declarations, to mislead or reassure potential buyers. For the least expensive objects, which make up the largest mass, this process is sometimes rudimentary, if not non-existent, as the risk seems negligible due to the few controls carried out. We have also observed that the objects resulting from this illicit trade are disseminated internationally in line with art market trends. This traffic serves a variety of purposes, depending on the geographical and political context, but it is above all caused (and explained) by the economic gain it can produce. The looting and, consequently, the destruction that this trade engenders are therefore driven by and for this thirst for easy money.

Given the underground economy that this traffic presupposes, and the colossal sums generated each year by this market, it's not surprising that the sale of these "blood antiques" can be one of the most profitable forms of financing for international organised crime. While it's clear that all estimates of the scale and profitability of the black market are debatable, quantifying the proceeds of sales can only be done on the basis of estimates linked to this or that category, and not to archaeological goods as a whole. The simple fact of seeing hundreds of thousands of archaeological pieces sold for a few tens, hundreds and thousands of euros, and seeing these few thousand pieces with no provenance indicated or with misleading mentions, sometimes for millions of euros, speaks for itself<sup>413</sup>.

The lack of studies, data and widely disseminated knowledge on the various trends in the illicit trafficking of antiques can also characterise the obstacles to an effective fight against this specific illegal trade. Indeed, scientific production remains too rare. To improve this situation, it seems important that research should take a greater hold of this subject: researchers form one of the categories, along with law enforcement agencies, which is indispensable for identifying objects derived from illicit trafficking<sup>414</sup>. Despite our best efforts, we have observed that goods that still have a fraudulent origin are sometimes exhibited either in museums or sold directly – almost with impunity – on the public art market<sup>415</sup>. All collections, whether private or public, museum or private, can be confronted with, or participate, consciously or unconsciously, in a reprehensible trade.

The ability to act depends on the circulation of information and the ability to analyse it. The aims of the Symposium were to analyse the problems and areas of vulnerability, and to present several case studies. We have seen that scientific studies of objects and their sites of origin are essential to determine their real historical provenance, as well as to understand the various stratagems used by traffickers, to provide the legal world with precise, well-argued data. Despite the existence of legal regulations, and considering the case studies carried out, we can conclude that dubious sales (in auction houses or galleries, for example) are still carried out on a daily basis. Trafficking in these antiques continues, and we hope that only close cooperation between all those involved in the fight against this criminal phenomenon will bring it to an end.

We need to raise awareness on the fact that all looted antiquities represent destruction, as well as crime, deprivation and potential support for criminals. A stolen or looted antique is a major historical and patrimonial loss, and its sale or possession corresponds to an offence, ranging from simple contraventions to more serious offences: illegal excavations, theft, handling of stolen goods, tax fraud, money and object laundering, false declarations of value, illegal export or import, criminal conspiracy, financing of terrorism, etc.

During the symposium, we were able to identify how common and easy it is to steal, loot, launder and sell illegal objects. All countries are concerned by these scourges, forcing Europe – as a source, transit and destination region – to adapt its heritage and art market protection rules in several ways: conditions of circulation, conditions of acquisition and provenance, the need for awareness-raising and education, among other matters.

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<sup>413</sup> Blancher, Michel, 2024: 173.

<sup>414</sup> Michel, 2024: 209.

<sup>415</sup> Blancher, Michel, 2024: 173.

Attacks on heritage are protean in nature, requiring a comprehensive, cross-disciplinary approach to combat them effectively. As research and experience have repeatedly shown, this necessary, if not indispensable, fight against forms of crime and delinquency, and the protection of cultural heritage, can only be achieved through the systematic collaboration of different fields, from the identification of objects and the investigation to the trial, culminating in the restitution of objects to the countries that own them, and the use of the right technical and methodological tools. The symposium highlighted the need to strengthen and streamline relations between the various actors, by creating a concerted, informative and repressive chain.

The ANCHISE project aims to encourage networked approaches and initiate collaborations to foster the development of both the thinking and the implementation of projects concerning the identification and recognition of objects, through the extension of social network monitoring and the use of innovative new technologies called upon to put points of sale under observation. The aim is to use digital tools, if possible, backed up by forms of AI, to analyse the profiles of sellers on online sales platforms, in particular to better understand the criminogenic pattern into which they fit, and thus better identify criminal behaviour and procedures.

The effectiveness of our actions must necessarily include better knowledge – continually updated by the study of archaeological sites prone to looting – of the typologies of particularly vulnerable objects circulating on the art market, in terms of material, origin, type, provenance details, and monetary value. Let's not forget that the best way to protect an archaeological site and its artefacts is to carry out scientific excavations! In addition to the intrinsic study of archaeological objects, as researchers we need to map illicit trafficking routes, based for example on state seizures of antiquities. We also need to study and list networks, focusing on the profiles of the people involved: dealers, politicians, experts, criminals, etc. Knowing the practices of traffickers means recognising points of weakness and identifying where vigilance needs to be stepped up, in order to anticipate and warn the relevant authorities in good time.

Numerous avenues were explored during the symposium, with a view to improving systems for effectively combating all kinds of heritage damage upstream, and all kinds of illicit trafficking downstream. Several sources of trafficking were studied, mainly in European and Eastern countries. At the same time, an international reflection on the role of museums, their fundamental missions, the security of their acquisitions and collections, and the maintenance of their inventories is underway.



## Detailed review

### Part 1. Political economy of looting and trafficking of archaeological goods in the context of major crises

At the root of all trafficking is a search for funding, which can be linked to socio-economic problems in source countries and amplified by conflicts that have a real and direct impact on the illicit trafficking of cultural goods. It is therefore important to understand the history of the problem, which is not only a problem outside Europe, but also a European one, as many objects are still being discovered.

The law still needs to be questioned, both in source countries and in transit and market countries. While many existing problems already have legal solutions, these are too little known and/or used by state authorities. It's not a question of banning all circulation of cultural goods, as the legal market exists and must be defended. It is a question of each country knowing precisely the two lives of archaeological objects: their birth, specifying the nature of the ownership of the soil, public or private; the conditions of circulation inside and outside the country, freedom or supervision, and therefore the nature of the documents that must accompany the objects. The law must continue to be questioned and renewed as necessary.

### Part 2 - Actors and routes, traffic and laundering

The symposium raised awareness of the fragility of non-renewable heritage, and shared knowledge of the laundering strategies used by traffickers. Based on concrete examples from Europe<sup>416</sup>, the Middle East, North Africa<sup>417</sup>, Central<sup>418</sup> and East Asia<sup>419</sup>, the case studies also showcased objects that have recently arrived on the international market from countries such as Libya and Egypt, where the export of antiquities is prohibited. Objects are mainly transported by air, land or sea<sup>420</sup>, depending on the case, from their place of extraction, *via* transit regions, to Europe and North America and East Asia mainly.

Looted or stolen for profit, in greater quantities in regions suffering from crises, we have seen that the sale of these goods feeds criminal markets all along the way. As long as unscrupulous dealers continue to sell objects to gullible or complicit buyers, archaeological goods will always be subject to illicit trafficking; as soon as there is a demand, a market is set up to meet it. As a result, illegal networks are established, as the sale of artefacts enables profits to be made between regional looters, international traffickers and art lovers taking advantage of the blind spots in the antiquities market.

Of course, it's not a criminal offence to be a collector of archaeological artefacts, but it is a requirement that collections are legally maintained. Paradoxically, one of the most destructive threats to heritage comes from people who declare themselves to be lovers of history, and who acquire antique objects to satisfy their passion. Indeed, collectors, whether private or public, can generate, stimulate or encourage – sometimes unintentionally – the illicit trafficking of archaeological goods in all its forms and facets on an international scale.

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<sup>416</sup> Belzic, Hardy, 2024: 37.

<sup>417</sup> Elkhamissy, 2024: 141.

<sup>418</sup> Marquis, 2024: 87.

<sup>419</sup> Biard, 2024: 113.

<sup>420</sup> Elkhamissy, Belzic, 2024: 146.

These buyers need to be made aware of several realities. The first is that an artefact removed from its archaeological context (looting) or its conservation context (theft) without scientific analysis is a major loss to historical understanding. Indeed, as we cannot stress often enough, archaeological artefacts are irreplaceable data for studying the past, like a missing piece of the puzzle. As well as creating a scientific gap, the buyer also provokes fluctuations in demand and, consequently, in supply, but also in price. The buyer also indirectly endangers archaeological sites and conservation sites: he doesn't save an object by collecting it, he often causes the destruction of dozens of others, in addition to a significant scientific loss. The looting of archaeological sites goes hand in hand with the sale of artefacts; collectors must therefore be aware that they are often the last links in a chain feeding vast underground financial circuits. To avoid this situation as much as possible, it is essential to find out about the origin and provenance of objects offered for sale on the art market. Indeed, the more buyers question sellers and provenance, the less inclined dealers will be (at least we hope they will be!) to sell objects with no certain and verifiable traceability. For buyers wishing to acquire archaeological objects, several recommendations can be made, such as:

<b>R.1</b>	Always ask the seller for the object's contemporary provenance
<b>R.2</b>	Always check the source of the data as far as possible
<b>R.3</b>	If the object has been published, systematically consult the publication to ensure that it is the same object
<b>R.4</b>	Think critically about the gaps in information provided by merchants
<b>R.5</b>	Take the time to check the completeness of written and spoken information
<b>R.6</b>	Conduct comparative research on the art market
<b>R.7</b>	Find out about the sellers and experts involved in selling the item
<b>R.8</b>	Search for other potential sales of the item not mentioned by the seller
<b>R.9</b>	Find out about the object's first verifiable provenance and the legislation applicable at a given date or place
<b>R.10</b>	If it is too recent or difficult to verify, do not purchase the item
<b>R.11</b>	<b>If you have too many doubts, it is best not to buy!</b>

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### Part 3 - The fight against trafficking: findings and outlook

Nothing is possible without the public and all actors in the archaeology market being convinced and mobilised. Progress has been made in the wake of high-profile cases that have shaken the art world, as if this were the only way to change long-established attitudes and habits. Archaeologists, art historians, and dealers need to work together to make stolen or looted objects unmarketable, and to discourage unscrupulous sellers who are guilty of not systematically tracing what they sell, of not taking all the necessary steps to verify the provenance of objects, or of acting with full knowledge of the facts<sup>421</sup>. It's a question of common sense and willpower. Similarly, on the acquirer's side, we need

<sup>421</sup> Peacock, 2024: 237.

to develop the same degree of diligence and the same requirements in the acquisition process, so as not to be satisfied with blind trust: no one, in Europe at least, should be able to claim ignorance of the laws and of this global phenomenon.

Generally speaking, we need to think about how the art worlds could participate more actively in the fight at various levels, notably with priority given to making private and public collectors more responsible in their acquisition processes: due diligence, good faith, documentation, studies, inventories. We also need to pursue the initiative of publishing museum collections online, making them accessible to the public: visibility and transparency, but also theft prevention: a known object is a difficult object to conceal, and therefore less interesting to steal.

Last but not least, we need to think about how to raise awareness of the vulnerability of our heritage, through exhibitions, mediation, training, and education, as this is one of the cornerstones of the fight against heritage damage.

The fight against cultural crime, destruction, looting, and trafficking is a challenge we all have to face, whether we're academics, researchers, law enforcement officers, magistrates, museum or art market professionals, or ordinary citizens! It's a question of reinforcing systematic interdisciplinarity as a *modus operandi* and carrying out cross-disciplinary actions by strengthening the synergy of existing actors around this cause.

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