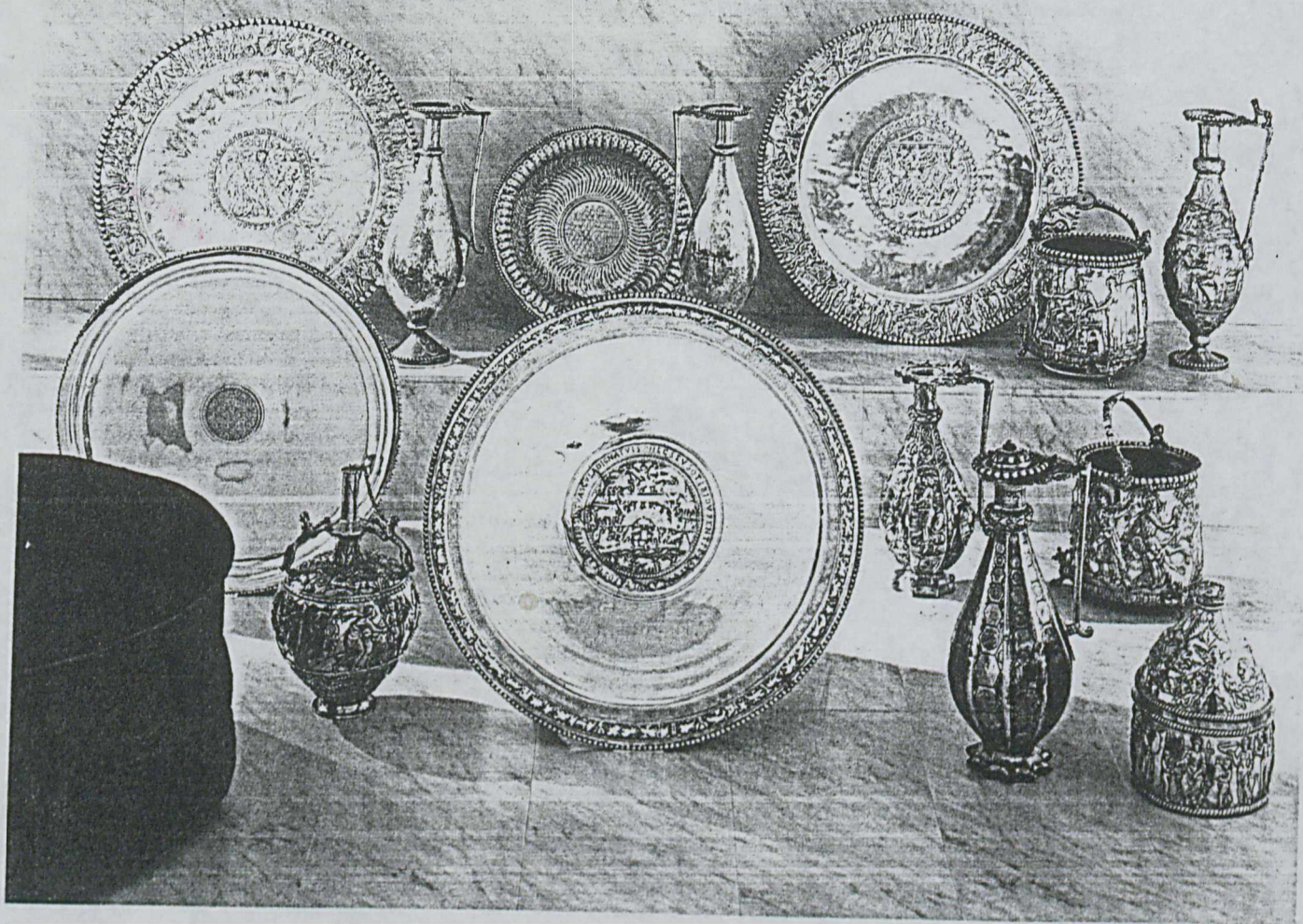


The Sevso Treasure

The Legal Case

JEANETTE GREENFIELD



There is something of a mystery about the Sevso Treasure (see pp. 3-13). Although dealers in the art world apparently had some knowledge of a spectacular fourteen-piece Roman silver collection from about 1980, the Sevso Treasure was made public only at the end of 1989 with Sotheby's announcement of its auction in Zurich planned for this autumn.

Apparently, the Marquis of Northampton purchased twelve of the pieces from a Swiss agent and two from an agent in London during the 1980s, and it is owned by a trust formed under Guernsey law. The treasure is said to have been kept in a bank vault and during 1989 it was returned to Switzerland after being cleaned in London. It is at present in New York and the figures

being talked about are anything between £40 million and £100 million. The name of the collection comes from an inscription on one of the plates to Sevso: 'May these, O Sevso, yours for many ages be Small vessels fit to serve your offspring worthily'. It is also thought that Sevso is depicted on the main plate. If Sevso could speak we would know the place of its making or at least the place of

finding—and these are probably not the same. But at the heart of the mystery lies the desire of someone to conceal the provenance of this find.

Let us examine some of the clues. The collection consists of a beautifully decorated table service and has been authenticated as being early third to fifth century AD. It is thought that Sevso may have been a high ranking army officer in the Roman Empire and of a wealthy family. It has been alleged that the treasure was found in a villa in Lebanon or Yugoslavia. But it has to be borne in mind that there are thirty countries once part of the Roman Empire which might have been the location of the treasure.

The London University Institute of Archaeology has carried out various and many tests to determine composition, dating, method of making and also to help track the location of the copper used.¹ There is some evidence of the collection having been stored in a limestone cave or cellar, inside a bronze cauldron. While the evidence as to the number or nature of the collection is not conclusive, expert opinion is that, individually, the objects are authentic.

In 1981 Mr Kenneth Painter, former Deputy Keeper of the Greco-Roman Department of the British Museum was requested to view ten of the fourteen pieces, then held by the Rothschild's bank in Zurich, to make an academic assessment of them. The Getty Museum turned it down in the mid-1980s because it was offered only some of the collection. There is also a question mark over the piecemeal acquisition of the objects by the Marquis of Northampton, and the Scotland Yard Art and Antiques Squad have been looking into all the circumstances of the sale.

An unnamed art dealer has said that he earlier saw a collection of thirty pieces and it is rumoured that another sixteen pieces are held by an unnamed vendor. Christie's has also indicated that it was offered the hoard several years ago, but at the time, because of its problems over an illegal export of a Goya from Spain, it declined the offer of the silver.² Another intriguing red herring is that Painter, on a second visit to Zurich, was shown two limestone heads. These were probably late Roman or early Byzantine, similar to heads from Palmyra, which was a trading city between the first and second centuries AD, located in the Syrian desert not far

from Lebanon. Stylistically the heads had no connexion with the silver and no further mention has been made of these.³

Although it may not know the country of origin, Sotheby's is said to have papers which show that the treasure comes from the Bekaa Valley in Lebanon. The other idea which persists

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is that it comes from the Adriatic coast in Yugoslavia, and there are theories that Tito's men were involved in smuggling it out of the country. The circumstantial evidence points to an illicit removal. The lack of information not only presents legal difficulties regarding the rights and wrongs of sale and purchase, but even more important, the context of the Sevso plate is lacking and this diminishes the story it has to tell. It is an historical record and yet, without its location, it is as beguiling as a photograph without any information attached. Out of its archaeological context the treasure's value to scholars is diminished, but its intrinsic material and artistic value is still enormous to the would-be seller, who cannot be easily challenged on provenance.

However, Sotheby's will have to delay the sale for a few reasons. There are supposed to be Lebanese export licence documents in existence endorsed by the Lebanese Embassy in Berne, Switzerland. While Sotheby's believes the licences to be valid, such details as their date have not been revealed. According to Hugh Chapman, Secretary of the Society of Antiquaries, the existence of a Lebanese export licence would still not indicate that this was the country of origin and, indeed, this is unlikely. The prospect of a Zurich sale caused alarm in some quarters because, as has been pointed out by Connie Lowenthal of the International Foundation for Art Research, if something is sold in Switzerland at a public sale, the buyer gets good title, whereas, in New York, if it is stolen there are long term opportunities for the original owner to recover his property.⁴

In the face of increasing suspicion that the silver must have been smuggled, Lord Gowrie, Chairman of Sotheby's, has

declared that it makes no such admission.⁵ Rather, the firm has embarked upon 'an exceptional due diligence procedure'—viewed in some quarters as disingenuous. This involves getting around the precedent of the 1989 Peggy Goldberg case in the US by thoroughly investigating all the possible sources of the collection. In the Peggy Goldberg case the dealer was obliged to return stolen Byzantine mosaics to Cyprus because of insufficient due diligence (see pp. 28–35). Sotheby's commenced its due diligence procedure in November 1989. It sought to determine from twenty-nine embassies and Interpol whether there was any record of these objects having been stolen. As it is maintained that Lebanon issued export licences for each piece of the Sevso Treasure years ago, these were subsequently presented for inspection to the Lebanese Embassy in Switzerland. Because of this the Lebanese were not considered again as being the recipients of the further due diligence enquiry at the end of 1989. Whereas Sotheby's sought a response only if this was in the affirmative, it nevertheless received some negative replies, including two from Yugoslavia and England. Its aim was to follow the developing museum practice of addressing the question to the possible country involved, and ensuring that there was a respectable owner by also making the object known to the academic world. Hence an exhibition of the objects was deliberately arranged to coincide with the College Art Association conference in New York which would attract some 5,000 scholars from around the world.

However, because the Lebanese now deny the validity of the Lebanese export licences upon which Sotheby's relied, Sotheby's New York finds itself named as stakeholder to legal proceedings in the Supreme Court of the State of New York. The Lebanese have alleged illegal export and smuggling from Lebanon. Dr Bassan Namani, said to be responsible for handling the matter in the Lebanese Embassy in Washington, has not been available for detailed comment. However, the Lebanese position appears to be that the alleged licences signed in Lebanon and endorsed in Switzerland are not genuine, or properly authorized. It bases its claim on the grounds that the treasure was actually discovered in Lebanon. It alleges illegal export although it has not yet referred to its own specific law vesting property

in Lebanon. As a result, at the beginning of March 1990, Lebanon filed for a temporary restraining order and then a preliminary injunction with the New York Supreme Court to prevent the removal of the treasure to Switzerland and its proposed sale there.⁶ The argument before the court centred on whether New York was the appropriate forum for testing this case.

In November 1989 the Yugoslavian Consulate in Berne received the enquiry from Sotheby's regarding the collection. This was passed on to the

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Ministry of Culture in Belgrade. In response to the query and the accompanying photographs, the reply was a negative one in that it was not part of a museum collection nor published in known archaeological literature.⁷ However, subsequently, the Yugoslavian Embassy in Washington delivered a note to the US Department of State on 12 March claiming these items to be the property of Yugoslavia. Yugoslavia filed its first papers to the court on 15 March and at the end of the month filed a motion for leave to intervene as a party to the proceedings. Raymond B. Harding in New York represents Yugoslavia in its claim.

The historical allegations in support of the Yugoslavian claim are that the archaeological region of the treasure is to be found in an area which is part of the Republic of Croatia. The figures depicted and the items shown could only have come from that area and it is further alleged that Sevso is the name of a noble family of that region. Furthermore, it is alleged that at some time in the 1970s there was an archaeological dig in a place called Pula in the region of Istria, when thirty objects were excavated. It is further claimed that the Sevso Treasure represents fourteen of these objects, smuggled out of Yugoslavia. Yugoslavian law provides that the cultural patrimony is the societal property of the country, and in the absence of governmental action permit-

ting export this continues to be the property of Yugoslavia.

The firm representing the Trustee of the Marquis of Northampton in New York is Sullivan & Cromwell. They have strenuously argued that New York would not be the correct forum for hearing this case. They maintain that, as the treasure was largely bought in Switzerland, all the documents and witnesses are there. The treasure was only in New York on temporary exhibition and there is no other connexion with New York. Justice to all parties could best be served with Switzerland as the convenient forum. The firm sought to dismiss the Lebanese temporary restraining order and opposed the motion for a preliminary injunction. It did this on the grounds that the plaintiff (Lebanon) had not offered any evidence on the merits to its claim of the Sevso Treasure. It also argued that as the Trustee agreed to submit to Swiss jurisdiction there would be no irreparable damage to Lebanon. It would be inequitable to prevent the return of the treasure to Switzerland because of the great expense and inconvenience to the Trustee. It was further strongly argued that a public policy interest would not be served by creating a forum in New York in which title to each work of art exhibited there could be tested. There could be serious cultural and economic implications for New York as an international art exhibition centre if it were jeopardized by the possibility of foreign disputes regarding ownership coming before its courts.⁸ However, on 4 May the arguments to remove the case to Switzerland failed and the preliminary injunction which Lebanon had sought was granted by the New York Supreme Court.

Is there really a mystery here? Or will the actual archaeological site be revealed? If the treasure has been illicitly smuggled and provenance cannot be established, then the collection is still interesting to many would be buyers. It seems to be a mystery with almost too many clues. On one of the plates the name PELSO appears—Latin for Lake Balaton in Hungary, the largest lake in Central Europe in the Roman province of Pannonia. On the other hand, much of the decoration is pagan in content and this points to the Near East where paganism survived longer than elsewhere. There are easily identified mythological subjects: Achilles, Hippolytus and Phaedra; mythological tales

and contemporary life and Bacchanalian revels.⁹ Both Lebanon and Yugoslavia may still have difficulty in establishing title. It appears that the objects are not known stolen objects from a known site as in the Peggy Goldberg case, but are probably from an as yet unknown or undisclosed archaeological site.

The dates of the Lebanese licence here are not yet disclosed nor are the details of shipping documentation. There was just such a discrepancy between these in the Indianapolis Peggy Goldberg case; the licences and sales invoices there were fakes. In that case US District Judge James Noland found that the dealer had taken grossly inadequate steps to find out if the mosaics were stolen although she purported to have made enquiries of a number of custom authorities.¹⁰

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might regard such an exercise as spurious or belated. In addition it would probably look closely at the terms of the enquiry made to see if it was appropriate to the nature of objects in question.

The case highlights the growing undesirability of buying antiquities with no known history, and allowing them to enter a forum where they can be readily disputed. The sheer inconvenience of the cost and delay caused by possible litigation will be very discouraging for the auction market but may be good news for archaeologists. Now that the matter remains in the American courts the sale of the collection could be thwarted.

For Footnotes, see p. 67

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Jale İnan Arşivi



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