



Universiteit  
Leiden  
The Netherlands

## **A Long Way from Home: Cambodian antiquities in Manhattan and the illicit trade of Khmer sculptures**

Hand, Tara

### **Citation**

Hand, T. (2022). *A Long Way from Home: Cambodian antiquities in Manhattan and the illicit trade of Khmer sculptures*.

Version: Not Applicable (or Unknown)

License: [License to inclusion and publication of a Bachelor or Master thesis in the Leiden University Student Repository](#)

Downloaded from: <https://hdl.handle.net/1887/3447811>

**Note:** To cite this publication please use the final published version (if applicable).

# A Long Way from Home: Cambodian antiquities in Manhattan and the illicit trade of Khmer sculptures

Tara Hand

S3254453

[t.e.hand@umail.leidenuniv.nl](mailto:t.e.hand@umail.leidenuniv.nl)

Prof. dr. M.K Valjakka

MA Art History: Museums and Collections

2022



Universiteit  
Leiden

## Declaration of originality

By submitting this test, I certify that:

- ✓ this work has been drafted by me without any assistance from others (not applicable to group work);
- ✓ I have not discussed, shared, or copied submitted work from/with other students
- ✓ I have not used sources that are not explicitly allowed by the course instructors and I have clearly referenced all sources (either from a printed source, internet or any other source) used in the work in accordance with the course requirements and the indications of the course instructors;
- ✓ This work has not been previously used for other courses in the programme or for course of another programme or university unless explicitly allowed by the course instructors.

I understand that any false claim in respect to this work will result in disciplinary action in accordance with university regulations and the programme regulations, and that any false claim will be reported to the Board of Examiners. Disciplinary measures can result in exclusion from the course and/or the programme.

I understand that my work may be checked for plagiarism, by the use of plagiarism detection software as well as through other measures taken by the university to prevent and check on fraud and plagiarism.

I understand and endorse the significance of the prevention of fraud and I acknowledge that in case of (gross) fraud the Board of Examiners could declare the examination invalid, which may have consequences for all students.

Date: 17 May 2022

Name: Tara Hand

Signature:

A handwritten signature in black ink that reads "Tara Hand".

# Table of Contents

<b>Introduction</b>	<b>3</b>
<b>Chapter One: International Consortium of Journalist’s Findings</b>	<b>8</b>
<b>1.1 Douglas Latchford</b>	<b>9</b>
<b>Chapter Two: The Kingdom of Cambodia</b>	<b>14</b>
<b>2.1 Cambodian History</b>	<b>15</b>
<b>2.2 Current Climate</b>	<b>20</b>
<b>Chapter Three: Cultural Heritage Threatened</b>	<b>24</b>
<b>3.1 Conventions in Place</b>	<b>26</b>
<b>3.2 Tjihuis’s Lock Theory</b>	<b>28</b>
<b>Chapter Four: Manhattan Court Cases</b>	<b>31</b>
<b>4.1 Sotheby’s Denial</b>	<b>32</b>
<b>4.2 The Role of the École française d'Extrême-Orient</b>	<b>36</b>
<b>Chapter Five: Provenance</b>	<b>39</b>
<b>5.1 The Metropolitan Museum of Art</b>	<b>39</b>
<b>5.2 The Art Market</b>	<b>44</b>
<b>Conclusion</b>	<b>49</b>
<b>Illustrations</b>	<b>54</b>
<b>Bibliography</b>	<b>57</b>

“These are not just rocks and mud and metal. They are the very blood and sweat and earth of our very nation that was torn away. It is as if we lost someone to war and never thought they’d come home and we are suddenly seeing them turn up at our door.”<sup>1</sup>

Phoearng Sackona, Cambodia’s Minister of Culture and Fine Arts.

## Introduction

On 3 October 2021 the International Consortium of Investigative Journalists (ICIJ) released the first part of the Pandora Papers, the biggest investigation in journalism history.<sup>2</sup> The Washington based non-profit organisation is responsible for previously similar initiatives such as the Panama Papers in 2016 and the Paradise Papers in 2017. However, what differentiates the Pandora Papers from its predecessors is its sheer size; it includes “6.4 million documents, almost three million images, more than a million emails and almost half a million spreadsheets,” what ICIJ’s director Gerald Ryle refers to as “the Panama Papers on steroids.”<sup>3</sup> The 2.94 TB worth of information predominantly pertains to the concealed financial inner workings of wealthy individuals and corporations. This is done through leaked documents from the records of “14 offshore service providers” which include “law firms, wealth management advisors and corporate formation agencies.”<sup>4</sup>

It was through these leaks that the two offshore accounts belonging to the leading antiquity dealer Douglas Latchford were revealed. Latchford’s financial accounts exposed by the Papers stand alongside other famous figures such as the former British Prime Minister Tony Blair and the King of Jordan.<sup>5</sup> The information is revealed through a series of articles published on the ICIJ webpage and/or through the mainstream media via one of the more than a hundred media outlets that they hold a partnership with.<sup>6</sup> The primary sources such as email exchanges, spreadsheets and financial transactions are not directly shared by the ICIJ. This may be due to the initiative pledging confidentiality to those supplying the intelligence. Due to its enormity the

---

<sup>1</sup> Tom Mashberg, “With a Gift of Art, a Daughter Honors, if Not Absolves, Her Father,” *The New York Times*, January 29, 2021, <https://www.nytimes.com/2021/01/29/arts/design/cambodia-artifacts-douglas-latchford.html>.

<sup>2</sup> International Consortium of Investigative Journalists, “Offshore havens and hidden riches of world leaders and billionaires exposed in unprecedented leak,” *Pandora Papers*, October 3, 2021, <https://www.icij.org/investigations/pandora-papers/global-investigation-tax-havens-offshore/>.

<sup>3</sup> Pandora Papers reporting team, “Pandora Papers: A simple guide to the Pandora Papers leak,” accessed December 1, 2021, <https://www.bbc.com/news/world-58780561>. ;

Brett Wilkins, “Pandora Papers: ‘Biggest-ever’ bombshell leak exposes financial secrets of the super-rich,” *Salon*, October 3, 2021, [https://www.salon.com/2021/10/03/pandora-papers-biggest-ever-bombshell-leak-exposes-financial-secrets-of-the-super-rich\\_partner/](https://www.salon.com/2021/10/03/pandora-papers-biggest-ever-bombshell-leak-exposes-financial-secrets-of-the-super-rich_partner/).

<sup>4</sup> Dean Starkman, Fergus Shiel, Emilia Díaz-Struck and Hamish Boland-Rudder, “Frequently asked questions about the Pandora Papers and ICIJ,” *ICIJ International Consortium of Investigative Journalists*, October 19, 2021, <https://www.icij.org/investigations/pandora-papers/frequently-asked-questions-about-the-pandora-papers-and-icij/>.

<sup>5</sup> “Offshore havens and hidden riches of world leaders and billionaires exposed in unprecedented leak.”

<sup>6</sup> “About,” International Consortium of Investigative Journalists, accessed February 27, 2022, <https://www.icij.org/about/>.

Pandora Papers were released in instalments with the final one having been issued on 3 May 2022.<sup>7</sup> Douglas Latchford has been the focus of six articles published on the ICIJ webpage and his name is mentioned in further two.<sup>8</sup> Latchford is also known by the Thai name Pakpong Kriangsak and was an Indian born British national. By the 1970s Latchford was regarded as “one of the most prominent suppliers of Cambodian art” and was awarded the Grand Cross of the Royal Order of Monisaraphon, the equivalent of a knighthood.<sup>9</sup> However not all was as it seemed. Latchford’s reputation first came into question publicly in 2012 when a 10th century Khmer statue (Fig. 1.) he had allegedly looted came up for auction at Sotheby’s and since then Latchford has been caught up in a series of inquiries and court cases to the present day.<sup>10</sup>

What spurred this focus on Latchford by the ICIJ was his two offshore accounts named Skanda and Siva that were leaked to the association. Latchford, along with his family, controlled accounts in the Island of Jersey. Trust and corporate registration records that the ICIJ acquired show Latchford and his family established the first trust a mere “three months after U.S investigators began linking Latchford to looted artifacts.”<sup>11</sup> His family claim that the “trusts were formed for tax purposes and estate planning” while in reality the Skanda Trust held Latchford’s Khmer antiquities collection which was later transferred to the Siva Trust.<sup>12</sup> The value of the Siva trust is enormous, even just a looted Naga Buddha statue within it is valued at \$1.5 million.<sup>13</sup> Offshore bank accounts themselves are not illegal but not declaring them and the means by which Latchford supported them is. *The Guardian* ascertains that the trusts were used by Latchford so that he could pass on his assets (which include a number of Khmer sculptures) to his daughter to avoid the UK inheritance tax.<sup>14</sup> Tax havens exist due to loopholes in the law and while it is legal it is considered unethical and as “operating within the letter, but not the spirit, of

---

<sup>7</sup> Emilia Díaz-Struck, Delphine Reuter, Agustin Armendariz, Jelena Cosic, Karrie Kehoe, Miguel Fiandor Gutiérrez, Margot Williams and Nicole Sadek, “ICIJ publishes final batch of Pandora Papers data on more than 9,000 offshore companies, trusts and foundations,” *Pandora Papers*, May 2, 2022, [https://www.icij.org/investigations/pandora-papers/icij-publishes-final-batch-of-pandora-papers-data-on-more-than-9000-offshore-companies-trusts-and-foundations/?utm\\_source=ICIJ&utm\\_campaign=fe90a9cd5b-2022.05.03\\_WeeklyEmail&utm\\_medium=email&utm\\_term=0\\_992ecfdbb2-fe90a9cd5b-83780142](https://www.icij.org/investigations/pandora-papers/icij-publishes-final-batch-of-pandora-papers-data-on-more-than-9000-offshore-companies-trusts-and-foundations/?utm_source=ICIJ&utm_campaign=fe90a9cd5b-2022.05.03_WeeklyEmail&utm_medium=email&utm_term=0_992ecfdbb2-fe90a9cd5b-83780142).

<sup>8</sup> “Search Results for Latchford,” International Consortium of Investigative Journalists, accessed February 27, 2022, <https://www.icij.org/?s=Latchford>.

<sup>9</sup> Ibid ; Vincent Noce, “‘Adventurer scholar’ Douglas Latchford dies in Bangkok, ages 89,” *The Art Newspaper*, 10 August 2020, <https://www.theartnewspaper.com/2020/08/10/adventurer-scholar-douglas-latchford-dies-in-bangkok-aged-89>.

<sup>10</sup> Tom Mashberg, “Claims of Looting Shadow Expert in Khmer Art,” *The New York Times*, December 12, 2012, <https://www.nytimes.com/2012/12/13/arts/design/us-links-collector-to-stature-in-khmer-looting-case.html>.

<sup>11</sup> Malia Politzer, Peter Whoriskey, Delphine Reuter and Spencer Woodman, “From temples to offshore trusts, a hunt for Cambodia’s looted heritage leads to top museums,” *International Consortium of Investigative Journalists*, October 5, 2021, <https://www.icij.org/investigations/pandora-papers/cambodia-relics-looted-temples-museums-offshore/>.

<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

<sup>14</sup> David Conn and Malia Politzer, “Offshore loot: how notorious dealer used trusts to hoard Khmer treasures,” *The Guardian*, 5 October 2021, <https://www.theguardian.com/news/2021/oct/05/offshore-trusts-used-pass-on-looted-khmer-treasures-leak-shows-douglas-latchford>.

the law.”<sup>15</sup> Unsurprisingly Cambodian officials had never known of the trusts, secrecy being one of the main ideas of offshore accounts. Now that the Cambodian government is aware they are taking action by assembling a team with the aim of tracking down those antiquities looted from their country, without a doubt this will be a long and taxing endeavour.<sup>16</sup>

Chapter one of this thesis will present the ICIJ’s table which contains the organisation’s findings. They discovered that 43 Khmer relics that lie within 10 illustrious museums across the United States and Britain were linked either straight to Latchford or his associates. The Metropolitan Museum of Art (MET) in New York is leading in the table and as such specific attention will be paid towards it. The relationship between the United States, Cambodia and Thailand is of importance to this thesis because these countries are all points along the route illicit Khmer antiquities take. Cambodia is what is called a source country; usually a developing country that is “rich in cultural property but poor economically.”<sup>17</sup> Thailand, where Latchford was based, is a transit country while the United States is a market country, where the antiquities were acquired either at auction or to a museum. This chapter will also present the figure of Douglas Latchford, who he was and his legacy that his daughter has had to deal with after her father’s death. Chapter two is about the Kingdom of Cambodia, its history and years of war which help stress the importance of the country’s cultural heritage. This will focus the text on cultural heritage and its importance. I will research the current situation in Cambodia and how the high level of poverty there contributes to ongoing looting.

Chapter three will investigate the numerous conventions in place that should theoretically protect Khmer antiquities. To understand how Cambodian sculptures stolen become licit and marketable in Manhattan I will look into A.J.G Tjihuis’s lock theory. Chapter four focuses on two court cases that took place in Manhattan that involved auction houses and Khmer sculptures. I will take an in-depth look at the École française d’Extrême-Orient because they have had an enormous impact on the conservation of Cambodia’s countless temples where the sculptures originate from. Chapter five will illustrate the role museums and auction houses have in all this and how provenance needs to be considered of greater importance. The repercussions of art and antiquity crime being considered a white collar crime will be analysed.

As the Pandora Papers are still an ongoing project there are no academic sources thus far about the findings of Latchford revealed in the Pandora Papers.<sup>18</sup> Yet this thesis will not only focus on what is in the Pandora Papers but will also more broadly aim to uncover the chain that these Khmer antiquities may have gone through to end up thousands of miles away from their roots. There has been ample amount of scholarly research on the topics concerning cultural

---

<sup>15</sup> Pandora Papers reporting team, “Pandora Papers: A simple guide to the Pandora Papers leak.”

<sup>16</sup> Politzer, Whoriskey, Reuter and Woodman, “From temples to offshore trusts, a hunt for Cambodia’s looted heritage leads to top museums.”

<sup>17</sup> Michael P. Goodman, “Keeping the Barbarians at the Gates: The Promise of the UNESCO and UNIDROIT Conventions for Developing Countries.” *Michigan Journal of International Law* Volume 41, no. 3 (2020): 581, <https://doi.org/10.36642/mjil.41.3.keeping>. ; Neil Brodie, “Introduction,” in *Illicit Antiquities: The theft of culture and the extinction of archaeology*, ed. Neil Brodie and Kathryn Walker Tubb (London: Routledge, 2002), 2.

<sup>18</sup> Thus far refers to as of May 2022 when this thesis was being written.

heritage, illicit looting, Cambodia's history and provenance. In connection with this I will examine the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property and MET's protocol that should have protected these antiquities. This all relates to a wider issue which is how the art market runs and how it still allows for contemporary looting.

Given the pace that mainstream press works, a number of newspaper articles about Latchford in the Pandora Papers have been published. Prior to this *The New York Times* has been writing articles about Latchford since 2012 when suspicion was first drawn onto him. The articles in the Pandora Papers do not follow objectivity nor impartiality; they use dramatic terms like "the shadowy offshore system."<sup>19</sup> This is a common thread in online newspaper articles talking about Latchford. In *The Guardian* he is a "notorious" dealer and in *The Telegraph* he is referred to as "Dynamite Doug."<sup>20</sup> Consequently I will need to be somewhat vigilant when reading these sources as their credibility may be questionable and their language not suitable for this thesis. Evidently the website of the International Consortium of Investigative Journalists where the Pandora Papers are issued will be the main resource of this thesis. Files from the Manhattan courthouse are also essential as they show Latchford's connection to the Manhattan galley owner Nancy Wiener, billionaire Jim Clark and Sotheby's auction house, all while disclosing extracts of insightful email exchanges. Latchford and his lifelong associate Emma C. Bunker published three books about Khmer antiquities which were regarded as being authoritative on the subject, clearly I shall refer to these publications. The late Emma C. Bunker was an art historian who taught at Colorado College and she held positions on a number of boards including at the Denver Art Museum.<sup>21</sup>

In an attempt to grasp the extensive history of Cambodia I will be closely reading the work of David Chandler, the American historian and former United States Service Officer who is regarded as an expert on Cambodian affairs. His fourth edition of *A History of Cambodia* gives an extensive but brief summary of Cambodia covering around two thousand years of history, ending in the year 2007. His work is very significant as when it was first published it was the most comprehensive study of Cambodia since Adh  mard Lecl  re's *Historie du Cambodge* from 1914.<sup>22</sup> John Tully is another historian who has a keen interest in Indochina, his book *A Short History of Cambodia: From Empire to Survival* and journal articles are similar to Chandler's work but Tully focuses more on the more recent history of Cambodia since becoming a French protectorate. Another work that provides a foundation for this thesis is *Pillaging Cambodia* by Masha Lafont who specialised in cultural heritage protection at UNESCO. Lafont goes into great

---

<sup>19</sup> Starkman, Shiel, D  az-Struck and Boland-Rudder, "Frequently asked questions about the Pandora Papers and ICIJ."

<sup>20</sup> Conn and Politzer, "Offshore loot." & Nicole Smith, "Calls to repatriate relics after death of controversial British art dealer 'Dynamite Doug.'" *The Telegraph*, 15 August 2020, <https://www.telegraph.co.uk/news/2020/08/15/calls-repatriate-trafficked-relics-british-art-dealer-takes/>.

<sup>21</sup> "Emma Cadwalader Bunker," Obituary, Denver Post, accessed May 17, 2022, <https://www.legacy.com/us/obituaries/denverpost/name/emma-bunker-obituary?id=9994669>.

<sup>22</sup> David Chandler, *A History of Cambodia: Fourth Edition* (Boulder Colorado: Westview Press, 2008), 1.

detail on the illicit trafficking in Cambodia and raises intriguing ethical questions about these Khmer antiquities in a distant museum.

My method will be interdisciplinary and broad-ranging as I will look into cultural heritage and legal studies. Thanks to the power of the internet and the freedom of the press the majority of the primary sources are available online; emails, legal documents, notes, and inventories are accessible and will be used in archival research. Sources such as Christa Roodt's *Private International Law, Art and Cultural Heritage* explains the process of alternative dispute resolution (ADR) mechanism which is a frequently used process in private international law to resolve disputes involving objects of cultural heritage. Roodt raises the prevailing issue; the illicit trade of items of cultural heritage is transnational and as such a number of jurisdictions are crossed. This complicates things as there is global legal diversity and each jurisdiction differs.<sup>23</sup> Additionally another method I will use is conducting a series of interviews for this thesis. I was fortunate to conduct an in person interview with the lawyer Dr. Evelyn Campfens whose work focuses on international cultural heritage law. My conversation with her as well as reading her doctoral thesis *Cross-border title claims to cultural objects : property or heritage?* helped me to further my legal understanding of the situation and her emphasis on the value of provenance helped shape my concluding thoughts.<sup>24</sup> I also had a phone call interview with archaeologist Dr. Sarah Klassen who was at the time working in Cambodia. Klassen enlightened me to the aftermath looting has had on her own research. Furthermore I corresponded through email with the archaeologist and founder of Heritage Watch, Dougald O'Reilly who kindly answered my scores of questions regarding his initiative and the concept of the dissemination of culture.

---

<sup>23</sup> Christa Roodt, *Private International Law, Art and Cultural Heritage* (Cheltenham: Edward Elgar Publishing Limited, 2015), 21, <https://doi.org/10.4337/9781781002162.00008>.

<sup>24</sup> Evelin Campfens, "Cross-border title claims to cultural objects: property or heritage?" (PhD diss., University of Leiden, 2021).

## Chapter One

### International Consortium of Journalist's Findings

The culmination of the findings of the ICIJ is articulated in table 1 which was constructed by four journalists from the organisation. They worked through sources such as Latchford and Bunker's books, museum websites, gallery catalogues and by consulting various experts in Southeast Asian art. The journalists found 43 relics that were tied to either Latchford or his associates that lay in the collections of ten museums: the Asian Art Museum San Francisco, the British Museum, the Brooklyn Museum, the Cleveland Museum of Art, the Denver Art Museum, the Los Angeles County Museum of Art, the Metropolitan Museum of Art, the Boston Museum of Fine Arts, the Walters Art Museum and the National Gallery of Australia.<sup>25</sup> A note is added by the ICIJ that only Khmer relics are included in this table and a further 23 "Khmer pieces in 11 museums that have no provenance beyond 1970."<sup>26</sup> The MET is leading in the table; they have 12 pieces linked to Latchford and seven linked to his associates. Some museums have only Khmer relics related to Latchford and not to his associates and some vice versa. Of interest is that the work by the ICIJ could only conclude their results from data that museums were willing to share about their relics. The ICIJ notes that some museums failed to "provide information about the origins of their collections, going against industry guidelines that date to 1970" (reference to the 1970 UNESCO Convention).<sup>27</sup> Least forthcoming was the Art Institute of Chicago, they give no provenance details about their Khmer works in their collection and also declined to answer questions from the reporters involved.<sup>28</sup> The Dallas Museum of Art and Norton Simon Museum in California failed to reply to inquiries about their Khmer relic's origins. The ICIJ team acknowledge a rather worrying fact, that the relics that they managed to identify only "represent a small fraction of the Cambodian relics once owned by Latchford, or sold by a dealer accused of aiding him" which is largely due to the fact that many of Latchford's sales were private.<sup>29</sup>

The findings have caused a readdress on the perception of Latchford and the art world; to the museum world he had been seen as a generous donor who opened up the mysterious world of Khmer antiquities to the public. Moreover, the Pandora Papers have sparked a response from the

---

<sup>25</sup> Politzer, Whoriskey, Reuter and Woodman, "From temples to offshore trusts, a hunt for Cambodia's looted heritage leads to top museums."

<sup>26</sup> Maria Politzer, Peter Whoriskey and Spencer Woodman, "Denver museums to return looted relics to Cambodian antiquities to leading museums," *International Consortium of Investigative Journalists*, November 10, 2021, <https://www.icij.org/investigations/pandora-papers/denver-museum-to-return-looted-relics-to-cambodia-after-us-moves-to-seize-them/>.

<sup>27</sup> Delphine Reuter and Malia Politzer, "How we tracked Cambodian antiquities to leading museums and private galleries," *International Consortium of Investigative Journalists*, October 5, 2021, <https://www.icij.org/investigations/pandora-papers/how-we-tracked-ancient-cambodian-antiquities-leading-museums/>.

<sup>28</sup> Ibid.

<sup>29</sup> Ibid.

museum world although the majority are more than hesitant to credit the Papers directly. The organisation's first article about Latchford was published on 5 October 2021. In it the journalists note the reactions their work has provoked, for example it resulted in a meeting taking place between officials from the MET and investigators from the U.S attorney's office.<sup>30</sup> The purpose of this meeting was to discuss what was revealed in the Pandora Papers. Their desire was to establish whether there was grounds to the claims made that antiquities in the MET's collection were the product of illicit looting through Douglas Latchford.<sup>31</sup> The MET released a statement announcing that they had reached out to the US Attorney's office, "in light of new information" (never directly quoting the Pandora Papers). The MET declared that they are happy to cooperate and referenced what they say is their longstanding history of restitution and transparency. The statement by the MET seems to be merely empty words because in the same article the attorney representing the Cambodian government says that they (the Cambodian government) have not been contacted. This raises the question of validity of such a statement, of the MET researching the antiquities origins if they are not reaching out to the known country of origin.<sup>32</sup> On the other hand The Denver Museum of Art was approached by the ICIJ and *The Post* in July of 2021 and the following September four antiquities were removed from the collection with plans for their return to Cambodia.<sup>33</sup> The table made by the ICIJ states the museum held six antiquities linked to Latchford and only four being returned can be explained by the fact that only four of the six antiquities are Khmer and as such it is easier to return items whereby their place of origin is known.<sup>34</sup>

## 1.1 Douglas Latchford

Still, just who is Douglas Latchford? The Pandora Papers opening sentence of their first article about Latchford set the image of the man, he had once "cut a romantic figure: The genial Englishman was an explorer of jungle temples, a scholar and a connoisseur seduced by the exquisite details of ancient sculpture."<sup>35</sup> Latchford had residents in both London and Thailand but he lived primarily in Bangkok "in an apartment brimming with Asian artefacts."<sup>36</sup> He was born in Mumbai to a British banker and his wife and before delving into the world of antiquities

---

<sup>30</sup> Maria Politzer, Peter Whoriskey and Spencer Woodman, "After Pandora Papers, MET officials contacted U.S attorneys about relics Cambodia says were stolen," uploaded October 25, 2021, Pandora Papers, <https://www.icij.org/investigations/pandora-papers/after-pandora-papers-met-officials-contacted-u-s-attorneys-about-relics-cambodia-says-were-stolen/>

<sup>31</sup> Ibid.

<sup>32</sup> Ibid.

<sup>33</sup> Politzer, Whoriskey and Woodman, "Denver museum to return looted relics to Cambodia after US moves to seize them."

<sup>34</sup> Malia Politzer of the ICIJ, email to the author, February 21, 2022.

<sup>35</sup> International Consortium of Investigative Journalists, "From temples to offshore trusts, a hunt for Cambodia's looted heritage leads to top museums."

<sup>36</sup> "United States of America V. Douglas Latchford," Sealed Indictment, Department of Justice, accessed May 18, 2022, <https://www.justice.gov/usao-sdny/press-release/file/1221291/download>. ; Mashberg, "Claims of Looting Shadow Expert in Khmer Art."

trading Latchford had been prosperous in the pharmaceutical and property businesses.<sup>37</sup> In the chapter ‘My Story’ in *Khmer Gold* Latchford speaks about how his passion for Khmer antiquities began. He mentions Kipling's *Jungle Book* and its idea of lost temples in the jungle as being of fascination to him.<sup>38</sup> When having dinner with Francois Duhau de Berenx, the advisor of Asian art for the American heiress Doris Duke, de Berenx showed him “a stone female torso minus head, arms and feet, about 24 inches in height, and it immediately had an effect on me that would change my life.” From then, around 1956, the obsession began; he read books and was “fortunate to see and occasionally collect the Sculpture of the Khmers.”<sup>39</sup> In his personal life Latchford was president of the Thailand Bodybuilding and Physique Sports Association and was noted as being somewhat of a “bon vivant.”<sup>40</sup> Latchford co-authored three books about Khmer art and was well received in academic circles.<sup>41</sup> To those involved in the museum world in Cambodia Latchford and Bunker were counted as “longtime friends” and their contributions to Cambodia were thanked abundantly.<sup>42</sup> In his foreword Hab Touche, the former director of the National Museum of Cambodia, mentions that he is “delighted and honoured” to be associated with this book and thanks Latchford for his donations to the museum.<sup>43</sup>

Queries into Latchford only began when he was in his late 70s and as such serve as an example of how the system of the art market and museum institution is failing. Only in the past decade (as of 2022) has Latchford been tangled in court cases for his involvement in the illicit antiquity trade. In January 2022, the U.S Attorney’s Office filed a complaint in the Manhattan federal court where it was detailed that an American Collector (unnamed in the file but refers to the billionaire Jim Clark) purchased a considerable amount of antiquities from Latchford. Clark voluntarily gave up the antiquities and they were taken into the custody of the Department of Homeland Security.<sup>44</sup> Latchford had sold the works to Clarke “between in or about 2003 and in or about 2007” and the majority of them were Khmer.<sup>45</sup> Clark paid Latchford around \$35 million for all the works but all the while the objects were in Clark’s possession he held some

---

<sup>37</sup> Noce, “‘Adventurer scholar’ Douglas Latchford dies in Bangkok, ages 89.”

<sup>38</sup> Douglas Latchford and Emma C. Bunker, *Khmer Gold: Gifts for the Gods* (Chicago: Art Media Resources, 2008), xi.

<sup>39</sup> Ibid.

<sup>40</sup> “Douglas Latchford,” Athletes, Thai Body, accessed February 27, 2022, <http://www.thaibody.com/person/b71669d7/>; Tom Mashberg, “Douglas A.J Latchford, Khmer Antiquities Expert, Dies at 88,” *The New York Times*, 27 August 2020, <https://www.nytimes.com/2020/08/27/arts/douglas-aj-latchford-khmer-antiquities-expert-dies-at-88.html>.

<sup>41</sup> Ralph Blumenthal and Tom Mashberg, “Expert Opinion or Elaborate Ruse? Scrutiny for Scholar’s Role in Art Sales,” *The New York Times*, March 30, 2017, <https://www.nytimes.com/2017/03/30/arts/design/expert-opinion-or-elaborate-ruse-scrutiny-for-scholars-role-in-art-sales.html>.

<sup>42</sup> Douglas Latchford and Emma C. Bunker, *Adoration and Glory: The Golden Age of Khmer* (Chicago: Art Media Resources, 2004), xi.

<sup>43</sup> Latchford and Bunker, *Khmer Gold*, ix.

<sup>44</sup> Department of Justice, Complaint, “Case 1:22-cv-00229,” (January 2022): 9, <https://www.justice.gov/usao-sdny/press-release/file/1461961/download>.

<sup>45</sup> “Case 1:22-cv-00229,” 11.

reservations so around 2007 Clark asked Latchford for “a map of the area where each piece was found.”<sup>46</sup> To this Latchford failed to respond but after some time he went on say:

“Regarding the find spots of your pieces, this is difficult to determine, as in most cases they would have been unearthed by perhaps a farmer, who would have passed it onto a middle man in Cambodia, so could have changed hands perhaps two or three times before I got it.”<sup>47</sup>

Because Latchford then gave Clark a list of places where some of Clark’s antiquities had been found, the attorney Damian Williams suggests that this indicated that “Latchford did in fact have knowledge of where the antiquities were excavated.”<sup>48</sup> This seems plausible and therefore implies that Latchford was fully aware of the chain that the smuggled antiquities went through; two of the sculptures in Clark’s collection were found to come “from the vicinity of Banteay Chhmar,” an archaeologically significant site that will be brought up in the next chapter. Despite the fact that the value of the antiquities that Clark bought have now risen he is returning them. Clark hopes that this might inspire others and says that for him personally it is hard to hold onto something that you know is stolen.<sup>49</sup> The timing of the work of the Department of Justice and that of the Pandora Papers work is hardly coincidental.

*The New York Times* interviewed Latchford from a period between 2012 to 2017 where he continuously denied the allegations pertaining to looting that surrounded him.<sup>50</sup> In one such interview Latchford said of the 2012 case of the seized Khmer statue from a Sotheby’s sale that those involved were “weaving together suppositions.”<sup>51</sup> When Latchford was accused by federal prosecutors in New York in November 2019 he was apparently in a coma. Latchford later died on 2 August 2020 due to an organ failure that came as a result of suffering from Parkinson’s disease.<sup>52</sup> As such in September 2020 the Indictment against him was dismissed.<sup>53</sup> Latchford leaves behind a daughter, Julia Latchford, who inherited what is considered the “the greatest private collection of artifacts from Cambodia’s 1,000-year-old Khmer Dynasty.”<sup>54</sup> Julia and her husband Simon Copleston, both lawyers, deny having any knowledge of Douglas Latchford’s collection having been obtained through illegitimate methods until after his death. The pair are not being accused of any wrongdoing and that seems unlikely to happen now that Julia Latchford

---

<sup>46</sup> “Case 1:22-cv-00229,” 13.

<sup>47</sup> *Ibid.*

<sup>48</sup> *Ibid.*

<sup>49</sup> Tom Mashberg, “Netscape Founder Gives up \$35 Million in Art Said To Be Stolen,” *The New York Times*, January 12, 2022, <https://www.nytimes.com/2022/01/12/arts/design/james-clark-cambodian-antiquities.html>.

<sup>50</sup> Mashberg, “Douglas A.J Latchford, Khmer Antiquities Expert, Dies at 88.”

<sup>51</sup> Mashberg, “Claims of Looting Shadow Expert in Khmer Art.”

<sup>52</sup> Tom Mashberg, “Douglas A.J Latchford.”

<sup>53</sup> *Ibid.*

<sup>54</sup> Mashberg, “With a Gift of Art.”

has pledged to return all of what remains of her father's massive collection of antiquities.<sup>55</sup> In an interview with *The New York Times* Julia Latchford spoke on behalf of her father, reiterating Bunker's sentiments that "despite what people say or accuse" against her father he did begin his life as a collector in a very different climate to what exists today.<sup>56</sup> She adds:

"I have to see the world from the point of view of my family today. I would like everything that Douglas assembled to be kept where people around the world can enjoy it and understand it. There is no better place than Cambodia, where the people revere these objects not just for their art or history, but for their religious significance."<sup>57</sup>

Ms. Latchford is a Buddhist and believes this background may have contributed to her willingness to have these antiquities sent back to Cambodia to form a large collection.<sup>58</sup> These antiquities will be given the opportunity to be studied as they will find their home in the public space of a new museum due to be built in Phnom Penh where apparently they will be labelled as part of "The Latchford Collection."<sup>59</sup>

Latchford had the largest known private collection of Khmer antiquities. He was both an art collector and an art dealer. The Pandora Papers mention an interesting dimension to Latchford's case; that he was possessed by a genuine obsession for Cambodian antiquities, he was "seduced by the exquisite details of ancient sculpture."<sup>60</sup> This is not an unheard-of phenomenon but it is rarely given a scope of research. The billionaire and antiquity collector Michael Steinhardt explained in an interview that despite the court cases he became involved in and lost which resulted in costly legal fees he was not put off purchasing antiquities, he said "it's like an addiction to me."<sup>61</sup> The famed J. Paul Getty also joked about having this same addiction and believed, whether in jest or not, that he was a reincarnation of emperor Hadrian.<sup>62</sup> What is of note regarding Khmer antiquities is the fascination that they hold for Western audiences. Lafont writes about Ta Mok, a general of Pol Pot's, as being one of the few cases of an actual

---

<sup>55</sup> Peter Whoriskey, Malia Politzer, Delphine Reuter and Spencer Woodman, "Cambodian relics tied to indicted art dealer Douglas Latchford have turned up in the Met, other museums," *The Washington Post*, October 5, 2021, <https://www.washingtonpost.com/world/interactive/2021/met-museum-cambodian-antiquities-latchford/>.

<sup>56</sup> Mashberg, "With a Gift of Art."

<sup>57</sup> Ibid.

<sup>58</sup> Ibid.

<sup>59</sup> Ibid.

<sup>60</sup> Politzer, Whoriskey, Reuters, Woodman, "From temples to offshore trusts."

<sup>61</sup> Anna Kaplan, "Billionaire Michael Steinhardt Surrenders \$70 Million in Stolen Art, Receives First-Ever Lifetime Ban from Acquiring Antiquities," *Forbes*, December 6, 2021, <https://www.forbes.com/sites/annakaplan/2021/12/06/billionaire-michael-steinhardt-surrenders-70-million-in-stolen-art-receives-first-ever-lifetime-ban-from-acquiring-antiquities/?sh=393df21ba067> ; Linda Sandler, "Trading Obsessions Art proves riskier than hedge funds," *Financial Review*, August 4, 2005, <https://www.afr.com/life-and-luxury/arts-and-culture/trading-obsessions-art-proves-riskier-than-hedge-funds-20050804-jkg27>.

Michael Steinhardt received the first of its kind lifetime ban from collecting antiquities in 2021.

<sup>62</sup> Erin Thompson, *Possession : The Curious History of Private Collectors from Antiquity to the Present* (New Haven: Yale University Press, 2016), 115.

Cambodian collecting Khmer art.<sup>63</sup> This begs the question: what about Khmer antiquities lure these collectors that have no relation to the works? And are their devious tactics and their manner of getting away with them another reflection of the superiority complex of those in the West over their Asian counterparts? Do these wealthy individuals believe they are above the population of Cambodia to which these antiquities belong to? We know that some collectors justify themselves by saying that collecting preserves the past when in fact collecting looted antiquities destroys the past because it shatters the accompanying crucial archaeological site.<sup>64</sup>

Cambodia's place as a postcolonial country should not be forgotten; it was French outsiders that first flagged these Khmer works as being remarkable and deserving of international attention. The causality dilemma, are the private collectors and auction houses in the West the only ones to be blamed or are the looters who seized this opportunity in Cambodia to be held in partial responsibility too? Both rely on each other to exist. The biggest losers in all of this are the Cambodian people and archaeologists. At its surface collectors and even curators seem at odds with archaeologists. Thompson remarks that the difference between these two roles seems inconceivably large but they do share a strong common bond; a love and appreciation for the past whereby they strive to preserve antiquities.<sup>65</sup> Davis, a lawyer and archaeologist who is part of the Antiquities Coalition does not dismiss the love collectors have for these antiquities but she believes that by continuing to purchase antiquities without provenance collectors are "both condoning and even encouraging the destruction of the very art they love."<sup>66</sup>

---

<sup>63</sup> Lafont, *Pillaging Cambodia*, 65.

<sup>64</sup> Thompson, *Possession : The Curious History of Private Collectors from Antiquity to the Present* , 171.

<sup>65</sup> *Ibid*, 182.

<sup>66</sup> Tess David, "Supply and demand: exposing the illicit trade in Cambodian antiquities through a study of Sotheby's auction house," *Crime, Law, and Social Change* Volume 56, Issue 2 (July 2011): 172, <https://doi.org/10.1007/s10611-011-9321-6>.

## Chapter Two

### The Kingdom of Cambodia

Cambodia is a country in southeast Asia consisting of a population of around 16 million. 90-95% of the population are ethnically Khmer and they share the national language of Khmer. Consequently the legacy of the Khmer Empire is ever present within its citizens. In order to comprehend the current calls for restitution for Khmer antiquities and the severe effects Latchford has had on Cambodia one has to understand some matters about its past. The Angkorian period (in which these Khmer antiquities were made) is cited as beginning in circa 802CE and ending in 1431CE.<sup>67</sup> At its peak it consisted of all modern Cambodia, eastern Thailand, Vietnam and Laos.<sup>68</sup> Cambodia was the epicentre of a Hinduised kingdom from the first century to the middle of the sixth.<sup>69</sup> Given this it is no surprise that such a vast and powerful kingdom had numerous temples and a rich artistic legacy. Khmer antiquities consist of a whole chronology of styles that reflect the broad time span of the rule.<sup>70</sup> Lafont writes that the cultural heritage of Cambodia is unique and their art cannot be found anywhere else in the world.<sup>71</sup> Most commonly these Khmer antiquities are made from sandstone or bronze, historically some works were made from wood but natural aspects such as the climate and insects have meant that they have not survived.<sup>72</sup>

Khmer art, which Latchford specialised in, is “almost entirely religious art.”<sup>73</sup> In ancient Cambodia, known as Kambuja, Hinduism and Buddhism from Indian culture were practised.<sup>74</sup> Theravada Buddhism came to Cambodia in the 13th century and prior to this Hinduism was dominant. Bronze and sandstone stone sculptures of Hindu divinities like Shiva, Vishnu and the Buddhist Buddha are characteristic of Khmer art. Khmer antiquities' religious properties are without a doubt “emotionally and spiritually charged” but the capitalist art market sees them more as a commodity for trade.<sup>75</sup> This also makes for another facet; religious objects of Hinduism and/or Buddhism end up in Christian/secular countries and institutions like the US and the MET in New York. Lafont brings in the question of morals, something collectors fail to acknowledge, she asks “is it ethical to remove objects of worship and deprive religious people of their religious practice?”<sup>76</sup> After all, a lot of the statues that end up on the market come from

---

<sup>67</sup> Chandler, *A History of Cambodia*, 35.

<sup>68</sup> John Audric, *Angkor and the Khmer Empire* (London: Robert Hale & Company, 1972), 22.

<sup>69</sup> *Ibid*, 23.

<sup>70</sup> Pierre Garnier and Guy Nafilyan, *L'art khmer en situation de réserve = Khmer art in reserve* (Marseille: Editions européennes Marseille, 1997), 134.

<sup>71</sup> Masha Lafont, *Pillaging Cambodia : the Illicit Traffic in Khmer Art* (Jefferson, NC: McFarland, 2004), 11..

<sup>72</sup> Garnier and Nafilyan, *L'art khmer en situation de réserve*, 137.

<sup>73</sup> Jean Boisselier, *Trends in Khmer Art* (Ithaca, New York: Cornell University Press, 2018), 19,

<https://doi.org/10.7591/j.ctv1fxmrc>.

<sup>74</sup> Audric, *Angkor and the Khmer Empire*, 13. ; Boisselier, *Trends in Khmer Art*, 19.

<sup>75</sup> *Ibid*, 16.

<sup>76</sup> Lafont, *Pillaging Cambodia*, 81.

temples/wats and these spots are an important part of the community, every village has at least one temple which also functions as a meeting place.<sup>77</sup> The Angkorean period, which is named after its former capital Angkor, saw a great number of temples built especially in the aforementioned region.<sup>78</sup> A temple may only have one statue and that representation of divinity serves a purpose; whether it be a sandstone statue of the deity representing fertility that draws women from the community. The removal of such a statue creates a void in the power of the temple, the temple might lose its meaning and the communication with the god that was present in the statue is gone.<sup>79</sup> Temples are sometimes also a place where monks provide aid to the poor or the building serves as a school or library.<sup>80</sup> People pray at temples on a daily basis but it must be noted that religion is not as widespread as it had once been since the Khmer Rouge outlawed all religion.<sup>81</sup>

## 2.1 Cambodian History

To understand the situation in Cambodia it is important to recognise that it is a postcolonial country. The first Europeans came to Cambodia in the early 16th century but it was not until 1863 that Cambodia became a protectorate of France and consequently part of French Indochina.<sup>82</sup> The King Norodom of Cambodia signed this treaty for a number of reasons. Tully breaks down how for the first six decades of the nineteenth century Cambodia was in a bad spot; where relations with Vietnam and Thailand were far from ideal and Cambodia's economy was in a dire position. The treaty that was signed with France was what Tully refers to as a Faustian bargain; on paper the treaty meant that the French would respect "the territorial integrity of the kingdom and promised to respect its customs and institutions" while in reality the new European influence was too strong and undermined the traditional Khmer way of life.<sup>83</sup> This process was so successful that "by 1900 Cambodia was probably the French people's colony" but, as Tully adds, it is unknown whether this feeling was reciprocated.<sup>84</sup>

The treaty that was signed had 19 articles and one additional clause; included in this was a common feature in such treatises, the French were entitled to the same rights as those within Cambodia and the Cambodians were granted the same within the French Empire. With this European scholarship of the area began, French archaeologists began to explore Cambodia and "discovered" long lost temples, symbols of the previous empire, Hindu temples.<sup>85</sup> More of this will be examined in the adjoining chapters because the work of these French scholars is

---

<sup>77</sup> Lafont, *Pillaging Cambodia*, 114.

<sup>78</sup> *Ibid*, 8.

<sup>79</sup> *Ibid*, 118.

<sup>80</sup> *Ibid*, 115.

<sup>81</sup> *Ibid*, 115.

<sup>82</sup> John Tully, *A Short History of Cambodia: From Empire to Survival* (Crows Nest : Allen and Unwin, 2005), 57.

<sup>83</sup> John Tully, "Cambodia in the Nineteenth Century: Out of the Siamese Frying Pan and into the French Fire?" in *Cambodia and the West 1500-2000*, edited by T.O Smith (London: Palgrave Macmillan, 2018) 37-38.

<sup>84</sup> *Ibid*, 38.

<sup>85</sup> Joshua Hammer, "Invisible Kingdom." *Smithsonian* 46, no. 11 (2016): 43-44.

invaluable when tracing works that have been looted. This matter of illicit looting of Khmer antiquities can be analysed through a colonial lense as looting did not exist prior to the French occupation of Cambodia.<sup>86</sup> However one needs to bear in mind that Khmer art did cross borders during the pre-colonial period and ended up in neighbouring Laos, Myanmar and Thailand.<sup>87</sup> Lafont attributes this to the fact that these countries shared a common religion and consequently Buddhist statues were sought throughout, they were obtained as part of war booty, the “number of sculptures seized would determine the significance of the victories and the blessings of the gods.”<sup>88</sup> The first Khmer antiquities to end up in Europe came through France and what is interesting is that while these objects are so sought after by museums today this was not the case in the beginning. The antiquities were not wholeheartedly accepted, in fact, they were refused by the Louvre and only found their home in the Musée National des Arts Asiatiques Guimet in Paris when it opened in 1925.<sup>89</sup>

In 1951, the Khmer People’s Revolutionary Party (KPRP), a Vietnamese-sponsored Cambodian Communism movement was formed and Tyner quotes this group as being the first united opposition group to challenge French authority.<sup>90</sup> Cambodia gained independence from France in 1953 and it is around this period that Latchford began his work in the country. Chheang breaks down the social, political and economic history of Cambodia since its independence into six categories: The Kingdom of Cambodia (1953–1970); The Khmer Republic (1970 – 1975); Democratic Kampuchea/Khmer Rouge Regime from 1975 to 1979; The People’s Republic of Kampuchea from 1979 to 1989, the State of Cambodia from 1989 to 1993; up to now, The Kingdom of Cambodia.<sup>91</sup> Latchford operated in Cambodia through all these various time expanses. Cambodia was also embroiled in the devastating Vietnam War and its aftermath can still be felt today. Officially Cambodia was a neutral country in the Vietnam War and King Norodom Shinanouk tried to maintain this but the country was used as an instrument through the Ho Chi Minh Trail which was a military supply route.<sup>92</sup> This trail was operational for 16 years and its 20,000km ran through North and South Vietnam, Laos and Cambodia.<sup>93</sup> President Nixon in the United States “mounted a massive and secret B-52 bombing campaign of communist ‘sanctuaries’ inside neutral Cambodia” without the approval of Congress from 1968 until 1973 as part of Operation Menu.<sup>94</sup> The US bombing campaign in Cambodia from above by America

---

<sup>86</sup> Lafont, *Pillaging Cambodia*, 18.

<sup>87</sup> *Ibid*, 18.

<sup>88</sup> *Ibid*.

<sup>89</sup> *Ibid*, 17.

<sup>90</sup> James A. Tyner, *The Nature of Revolution: Art and Politics under the Khmer Rouge* (Athens: The University of Georgia Press, 2019), 4.

<sup>91</sup> Vannarith Chheang, “The Political Economy of Tourism in Cambodia,” *Asia Pacific Journal of Tourism Research* 13, no. 3 (2008): 282, <https://doi.org/10.1080/10941660802280414>.

<sup>92</sup> “Ho Chi Minh,” History.com, accessed April 26, 2022, [https://www.history.com/topics/vietnam-war/ho-chi-minh-1#section\\_4](https://www.history.com/topics/vietnam-war/ho-chi-minh-1#section_4).

<sup>93</sup> Takahiro Yamada and Hiroyuki Yamada, “The long-term casual effect of U.S bombing missions on economic development: Evidence from the Ho Chi Minh Trail and Xieng Khouang Providence in Lao P.D.R.,” *Journal of Development Economics* 150 (May 2021): 4, <https://doi.org/10.1016/j.jdeveco.2020.102611>.

<sup>94</sup> Paul Davies, *War of the Mines* (London: Pluto Press, 1994), 5.

was “the destructive equivalent of 25 Hiroshimas.”<sup>95</sup> There is some speculation that the American bombing had even more catastrophic repercussions than intended because it may have in fact helped the Khmer Rouge gain more support in rural areas.<sup>96</sup> Furthermore Nixon sent American troops into Cambodia and the North Vietnamese army and the Americans were responsible for laying down anti-personnel mines.<sup>97</sup> Cambodia is still dealing with the consequences of these mines today and is one of “the world’s most heavily mined countries.”<sup>98</sup> To give some idea of the impact the mines have had on the population of Cambodia, “one in every 236 Cambodians has lost one or more limbs from land mines.”<sup>99</sup> As recently as January 2022 the Cambodian Mine Action Centre (CMAC) made clearing these mines that surround areas of tourism a top priority for the year, with special attention being paid to the area surrounding the Koh Ker temple.<sup>100</sup>

During periods of war and instability, from which Cambodia certainly did suffer, the country’s cultural heritage and property was at their most vulnerable. This is unsurprising, Roodt uses the example of Afghanistan as containing sites that were at risk and this risk escalated during the war and years of political turmoil. Goodman reminisces on how in the recent past the press was inundated with images of the Islamic State militants damaging and destroying “ancient statues and carvings at ruins and museums across Iraq and Syria.”<sup>101</sup> Another aspect of this is that terrorist groups within a country may loot cultural property within their own country to fund their pursuits, this was the case for the Islamic state in the Middle East and for the Khmer Rouge in Cambodia.<sup>102</sup> Incidentally the troubles for Cambodia did not come to an end when the Vietnam war did in 1975; following this the ruthless Khmer Rouge regime came into power. During the Khmer Rouge Regime a number of artefacts were taken abroad or melted down and used for coins during the civil war in the 1970s.<sup>103</sup> Brodie remarks that military factions were involved in the pillage of Khmer temples and monuments.<sup>104</sup> An example of this can be seen when in 1999 when more than 20 tonnes of “archaeological material were found hidden in the headquarters of the last Khmer Rouge commander.”<sup>105</sup> These can be referred to as blood

---

<sup>95</sup> Davis, *War of Mines*, 5.

<sup>96</sup> “Cambodia: Background and U.S Relations,” Congressional Research Service, updated January 28, 2019, <https://sgp.fas.org/crs/row/R44037.pdf>.

<sup>97</sup> Davies, *War of the Mines*, 11.

<sup>98</sup> *Ibid*, 10.

<sup>99</sup> Eric Stover, Allen S. Keller, James Cobey and Sam Sopheap, “The Medical and Social Consequences of Land Mines in Cambodia,” *JAMA: the journal of the American Medical Association* 272 no. 5 (August 1994): 331, <https://doi.org/10.1001/jama.272.5.331>.

<sup>100</sup> Long Kimmarita, “Temple tourist sites are mine clearing priorities,” *The Phnom Penh Post*, 9 January 2022, <https://www.phnompenhpost.com/national/temple-tourist-sites-are-mine-clearing-priorities>.

<sup>101</sup> Goodman, ““Keeping the Barbarians at the Gates,” 581.

<sup>102</sup> *Ibid*, 582.

<sup>103</sup> Julia Chen, “In Cambodia, Culture Shapes Identity, Spurs Economic Growth,” The Asia Foundation, uploaded February 12, 2014, <https://asiafoundation.org/2014/02/12/in-cambodia-culture-shapes-identity-spurs-economic-growth/>.

<sup>104</sup> Brodie, “Introduction,” 4.

<sup>105</sup> *Ibid*, 7.

antiquities, Davis affirms that “centuries worth of sacred relics were trafficked from the “Killing Fields, and then sold overseas to the highest bidder, with few questions asked.”<sup>106</sup> Rouge says that this cultural racketeering also “served as an early warning sign of genocide” which one could claim that the art public ignored.<sup>107</sup>

Cambodia is considered a source country.<sup>108</sup> It is home to thousands of historical sites but is one of the poorest countries in the world, it exists as a source for antiquities for market countries such as the United States. Source countries are powerless while the market countries hold all the power. Poor countries are often in want of cash and looting is an easy way to obtain it.<sup>109</sup> Brodie notes the link between “economic underdevelopment and the degradation of natural and archaeological environments, and the fundamental problem is that of rural poverty.”<sup>110</sup> In Cambodia so many sites where Khmer antiquities are in situ have never been documented, Mackenzie and Yates ask the question “How does a country protect an archaeological site that it does not yet know exists?”<sup>111</sup> Cambodia's surface area is 181,000 km<sup>2</sup>, around a third of the size of France and its population is rural with only 15% living in cities.<sup>112</sup> The physical landscape of the country is one of rivers, humidity and jungles, along with the mines and tigers and elephants but to name a few dangers of the wilderness where a number of Khmer temples lie. Such terrain makes marking out the sites of cultural heritage and their contents difficult and even more of a challenge for those unfamiliar with the country. Another issue is that these items of cultural property were not guarded, (things are somewhat different in some places now, Angkor Wat presently has heavy security) and the works in temples were inaccessible to the majority during the civil war and some remain that way due to the vast number of land mines throughout rural parts of the country's landscape. Goodman remarks that Cambodia, among other developing countries, often does not have “the budget to enforce cultural property laws or protect existing treasures, let alone to prevent the smuggling of newly unearthed artefacts.”<sup>113</sup> However Brodie raises the fact that even market countries like the United States have fallen victim to looting; “no country has the resources necessary to protect its archaeology.”<sup>114</sup>

The Khmer antiquities that Latchford collected and dealt with are part of Cambodia's cultural heritage/property which is regarded as “the memory of a society.”<sup>115</sup> Lafont believes that the economic and social problems within Cambodia are in part as a result of the nation's struggle

---

<sup>106</sup> Tess Davis, “Buyer Beware: US Market for Ancient Asian Art Still the Wild, Wild East,” *The Diplomat*, March 14, 2017, <https://thediplomat.com/2017/03/buyer-beware-us-market-for-ancient-asian-art-still-the-wild-wild-east/>.

<sup>107</sup> Davis, “Buyer Beware.”

<sup>108</sup> Goodman, “Keeping the Barbarians at the Gates,” 581. ; Brodie, “Introduction,” 2.

<sup>109</sup> Goodman, “Keeping the Barbarians at the Gates,” 582.

<sup>110</sup> Brodie, “Introduction,” 4.

<sup>111</sup> Simon Mackenzie and Donna Yates, “What is Grey about the ‘Grey Market’ in Antiquities? In *The Architecture of Illegal Markets: Towards an Economic Sociology of Illegality in the Economy*, edited by Jens Beckert and Matías Dewey, 75.

<sup>112</sup> Garnier and Nafilyan, *L'art khmer en situation de réserve*, 20.

<sup>113</sup> Goodman, “Keeping the Barbarians at the Gates,” 583.

<sup>114</sup> Brodie, “Introduction,” 17.

<sup>115</sup> Goodman, “Keeping the Barbarians at the Gates,” 591.

with its identity.<sup>116</sup> Cultural identity holds the basis of a strong future and objects that articulate this identity are of paramount importance.<sup>117</sup> The 1996 Cambodian Law on the Protection of Cultural Heritage defines cultural property as:

“any work produced by human agency and any natural phenomenon of a scientific, historic, artistic or religious nature which bears witness to a certain stage in the development of a civilization or of the natural world and whose protection is in the public interest.”<sup>118</sup>

Cambodia’s innumerable temple ruins have resulted in what Alpher Tasdelen calls “a plethora of movable cultural objects.”<sup>119</sup> The removal of these antiquities from their place of origin is argued as reducing them to being “archaeologically worthless.”<sup>120</sup> Context is so important for archaeology, with it the impact of the local resources on antiquity, its linking trade routes and natural resources can be uncovered.<sup>121</sup> Dr. Sarah Klassen agrees that for her as an archaeologist the place of origin of an antiquity is more important than the antiquity itself.<sup>122</sup> She verifies that on visits to temples in Cambodia seeing the damage looters have done is “disheartening and heartbreaking” and she would agree with Brodie that a looted site is akin to a crime scene. Another complication Klassen adds is that when looters come to a site, the work they do, digging around and “mucking it up” essentially destroys the plot for archeologists.

With the displacement of cultural objects large gaps in the already mysterious history of Cambodia form.<sup>123</sup> Khmer history suffers from the fact that a lot of the writing materials used in the past were done on perishable materials such as vellum and papyrus that did not survive the test of time.<sup>124</sup> Other sources of the written word were immortalised in stone inscriptions but these too have suffered at the hands of looters.<sup>125</sup> Klassen laments on the gravity of this;

---

<sup>116</sup> Lafont, *Pillaging Cambodia*, 120.

<sup>117</sup> Ibid, 122.

<sup>118</sup> Cambodian Law on the protection of cultural heritage,” Adopted January 25, 1996, [https://ihl-databases.icrc.org/applic/ihl/ihl-nat.nsf/implementingLaws.xsp?documentId=A4BA0BF90C1E0009C1257D890040D033&action=openDocument&xp\\_countrySelected=KH&xp\\_topicSelected=GVAL-992BU7&from=state&SessionID=DZ5W9QSTU5#:~:text=On%2025%20January%201996%2C%20the.importatio n%27%20\(Article%201\).](https://ihl-databases.icrc.org/applic/ihl/ihl-nat.nsf/implementingLaws.xsp?documentId=A4BA0BF90C1E0009C1257D890040D033&action=openDocument&xp_countrySelected=KH&xp_topicSelected=GVAL-992BU7&from=state&SessionID=DZ5W9QSTU5#:~:text=On%2025%20January%201996%2C%20the.importatio n%27%20(Article%201).)

<sup>119</sup> Alpher Tasdelen, *Cultural Property and Contested Ownership* (Oxfordshire: Routledge, 2016) 45.

<sup>120</sup> Mirosław Michał Sadowski, “Mapping the Art Trade in South East Asia: From Source Countries via Free Ports to (a Chance for) Restitution,” *International Journal for the Semiotics of Law = Revue Internationale de Sémiotique Juridique* 34, no. 3 (2020): 675, <https://doi.org/10.1007/s11196-020-09694-w>.

; Simon Mackenzie and Donna Yates, “What is Grey about the ‘Grey Market’ in Antiquities? In *The Architecture of Illegal Markets: Towards an Economic Sociology of Illegality in the Economy*, edited by Jens Beckert and Matías Dewey, 74.

<sup>121</sup> Helen Ibbitson Jessup, *Art & Architecture of Cambodia* (London: Thames & Hudson, 2004), 9.

<sup>122</sup> Dr. Sarah Klassen, phone call with the author, March 11, 2022.

<sup>123</sup> Roodt, “The Role of Private International law in the protection of art and cultural objects,” 9.

<sup>124</sup> Lafont. *Pillaging Cambodia*, 7.

<sup>125</sup> Ibid.

inscriptions that have been looted are essential puzzle pieces for understanding the Khmer culture. The Cambodian people's relationship with cultural property is especially crucial given the country's history, Tim Winter argues that "heritage conservation and tourism development are greatly compounded by Cambodia's need to recover from war and turmoil."<sup>126</sup> The Khmer Rouge period under Pol Pot is an era marked by the murder of between 1.5 and 3 million people under the communist political group but exact figures are difficult to come by.<sup>127</sup> During this genocide professional and intellectual people were either killed or fled the country and as such the Khmer people regard this as a time of losing their culture.<sup>128</sup> Having something to showcase to tourists and on a global scale that is not the infamous Killing Fields is not to be underestimated. After all, this dark time is still within the living memory of a large part of the population of Cambodia today. However even during this Khmer Rouge period the Khmer past was still a source of pride; this can be seen in the fact that Angkor Wat was on the communist flag and it along with the Royal Palace was used "strategically by the regime as Kampuchean cultural attractions for special foreign guests."<sup>129</sup> In fact the Khmer Rouge harboured towards this ancient past, Pol Pot claiming "If our people can make Angkor, we can make anything."<sup>130</sup> In a 2013 interview Latchford declared that "Admittedly these things (Khmer antiquities) were moonlighted out of Cambodia and wound up somewhere else" and went on to add "but had they not been, they would likely have been shot up for target practice by the Khmer Rouge."<sup>131</sup> I do not think this plausible, the Khmer Rouge certainly understood the value of the Khmer works, as previously mentioned the Angkor Wat was on the flag and the political group were involved in selling some of these works to fund their activities.

## 2.2 Current Climate

Connecting the general population of Cambodia with their own cultural heritage is an ongoing process. It needs to be strengthened if the issue of looting is to be put to an end. By no fault of their own, the Cambodian people's lack of knowledge, as well as the poverty most of them live in, puts them in a position whereby they see no issue with destroying or selling off Khmer works from a temple. This problem is mirrored in Egypt where often the local villagers feel no bond to their ancient Egyptian heritage and so the looting of their cultural past causes no whims and instead is seen as a way to make money and survive.<sup>132</sup> Without a doubt the illicit looting, Khmer antiquities ending up in New York, is the tale of grand global inequalities. Bruno Dagens, the

---

<sup>126</sup> Tim Winter, "Post-Conflict Heritage and Tourism in Cambodia: The Burden of Angkor." *International Journal of Heritage Studies* : IJHS 14, no. 6 (2008): 524, <https://doi.org/10.1080/13527250802503274>.

<sup>127</sup> "Cambodia," Holocaust and Genocide Studies, University of Minnesota, accessed April 26, 2022, <https://cla.umn.edu/chgs/holocaust-genocide-education/resource-guides/cambodia>.

<sup>128</sup> Lafont. *Pillaging Cambodia*, 27.

<sup>129</sup> Ibid, 3.

<sup>130</sup> Ibid, 3.

<sup>131</sup> Mashberg, "With a Gift of Art."

<sup>132</sup> Tom Mueller, "How Tomb Raiders Are Stealing Our History," *National Geographic*, June 2016, <https://www.nationalgeographic.com/magazine/article/looting-ancient-blood-antiquities>.

Angkor Wat specialist, is quoted as having said that at the beginning of the 1980s poverty was so severe that “an Angkorienne head could have been exchanged for a bowl of rice.”<sup>133</sup> During Pol Pot’s time in power there were high levels of starvation and Lafont testifies that the sale of objects of art could earn enough money to support the entire family or even a village for a year.<sup>134</sup> Also during this era the military held a dominant place in society through intimidation and locals would collaborate with the military; they would sometimes sell them an antiquity in exchange for protection.<sup>135</sup> Despite Cambodia being in a state of peace now since 1993 this does not mean that the looting has ended, the incidents at Banteay Chhmar are a vivid example of this. In the winter of 1998-9 there was large-scale looting reported at Banteay Chhmar, a 12th-century Angkorian temple site.<sup>136</sup> The site is deep and secluded in the forest and is a “unique part of the heritage of the Khmer people.”<sup>137</sup> The story goes that the Khmer Rouge were disintegrating nearby and the situation of turmoil was taken advantage of and rouge Cambodian militia took hold of the temple.<sup>138</sup> Over a period of two weeks soldiers used heavy machinery to dismantle an estimated 30 tonnes of stones including a 30-metre section of the Western Gallery which contained Avalokiteshvara icons among other things.<sup>139</sup> Their haul was then loaded onto six trucks and set off to the Thai border where it is believed that the vehicles were met by Thai dealers who brought the work further onto Bangkok.<sup>140</sup> Luckily there was some interception and one or two trucks were stopped and the pieces returned but the others, they remain out in the abyss of the art world.<sup>141</sup> The two truck drivers were tried and charged but they continued to deny knowledge of the cargo they were driving. Davis and Mackenzie are of the belief that these men in question could not, or possibly feared to, reveal who had hired them or what the planned further trajectory of the antiquities was.<sup>142</sup> The two researchers then go on to refer to this affair as just being the tip of the iceberg. Since this event security has increased at Banteay Chhmar but it is still a challenge because of the site's vastness; it spreads over “12 square kilometres and six villagers.”<sup>143</sup> Lafont is of the belief that the military of Cambodia is the strongest plunderer of the country’s cultural heritage. In these cases, where the looting is conducted by the military,

---

<sup>133</sup> Lafont, *Pillaging Cambodia*, 64.

<sup>134</sup> *Ibid*, 42.

<sup>135</sup> *Ibid*.

<sup>136</sup> Julia Killmer, “The Restoration of Banteay Chhmar,” in *Banteay Chhmar : Garrison-Temple of the Khmer Empire*, edited by Peter D. Sharrock (Bangkok, Thailand: River Books Co., Ltd, 2015), 191. ;

“Home,” Visit Banteay Chhmar, accessed April 26, 2021, <https://www.visitbanteaychhmar.org/>.

<sup>137</sup> Hab Touch, “Foreword,” in *Banteay Chhmar : Garrison-Temple of the Khmer Empire*, ed. Peter D. Sharrock (Bangkok, Thailand: River Books Co., Ltd, 2015), 7.

<sup>138</sup> Tess Davis and Simon Mackenzie, “Temple Looting in Cambodia: Anatomy of a Statue Trafficking Network,” 729.

<sup>139</sup> *Ibid* ; Killmer, “The Restoration of Banteay Chhmar,” 192.

<sup>140</sup> Davis and Mackenzie, “Temple Looting in Cambodia,” 729.

<sup>141</sup> The Tess Davis and Simon Mackenzie text states it was one truck while the Killmer text says two.

<sup>142</sup> Davis and Mackenzie, “Temple Looting in Cambodia,” 729.

<sup>143</sup> Killmer, “The Restoration,” 192.

Tijhuis says that “the perpetrator and its victim are representing one and the same entity: the national state.”<sup>144</sup>

The displacement of cultural objects has strong repercussions for Cambodia and its growth. Goodman argues that countries holding onto their cultural property have many benefits such as encouraging economic growth in the form of tourism.<sup>145</sup> The civil war put an abrupt halt to the tourism industry in Cambodia, it went from being one of the most famous tourist destinations in Southeast Asia “with annual tourists arrivals from 50,000 to 70,000 to being dangerous and isolated. While the country was virtually cut off from the world during this period, looters and smugglers still operated and Khmer antiquities found their way outside of the country. The country's doors reopened to the world when the Khmer Rouge Regime fell and since the 1990s tourism has been one of the fastest-growing sectors in Cambodia.<sup>146</sup> Tourism is now recognised as being of key importance by the Cambodian government.<sup>147</sup> Tourism generates a massive amount of employment for Cambodia and in 2020, the country reported a total of 1 million tourists.<sup>148</sup> Cambodia joined UNESCO in 1951 when it was still a French protectorate and has three sites on the UNESCO World Heritage List: Angkor, the Temple of Preah Vihear and the Temple Zone of Sambor Prei Kuk, Archaeological Site of Ancient Ishanapura.<sup>149</sup> The legendary Angkor Wat was built by the monarch Suryavarman II and devoted to the Hindi deity Vishnu.<sup>150</sup> In an idyllic fable the naturalist Henri Mouhot is credited with “discovering” Angkor Wat, Mouhot stumbling upon it while in the jungle chasing butterflies.<sup>151</sup> Needless to say Angkor had not been forgotten, it was used for prayer and was important to the local community all along.<sup>152</sup> Angkor Wat itself is considered a tangible form of the climax of Angkor that dominated south east Asia and is extremely popular for visitors.<sup>153</sup> The École Française d'Extrême-Orient (EFEO) has been in charge of the restoration at Angkor for several decades and some might say that France's most valuable legacy to Cambodia has been restoration.<sup>154</sup> Angkor Wat became a World Heritage site in 1992 and at that point the site was badly in need of repair due to looting and deterioration.<sup>155</sup> Its reconstruction became symbolic of the nation making efforts to reclaim and repair itself and also represented the global community's willingness to assist, starting from

---

<sup>144</sup> A.J.G Tijhuis, “Transnational crime and the interface between legal and illegal actors : the case of the illicit art and antiquities trade” (Phd diss., University of Leiden, 2006), 177, [\\*tijhuis#master#word.pdf \(universiteitleiden.nl\)](#).

<sup>145</sup> Goodman, “Keeping the Barbarians at the Gates,” 586.

<sup>146</sup> Chheang, “The Political Economy of Tourism in Cambodia,” 281.

<sup>147</sup> Ibid, 284.

<sup>148</sup> “Tourism in Cambodia,” WorldData.info, accessed April; 26, 2022, <https://www.worlddata.info/asia/cambodia/tourism.php#:~:text=Tourism%20in%20Cambodia,number%20of%20guests%2C%20is%20obvious.>

<sup>149</sup> “Cambodia,” State Parties, World Heritage Convention UNESCO, accessed February 27, 2022, <https://whc.unesco.org/en/statesparties/kh>.

<sup>150</sup> Lafont, *Pillaging Cambodia*, 8.

<sup>151</sup> Tully, “Cambodia in the Nineteenth Century: Out of the Siamese Frying Pan and into the French Fire?” 40.

<sup>152</sup> Lafont, *Pillaging Cambodia*, 19.

<sup>153</sup> Davies, *War of the Mines*, 4.

<sup>154</sup> Chandler, *A History of Cambodia Fourth Edition*, 185.

<sup>155</sup> Winter, “Post-Conflict Heritage and Tourism in Cambodia,” 527.

the 1990s more than 20 countries “have together donated millions of dollars to help safeguard the temples.”<sup>156</sup>

---

<sup>156</sup> Winter, “Post-Conflict Heritage and Tourism in Cambodia,” 528.

## Chapter Three

### Cultural Heritage Threatened

Cambodia's cultural heritage is under siege because of contemporary looting. While Cambodia was one of the last Asian countries to captivate the interest of Western art collectors it now remains highly prized but the reality is that the demand for these Khmer antiquities far surpasses the existing legitimate supply.<sup>157</sup> To fill this vast void a strong culture of trafficking illicitly exists and creating fakes is prevalent in Cambodia. Looting is a transnational crime. Brodie writes about how the term "illicit antiquities" does not have its origins as a legal term, it was coined by archaeologists and this lack of legal grounding proves a hindrance.<sup>158</sup> He defines illicit antiquities as "archaeological objects which have been torn from monuments, stolen from museums or illegally excavated and/or exported."<sup>159</sup> Even so Tjihuis writes that there is a thin line between the licit and illicit. Meanwhile Brodie and Doyle argue that to make such distinctions is futile because many antiquities that were once deemed licit have been found to have been products of looting and as such, illicit.<sup>160</sup> It is difficult to establish the gravity of the problem of illicit trading because as Shelley observes, corruption may also distort our evaluation of the problem. Who would know best about the corruption in the art market? Its members, but no shortage of them are embroiled in this issue of corruption.<sup>161</sup>

In Cambodia corruption is part of everyday life. This allows for illicit trade to operate like "termites at work."<sup>162</sup> Chheang attributes Cambodia's prominent corruption partly to "the patronage social structure" whereby people's loyalty is sought by those in "weaker" positions in exchange for protection.<sup>163</sup> As Shelley brings up, illicit trade would not be possible without both high and low forms of corruption operating.<sup>164</sup> Despite the introduction of reforms and treaties Brodie claims that the situation of illicit looting is highly unregulated and out of control.<sup>165</sup> For this he attributes two chief causes, that technology has improved; areas that were once out of reach no longer are and the tools looters use have improved; dynamite and drills are more powerful than ever before.<sup>166</sup> The art market feeds this, Brodie speaks of "private and institutional collectors who regard archaeological or ethnographic objects as works of art,

---

<sup>157</sup> Roodt, *Private International Law, Art and Cultural Heritage*, 25.

<sup>158</sup> Brodie, "Introduction," 2.

<sup>159</sup> *Ibid.*

<sup>160</sup> Tjihuis, "Transnational crime and the interface between legal and illegal actors," 167.

<sup>161</sup> Louise I. Shelley, "Corruption & Illicit Trade," *Daedalus* 147 Issue 3 (Summer 2018): 130, [https://doi.org/10.1162/daed\\_a\\_00506](https://doi.org/10.1162/daed_a_00506).

<sup>162</sup> Chheang, "The Political Economy of Tourism in Cambodia," 285.; Shelley, "Corruption & Illicit Trade." *Daedalus* 2018; 147 (3): 127–143. doi: [https://doi.org/10.1162/daed\\_a\\_00506](https://doi.org/10.1162/daed_a_00506)

<sup>163</sup> Chheang, "The Political Economy of Tourism in Cambodia," 281.

<sup>164</sup> Shelley, "Corruption & Illicit Trade," *Daedalus* 2018; 147 (3): 129., doi: [https://doi.org/10.1162/daed\\_a\\_00506](https://doi.org/10.1162/daed_a_00506).

<sup>165</sup> Brodie, "Introduction," 1.

<sup>166</sup> *Ibid.*

investment opportunities or even fashionable decorations.”<sup>167</sup> Sotheby’s, one of the largest art auction houses that is based in New York holds an Indian and South Asian Art sale around twice a year.<sup>168</sup>

Looting has been viewed for some time as a “victimless crime” but this is up for debate, the victims here are the nation of Cambodia and they lose in tourism and national identity.<sup>169</sup> Brodie writes that Angkor Wat alone used “to have 1000 Buddha statues but that only 18 now survive.”<sup>170</sup> The statues allure tourists and their gradual disappearance deters tourists and this is especially felt in smaller sites whereby their increasing looting aftermath can deem the temple no longer worth a visit. Also, a site that has been looted may also have adopted negative connotations due to its association with the criminal gang that was responsible for the absence of art. When tourists visit temple sites in Cambodia today they are confronted with Buddha sculptures missing their heads, empty pedestals or pedestals with just a foot remaining, empty niches or just whole sections of a wall missing. Ironically in the preface of Latchford and Bunker’s *Adoration and Glory: The Golden Age of Khmer* the authors write that:

“responsible collectors and scholars today deplore the destruction of sites and monuments to feed the art market, but civil war and terrorism over the past fifty years have so devastated Cambodia that many of the treasures included in this volume would probably not have survived had they not been cared for abroad.”<sup>171</sup>

Illicit looting is an eminent art crime, one that Interpol (who oversees and acts on criminal activities within the art market that relate to illicit art and antiquities) categorises as coming just after drugs and the illegal arms trade in its potency.<sup>172</sup> Like other forms of trafficking and smuggling, changes in jurisdictions play their part. In some places, art crime is categorised as “a property, administrative or fiscal offence” and as such only criminal where the crime has taken place.<sup>173</sup> Just like Cambodia is a source country and the United States a market country, Thailand is a transit country.<sup>174</sup> It is no coincidence that Latchford resided in Bangkok which is renowned as being “a portal of looted antiquities” from countries like Thailand itself, Cambodia, Myanmar, Laos and China.<sup>175</sup> Geographically Thailand and Cambodia share a border and looted antiquities are brought to Thailand “by oxcart, truck and even elephant.”<sup>176</sup> Sadowski writes that here lies a

---

<sup>167</sup> Brodie, “Introduction,” 1.

<sup>168</sup> LaFont, *Pillaging Cambodia*, 82.

<sup>169</sup> Thompson, *Possession: The Curious History of Private Collectors from Antiquity*, 160.

<sup>170</sup> Davies, *War of the Mines*, 4. ; Brodie, “Introduction,” 2.

<sup>171</sup> Latchford and Bunker, *Adoration and Glory*, xviii.

<sup>172</sup> Patrick Boylan, “Art Crime” in *Understanding International Art Markets and Management*, edited by Iain Robertson (London: Routledge Taylor & Francis, 2005), 216.

<sup>173</sup> Ibid, 83.

<sup>174</sup> “Looting and Illicit Antiquities,” Blue Shield, accessed April 26, 2022, <https://theblueshield.org/resources/law-library/looting-and-illicit-antiquities/>.

<sup>175</sup> Sadowski, “Mapping the Art Trade in South East Asia,” 676.

<sup>176</sup> Tess and Mackenzie, “Temple Looting in Cambodia,” 727.

loophole, “Thai legislation imposes sanctions only on the export of artefacts originating in Thailand” and as such “Thai customs officers turn a blind eye to the shipping of cultural objects from other countries.”<sup>177</sup> This is an obstacle when one considers the massive role Thailand plays in the distribution of Cambodian antiquities.<sup>178</sup> To combat this Cambodia and Thailand signed their own Bilateral agreement on 14 June 2000, an agreement between the two nations to combat illicit trafficking and cross border smuggling. In the Banteay Chhmar case mentioned earlier Thailand helped Cambodian authorities, this follows one of the principles in the agreement which states “In accordance with its laws and regulations, each Party undertakes to take necessary measures to recover and return, at the request of the other Party etc..”<sup>179</sup> Still, countless looting deals and smuggling continues to take place today with antiquities crossing the border into Thailand. It becomes evident that agreements, treaties have little impact on what takes place in reality. Additionally, Lafont suggests that the route taken by smugglers of Khmer antiquities is changing and that now they might be moved by boat “via Singapore from Koh Kood, an island in the south of Cambodia, or directly from the Cambodian port of Koh Kong to the Thai port of Samut Prakan.”<sup>180</sup>

### 3.1 Conventions in Place

In theory the Khmer antiquities I have been discussing are not utterly unprotected. A series of treaties exist that I have alluded to protect them to some degree; the most significant one being the United Nations Educational, Scientific and Cultural Organisation (UNESCO) 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. The 1996 Cambodian Law on the Protection of Cultural Heritage definition of cultural property mentioned in an earlier chapter aligns with UNESCO’s. Prior to this the Hague 1954 Convention was in place and this came about as a response to WW2 whereby it is estimated that upwards of 20% of Europe’s art was looted by the Nazis.<sup>181</sup> The States Parties involved in the 1970 Convention all recognise the harmful nature of “illicit import, export and transfer of ownership of cultural property” and they agree to undertake a series of steps and comply with certain regulations so that a stop is put to “current practices, and by helping make the necessary reparation.”<sup>182</sup> The Convention says that “it is essential for every

---

<sup>177</sup> Sadowski, “Mapping the Art Trade in South East Asia,” 676.

<sup>178</sup> Tasdelen, “Cambodia’s struggle to protect its movable cultural property and Thailand,” 48.

<sup>179</sup> UNESCO, “Agreement between the government of the Kingdom of Cambodia and the Government of the Kingdom of Thailand to Combat against Illicit Trafficking and Cross-Border Smuggling of movable cultural property and to restitute it to the country of origin,” (June 14, 2000): 4, [https://en.unesco.org/sites/default/files/cambodia\\_agreement\\_thailand\\_engtno.pdf](https://en.unesco.org/sites/default/files/cambodia_agreement_thailand_engtno.pdf).

<sup>180</sup> Lafont, *Pillaging Cambodia*, 38.

<sup>181</sup> Greg Bradsher, “Documenting Nazi Plunder of European Art,” National Archives, accessed April 25, 2022, <https://perma.cc/ANG6-2ZZS>.

<sup>182</sup> UNESCO “Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property; adopted by the General Conference at its sixteenth session,” (Paris, 14 November 1970), 6, <https://unesdoc.unesco.org/ark:/48223/pf0000133378.locale=en>.

State to become increasingly alive to the moral obligations to respect its own cultural heritage and that of all nations.”<sup>183</sup> Museums, cultural institutes and libraries are also asked to “ensure that their collections are built up in accordance with universally recognised moral principles.” Unfortunately, as Roodt puts it: “Moral standards cannot be legislated into existence.”<sup>184</sup> This document has 26 Articles in total but I will only address those that are relevant to the United States. The treaty was signed by the United States unanimously in 1972 and this was major because America is a “major art-importing country.”<sup>185</sup> Brook notes that the Convention was “largely based on United States law.”<sup>186</sup> However, the United States only adopted Article 7(b)(i) and Article 9 of the Convention. Article 7(b)(i) supports a country’s right for repatriation, but therein lies two conditions; that the State Party making the request must take on the financial burden of the cost of the return and delivery of the item as well as provide documentation and compensation. For a poor country like Cambodia this is no easy thing and that the request can only be made for items of cultural property starting three months after the Convention was declared closed on 14 November 1970. Cambodia calling upon the United States for assistance in seeking back their antiquities can be seen in Article 9:

“Any State Party to this Convention whose cultural patrimony is in jeopardy from pillage of archaeological or ethnological materials may call upon other State 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 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.”

However, even article 9 has been interpreted in a distinct way by the United States. For it to be activated there has to be “an emergency condition” which Kuzma says means that “the existence of that emergency condition must be formalised in a bilateral agreement with the foreign State.”<sup>187</sup> The United States has this bilateral agreement in place only with 16 countries and fortunately Cambodia is one of these.<sup>188</sup> However there is a time stamp on this; “the President

---

<sup>183</sup> UNESCO “Convention,” 2.

<sup>184</sup> Roodt, *Private International Law, Art and Cultural Heritage*, 16.

<sup>185</sup> Maia Papageorge Kouroupas, “U.S Efforts to Protect Cultural Property: Implementation of the 1970 UNESCO Convention,” *African Arts* 28, no. 4 (1995): 33, <https://doi.org/10.2307/3337290>.

<sup>186</sup> Kasey Theresa Mahoney, “Why Did Constantinople Get the Works? That’s Nobody’s Business but the Turks.” A New Approach to Cultural Property Claims and Geographic Renaming Under the 1970 UNESCO Convention,” *Brooklyn Journal of International Law* 44 no. 2 (June 2019): 769, <https://brooklynworks.brooklaw.edu/cgi/viewcontent.cgi?article=1938&context=bjil>.

<sup>187</sup> William Kuzma, “Potentiating Loopholes: How Erratic and Piecemeal Implementation of the 1970 UNESCO Convention Has Failed to Protect Cultural Antiquities,” *The Columbia Journal of Law & the Arts* 42, no. 4 (2019): 514, <https://heinonline.org/HOL/P?h=hein.journals/cjla42&i=519>.

<sup>188</sup> Bureau of Educational and Cultural Affairs, “Current Import Restrictions,” accessed April 25, 2022, <https://perma.cc/55RG-D6SK>.

may not enter into any agreement” under this clause “which has an effective period beyond the close of the five year period beginning on the date on which such agreement enters into force with respect to the United States.”<sup>189</sup>

Of the remaining articles the United States did not take on board that would have had, in theory, a profound impact on Latchford would have been Article 6 (a), 7 (a) and Article 10 (a). Article 6 calls for the introduction of a certificate whereby the “exporting State” would have to prove that the export taking place is authorised and thus not illicit, without such a certificate the item of cultural property should not be allowed to leave the country. Article 7 is especially pertinent; it calls for the State Parties “to take the necessary measures, consistent with national legislation, to prevent museums and similar institutions within their territories from acquiring cultural property originating in another State Party which has been illegally exported after entry into force of this Convention, in the States concerned.” Article 10 (a) would have had the ability to affect Latchford; it calls for antique dealers to provide far more background information; they must “maintain a register recording the origin of each item of cultural property, names and addresses of the supplier, description of the price of each item sold and to inform the purchaser of the cultural property of the export prohibition to which such property may be subject.” There has been abundant criticism of the 1970 Convention but it does provide a framework, ultimately though a framework that struggles to transcend to real action. It is an international treaty and UNESCO itself cannot enforce the articles in this Convention, instead, it relies upon “the ratifying states accompanying legislation and bilateral state agreements.”<sup>190</sup> Its biggest criticism is its lack of retroactivity.<sup>191</sup>

### 3.2 Tjihuis’s Lock Theory

How antiquities go from becoming illicit artefacts to prestigious antiquities in collections thousands of miles from their place of origin can be explained by the lock theory by Tjihuis. This theory was first proposed in A.J.G Tjihuis’s 2006 doctoral thesis at the University of Leiden and was then published by Wolf Legal Publishers. In his theory, Tjihuis explains the process of laundering and of blackening through the process of the lock in a system of water navigation. For this, he made an illustration which I have included (Fig. 2.). This locks theory is also used to explain the blood diamonds trade and the illegal arms trade. I will apply this theory, the half related to laundering, to Latchford's dealings in the illicit antiquities trade. In this understanding in the first stage, the actions undertaken are illegal but then the metaphorical boat is put in an enclosed chamber whereby measures are taken so that when the water level is matched to the level in the third step. As a result the illicit becomes licit and this is laundering. To put this theory into context I explain it as such; the process begins with a stolen Khmer antiquity and

---

<sup>189</sup> “Implementation of Convention on Cultural Property,” Convention on Cultural Property Implementation Act (1983): 3, <https://eca.state.gov/files/bureau/97-446.pdf>.

<sup>190</sup> Mahoney, “Why Did Constantinople Get the Works?,” 767.

<sup>191</sup> Kuzma, “Potentiating Loopholes,” 517.

then with the lack of oversight, looters and Latchford involved, the false provenance placed on the antiquity, a scholarly interpretation and is legitimised by a sale in an auction house; all these factors form a lock and lock the antiquity into becoming licit and ending up in places like the collection of the MET. As Roodt puts it “if a trafficked object has been exported and absorbed into the international market, successful litigation implies proof of ownership and the enforceability of the claim.”<sup>192</sup> It should be noted that even what an illicit excavation is has various definitions in some countries but in Cambodia’s Constitution of 1993 it is clearly stated that “a landowner cannot assert ownership over any cultural artefact discovered in the ground. Such items comprise assets of the state and the landowner is obliged to hand them over to the Ministry of Culture and Fine Arts.”<sup>193</sup>

Tijhuis’s lock is made up of “individuals, companies, organisations and jurisdictions” which then hold the power to turn an illicit antiquity to a legal one with provenance.<sup>194</sup> Latchford himself is an “embodiment of the legal-illegal interface,” he functions in both the illegal world of looting yet also is a figure in the established and legal art world in the West where he is regarded as a keen collector and scholar.<sup>195</sup> Latchford had relationships with a possible criminal network in Cambodia and still had one with respected and world-renowned art institutes. Tijhuis writes about how in transnational crime there is a third party involved and in this case, which certainly is transnational, the three parties involved are the looters in Cambodia, Latchford and the art houses or museums in the United States.<sup>196</sup> Latchford is what is considered the interfacing actor.<sup>197</sup> People like Latchford are described as the Roman Janus figure, having two faces looking in opposing directions; the licit and illicit intersection; an individual like an average criminal or “high-end dealers and collectors” who knows about the illicit origins of “a cultural object and its later sale.”<sup>198</sup> Latchford is a broker arranging the shipment of these illicit antiquities, forging the documentation to get them through customs and then faking provenance for them. The three books written by Latchford and Bunker can be included in the middle part of this lock; Latchford strategically knew that such works would give him and his antiquities the perception of legitimacy.<sup>199</sup> Latchford makes an ideal broker because he has contacts on both sides and knowledge, both that those on the other side may be lacking in.<sup>200</sup> I would also argue that auction houses such as Sotheby’s and Christie’s and museums like the MET could fit into both the middle and latter category. Sotheby’s because it became evident in the 2012 court case that they were aware that the provenance of the Khmer antiquities was falsified. The museums

---

<sup>192</sup> Roodt, *Private International Law, Art and Cultural Heritage*, 31.

<sup>193</sup> Ibid, 51. ; The Civic Code of Cambodia, Article 141(1), <http://extwprlegs1.fao.org/docs/pdf/cam204996.pdf>.

<sup>194</sup> Roodt, *Private International Law, Art and Cultural Heritage*, 30.

<sup>195</sup> Tijhuis, “Transnational crime and the interface,” 99.

<sup>196</sup> Ibid.

<sup>197</sup> Tijhuis, “Transnational crime and the interface,” 100.

<sup>198</sup> Sadowski, “Mapping the Art Trade in South East Asia,” 671.

<sup>199</sup> Reuter and Politzer, “How we tracked Cambodian antiquities to leading museums and private galleries.”

<sup>200</sup> Tijhuis, “Transnational crime and the interface,” 102.

listed in the Pandora Papers are also complicit because they failed their code of ethics, they did not conduct the proper research into the works entering their collection.

Lock theory is embedded in private international law. Tjihuis points out that the last variation of the lock model is about jurisdictions and how they can function as a lock. Global legal diversity is a factor working against many source countries while the market country holds all the power.<sup>201</sup> In this specific case Cambodia and its lack of enforceable legislation and the changes in the jurisdiction in the territories that the Khmer antiquities pass through serve to lock the antiquity. The UNESCO 1970 Convention can also be used as a lock because the effortless claim that an antiquity was removed before 1970 allows for no further investigations to be made. It is still unclear the exact chain that Latchford had for his successful illicit art business, did he outsource his work, ordering looters in Cambodia to obtain the antiquities? The Pandora Papers write that Latchford had helicoptered into remote Cambodia and “risked land mines to satisfy his curiosity” and as such would mean that Latchford did not outsource and was directly involved himself. However, in his later years it is plausible that he did not continue these trips to Cambodia. Another such alternative is that it was a collaborative relationship whereby Latchford worked closely with a group of looters and they were “mutually dependent on each other for merchandise and profits.”<sup>202</sup> And who might these looters be? Lafont lists them as including “the local population, peasants, monks, trained gangs, tourists, administrative officials, diplomats and foreigners working in Cambodia.”<sup>203</sup> This just about entails everyone. The other symbiotic interface that Tjihuis talks about is reciprocity, in that many auction houses who trade in antiquities from Cambodia will know that the works have been “stolen, illicitly excavated, or smuggled.”<sup>204</sup> Another fact is that looting takes place on-demand in Cambodia, using photos taken of sites and antiquities art dealers can request looters to hack away what they desire. This has been proven to have taken place at Koh Ker where pieces were taken and transported in whole “convoys of trucks, some with a military escort” to Thailand “where they were sold to wealthy Westerners”<sup>205</sup>

---

<sup>201</sup> Roodt, *Private International Law, Art and Cultural Heritage*, 28.

<sup>202</sup> Tjihuis, “Transnational crime and the interface,” 181.

<sup>203</sup> Lafont, *Pillaging Cambodia*, 34.

<sup>204</sup> Tjihuis, “Transnational crime and the interface,” 179.

<sup>205</sup> Brigitta Hauser-Schäublin, “Looted, trafficked, donated and returned: The twisted tracks of Cambodian antiquities” in *Cultural Property and Contested Ownership*, ed. Brigitta Hauser-Schäublin, Lyndel V. Prott, (London: Routledge, 2017), 66.

## Chapter Four

### Manhattan Court Cases of Illicit Antiquities

The two court cases that this chapter will be devoted to are instances whereby auction houses based in Manhattan were brought to the forefront because of their dealings with Khmer antiquities. Nancy Wiener, the owner of the small but renowned auction house named after herself was first arrested in 2016. Wiener has been commended for cooperating with officials since her arrest and has paid \$1.2 million in forfeitures and fines. Wiener's case closed in 2021.<sup>206</sup> Wiener pleaded guilty for her role in the sale of looted items. Meanwhile the second case I deal with involves the large auction house Sotheby's and the firm repudiated claims made against them in 2013.

The details of the court case of Nancy Wiener at the Manhattan Criminal Court have been described as being “like the plot of an Indiana Jones film.”<sup>207</sup> This case is relevant to this thesis as Latchford and Bunker were marked as co-conspirators to Nancy Wiener. Tess Davis, a lawyer and Executive Director of the Antiquities Coalition was brought in as an expert in this court case. Nancy Wiener was the owner of a Manhattan gallery that was renowned for its Southeast Asian works of art. Wiener was charged with criminal possession of stolen property in both the first and second degree and of conspiracy in the fourth degree.<sup>208</sup> She was accused of using her business “to buy, smuggle, launder and sell millions of dollars’ worth of antiquities stolen from Afghanistan, Cambodia, China, India, Pakistan, and Thailand.”<sup>209</sup> I will only focus on the Cambodian angle. In the findings Latchford is given the title of Co-Conspirator #1 and is “a dealer in illegal antiquities known to the District Attorney” who is “based in London and Bangkok” and Emma C. Bunker is cited as Co-Conspirator #2 and she “works as a research consultant for an American museum.” What is revealed is the process a looted antiquity may follow to become sold on the art market, its figurative and physical transformation process. Tools are often used by force when an antiquity is looted and therefore the antiquities are usually damaged. This is demonstrated by a number of Khmer sculptures in museums; some are missing feet or other body parts leaving only a torso or head to be displayed. One of the informants in this case refers to “orphans” which are parts of an antiquity when it has been cut into smaller pieces so that it is easier for transportation. The Baphuon Shiva statue in this case, which, according to a Sotheby's employee, had been to be tidied up before its inclusion in the 2011 sale of Indian and Southeast Asian Works of Art because it had “cracks and joints dressed up with

---

<sup>206</sup> Tom Mashberg, “Antiquities Dealer Pleads Guilty for Role in Sale of Looted Items,” *The New York Times*, October 5, 2021, <https://www.nytimes.com/2021/10/05/arts/design/antiquities-dealer-looted-items-pleads-guilty.html>.

<sup>207</sup> “Dealing Dubious Artifact: A Look into The Criminal Probe of New York v. Nancy Wiener,” The Latest, Antiquities Coalition, uploaded March 14, 2018, <https://theantiquitiescoalition.org/part-recapping-new-york-v-nancy-wiener/>.

<sup>208</sup> Criminal Court, “The People of the State of New York against Nancy Wiener,” 1, <https://www.artcrimereasearch.org/wp-content/uploads/2017/10/Wiener-Complaint.pdf>.

<sup>209</sup> Ibid, 2.

paint splatters to mask repairs.”<sup>210</sup> The statue was sent to a restorer where it was observed that the statue seemed to have been “struck by an agricultural tool.” The only record of the Baphuon Shiva was that it had been purchased from Spink & Son around 1968 but of this, no proof was presented. Nonetheless the antiquity was valued at \$578,500.<sup>211</sup>

Another charge against Wiener concerned a Naga Buddha statue. There was an arrangement between Wiener and Latchford with Bunker that a photograph of the statue would feature in Latchford and Bunker’s 2011 book so that the provenance could be falsified. In the seized emails Bunker corresponds with Latchford to say that she had altered the provenance of the Naga Buddha a bit and sought his approval for it. In Wiener’s case, there were a number of “conspirators,” individuals who played a part by turning a blind eye; they were all somewhat complicit because without their silence these works would never make it to the market. Wiener put the antiquity of Naga Buddha on display in her gallery for a selling price of \$1,500,000 until the Deponent seized it in March 2016.<sup>212</sup> Wiener pleaded guilty to the charges of conspiracy and possession of stolen property. She admitted to taking into possession antiquities that showed signs that strongly suggested they were looted and that despite this she presented them for sale with accompanying false statements of provenance.<sup>213</sup> Since her first arrest in 2016 Wiener cooperated with the authorities and the files and documents that she shared with them were of immense use for further investigation into the illicit trade in Manhattan.<sup>214</sup> In the Manhattan Supreme Court in 2021 Wiener read a statement which is very insightful into how the antiquity market operated for so many years:

“For decades I conducted business in a market where buying and selling antiquities with vague or even no provenance was the norm. Obfuscation and silence were accepted responses to questions concerning the source from which an object had been obtained. In short, it was a conspiracy of the willing.”<sup>215</sup>

#### **4.1 Sotheby’s Denial**

A similar court case that attracted even more attention took place at United States District Court Southern District of New York. This case concerned the auction house Sotheby’s attempt at selling a 10th Century Khmer statue of Duryodhana. Around April 2010 Sotheby’s imported the Duryodhana into the United States for auction where it was named a “10th Century Khmer stone guardian from Cambodia.”<sup>216</sup> When the statue was looted its head and torso were deliberately

---

<sup>210</sup> Criminal Court, “The People of the State of New York against Nancy Wiener,” 3.

<sup>211</sup> Ibid, 2.

<sup>212</sup> Ibid, 3.

<sup>213</sup> Mashberg, “Antiquities Dealer Pleads Guilty for Role in Sale of Looted Items.”

<sup>214</sup> Ibid.

<sup>215</sup> Ibid.

<sup>216</sup> Case 1:12-cv-02600-GBD Document 47, “United States of America, Plaintiff, v A 10th Century Cambodian sandstone sculpture, currently located at Sotheby’s in New York, New York” (2013) 12,

separated from one another so that they would be easier to transport.<sup>217</sup> The statue crossed the Cambodian-Thailand border and was brought to a Thai dealer based in Bangkok. Then this particular statue along with the Bhima statue was bought by an individual that is referred to as “a well-known collector of Khmer antiquities,” dubbed “the Collector.” The Collector knew of the illicit origins of the statues from Koh Ker. Reports have it that the Collector then sold the work to Spink & Son (owned by Christie's since 1993) in London, they also knew of the illegitimate origins of the antiquity. The Duryodhana statue was then bought by a Belgian businessman in 1975 and at this point the head and torso had been reattached. The Court heard that the Collector and Thai Dealer worked with the “Auction House” (it is not named as Spink & Son in the court proceedings) to obtain export licences for the Duryodhana statue along with other Khmer antiquities. In a phone call with *The New York Times* Latchford confirmed he was the Collector that was cited in the court papers. In 2010 Decia Ruspoli di Poggio Suasa, the widower of the Belgian businessman, entered into a consignment agreement with Sotheby's to sell the statue at auction in 2010.<sup>218</sup> Upon Sotheby's request Ruspoli provided an affidavit that claimed that she did not believe the Duryodhana was an item of cultural property. With the Duryodhana statue in Sotheby's possession there was a concerted effort to iron things out. In emails seized for the court it was found that Sotheby's contacted the Collector asking the following:

“The most important question is the provenance. Can [the Collector] tell us if he acquired this sculpture before 1970? That's the standard [an art advisor to a prospective buyer] is applying. It's what his client wants.”<sup>219</sup>

Sotheby's then reached out to a scholar of Khmer art who was associated with the Collector; it is ascertained that this refers to Emma C. Bunker. Sotheby's asked Bunker if she would write the catalogue entry for the Duryodhana and give a lecture about it.<sup>220</sup> Bunker expressed worries about the Duryodhana statue being sold at public auction when there was clear evidence that it was stolen from Prasat Chen, its feet were still in situ and there was publicity surrounding it. She worried that the Cambodians might block the sale and seek repatriation.<sup>221</sup> Bunker then herself went to Cambodia and upon returning she told Sotheby's that she felt it was actually fine to sell the Duryodhana statue, just not to mention the matter of its feet. She wrote in an email to Sotheby's that she had made this assertion in part in Phnom Penh from her “culture spies and museum director” and that there were no plans in store for Cambodia or the National Museum to seek a return of these objects. She believed this was because to do so could set off a chain

---

<https://www.justice.gov/sites/default/files/usao-sdny/legacy/2015/03/25/Duryodhana%20-%20Cambodian%20Sculpture%20-%20Amended%20Complaint.pdf>.

<sup>217</sup> Ibid, 7-8.

<sup>218</sup> Hauser-Schäublin, “Looted, trafficked, donated and returned,” 69.

<sup>219</sup> This emphasis was in the original document.

<sup>220</sup> “United States of America, Plaintiff, v A 10th Century Cambodian sandstone sculpture, currently located at Sotheby's in New York, New York,” 13.

<sup>221</sup> Ibid, 14.

reaction and as such, some antiquities may be sought after that reside in France and this would be undesirable as the Cambodians “want to continue to get French support etc.”<sup>222</sup> The court case goes on to describe how Sotheby's wanted to inform an official in the Cambodian Ministry of Culture about the upcoming sale but how Bunker was strongly against the idea, she vocalised that it “would be like waving a red flag in front of a bull.”<sup>223</sup> So brash were Sotheby's that the Duryodhana statue featured on the cover of the auction catalogue, its estimated selling price being between \$2-3 million. Ultimately Sotheby's did not follow Bunker's advice and emailed a Culture Official about the sale but did not receive any reply. Instead, the Secretary-General of the Cambodia National Commission for UNESCO contacted the director of Sotheby's saying that she believed that the Duryodhana statue was illegally removed from Prasat Chen and requested that it be removed from the auction and brought back to Cambodia.

The court heard that the Duryodhana and the accompanying statue of Bhima (which was in the Norton Simon Museum) were looted from Prasat Chen “in or around 1972.” As such there had been a breach of the 1970 UNESCO Convention. Sotheby's also failed to mention that it was Latchford that had bought the work; they withheld this information from provenance documents as well as from United States law enforcement.<sup>224</sup> It is thought that this was done so as to obscure the trail of the work but Sotheby's maintained that it was done because Latchford had nothing to do with the events. Latchford denied ever having owned the statue and said that his name was used by Spink & Son without his permission for “accounting purposes” to acquire the statue.<sup>225</sup> Sotheby's argued that Cambodian law did not clearly claim national ownership over antiquities until 1992 but this was proven incorrect.<sup>226</sup> Cambodia's title over the antiquity was affirmed by the national ownership laws that were in place at the time of the theft which have their origins in the French colonial period. To summarise these findings it was found that while an 1884 ruling by the French Governor made certain lands “alienable” other areas such as Prasat Chen were “inalienable.” Later it was made clear that Prasat Chen was a historical monument of French Indochina and its contents were counted as part of the national domain and as such were to be protected and a violation of this was criminalised in a decree in 1925. Even when Cambodia gained independence from France it chose that all aforementioned laws were to remain in place. The issue between Sotheby's and Cambodia was ultimately resolved outside of court; ADR were sought and as such the chance to see how the courts would deal with such a

---

<sup>222</sup> United States of America, Plaintiff, v A 10th Century Cambodian sandstone sculpture, currently located at Sotheby's in New York, New York,” 15 -16.

<sup>223</sup> Ibid, 17.

<sup>224</sup> Ibid, 23.

<sup>225</sup> Tom Mashberg and Ralph Blumenthal, “Sotheby's Accused of Deceit in Sale of Khmer Statue,” *The New York Times*, November 12, 2012, <https://www.nytimes.com/2012/11/14/arts/design/sothebys-accused-of-deceit-in-sale-of-khmer-statue.html?searchResultPosition=19>.

<sup>226</sup> Lauren Henderson, “The Duryodhana Dilemma: United States v. A 10th Century Cambodian Sandstone Sculpture and a Proposed Code of Ethics-Based Response to Repatriation Requests for Auction Houses,” *University of Pennsylvania Law Review* Vol. 163 Iss. 1 (2014): 255, [https://scholarship.law.upenn.edu/penn\\_law\\_review/vol163/iss1/4](https://scholarship.law.upenn.edu/penn_law_review/vol163/iss1/4).

case; an antiquity with improper provenance and a world-leading auction house was lost.<sup>227</sup> The government dropped their case against Sotheby's and Ruspoli and in return, the statue was returned to Cambodia, Ruspoli received no compensation but both parties had any allegations of wrongdoing cleared from them.

In the Sotheby's case Cambodia called on the United States government for help, the two nations have had a longstanding turbulent relationship. The illicit trade of objects from Cambodia into the United States has been an enduring issue; in May 1999 Cambodia asked the U.S Government to impose a restriction on a list of Cambodian archaeological antiquities. This was accepted by the government and as such the restriction came into force in December of that year. This was Cambodia evoking Article 9 of the 1970 UNESCO Convention. As a result, it meant that the objects on this list were not allowed to be imported into the United States unless they had documentation that certified that the material had legally left Cambodia, not breaking any laws in the country.<sup>228</sup> The objects were composed into this list by the Commissioner of Customs in consultation with the Associate Director of the United States Information Agency and include items that were declared as threatening the country's "cultural patrimony" when removed from within its borders.<sup>229</sup> These items are categorised as being archaeological and/or ethnographic material, Khmer stone work encompassing the large time frame of the 6th century to the 16th. In this list items such as pieces integral to the architecture of an ancient Khmer temple; pediments containing floral scrolls, columnettes and wall reliefs to name a few as well as inscriptions in stone found in places like temple walls. Also on this list are antiquities that Latchford favoured: free-standing sculptures depicting human forms, divinity, or hybrid ones, part human and part animal amongst others. I cannot spare the space to bring up all on the list but the ones I have mentioned are of importance to my research.<sup>230</sup> The United States acknowledges that stolen and illicit artefacts have "strained" their foreign and cultural relationships with the nations from which the pillaging takes place.<sup>231</sup> In 2003 Cambodia and the United States entered into a bilateral agreement that continued this restriction on imports and this has been extended thrice, the last time being in 2018.<sup>232</sup>

While the United States is a market country, New York specifically has long been regarded as a hub for art and commerce. Campfens believes that New York is exerting strenuous efforts so as to not be labelled as a centre for looted art. Legally speaking there are two court systems in the United States, federal and state. Each state can enact its own particular laws and New York and California are states that have laws that are the most favourable for cases of art

---

<sup>227</sup> Charlotte Burns, "Sotheby's Cambodian smuggling saga quietly resolved out of court," *The Art Newspaper*, 1 January 2014, <https://www.theartnewspaper.com/2014/01/01/sothebys-cambodian-smuggling-saga-quietly-resolved-out-of-court>.

<sup>228</sup> Cambodia Emergency Restriction Designated List, 1999, <https://eca.state.gov/files/bureau/cb1999eadl.pdf>.

<sup>229</sup> Ibid.

<sup>230</sup> Ibid.

<sup>231</sup> Ibid.

<sup>232</sup> "Import Restrictions," Bureau of Educational and Cultural Affairs, United States Department of State, accessed April 12, 2022, <https://eca.state.gov/cultural-heritage-center/cultural-property-advisory-committee/import-restrictions>.

crime. Under New York law a stolen work belongs to its original owner, a thief cannot pass on good title. Simplified, this means that the previous owners of a Khmer antiquity do not have ownership (if it was purchased after 1970) because that title cannot be passed if it was stolen from its original owner, who in this scenario is the Kingdom of Cambodia.<sup>233</sup> There is a strong emphasis on protection of the “true” owner of something, even if the former or current owner is unaware of the dubious history of the work. There is no obligation for an owner to perform due diligence and so very few due but failure to do so can result in a costly court case. A key figure in the New York scene is the formidable figure of the Assistant District Attorney in Manhattan, Matthew Bogdanas, he was involved in the Nancy Wiener case among other high profile cases. Bogdanas is a Marine colonel and saw first-hand the looting of antiquities when he was in Iraq during the U.S invasion. He has a hard line approach; he revokes the idea of calling some people “collectors,” he says instead “Call them what they are. Criminals. You should not assume that the people who are doing this are doing it because of an appreciation of art.”<sup>234</sup> Saber writes that almost none of Manhattan's antiquity dealers have “been spared Bogdanos’s subpoenas and search warrants.”<sup>235</sup> In the same *The Atlantic* article Kate Fitz Gibbon, a lawyer who consults art collectors criticised Bogdanos for “applying standards today that simply didn’t exist in the past.” Needless to say, Bogdanos is credited with creating a new hostile and tense environment for illicit antiquity trade in Manhattan.

## 4.2 The Role of the École française d'Extrême-Orient

Court cases on Khmer antiquity looting would be near impossible if not for the work of the École française d'Extrême-Orient (EFEO). In Cambodia’s own “Age of Exploration” French scholars came to study, explore and conserve the archaeological heritage in their newfound colony. This was mainly done through the EFEO which was established in 1898 in Saigon in collaboration with the Oriental Studies section in the French Academy of Inscriptions, Belles-Lettres and the then colonial government.<sup>236</sup> Most notably is the EFEO’s work at the Koh Ker temple complex, they were the first to document this significant site before the country was ultimately cut off by war.<sup>237</sup> Henri Parmentier was head of archaeology at the EFEO and is seen as the forefather of European archaeologists in Indochina. I have already mentioned him in regard to Angkor Wat but he also wrote a number of books like *L’art Khmer Primitif* and *Le temple d’Içvarapura : Bantây Srei, Cambodge* which today are indispensable for tracing down looted antiquities. Another French scholar from this era is Louis Delaporte, a cartographer and draughtsman who

---

<sup>233</sup> “Laws, Policies and Guidelines: Art Law in New York March 2019,” Looted Art, accessed April 12, 2022, <https://www.lootedart.com/TJN7EE909291>.

<sup>234</sup> “Matthew Bogdanos,” Our Work, National Endowment for the Humanities, accessed April 12, 2022, <https://www.neh.gov/about/awards/national-humanities-medals/matthew-bogdanos>.

<sup>235</sup> Ariel Saber, “The Tomb Raiders of the Upper East Side,” *The Atlantic*, November 23, 2021, <https://www.theatlantic.com/magazine/archive/2021/12/bogdanos-antiquities-new-york/620525/>.

<sup>236</sup> Catherine Clémentin-Ojha and Pierre-Yves Manguin, *A Century in Asia: The History of the École Française d'Extrême-Orient 1898-2006* (Singapore: Editions Didier Millet, 2007), 28.

<sup>237</sup> Hauser-Schäublin, “Looted, trafficked, donated and returned,” 65.

documented Khmer art. His work also gives an insight into the view the French had of Cambodia at the time, in *Voyage au Cambodge: L'architecture Khmer* he writes that the population of Cambodia was composed of savages and semi civilised tribes and that the country was overall sad and “dûne sauvageries trieste et monotone.” Delaporte also wrote of the poverty he witnessed and the contrasting wealth of the king.<sup>238</sup> The EFEO’s operations in Cambodia were disrupted by the Khmer Rouge and as such they ceased working in 1975 and much of the nation’s sites fell into neglect.<sup>239</sup> When peace had ensued the EFEO returned to Cambodia and today they hold two bases in the country; at Siem Reap and Phnom Penh.<sup>240</sup>

Since the work of Parmentier, Koh Ker had hardly been researched; that was until the work of a team led by Éric Bourdonneau (EFEO member) began research there in 2009. This research was done following the work done by the German Apsara Conservation Project (GACP), a German stone conservation team and Simon Warrack. They made the link between two pedestals at the western pavilion at Prasat Chen at Koh Ker which they were found to belong to Duryodhana and Bhima. However, all that actually remained of these statues on the pedestals was their feet; the statues had been broken off at their ankles. From this the conservator was able to conclude that the feet of the Bhima matched that of a statue within the collection of the Norton Simon Museum in California. Following on from this Bourdonneau and his team worked with APSARA (Authority for the Protection of the Site and Management of the Region of Angkor) researching two of Koh Ker’s temples; Prasat Chen and Prasat Thom and the Khmer art within them, all with the intention of understanding their iconographic design. For instance, their research was able to piece together that one gopura (entrance to a Hindu temple) at Prasat Thom had contained eight statues which depicted a scene of the judgement of the dead.<sup>241</sup> Majority of the statues at Koh Ker are no longer in situ but with the likes of the work of Delaporte, the team were able to assemble what had originally been in place before severe looting. Bourdonneau writes that at Prasat Chen the pillage took place during the 1970s amid Cambodia’s civil war and it appears to have been “systematic and well informed.”<sup>242</sup> From their sources the group created a digital reconstruction along with the help of a production team in Paris of what the temples might have looked like after its construction by Jayavarman IV.<sup>243</sup> The team measured the feet on the pedestals and confirmed that the Bhima pedestal matched the statue in the Norton Simon Museum and further added that the feet of the Duryodhana matched the Duryodhana statue being

---

<sup>238</sup> Louis Delaporte, *Voyage au Cambodge: L'architecture Khmer* (Paris: Maisonneuve et Larose, 1999), 8.

<sup>239</sup> Pierre-Yves Manguin “The EFEO in Cambodia: a century long partnership,” in *Archaeologists in Angkor : photographic Archives of the École française d'Extrême-Orient (French School of Asian Studies) : Musée Cernuschi : Musée des arts de l'Asie de la ville de Paris : September 9th 2010-January 3rd 2011* edited by Musée Cernuschi (Paris: École française d'Extrême-Orient, 2010), 26.

<sup>240</sup> “Localisation des centres EFEO, École française d'Extrême-Orient, accessed April 12, 2022, <https://www.efeo.fr/>.

<sup>241</sup> “Mission archéologique à Koh Ker,” Recherche, École française d'Extrême-Orient, accessed March 23, 2022, <https://www.efeo.fr/base.php?code=808>.

<sup>242</sup> Éric Bourdonneau, “Koh Ker: Prasat Chen and its sculptures,” *World Heritage Review* No. 68 (2013): 96, <https://unesdoc.unesco.org/ark:/48223/pf0000221079.locale=en>.

<sup>243</sup> “Mission archéologique à Koh Ker.”

put up for auction by Sothebys.<sup>244</sup> Additionally it was found that the contents of Prasat Chen, which now lies in ruins, could be traced to museums like the MET (*Kneeling Attendants* statues), Cleveland Museum of Art (*Hanuman* statue) and the Denver Art Museum (torso of *Rama*) and these findings were made widely available when it was published about in *The New York Times*.<sup>245</sup>

Presently Cambodia is working for the return of the tangible items of their cultural heritage which are scattered across the world. These calls for repatriation are usually made in phases, Shelley writes that the first one is usually demands made on moral grounds which frequently fail. The next step taken brings in a shift of power and is far more successful; threats are made; to ban loans and revoke excavation permits to Western archaeologists and museums.<sup>246</sup> Frans-Willem Korten writes that when calls for reparation are made the phrase “the call for justice” is used but this disregards the unfortunate truth that the law and what is deemed just are two distinct things.<sup>247</sup> This can be seen in the case of these Khmer antiquities and more generally the art market; it is considered by many that it is ethical that these items of cultural property return to Cambodia but the legal system is not fitting to allow for any smooth return of them. Normally if such calls for justice are to be answered then it is to be done from the legal system. The harsh reality is that in most spheres of society those with money have a way of avoiding scrutiny and the court often sides with them.

---

<sup>244</sup> Case 1:12-cv-02600-GBD Document 47, 6.

<sup>245</sup> “From Jungle to Museum and Back?” Art & Design, The New York Times, accessed May 28, 2022, <https://archive.nytimes.com/www.nytimes.com/interactive/2013/05/16/arts/design/from-jungle-to-museum-and-back.html?ref=design>.

<sup>246</sup> Folarin Shyllon, “The Rise of Negotiation (ADR) in Restitution, Return and Repatriation of cultural property: Moral Pressure and Power Pressure,” *Art, Antiquity and Law* Volume 22 Issue 2, 130.

<sup>247</sup> Frans-Willem Korsten, *Art as an Interface of Law and Justice : Affirmation, Disturbance, Disruption* (London: Bloomsbury Publishing, 2021), 1.

## Chapter Five

### Provenance

Auction houses and museums hold the responsibility of putting provenance at the forefront of their institutions. The provenance of an antiquity refers to documentation that tells how, where and when the antiquity was obtained and its succession of previous owners. An antiquity without provenance or with inadequate provenance is often a product of illicit looting. A startling number of Khmer statues present in auctions and in museums suffer from a lack of sufficient provenance.

#### 5.1 The Metropolitan Museum of Art

The Metropolitan Museum of Art (MET) in New York City proudly boasts that it has one of the world's most comprehensive collections of Buddhist art.<sup>248</sup> Works from Cambodia, Burma (Myanmar), Thailand, Vietnam and Indonesia are displayed in the Florence and Herbert Irving Southeast Asian galleries in the museum.<sup>249</sup> The MET opened in 1870 and is regarded as a world acclaimed institution. The MET is a landmark in the city and it declares that its aspirations since its founding have been to “be a global museum.”<sup>250</sup> The first examples of Buddhist art that the MET gained were three Cambodian Buddha's that were acquired in 1885. The museum has been extensively expanding its department of Asian art since 1970.<sup>251</sup> The MET's mission statement established at its founding is still in use today:

“to be located in the City of New York, for the purpose of establishing and maintaining in said city a Museum and library of art, of encouraging and developing the study of the fine arts, and the application of arts to manufacture and practical life, of advancing the general knowledge of kindred subjects, and, to that end, of furnishing popular instruction.”

In 2015 the statement was amended to further include the sentence “The Metropolitan Museum of Art collects, studies, conserves and presents significant works of art across all times and cultures in order to connect people to creativity, knowledge, and ideas.” Its Director Max Hollein writes that the museum brings together a culmination of cultures from around the world and

---

<sup>248</sup> Max Hollein, “Director's Foreword,” in *How to Read Buddhist Art*, ed. Kurt Behrendt & Metropolitan Museum of Art, (New Haven, CT: Yale University Press, 2019), 7.

<sup>249</sup> “Southeast Asian Art: Gallery 249,” Maps, The Metropolitan Museum of Art, accessed April 12, 2022, <https://maps.metmuseum.org/?screenmode=base&floor=2&feature=LTczLjk2MTgzNDAsNDAuNzgwMTk5N0BsbUAzMzYx#hash=19.82/40.7801997/-73.961834/-61>.

<sup>250</sup> Max Hollein, “Broadening Perspectives,” in *Making the MET 1870-2020*, ed. Andrea Bayer and Laura D. Corey, (New Haven, CT: Yale University Press, 2020), 230.

<sup>251</sup> Bruce M. Sullivan, *Sacred Objects in Secular Spaces: Exhibiting Asian Religions in Museums* (London: Bloomsbury Publishing, 2015), 97 & 104.

affords the public the opportunity to expand their outlook on the vast and diverse history of civilisation.<sup>252</sup>

The significance of provenance is supported by a number of schemes that the MET is involved with. The MET is a member of the International Council of Museums (ICOM), meaning it is expected to follow the Code of Ethics that it has.<sup>253</sup> This Code was first introduced in 1986 and was most recently revised in 2004. It is an extensive document and is seen by some as unrealistic in its far-reaching requests.<sup>254</sup> However the charter does have instructions regarding provenance. It states that museums should follow due diligence before an acquisition so that they can be assured that the object in question was not illegally obtained.<sup>255</sup> It further stipulates that museum collections should be adequately documented where the provenance is incorporated. The Code of Ethics acknowledges that there may be “exceptional” cases whereby an item has such “an inherently outstanding contribution to knowledge” that its lack of provenance is outweighed by this, “it would be in the public interest to preserve it.”<sup>256</sup> There is no further information as to how one could determine what an “outstanding contribution to knowledge” is or how to measure public interest, it is up to “specialists in the discipline concerned and without national or international prejudice.” Lastly, in section 4 ICOM says that museums should avoid displaying works that have questionable or a lack of provenance and that doing so “can be seen to condone and contribute to the illicit trade in cultural property.”<sup>257</sup> Brodie believes that museums have an obligation to ensure that their collections do not hold any illicit works, they “set a moral tone” and institutions such as the MET hold so much acclaim that they have the power to validate looted art.<sup>258</sup> The moral side needs to be emphasised because code of ethics are not enforceable in a court of law.

Furthermore the MET underpins provenance in its internal documents. Their Collections Management Policy states that they “shall rigorously research the provenance of a work of art prior to acquisition to determine that the Museum can obtain clear title.”<sup>259</sup> Like all museums the MET is especially concerned about the provenance of works obtained before 1970. The MET expresses that it “normally shall not” acquire a work without being certain that it came from outside its country of origin. The museum concedes that even with strenuous efforts put to find out an antiquities provenance some works will lack “a complete documented ownership history.”

---

<sup>252</sup> Max Hollein, “Broadening Perspectives,” 230.

<sup>253</sup> Evelin Campfens, “Restitution of Looted Art: What About Access to Justice?” *Santander Art and Culture Law Review* 2 (2018): 200, <https://doi.org/10.4467/2450050XSNR.18.024.10378>.

<sup>254</sup> Evelin Campfens, interview with the author, March 29, 2022.

<sup>255</sup> International Council of Museums, *Code of ethics: ICOM code for museums* (Paris, France: International Council of Museums, 2006), 9, <https://icom.museum/wp-content/uploads/2018/07/ICOM-code-En-web.pdf>.

<sup>256</sup> *Ibid*, 19.

<sup>257</sup> *Ibid*, 25.

<sup>258</sup> Neil Brodie, “Illicit Antiquities: The situation in South-East Asia,” (published paper presented at the Art Crime, Protecting Art, Protecting Artists and Protecting Consumers Conference convened by the Australian Institute of Criminology, Sydney, 2-3 December 1999), 4.

<sup>259</sup> The Metropolitan Museum of Art, *Collections Management Policy*, (New York: MET, 2020), 5, [https://www.metmuseum.org/-/media/files/about-the-met/policies-and-documents/collections-management-policy/Collections-Management-Policy-11\\_10\\_20.pdf](https://www.metmuseum.org/-/media/files/about-the-met/policies-and-documents/collections-management-policy/Collections-Management-Policy-11_10_20.pdf).

In such cases it is up to the museum to make what it calls “an informed judgement” so as to ascertain if the work was “outside of its probable country of modern discovery before 1970 or legally exported from its probable country of modern discovery after 1970.”<sup>260</sup> However this was not always the case; in 1992 the MET policy allowed for works to be acquired without a detailed provenance. I raise the question; when this policy of the MET’s changed, should the MET have reexamined all the works in their collection?<sup>261</sup> Is this not what their Provenance Research Project should be about? The Met has a webpage about their “Provenance Research Project” that was set up in 2000 in which they claim that they are “committed to researching and publishing the provenance or ownership history of its collection.”<sup>262</sup> The text on the page then goes on to reference the historically significant Nazi looting and that seems to be the projects only understanding of provenance. The webpage goes on to solely reference works in their collection that may have a relation to the Nazi era and there is no heed paid to any other time period; the Khmer sculptures are nowhere to be seen. In an interview with Dr. Evelin Campfens she agreed with my assertion that the dominance of Nazi looted art overshadows the many other facets of provenance such as this Cambodian matter.<sup>263</sup>

The MET did not follow their own protocol concerning provenance in the case of the *Kneeling Attendants*, a pair of Khmer statues that were part of the MET’s collection. The statues were acquired in separate parts; first a head donated in 1987 by Spink & Son and from Douglas Latchford himself.<sup>264</sup> The second head was a gift from Raymond G. and Milla Louise Handley that they gave to the MET in 1989. The pair of complementing torsos came from Douglas Latchford in 1992.<sup>265</sup> If the 1971 rules of protocol had been followed then a letter of inquiry should have been sent to the Cambodian government when the donations were made to the museum. I would deduce that the MET were far too enriched and delighted by these Khmer riches that they dared not ask too many questions. However such a stance caught up with them and in 2013 the MET stated that they had come “into possession of new documentary research that was not available to the Museum when the objects were acquired.”<sup>266</sup> The MET dealt directly with Cambodia on this matter, courtrooms are understood as not being the ideal place to settle disputes of art and heritage.<sup>267</sup> What is sought instead is ADR mechanisms and are preferable because litigation can be costly and unaffordable to source countries like Cambodia.<sup>268</sup> As a result the statues were repatriated to Cambodia where they were met by

---

<sup>260</sup> The Metropolitan Museum of Art, *Collections Management Policy*, 8.

<sup>261</sup> Tom Mashberg and Ralph Blumenthal, “Cambodia Says It Seeks Return Of Met Statues,” *The New York Times*, June 1, 2012, <https://www.nytimes.com/2012/06/02/arts/design/cambodia-to-ask-met-to-return-10th-century-statues.html>.

<sup>262</sup> “Provenance Research Project,” Policies and Documents, The Metropolitan Museum of Art, accessed April 12, 2022, <https://www.metmuseum.org/about-the-met/policies-and-documents/provenance-research-project>.

<sup>263</sup> Dr. Evelin Campfens, interview with the author, March 29, 2022.

<sup>264</sup> “Metropolitan Museum of Art to Return Two Khmer Sculptures to Cambodia,” Press Release, *The Metropolitan Museum of Art*, May 3, 2013, <https://www.metmuseum.org/press/news/2013/cambodian-returns>.

<sup>265</sup> Ibid.

<sup>266</sup> Ibid.

<sup>267</sup> Hauser-Schäublin, “Looted, trafficked, donated and returned,” 64.

<sup>268</sup> Shyllon, “The Rise of Negotiation (ADR),” 130.

Buddhist monks at Phnom Penh airport who blessed the statues and held a large welcoming ceremony in their honour.<sup>269</sup>

The *Kneeling Attendants* case speaks to the sometimes dubious relationship that exists between museums and those that make donations. The MET's Gift Acceptance Policy states that a gift of art to the museum has to be approved by the Director and the Board of Trustees or the Executive Committee following the Museum's Collections and Management Policy and By-Laws.<sup>270</sup> For a gift to be accepted a detailed report has to be made in which the provenance has to be detailed.<sup>271</sup> When a museum accepts a gift from a donor there is the assumption that the donor has a clear legal title to the work which was not the case when Latchford donated Khmer antiquities to museums.<sup>272</sup> Museums gaining these generous donations benefit both the museum and the donator. The questionable nature of the donation of artefacts to museums greatly benefits and serves two parties: the donator gains recognition and a good reputation, Goodman Hauser-Schaublin points out that it can also aid the donator in that public attention can be drawn away to other aspects of themselves that they would rather remain hidden.<sup>273</sup> The museum equally benefits as they gain amazing pieces that they most likely could never have afforded from the market and these typically show stopping pieces that attract the public and in turn increase visitor numbers.<sup>274</sup>

Fincham maintains that currently when major museums obtain new works they constantly run the risk of gaining a work that has been pillaged or is itself a reproduction.<sup>275</sup> However even if a work's provenance was to prove that it had been looted it would appear that there are diverging definitions of what constitutes as looting. Lafont quotes an unnamed curator of the MET who expressed their view on pillaging; the curator voiced that if a farmer in Cambodia comes across an antiquity when out at work in the fields and sells it on so as to help support his family this cannot be considered illicit trafficking of stolen art.<sup>276</sup> Latchford and Bunker also had their own unmistakable opinion of provenance. In *Adoration and Glory* the authors write that "there are many reasons for lack of provenance, and to ignore pieces without provenance denies the world the information they can provide."<sup>277</sup> At times in this book all that is explained in

---

<sup>269</sup> "Met museum returns ancient Khmer statues to Cambodia," Entertainment, CBC News, accessed April 12, 2022, <https://www.cbc.ca/news/entertainment/met-museum-returns-ancient-khmer-statues-to-cambodia-1.1391754>.

<sup>270</sup> "Gift Acceptance Policy," The Metropolitan Museum of Art, accessed April 12, 2022, [https://www.metmuseum.org/-/media/Files/Join%20and%20Give/Support/MMA%20Gift%20Acceptance%20Policy\\_712021](https://www.metmuseum.org/-/media/Files/Join%20and%20Give/Support/MMA%20Gift%20Acceptance%20Policy_712021).

<sup>271</sup> The Metropolitan Museum of Art, *Collections Management Policy*, 4.

<sup>272</sup> Lawrence M. Shindell, "Provenance and title risks in the art industry: mitigating these risks in museum management and curatorship," *Museum Management and Curatorship*, Vol. 31, No. 5 (2016): 410, <https://doi.org/10.1080/09647775.2016.1227569>.

<sup>273</sup> Ibid, 75-76.

<sup>274</sup> Ibid, 77.

<sup>275</sup> Derek Fincham, "The Blood Antiquities Convention as a paradigm for cultural property crime reduction," *Cardozo Arts & Entertainment Law Journal* 37, no. 2 (November 2011): 302.

<sup>276</sup> Lafont, *Pillaging Cambodia*, 87.

<sup>277</sup> Latchford and Bunker, *Adoration and Glory*, xviii.

reference to an antiquities provenance is that the work had simply been “dug up in a field.”<sup>278</sup> Latchford downplayed the importance of provenance in the preface of *Adoration and Glory: The Golden Age of Khmer* where he writes that:

“If an artefact without provenance can be provided with a cultural context through scholarly research, how much better is it to publish than to ignore it. Collectively, such objects represent a significant aspect of Khmer culture. To pretend they do not exist is to restrict the possibility of increasing the knowledge of this culture.”<sup>279</sup>

Latchford and Bunker were proponents of the argument that Khmer antiquities found a better home in a country outside of their own:

“Responsible collectors and scholars today deplore the destruction of sites and monuments to feed the art market, but civil war and terrorism over the past fifty years have so devastated Cambodia that many of the treasures included in this volume would probably not have survived had they not been cared for abroad.”<sup>280</sup>

A commonly held belief and justification of collectors' engagement with plundering is that those in Cambodia are not adequate guardians of these antiquities; they would have them neglected or damaged and only the “educated westerns” know what is best for these antiquities. This is reiterated by Latchford in an interview whereby he asks “If the French and other Western collectors had not preserved this art, what would be the understanding of Khmer culture today?”<sup>281</sup> Bunker, an ardent defender of Latchford believed that Latchford deserved praise, not condemnation; “without private collectors Cambodia would have lost much of its gold heritage as it would have been melted down.” She held that Latchford’s insight was in fact so brilliant that it was not in line with the “unsophisticated and provincial” views held in the United States. She commented that:

“Passionate private collectors have served as custodians of artifacts and have furthered scholarly knowledge. They are not all greedy looters motivated by their social position or attempting to lessen their taxes by gifts to museums. Many museum donors live in countries where tax breaks are not available, and their donations are actually made for scholarly and related altruistic reasons.”<sup>282</sup>

Bunker tried to paint an image of Latchford operating out of his pure scholarly appreciation for Khmer antiquities and not for his own personal financial gain. However her perspective is

---

<sup>278</sup> Latchford and Bunker, *Adoration and Glory*, 41.

<sup>279</sup> Ibid, xviii.

<sup>280</sup> Ibid, xviii.

<sup>281</sup> Mashberg, “Claims of Looting Shadow Expert in Khmer Art.”

<sup>282</sup> Hauser-Schäublin, “Looted, trafficked, donated and returned,” 77.

somewhat warped by the fact that she was responsible for creating false provinces and received bronze statues in exchange for this from Latchford.<sup>283</sup>

## 5.2 The Art Market

The scholar Ian Robertson breaks down auction houses into five tiers with tier one comprising of Sotheby's and Christie's, both international companies based in New York.<sup>284</sup> These large houses have a world renowned reputation which works in their favour; it gives the impression of quality and their grasp on the market means that when they hold an auction, create a catalogue or sell an artist's work then the artist gains acceptance into this elite network.<sup>285</sup> Sotheby's has great experience in the sale of Khmer antiquities but their regard for provenance is somewhat deficient.<sup>286</sup> In 1988 Sotheby's Department of Indian and Southeast Asian Art in New York started to sell Cambodian antiquities.<sup>287</sup> From 1988-2010 71% of Cambodian cultural artefacts they sold did not list any provenance and those that did have it only stated that the antiquity was removed from the country "before it was illegal to do so."<sup>288</sup> On a technicality provenance records are necessary for the transportation of Khmer antiquities; Latchford allegedly gave false documents to the United States Customs and Border Protection.<sup>289</sup> It is believed that Latchford also provided these false papers to museums and private collectors, at times he did this in collaboration along with another art collector who is just referred to as "The False Collector" by the Department of Justice in the United States.<sup>290</sup>

In many instances in the art world the provenance of a piece is highly sought after. Davis asserts that it acts much like a pedigree, to own a painting that once hung in the home of royalty and so forth.<sup>291</sup> If an auction house fails to express an articles provenance Davis believes that it is usually due to one of the three possible factors, the consignor does not wish it to be disclosed, the provenance is known but somewhat discriminatory or that the provenance is unknown. If one of the latter two then it strongly suggests one is dealing with a looted antiquity. Repeatedly in place of proper provenance in auctions and in museums all that will be provided will be that the antiquity was acquired after 1970, it is in the "Khmer style" or that it has been in the hands of a private collection for decades or that "it came from an old European collection." Mackenzie and

---

<sup>283</sup> Criminal Court, "The People of the State of New York against Nancy Wiener," 4.

<sup>284</sup> Robertson, *Art Crime*, 31.

<sup>285</sup> Naomi Oosterman, Simon Mackenzie, Donna Yates, Jon Davies, Hanna Malik, "Regulating the wild west: symbolic security bubbles and white collar crime in the art market," *Journal of White Collar and Corporate Crime* 3, Vol. 1 (August 2021): 10, <https://doi.org/10.1177/2631309X211035724>.

<sup>286</sup> "Case 1:12-cv-02600-GBD Document 47," 10.

<sup>287</sup> Davis, "Supply and demand: exposing the illicit trade in Cambodian antiquities through a study of Sotheby's auction house," 157.

<sup>288</sup> Sadowski, "Mapping the Art Trade in South East Asia," 676.

<sup>289</sup> Ibid.

<sup>290</sup> The United States Attorney's Office Southern District of New York, "Antiquities Dealer Charged With Trafficking in Looted Cambodian Artifacts," November 27, 2019, <https://www.justice.gov/usao-sdny/pr/antiquities-dealer-charged-trafficking-looted-cambodian-artifacts>.

<sup>291</sup> David, "Supply and demand," 165.

Yates bring up that this overlooks the fact that since the seventeenth century antiquities in private collections have been recorded through wills, academic studies, on taxation and insurance forms. When it truly is from what is referred to as “an old European collection” then it usually has much accompanying it.<sup>292</sup>

The notion that the art market will regulate itself has been proposed by some scholars. Brodie suggests that in today's current climate artefacts with insufficient or lacking provenance might be sought at a lower price, the market regulating itself and placing a higher value on those antiquities with valid provenance records.<sup>293</sup> Donna Yates and Diana Berzina say that this idea is somewhat baseless.<sup>294</sup> They argue that there is no academic market study thus far that proves this idea that an antiquity with “good” provenance increases the market value of the antiquity in the market.<sup>295</sup> The clear issue with this is that in reality it is the most profitable thing that triumphs, even if it is corrupt, and with so few facing the consequences of this corruption it rarely presents itself as a real threat. Another fact of the matter is that authenticity and aesthetics are appreciated more than provenance and as such the assertion that antiquities with province will sell better is based on the assumption that provenance is the most sought after and highly valued factor.<sup>296</sup> Museums may declare that provenance is important to them but their actions tend to disprove this. Private Collectors have been known to turn a blind eye to provenance but this may be changing; Jim Clark in the Pandora Papers said he felt uncomfortable owning things that were the product of illicit looting.<sup>297</sup>

The art market is distinct in that it is both capitalist and cultural.<sup>298</sup> The United States has a long tradition of collecting antiquities and this has only grown over time; the sale of works from South Asia has especially reached new heights.<sup>299</sup> According to a 2019 report the United States has the world's largest art market holding 44% of global sales which translates to around \$38.3 billion.<sup>300</sup> In the United States large financial institutions that take in this much revenue have to comply with the anti-money laundering requirements in the Bank Secrecy Act but the art world is exempt from this, the art industry is in fact “considered the largest, legal unregulated

---

<sup>292</sup> Mackenzie and Yates, “What is Grey about the ‘Grey Market’ in Antiquities?” 81.

<sup>293</sup> Neil Brodie, “Provenance and Price: Autoregulation of the Antiquities Market?” *European Journal on Criminal Policy and Research* 20, no. 4 (2014): 428, <https://doi.org/10.1007/s10610-014-9235-9>.

<sup>294</sup> Donna Yates and Diana Berzina, “Regulating and policing the grey antiquities market: what works, what does not and ways forward” (paper presented at the International Conference Opportunities and Challenges of the Art and Antiquities market management Latvia 24-25 November 2020), 75.

<sup>295</sup> Ibid, 76.

<sup>296</sup> Ibid.

<sup>297</sup> Spencer Woodman, “Tech titan surrenders Cambodian relics sold by indicted dealer amid broader repatriation push,” January 12, 2022, <https://www.icij.org/investigations/pandora-papers/tech-titan-surrenders-cambodian-relics-sold-by-indicted-dealer-amid-broader-repatriation-push/>.

<sup>298</sup> Oosterman, Mackenzie, Yates, Davies and Malik, “Regulating the wild west,” 9.

<sup>299</sup> Ibid,” 8. ; Mackenzie and Donna Yates, “What is Grey about the ‘Grey Market’ in Antiquities?” 76.

<sup>300</sup> United States Senate, “The Art Industry and U.S Policies That Undermine Sanctions,” 27 July 2014, 2, <https://www.hsgac.senate.gov/imo/media/doc/2020-07-29%20PSI%20Staff%20Report%20-%20The%20Art%20Industry%20and%20U.S.%20Policies%20that%20Undermine%20Sanctions.pdf>.

industry in the United States.”<sup>301</sup> Considering this the art market is referred to as the Wild West.<sup>302</sup> The art market functions on trust and secrecy; the understanding that financial matters are private matters. It is unanimously understood that certain questions are not to be asked.<sup>303</sup> In the United States collectors are not required to register their antiquities; thus both the state and the public have no access to most private antiquity collections.<sup>304</sup> This is why the expression of a work “surfacing” is part of the art lexicon; an antiquity can simply disappear once it enters a private collection. As such private collections serve as a perfect hideout for looted Khmer antiquities and greatly hamper any progress being made; there are no statistics for how many Khmer antiquities lie in private collections. One of the recommendations of ‘The Art Industry and U.S Policies That Undermine Sanctions’ report was that the Bank Security Act would be edited so that it would include transactions of high-value art.<sup>305</sup> This is something that the European Union has recently implemented; businesses handling art transactions valued at €10,000 or more have to comply with certain laws, the central one being the “verification of the identity of the seller, buyer, and UBO of the art.”<sup>306</sup>

The majority of art sales are private transactions and this lack of transparency breeds criminal activity.<sup>307</sup> What separates art crime from the other criminal activities is that it is solely “fueled by wealthy individuals.”<sup>308</sup> Interpol is the main organisation that deals with criminal activities within the market that relate to illicit art and antiquities. The public perception that art crime is a white collar trade has excluded it from the grave examination it needs.<sup>309</sup> With such a perception there is the belief that these white collar actors can monitor themselves.<sup>310</sup> Most of these actors in illicit trade are already in positions of power and hold a high social status, as such Mackenzie labels art crime as “as a crime of the powerful.”<sup>311</sup> However, as it has been proven, self-regulation does not work; if it did, cases like Latchford’s would not exist; instead a drastic change needs to take place and laws need to be actually enforced. Art dealers like Latchford are in an affluent position whereby they themselves act as a sort of gatekeeper; they are responsible for judging what is of value and bringing it to the market.<sup>312</sup>

---

<sup>301</sup> United States Senate, “The Art Industry,” 2.

<sup>302</sup> Oosterman, Mackenzie, Yates, Davies and Malik, “Regulating the wild west,” 7.

<sup>303</sup> United States Senate, “The Art Industry,” 3.

<sup>304</sup> Mackenzie and Yates, “What is Grey about the ‘Grey Market’ in *Antiquities?* 77.

<sup>305</sup> United States Senate, “The Art Industry,” 14.

<sup>306</sup> United States Senate, “The Art Industry,” 14. ; The UBO= Ultimate Beneficial Owner; means the owner or the person who is effectively in control of an organisation.

<sup>307</sup> United States Senate, “The Art Industry,” 3.

<sup>308</sup> Fincham, “The Blood Antiquities Convention as a Paradigm for Cultural Property Crime Reduction,” 304.

<sup>309</sup> Tess Davis, “Cultural treasures stolen from conflict zones continue to pop up for sale in the United States and elsewhere,” *The Diplomat*, March 14, 2017, <https://thediplomat.com/2017/03/buyer-beware-us-market-for-ancient-asian-art-still-the-wild-wild-east/>.

<sup>310</sup> Yates and Berzina, “Regulating and policing the grey antiquities market,” 76.

<sup>311</sup> Simon Mackenzie. “Illicit deals in cultural objects as crimes of the powerful,” *Crime, Law and Social Change* 56, 133 (July 2011): 133, <https://doi.org/10.1007/s10611-011-9317-2>.

<sup>312</sup> Oosterman, Mackenzie, Yates, Davies and Malik, “Regulating the wild west,” 9.

The realm of private auction houses or private collectors is more of a challenge to control than that of museums. A significant difference between the two parties is that auction houses merely act as intermediaries between sellers and buyers; they do not gain title of the work being put up for sale.<sup>313</sup> Auction houses do not have strict rules to perform due diligence while museums are far more obliged to do so.<sup>314</sup> Sotheby's has a "Code of Business Conduct" which states that those in Sotheby's "must be satisfied" that they have conducted sufficient due diligence to ensure that there are no legal hindrances to passing title of the work in question. It goes on to declare that Sotheby's adheres "to the relevant domestic and international laws that govern the markets for archaeological and ancient property."<sup>315</sup> Lawyer Lauren Henderson proposes that auction houses should voluntarily adopt something similar to ICOM's Code of Ethics so that there are formal rules in place so that cases like this one become less likely to take place.<sup>316</sup> I am pessimistic about this idea because even museums that are part of ICOM and as such are to comply with the Code of Ethics fail to do so.

The internet is another layer that facilitates the sale of looted objects, it is now easier than ever to get in contact with looters. The Antiquities Trafficking and Heritage Anthropology Research (ATHAR) Project is an initiative that focuses on studying the very active online market selling antiquities, in particular Facebook Groups.<sup>317</sup> This organisation focuses on the Middle East and North Africa but it serves as an example of what role social media is now playing in illicit trade. EBay appears as a popularly used site to sell Khmer antiquities as seen in an article in *The Cambodia Daily* that includes an interview with Bertrand Porte of the École française d'Extrême-Orient. Porte remarks on works for sale on the website that he says were clearly looted from a temple. These works do not have an accompanying provenance and one would have to get in touch with the seller to ascertain its background. Hab Touch, the then Director of the National Museum of Cambodia stated in the article that it would be illegal in Cambodia to buy these antiquities that are available on eBay.<sup>318</sup> Davis from The Antiquities Coalition is quoted as commenting that some of these online sales may in fact be legal but it depends on the particular sale and there are no resources in place to analyse the scale of activity present. One can easily find a number of bronze Khmer statues for sale on eBay's website labelled as "Angkor Wat style" or sandstone heads. One listing marked "16' A Set Of Standing Khmer God Goddess Thai Buddha Statues Ancient Angkor Wat" includes a notice that the item being offered requires a permit for its export from the Thai National Art Office. The supplier of another antiquity says that the permit needs to be obtained from the Archaeological Department of Fine Arts in Thailand because it is a religious artefact. Others do not mention such a permit and few to none

---

<sup>313</sup> Henderson, "The Duryodhana Dilemma," 272.

<sup>314</sup> Ibid.

<sup>315</sup> Sotheby's, "Code of Business Conduct," 2021, 47, <https://www.sothebys.com/en/docs/pdf/code-of-conduct-2021.pdf>.

<sup>316</sup> Henderson, "The Duryodhana Dilemma," 251.

<sup>317</sup> "Facebook's Black Market in Antiquities," Athar Project, accessed April 29, 2022, <http://atharproject.org/report2019/>.

<sup>318</sup> "Trade in Khmer Antiquities Flourishes Online," *The Cambodian Daily*, January 29, 2009, <https://english.cambodiadaily.com/news/trade-in-khmer-antiquities-flourishes-online-92185/>.

make any attempt at communicating any sort of provenance. Some sales could be legitimate, some could be fakes and majority could be illegitimate, a lot more could be researched and written about this area.

The provenance of the Khmer antiquities Latchford dealt with led to Cambodia. As noted these antiquities traverse vast tracts of land and jurisdictions on their smuggling journey but the common denominator is that every antiquity begins in Cambodia and as such the local community is of uppermost importance. The non-profit Heritage Watch is an example of an organisation working towards these goals, they seek to promote awareness of Cambodia's heritage while simultaneously working to discourage and prevent illicit looting and its trading. Heritage Watch was founded in 2003 by archaeologist Dougald O'Reilly in reaction to the looting at Phum Snay in northwest Cambodia.<sup>319</sup> The list of those involved in the project is impressive and consists of familiar names such as Dr. Neil Brodie, Terressa Davis and the Ministry of Culture of Fine Arts H.E Prak Sonnara. What is unique about this organisation is that it works directly with the Cambodian community; it understands the gravity that their education of these issues has on the problem. Locals are the ones who may become looters or inform the looters of where a temple site or statue might be. Julia Killmer believes that one of the most effective methods of preventing future looting is to educate the locals about the significance of the sites and the role they have in their Khmer heritage, and how it needs to be protected for the succeeding generations.<sup>320</sup> Heritage Watch shares this belief; their current initiative that they are running is "Heritage for Kids" which is integrated into the primary and secondary school curriculum at Banteay Meanchey and is being expanded in other parts of the country.<sup>321</sup> In "Heritage for Kids" teachers are taught to tell children about the importance of their heritage and the impact of its destruction. Heritage Watch has also produced a number of publications over the years including a children's book and comic book, their book *If The Stones Could Speak* (which is part of the children's programme) emphasises the spiritual dimension of these antiquities. The book personifies the statues so as to articulate the distress these statues would feel when removed from their home of hundreds of years by looters. Another past scheme of theirs that I admire began in 2016 and was a collaboration with the Ministry of Culture and Fine Arts. Together they launched a permanent exhibition at the Provincial Museum in Banteay Meanchey Province entitled "Ancestors of the Khmer Empire." The exhibition is now part of "Heritage Kids" and it displays the archaeological finds of the local area so that visitors can see the rich cultural heritage they are surrounded by. Another similar operation but functions on a more global scale is The Antiquities Coalition. It is an international NGO that works to end the looting of the world's cultural heritage. The association feel that creating better laws and policy are a vital part of ending illicit trade and they strongly push for looting to no longer be viewed as a white collar crime because this label diminishes the profound impact it has and neglects the fact that a lot of illicit looting supports terrorist groups.

---

<sup>319</sup> "About Us," Heritage Watch, accessed April 12, 2022, [https://www.heritagewatchinternational.org/about\\_us](https://www.heritagewatchinternational.org/about_us).

<sup>320</sup> Killmer, "The Restoration of Banteay Chhmar," 192.

<sup>321</sup> "Projects," Heritage Watch, accessed April 12, 2022, <https://www.heritagewatchinternational.org/projects>.

## Conclusion

The larger overarching question that lingers within all I have written is: who owns cultural property and on what grounds? Campfens maintains that cultural objects are regarded as warranting our protection and that this stewardship is a shared responsibility, they are seen as “property of mankind.”<sup>322</sup> This perspective can run into some complications; how can one say that these Khmer antiquities have their rightful place in Cambodia specifically if, in fact, they belong to all of humanity? Yet the reality is that states are seen as custodians of their own items of cultural heritage. Campfens writes that this idea of “property of mankind” is a matter of international public policy and can be understood “in terms of preservation and accessibility.”<sup>323</sup> As I have discussed before there is great value in Cambodia’s own cultural property remaining within its borders for its own people. However on a more global scale there are those that argue that if the purpose of these cultural antiquities is to educate about the Khmer culture then more people are exposed to the antiquities when they lie in institutions like the MET rather than Cambodia.<sup>324</sup> Despite the fact that tourism is a quickly growing industry in Cambodia it is still somewhat of an unknown country to the vast majority of tourists while New York is very much on the map. One argument is that collectors can protect these Khmer antiquities better than they would have had they been left in their place, no doubt there is some truth in this, they have the financial means to care for them.<sup>325</sup>

When these antiquities find themselves in Western museums, however dignified and well maintained they are, they then succumb to the Western lens being placed on them. Another reality is that these museums in the West only have a small fraction of their collection on display at a time; the MET is quoted as only having around 4% of its collection on display at a time.<sup>326</sup> Another query is which is of more importance; that these antiquities are researched sufficiently, which is to be the case when the works are in museums, or is it more important that these antiquities are made accessible to those who utilise them for religious devotion? In a Western view these antiquities do not hold their sacred potency, they are stripped of it when they enter our museums; this ethnocentric view tends to try to belittle or invalidate the enormous spiritual significance they hold. Bunker was quoted in court in an email to Sotheby’s saying that when previously looted Khmer antiquities were brought from the United States to Phnom Penh there was “great hoopla and religious blessings.”<sup>327</sup>

---

<sup>322</sup> Evelien Campfens, “Whose Cultural Objects? Introducing Heritage Title for Cross-Border Cultural Property Claims,” 263.

<sup>323</sup> Ibid, 264.

<sup>324</sup> LaFont, *Pillaging Cambodia*, 88.

<sup>325</sup> Ibid, 81.

<sup>326</sup> Nora McGreevy, “A Dutch Museum Will Display All 150,000 Objects in Its Collections,” *Smithsonian Magazine*, September 28, 2020, <https://www.smithsonianmag.com/smart-news/dutch-art-museum-depot-plans-display-everything-its-collectionsyes-everything-180975927/#:~:text=Most%20museums%20display%20just%20a,view%20at%20any%20given%20time>.

<sup>327</sup> “Case 1:12-cv-02600-GBD Document 47,” 16.

One can wonder whether these antiquities fulfil their divine existence if they are sent back to Cambodia only to be placed in the National Museum in Phnom Penh. However, one could reason that at least they are on home soil and are thus more accessible to the very descendants of the Khmer Empire and they can hold the narrative surrounding their cultural heritage. O'Reilly remarks that the Hindu deity antiquities in Cambodia no longer hold much value but that the Buddha statues are revered and visited by monks in museums in Cambodia.<sup>328</sup> For many statues the exact place of their origin is still unknown and even if it was the sculptures may not be safe if rehoused there as looting is still practised. Instead the antiquities are resettled in the National Museum but Lafont also points out that this is hardly the utopian solution that it may be presented as; the museum is underfunded and is often in bad condition whereby it lacks necessities such as the proper displays and security.<sup>329</sup> A great number of the museum employees lost their lives during the Khmer Rouge which added to the delay in the museum being brought up to standard.<sup>330</sup> LaFont brings up the infestation of a protected bat species that was in the roof of the museum but now the museum's website states that this colony of bats have been removed.<sup>331</sup> Strives are being made to improve the museum; they now have a climate controlled repository for their files.<sup>332</sup> For lack of formal and academic reviews of the museum I resort to looking at Google reviews. These reviews are mixed, some say that the collection of the statues lacks a specific order, they are poorly documented, there are no maps to aid the visitors and that the entrance fee is pricey. More positive reviews comment on the interesting collection of antiquities covering a wide time span and the nice building they are housed in along with the maintained surrounding garden. O'Reilly notes that these antiquities do not suit the environment of a museum best but it is often the best option available; his suggestion is that if the antiquities are to find their place in a museum that they might do so in one closest to their place of origin, "provided security is assured."

There is some discussion that the Cambodian government was aware of these Khmer antiquities being in museums in the United States. Lafont writes in her book that it was widely known in Cambodia that certain antiquities in the MET were of concern but no alarm bells were rung as the political and economic relations between the two countries were improving.<sup>333</sup> The same has been said regarding the Norton Simon Museum.<sup>334</sup> O'Reilly thinks that this may be that it was just not an issue of high priority for the Cambodian government who had a myriad of other challenges they were facing. Like Maslow's hierarchy of needs, only once the issue of poverty has been conquered then more attention will be paid to the issue of looting. One cannot deny that removing and selling Khmer antiquities is a source of income. However there are large

---

<sup>328</sup> Hinduism went into decline in Cambodia in the 14th century.

<sup>329</sup> Lafont, *Pillaging Cambodia*, 85.

<sup>330</sup> "Projects and Activities," Information for: Visitors, National Museum of Cambodia, accessed April 12, 2022 [https://www.cambodiamuseum.info/en\\_projects\\_activities.html](https://www.cambodiamuseum.info/en_projects_activities.html).

<sup>331</sup> Lafont, *Pillaging Cambodia*, 85.

<sup>332</sup> "Projects and Activities."

<sup>333</sup> Lafont *Pillaging Cambodia*, 101.

<sup>334</sup> Mashberg and Blumenthal, "Mythic Warrior."

discrepancies along the chain and those who exist at the bottom (i.e. the Cambodians) get the worst end of the straw, they lose out both colossally monetary on its initial sale and also on the long-term economic benefits of the antiquity, the potential for tourism growth.<sup>335</sup> Sadowski quotes the middlemen as receiving 98% of the profits.<sup>336</sup> Those doing the groundwork, the physical labour and destroying their own culture only receive a minute fracture of the overall profit of the looted antiquity. These Khmer antiquities then go on to sell for up to a few million at auction.

The question that frequently arises is how audiences outside of Cambodia might learn about these antiquities without physically having the objects? The 1995 UNIDROIT Convention brings up the concept of the dissemination of culture which recognises the protection of cultural heritage as well as of “cultural exchanges for promoting understanding between peoples that is seems as beneficial to “the well-being of humanity and the progress of civilisation.”<sup>337</sup> The world would greatly benefit from learning about Khmer culture through tangible items and Cambodia is not opposed to this, but the country should be able to share its treasures with the world without stripping its own people of it, Cambodians have a right to their own culture. This sharing of antiquities can be done in all the standard ways that are automatically afforded to the museums across the Western world. Firstly, temporary loans with the museums in Cambodia seems obvious and does happen, the exhibition “Revealing Krishna: Journey to Cambodia’s Sacred Mountain” that took place from November 2021 to January 2022 in Cleveland Museum of Art is an example of this.<sup>338</sup> Long term loans to museum institutions would also be possible. Cambodia does not wish to deprive the outside world of appreciating their Khmer art but as O’Reilly comments there is an imbalance that has dominated; the West has had the upper hand in discussions and agreements seem to be made on their terms. Moving forward, if museums still want to be viewed as custodians of these Khmer antiquities then they should have a level of responsibility and accountability put upon them and should they fail to measure up I believe there should be consequences in place. The responsibility would include placing more scrutiny on items donated and for provenance research to expand far past the Nazi-looted art narrative. It is of note that the British Museum is the only non-art museum listed among the 10 museums in the Pandora Papers. These Khmer antiquities were placed in art museums, not ethnographic or natural history ones. As such art historians themselves need to be far more involved in the discussion; thus far it is archaeologists who have been the most vocal. The art market is not intertwined with the role of an archaeologist while it is with an art historian which may speak to their silence. For archaeologists the removal of a Khmer antiquity from a temple site marks their research as devoid and aesthetical value is not of prime concern for them. Not everything that an archaeologist finds on site in Cambodia (or anywhere for that matter) is seen as being of value to

---

<sup>335</sup> Brodie, “Introduction,”16.

<sup>336</sup> Sadowski, “Mapping the Art Trade in South East Asia,” 673.

<sup>337</sup> “1995 Convention,” UNIDROIT Convention on stolen or illegally exported cultural objects, accessed April 30, 2022, <https://www.unidroit.org/instruments/cultural-property/1995-convention/>.

<sup>338</sup> This exhibition was also a great example of the role technology can have. Damaged antiquities were digitally reconstructed to show what they may have looked like when intact.

art collectors, historians or institutions. It seems as though archaeologists are pleading to those in the art world to be more sympathetic to their cause. They ask us to look at the bigger picture and to not get seduced by all the money in the art and antiquities world; for archaeologists and Cambodia value is not seen in monetary terms.

I believe that concrete changes need to take place and I have listed four steps I have identified that can be taken. Firstly, from my own art historical perspective I see that there needs to be a large push for provenance to be seen as of the utmost importance. Museums are beginning to recognise this; in 2010 the Boston Museum for Fine Arts introduced the sole position of a curator for provenance and their research entails researching Nazi-Era Provenance as well as Colonial-Era Provenance and that of Antiquities and Provenance Policy.<sup>339</sup> Nevertheless, just having provenance provided is not enough, Latchford falsified provenance of Khmer antiquities; there has to be a rigorous level of checks and examination. Secondly, education needs to be used as a tool. As someone who has gone through university studying art history the provenance of antiquities was never something that came up in courses. Failure to educate the future art historians, those who are the very ones to work in art museums is an alarming error. This education can subtly begin at a young age. Children are taught in school and from their family about the significance of their country's historical landmarks or family heirlooms; this needs to be expanded to understanding objects from further afield. It is in a child's nature to give feelings to inanimate objects, Heritage Watch utilises this fact but even this language is biased, for many that hold religious beliefs that are not a stronghold in the West these antiquities are alive. Here it is now becoming more generally accepted that such sentiments are not aligned with human progress or contemporary society. There appears to be a parent and child relationship; museums in the West believe they are far better equipped and knowledgeable to care for Cambodia's antiquities than the country itself. Thirdly, the mentality in museums needs to change. Bunker herself worked in a museum and no doubt she was not alone in her views. The legal future appears to be in the midst of changing which is promising but a difficulty remains that morals and ethics, which this issue so heavily relies on, is subjective. My final point is that the real threat of severe ramifications for those involved in illicit trade as a deterrent for those involved in this business. The instances of the offenders actually making it to court is rare and when it does occur jail time is almost unheard of. The legal situation is often ambiguous but it should be clear to those purchasing these antiquities the risks involved and that they cannot simply take the stance of willful ignorance, what Bodhanos calls the "ostrich defence."<sup>340</sup>

The few court cases I looked into detail took place a few years before the Pandora Papers. The Papers are not solely responsible for unveiling the issue of Khmer antiquities in collections but they did show that at least 27 items *still* remain in distinguished collections.<sup>341</sup> Also, this is

---

<sup>339</sup> "Provenance Research," Collections, Museum of Fine Arts Boston, accessed April 13, 2022, <https://www.mfa.org/collections/provenance>.

<sup>340</sup> Saber, "The Tomb Raiders of the Upper East Side."

<sup>341</sup> Politzer, Whoriskey, Reuter and Woodman, "From temples to offshore trusts."

just a glimpse of a much bigger picture. The old time phrase “possession is nine tenths of the law” is not applicable to the art industry because even true title and ownership to something can be rebutted in some courts.<sup>342</sup> Fincham writes that reparations do not necessarily deter theft and looting, and even treaties can be seen as being more of a political gesture than a reflection of real change, but change has to start somewhere.<sup>343</sup> Bunker quoted “academics and temple huggers” as being the only ones in the United States that would care about the matter of the illicit Khmer statues being auctioned at Sotheby’s, the general public need to also become outraged at these kinds of situations.<sup>344</sup> Some in the West argue that they care deeply about Cambodia’s cultural heritage, that is why they collect such antiquities but if they truly care then they could invest in the country, in restoring the temples and paying for their security, in research, investing in their museums and in initiatives like Heritage Watch. Latchford’s daughter has tried to right her father’s wrongs through repatriation of his collection of antiquities. With Latchford and Bunker both being deceased there remains a number of questions that may never be answered but much can still be learnt from what little we do know. This “commercialisation of culture” creates a lot of open questions and the only way to move forward is if this conversation continues and reaches more voices.<sup>345</sup>

---

<sup>342</sup> Shindell, “Provenance and title risks in the art industry,” 407.

<sup>343</sup> Fincham, “The Blood Antiquities Convention,” 312.

<sup>344</sup> “Case 1:12-cv-02600-GBD Document 47,” 18.

<sup>345</sup> Lafont, *Pillaging Cambodia*, 122.

## Illustrations



Figure 1 = Sotheby's, 10th-century Khmer statue stolen from Cambodia's Koh Ker temple complex included in the 2011 Sotheby's sale that was stopped by the U.S government, photograph of the statue, provided for by Sotheby's via artnet, <https://news.artnet.com/art-world/pandora-papers-douglas-latchford-2017069>, accessed December 12, 2021.

Of note is the missing feet of the state, in a temple within Koh Ker this statues' feet are present; affirming the looting.

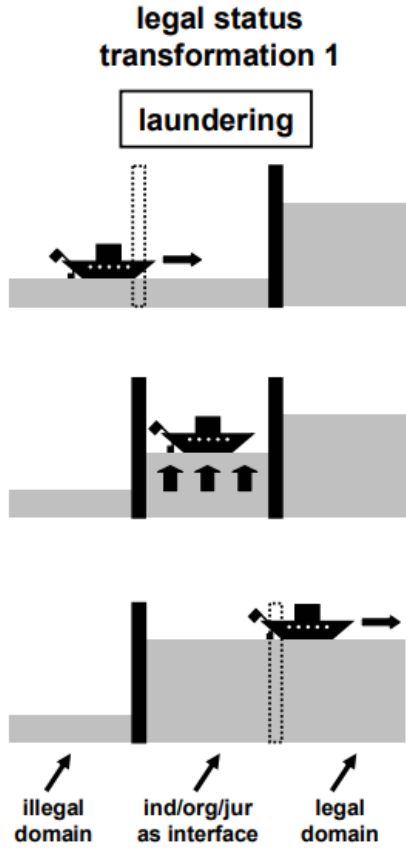


Figure 2 = A.J.G Tjihuis, Lock theory as shown in “Transnational crime and the interface between legal and illegal actors: the case of illicit art and antiquities trade” (PhD diss., University of Leiden, 2006), 100.

Note: Edited to not include the other side which shows the process of ‘blackening’ as it is not relevant to my case. As permission was granted by the author Tjihuis in an email.

Museum	Location	Pieces linked to Latchford	Pieces linked to associates
Metropolitan Museum of Art	New York, N.Y.	12	7
Denver Art Museum	Denver, Colo.	6	-
British Museum	London, United Kingdom	5	-
Cleveland Museum of Art	Cleveland, Ohio	3	2
Museum of Fine Arts	Boston, Mass.	-	2
Asian Art Museum	San Francisco, Calif.	-	2
Brooklyn Museum	New York, N.Y.	-	1
National Gallery of Australia	Canberra, Australia	1	-
Walters Art Museum	Baltimore, Md.	-	1
Los Angeles County Museum of Art	Los Angeles, Calif.	-	1

Table 1 = ICIJ, The Washington Post and partners, Pandora Papers, Museums holding antiquities linked to accused smuggler, provided for Pandora Papers, <https://www.icij.org/investigations/pandora-papers/cambodia-relics-looted-temples-museums-offshore/>, accessed March 16, 2022.

## Bibliography

Athar Project. "Facebook's Black Market in Antiquities." Accessed April 29, 2022.  
<http://atharproject.org/report2019/>.

Audric, John. *Angkor and the Khmer Empire*. London: Robert Hale & Company, 1972.

Boisselier, Jean. *Trends in Khmer Art*. Cornell University Press, 2018.

Bourdonneau, Éric. "Koh Ker: Prasat Chen and its sculptures." *World Heritage Review* No. 68 (2013): 94-96. <https://unesdoc.unesco.org/ark:/48223/pf0000221079.locale=en>.

Blumenthal, Ralph and Tom Mashberg. "Expert Opinion or Elaborate Ruse? Scrutiny for Scholar's Role in Art Sales." *The New York Times*, March 30, 2017.  
<https://www.nytimes.com/2017/03/30/arts/design/expert-opinion-or-elaborate-ruse-scrutiny-for-scholars-role-in-art-sales.html>.

Blue Shield. "Looting and Illicit Antiquities." Accessed April 26, 2022.  
<https://theblueshield.org/resources/law-library/looting-and-illicit-antiquities/>.

Bradsher, Greg. "Documenting Nazi Plunder of European Art." National Archives. Accessed April 25, 2022. <https://perma.cc/ANG6-2ZZS>.

Brodie, Neil and Kathryn Walker, ed. *Illicit Antiquities: The theft of culture and the extinction of archaeology*. London: Routledge, 2002.

Brodie, Neil. "Provenance and Price: Autoregulation of the Antiquities Market?" *European Journal on Criminal Policy and Research* 20, no. 4 (2014): 427-444.  
<https://doi.org/10.1007/s10610-014-9235-9>.

Burns, Charlotte. "Sotheby's Cambodian smuggling saga quietly resolved out of court." *The Art Newspaper*, 1 January 2014. <https://www.theartnewspaper.com/2014/01/01/sothebys-cambodian-smuggling-saga-quietly-resolved-out-of-court>.

"Cambodian Law on the protection of cultural heritage." Adopted January 25, 1996.  
[https://ihl-databases.icrc.org/applic/ihl/ihl-nat.nsf/implementingLaws.xsp?documentId=A4BA0BF90C1E0009C1257D890040D033&action=openDocument&xp\\_countrySelected=KH&xp\\_topicSelected=GVAL-992BU7&from=state&SessionID=DZ5W9QSTU5#:~:text=On%2025%20January%201996%2C%20the,importation%27%20\(Article%201\)](https://ihl-databases.icrc.org/applic/ihl/ihl-nat.nsf/implementingLaws.xsp?documentId=A4BA0BF90C1E0009C1257D890040D033&action=openDocument&xp_countrySelected=KH&xp_topicSelected=GVAL-992BU7&from=state&SessionID=DZ5W9QSTU5#:~:text=On%2025%20January%201996%2C%20the,importation%27%20(Article%201)).

Campfens, Evelin. "Cross-border title claims to cultural objects: property or heritage?" PhD diss., University of Leiden, 2021.

Campfens, Evelin. “Restitution of Looted Art: What About Access to Justice?” *Santander Art and Culture Law Review* 2 (2018): 185-220.

<https://doi.org/10.4467/2450050XSNR.18.024.10378>.

Chandler, David. *A History of Cambodia: Fourth Edition*. Boulder Colorado: Westview Press, 2008.

Chen, Julia. “In Cambodia, Culture Shapes Identity, Spurs Economic Growth.” The Asia Foundation. Uploaded February 12, 2014. <https://asiafoundation.org/2014/02/12/in-cambodia-culture-shapes-identity-spurs-economic-growth/>.

Chheang, Vannarith. “The Political Economy of Tourism in Cambodia.” *Asia Pacific Journal of Tourism Research* 13, no. 3 (2008): 281-297. <https://doi.org/10.1080/10941660802280414>.

Clémentin-Ojha, Catherine and Pierre-Yves Manguin. *A Century in Asia: The History of the École Française d'Extrême-Orient 1898-2006*. Singapore: Editions Didier Millet, 2007.

Congressional Research Service. “Cambodia: Background and U.S Relations.” Updated January 28, 2019. <https://sgp.fas.org/crs/row/R44037.pdf>.

Conn, David and Malia Politzer. “Offshore loot: how notorious dealer used trusts to hoard Khmer treasures.” *The Guardian*, 5 October 2021.

<https://www.theguardian.com/news/2021/oct/05/offshore-trusts-used-pass-on-looted-khmer-treasures-leak-shows-douglas-latchford>.

Davies, Paul. *War of the Mines*. London: Pluto Press, 1994.

Davis, Tess. “Buyer Beware: US Market for Ancient Asian Art Still the Wild, Wild East.” *The Diplomat*, March 14, 2017. <https://thediplomat.com/2017/03/buyer-beware-us-market-for-ancient-asian-art-still-the-wild-wild-east/>.

Davis, Tess. “Supply and demand: exposing the illicit trade in Cambodian antiquities through a study of Sotheby’s auction house.” *Crime, Law, and Social Change* Volume 56, Issue 2 (July 2011): 155-174. <https://doi.org/10.1007/s10611-011-9321-6>.

Delaporte, Louis. *Voyage au Cambodge: L'architecture Khmer*. Paris: Maisonneuve et Larose, 1999.

Denver Post. “Emma Cadwalader Bunker.” Obituary. Accessed May 17, 2022.

<https://www.legacy.com/us/obituaries/denverpost/name/emma-bunker-obituary?id=9994669>.

Department of Justice. “United States of America V. Douglas Latchford.” Sealed Indictment. Accessed May 18, 2022. <https://www.justice.gov/usao-sdny/press-release/file/1221291/download>.

Díaz-Struck and Delphine Reuter, Agustin Armendariz, Jelena Cosic, Karrie Kehoe, Miguel Fiandor Gutiérrez, Margot Williams and Nicole Sadek, “ICIJ publishes final batch of Pandora Papers data on more than 9,000 offshore companies, trusts and foundations.” *Pandora Papers*, May 2, 2022. [https://www.icij.org/investigations/pandora-papers/icij-publishes-final-batch-of-pandora-papers-data-on-more-than-9000-offshore-companies-trusts-and-foundations/?utm\\_source=ICIJ&utm\\_campaign=fe90a9cd5b-2022.05.03\\_WeeklyEmail&utm\\_medium=email&utm\\_term=0\\_992ecfdbb2-fe90a9cd5b-83780142](https://www.icij.org/investigations/pandora-papers/icij-publishes-final-batch-of-pandora-papers-data-on-more-than-9000-offshore-companies-trusts-and-foundations/?utm_source=ICIJ&utm_campaign=fe90a9cd5b-2022.05.03_WeeklyEmail&utm_medium=email&utm_term=0_992ecfdbb2-fe90a9cd5b-83780142).

École française d'Extrême-Orient. “Localisation des centres EFEO.” Accessed April 12, 2022. <https://www.efeo.fr/>.

École française d'Extrême-Orient. “Mission archéologique à Koh Ker.” Recherche. Accessed March 23, 2022. <https://www.efeo.fr/base.php?code=808>.

Fincham, Derek. “The Blood Antiquities Convention as a Paradigm for Cultural Property Crime Reduction.” *Cardozo Arts & Entertainment Law Journal* Vol. 37, No. 2 (March 2019): 299-336. <https://heinonline.org/HOL/P?h=hein.journals/caelj37&i=319>.

Garnier, Pierre and Guy Nafilyan. *L'art khmer en situation de réserve = Khmer art in reserve*. Marseille: Editions européennes Marseille, 1997.

Goodman, Michael P. “Keeping the Barbarians at the Gates: The Promise of the UNESCO and UNIDROIT Conventions for Developing Countries.” *Michigan Journal of International Law* Volume 41, no. 3 (2020): 581-614. <https://doi.org/10.36642/mjil.41.3.keeping>.

Hauser-Schäublin, Brigitta. “Looted, trafficked, donated and returned: The twisted tracks of Cambodian antiquities.” In *Cultural Property and Contested Ownership: The Trafficking of Artefacts and the Quest for Restitution*, edited by Brigitta Hauser-Schäublin and Lyndel V. Prott, 64-81. London: Routledge, 2017.

Hammer, Joshua. “Invisible Kingdom.” *Smithsonian* 46, no. 11 (2016): 43-44.

Henderson, Lauren. “The Duryodhana Dilemma: United States v. A 10th Century Cambodian Sandstone Sculpture and a Proposed Code of Ethics-Based Response to Repatriation Requests for Auction Houses.” *University of Pennsylvania Law Review* Vol. 163 Iss. 1 (2014): 249-281. [https://scholarship.law.upenn.edu/penn\\_law\\_review/vol163/iss1/4](https://scholarship.law.upenn.edu/penn_law_review/vol163/iss1/4).

Heritage Watch. “About Us.” Accessed April 12, 2022. [https://www.heritagewatchinternational.org/about\\_us](https://www.heritagewatchinternational.org/about_us).

Heritage Watch. “Projects.” Accessed April 12, 2022. <https://www.heritagewatchinternational.org/projects>.

History.com. “Ho Chi Minh.” Accessed April 26, 2022. [https://www.history.com/topics/vietnam-war/ho-chi-minh-1#section\\_4](https://www.history.com/topics/vietnam-war/ho-chi-minh-1#section_4).

Hollein, Max. “Broadening Perspectives.” In *Making the MET 1870-2020*, edited by Andrea Bayer and Laura D. Corey. New Haven, CT: Yale University Press, 2020.

Hollein, Max. “Director’s Foreword.” In *How to Read Buddhist Art*, edited by Kurt Behrendt & Metropolitan Museum of Art. New Haven, CT: Yale University Press, 2019.

“Implementation of Convention on Cultural Property.” Convention on Cultural Property Implementation Act 1983. <https://eca.state.gov/files/bureau/97-446.pdf>.

International Consortium of Investigative Journalists. “About.” Accessed February 27, 2022. <https://www.icij.org/about/>.

International Consortium of Investigative Journalists. “Offshore havens and hidden riches of world leaders and billionaires exposed in unprecedented leak.” *Pandora Papers*, October 3, 2021. <https://www.icij.org/investigations/pandora-papers/global-investigation-tax-havens-offshore/>.

International Consortium of Investigative Journalists. “Pandora Papers.” Accessed December 1, 2021, <https://www.icij.org/investigations/pandora-papers/>.

International Consortium of Investigative Journalists. “Search Results for Latchford.” Accessed February 27, 2022. <https://www.icij.org/?s=Latchford>.

International Consortium of Investigative Journalists. “Secrecy Brokers.” Accessed February 27, 2022, <https://www.icij.org/investigations/pandora-papers/secrecy-brokers/>.

International Council of Museums, *ICOM code of ethics for museums* (Paris, France: International Council of Museums, 2017), <https://icom.museum/wp-content/uploads/2018/07/ICOM-code-En-web.pdf>.

Jessup, Helen Ibbitson. *Art & Architecture of Cambodia*. London: Thames & Hudson, 2004.

Kaplan, Anna. “Billionaire Michael Steinhardt Surrenders \$70 Million in Stolen Art, Receives First-Ever Lifetime Ban from Acquiring Antiquities.” *Forbes*, December 6, 2021. <https://www.forbes.com/sites/annakaplan/2021/12/06/billionaire-michael-steinhardt-surrenders-70-million-in-stolen-art-receives-first-ever-lifetime-ban-from-acquiring-antiquities/?sh=393df21ba067>.

Kimmarita, Long. “Temple tourist sites are mine clearing priorities.” *The Phnom Penh Post*, 9 January 2022. <https://www.phnompenhpost.com/national/temple-tourist-sites-are-mine-clearing-priorities>.

Kouroupas, Maria Papageorge. “U.S. Efforts to Protect Cultural Property: Implementation of the 1970 UNESCO Convention.” *African Arts* 28, no. 4 (1995): 32–41. <https://doi.org/10.2307/3337290>.

Kuzma, William. "Potentiating Loopholes: How Erratic and Piecemeal Implementation of the 1970 UNESCO Convention Has Failed to Protect Cultural Antiquities." *The Columbia Journal of Law & the Arts* 42, no. 4 (2019): 501-518.

<https://heinonline.org/HOL/P?h=hein.journals/cjla42&i=519>.

Korsten, Frans-Willem. *Art as an Interface of Law and Justice : Affirmation, Disturbance, Disruption*. London: Bloomsbury Publishing, 2021.

Lafont, Masha. *Pillaging Cambodia : the Illicit Traffic in Khmer Art*. Jefferson, NC: McFarland, 2004.

Latchford, Douglas and Emma C. Bunker, *Adoration and Glory: The Golden Age of Khmer*. Chicago: Art Media Resources, 2004.

Latchford, Douglas and Emma C. Bunker. *Khmer Gold: Gifts for the Gods*. Chicago: Art Media Resources, 2008.

Looted Art. "Laws, Policies and Guidelines: Art Law in New York March 2019." Accessed April 12, 2022. <https://www.lootedart.com/TJN7EE909291>.

Mackenzie, Simon, and Tess Davis. "TEMPLE LOOTING IN CAMBODIA: Anatomy of a Statue Trafficking Network." *British Journal of Criminology* 54, no. 5 (2014): 722-40.

<https://doi.org/10.1093/bjc/azu038>.

Mackenzie, Simon. "Illicit deals in cultural objects as crimes of the powerful." *Crime, Law and Social Change* 56, 133 (July 2011): 133-153, <https://doi.org/10.1007/s10611-011-9317-2>.

Mackenzie, Simon and Donna Yates. "What is Grey about the 'Grey Market' in Antiquities?" In *The Architecture of Illegal Markets: Towards an Economic Sociology of Illegality in the Economy*, edited by Jens Beckert and Matías Dewey, 75. UNFINISHED

Mahoney, Kasey Theresa. "Why Did Constantinople Get the Works? That's Nobody's Business but the Turks." A New Approach to Cultural Property Claims and Geographic Renaming Under the 1970 UNESCO Convention," *Brooklyn Journal of International Law* 44 no. 2 (June 2019): 762-794, <https://brooklynworks.brooklaw.edu/cgi/viewcontent.cgi?article=1938&context=bjil>.

Manguin, Pierre-Yves. "The EFEO in Cambodia: a century long partnership." In *Archaeologists in Angkor : photographic Archives of the École française d'Extrême-Orient (French School of Asian Studies) : Musée Cernuschi : Musée des arts de l'Asie de la ville de Paris : September 9th 2010-January 3rd 2011* edited by Musée Cernuschi. Paris: École française d'Extrême-Orient.

Mashberg, Tom. "Antiquities Dealer Pleads Guilty for Role in Sale of Looted Items." *The New York Times*, October 5, 2021. <https://www.nytimes.com/2021/10/05/arts/design/antiquities-dealer-looted-items-pleads-guilty.html>.

Mashberg, Tom and Ralph Blumenthal. “Cambodia Says It Seeks Return Of Met Statues.” *The New York Times*, June 1, 2012. <https://www.nytimes.com/2012/06/02/arts/design/cambodia-to-ask-met-to-return-10th-century-statues.html>.

Mashberg, Tom. “Claims of Looting Shadow Expert in Khmer Art,” *The New York Times*, December 12, 2012. <https://www.nytimes.com/2012/12/13/arts/design/us-links-collector-to-statue-in-khmer-looting-case.html>.

Mashberg, Tom. “Douglas A.J Latchford, Khmer Antiquities Expert, Dies at 88.” *The New York Times*, 27 August 2020. <https://www.nytimes.com/2020/08/27/arts/douglas-aj-latchford-khmer-antiquities-expert-dies-at-88.html>.

Mashberg, Tom. “Netscape Founder Gives up \$35 Million in Art Said To Be Stolen.” *The New York Times*, January 12, 2022. <https://www.nytimes.com/2022/01/12/arts/design/james-clark-cambodian-antiquities.html>.

Mashberg, Tom. “With a Gift of Art, a Daughter Honors, if Not Absolves, Her Father.” *The New York Times*, January 29, 2021. <https://www.nytimes.com/2021/01/29/arts/design/cambodia-artifacts-douglas-latchford.html>.

Mashberg, Tom and Ralph Blumenthal. “Sotheby’s Accused of Deceit in Sale of Khmer Statue.” *The New York Times*, November 12, 2012. <https://www.nytimes.com/2012/11/14/arts/design/sothebys-accused-of-deceit-in-sale-of-khmer-statue.html?searchResultPosition=19>.

McGreevy, Nora. “A Dutch Museum Will Display All 150,000 Objects in Its Collections.” *Smithsonian Magazine*, September 28, 2020. <https://www.smithsonianmag.com/smart-news/dutch-art-museum-depot-plans-display-everything-its-collectionsyes-everything-180975927/#:~:text=Most%20museums%20display%20just%20a,view%20at%20any%20given%20time>.

“Metropolitan Museum of Art to Return Two Khmer Sculptures to Cambodia.” *The Metropolitan Museum of Art Press Release*, May 3, 2013. <https://www.metmuseum.org/press/news/2013/cambodian-returns>.

Mueller, Tom. “How Tomb Raiders Are Stealing Our History.” *National Geographic*, June 2016. <https://www.nationalgeographic.com/magazine/article/looting-ancient-blood-antiquities>.

Museum of Fine Arts Boston. “Provenance Research.” Collections. Accessed April 13, 2022. <https://www.mfa.org/collections/provenance>.

National Endowment for the Humanities. “Matthew Bogdanos.” Our Work. Accessed April 12, 2022. <https://www.neh.gov/about/awards/national-humanities-medals/matthew-bogdanos>.

National Museum of Cambodia. “Projects and Activities.” Information for: Visitors. Accessed April 12, 2022. [https://www.cambodiamuseum.info/en\\_projects\\_activities.html](https://www.cambodiamuseum.info/en_projects_activities.html).

Noce, Vincent. “‘Adventurer scholar’ Douglas Latchford dies in Bangkok, ages 89.” *The Art Newspaper*, 10 August 2020.

“Offshore havens and hidden riches of world leaders and billionaires exposed in unprecedented leak.” *International Consortium of Investigative Journalists*, October 3, 2021. <https://www.icij.org/investigations/pandora-papers/global-investigation-tax-havens-offshore/>.

Oosterman, Naomi, Simon Mackenzie and Donna Yates. “Regulating the Wild West: Symbolic Security Bubbles and White Collar Crime in the Art Market,” *Journal of White Collar and Corporate Crime* 3 no 1 (2022): 7–15. <https://doi.org/10.1177/2631309X211035724>.

Pandora Papers reporting team. “Pandora Papers: A simple guide to the Pandora Papers leak.” *BBC News*, 5 October 2021. <https://www.bbc.com/news/world-58780561>.

Politzer, Maria and Peter Whoriskey, Delphine Reuter and Spencer Woodman. “From temples to offshore trusts, a hunt for Cambodia’s looted heritage leads to top museums.” *International Consortium of Investigative Journalists*, October 5, 2021. <https://www.icij.org/investigations/pandora-papers/cambodia-relics-looted-temples-museums-offshore/>.

Politzer, Maria, Peter Whoriskey and Spencer Woodman. “Denver museums to return looted relics to Cambodian antiquities to leading museums.” *International Consortium of Investigative Journalists*, November 10, 2021. <https://www.icij.org/investigations/pandora-papers/denver-museum-to-return-looted-relics-to-cambodia-after-us-moves-to-seize-them/>.

Roodt, Christa. *Private International Law, Art and Cultural Heritage*. Cheltenham: Edward Elgar Publishing Limited, 2015.

Robertson, Iain. *Understanding Art Markets: Inside the World of Art and Business*. London: Routledge Taylor & Francis Group, 2015.

Saber, Ariel. “The Tomb Raiders of the Upper East Side.” *The Atlantic*, November 23, 2021. <https://www.theatlantic.com/magazine/archive/2021/12/bogdanos-antiquities-new-york/620525/>.

Sadowski, Mirosław Michał. “Mapping the Art Trade in South East Asia: From Source Countries via Free Ports to (a Chance for) Restitution.” *International Journal for the Semiotics of Law = Revue Internationale de Sémiotique Juridique* 34, no. 3 (2020): 669-692. <https://doi.org/10.1007/s11196-020-09694-w>.

Sandler, Linda. “Trading Obsessions Art proves riskier than hedge funds.” *Financial Review*, August 4, 2005. <https://www.afr.com/life-and-luxury/arts-and-culture/trading-obsessions-art-proves-riskier-than-hedge-funds-20050804-jkg27>.

Sharrock, Peter D, ed. *Banteay Chhmar : Garrison-Temple of the Khmer Empire*. Bangkok, Thailand: River Books Co., Ltd, 2015.

Shelley, Louise. "Corruption & Illicit Trade." *Daedalus* 2018; 147 (3): 127–143. doi: [https://doi.org/10.1162/daed\\_a\\_00506](https://doi.org/10.1162/daed_a_00506).

Shindell, Lawrence M. "Provenance and title risks in the art industry: mitigating these risks in museum management and curatorship." *Museum Management and Curatorship* Vol. 31, No. 5 (2016): 406-417. <https://doi.org/10.1080/09647775.2016.1227569>.

Shyllon, Folarin. "The Rise of Negotiation (ADR) in Restitution, Return and Repatriation of cultural property: Moral Pressure and Power Pressure." *Art, Antiquity and Law* Volume 22 Issue 2, 130-143. - add month

Smith, Nicole. "Calls to repatriate relics after death of controversial British art dealer 'Dynamite Doug.'" *The Telegraph*, 15 August 2020. <https://www.telegraph.co.uk/news/2020/08/15/calls-repatriate-trafficked-relics-british-art-dealer-takes/>.

Starkman, Dean, Fergus Shiel, Emilia Díaz-Struck and Hamish Boland-Rudder. "Frequently asked questions about the Pandora Papers and ICIJ." *ICIJ International Consortium of Investigative Journalists*, October 19, 2021. <https://www.icij.org/investigations/pandora-papers/frequently-asked-questions-about-the-pandora-papers-and-icij/>.

Stover, Eric, Allen S. Keller, James Cobey and Sam Sopheap. "The Medical and Social Consequences of Land Mines in Cambodia." *JAMA : the Journal of the American Medical Association* 272, no. 5 (1994): 331–36. <https://doi.org/10.1001/jama.272.5.331>.

Sullivan, Bruce M. *Sacred Objects in Secular Spaces: Exhibiting Asian Religions in Museums*. London: Bloomsbury Publishing, 2015.

Tasdelen, Alpher. *Cultural Property and Contested Ownership*. Oxfordshire: Routledge, 2016.

Thai Body. "Douglas Latchford." Athletes. Accessed February 27, 2022. <http://www.thaibody.com/person/b71669d7/>.

The New York Times. "From Jungle to Museum and Back?" Art & Design. Accessed May 28, 2022. <https://archive.nytimes.com/www.nytimes.com/interactive/2013/05/16/arts/design/from-jungle-to-museum-and-back.html?ref=design>.

The Metropolitan Museum of Art. "Collections Management Policy." Accessed April 12, 2022. [https://www.metmuseum.org/-/media/files/about-the-met/policies-and-documents/collections-management-policy/Collections-Management-Policy-11\\_10\\_20.pdf](https://www.metmuseum.org/-/media/files/about-the-met/policies-and-documents/collections-management-policy/Collections-Management-Policy-11_10_20.pdf).

The Metropolitan Museum of Art. "Gift Acceptance Policy." Accessed April 12, 2022. [https://www.metmuseum.org/-/media/Files/Join%20and%20Give/Support/MMA%20Gift%20Acceptance%20Policy\\_712021](https://www.metmuseum.org/-/media/Files/Join%20and%20Give/Support/MMA%20Gift%20Acceptance%20Policy_712021).

The Metropolitan Museum of Art. "Provenance Research Project." Policies and Documents. Accessed April 12, 2022. <https://www.metmuseum.org/about-the-met/policies-and-documents/provenance-research-project>.

Thompson, Erin L. *Possession: The Curious History of Private Collectors from Antiquity*. Connecticut: Yale University Press, 2016.

Tijhuis, A.J.G. "Transnational crime and the interface between legal and illegal actors: the case of illicit art and antiquities trade." PhD diss., University of Leiden, 2006.

Tully, John. *A Short History of Cambodia: From Empire to Survival*. Crows Nest : Allen and Unwin, 2005.

Tully, John. "Cambodia in the Nineteenth Century: Out of the Siamese Frying Pan and into the French Fire?" In *Cambodia and the West 1500-2000*, edited by T.O Smith, 37-64. London: Palgrave Macmillan, 2018.

Tyner, James A. *The Nature of Revolution: Art and Politics under the Khmer Rouge*. Athens: The University of Georgia Press, 2019.

UNESCO. "Agreement between the government of the Kingdom of Cambodia and the Government of the Kingdom of Thailand to Combat against Illicit Trafficking and Cross-Border Smuggling of movable cultural property and to restitute it to the country of origin." (June 14, 2000): 1-4. [https://en.unesco.org/sites/default/files/cambodia\\_agreement\\_thailand\\_engtno.pdf](https://en.unesco.org/sites/default/files/cambodia_agreement_thailand_engtno.pdf).

UNIDROIT Convention on stolen or illegally exported cultural objects. "1995 Convention." Accessed April 30, 2022. <https://www.unidroit.org/instruments/cultural-property/1995-convention/>.

United States Department of State. "Import Restrictions." Bureau of Educational and Cultural Affairs. Accessed April 12, 2022. <https://eca.state.gov/cultural-heritage-center/cultural-property-advisory-committee/import-restrictions>.

United States Senate. "The Art Industry and U.S Policies That Undermine Sanctions." 27 July 2014. <https://www.hsgac.senate.gov/imo/media/doc/2020-07-29%20PSI%20Staff%20Report%20-%20The%20Art%20Industry%20and%20U.S.%20Policies%20that%20Undermine%20Sanctions.pdf>.

University of Minnesota. "Cambodia." Holocaust and Genocide Studies. Accessed April 26, 2022. <https://cla.umn.edu/chgs/holocaust-genocide-education/resource-guides/cambodia>.

Visit Banteay Chhmar. "Home." Accessed April 26, 2021. <https://www.visitbanteaychhmar.org/>.

Wilkins, Brett. "Pandora Papers: 'Biggest-ever' bombshell leak exposes financial secrets of the super-rich." *Salon*, October 3, 2021. [https://www.salon.com/2021/10/03/pandora-papers-biggest-ever-bombshell-leak-exposes-financial-secrets-of-the-super-rich\\_partner/](https://www.salon.com/2021/10/03/pandora-papers-biggest-ever-bombshell-leak-exposes-financial-secrets-of-the-super-rich_partner/).

Winter, Tim. "Post-Conflict Heritage and Tourism in Cambodia: The Burden of Angkor." *International Journal of Heritage Studies : IJHS* 14, no. 6 (2008): 524-539. <https://doi.org/10.1080/13527250802503274>.

Whoriskey, Peter and Malia Politzer, Delphine Reuter and Spencer Woodman. "Cambodian relics tied to indicted art dealer Douglas Latchford have turned up in the Met, other museums." *The Washington Post*, October 5, 2021. <https://www.washingtonpost.com/world/interactive/2021/met-museum-cambodian-antiquities-latchford/>.

Woodman, Spencer. "Tech titan surrenders Cambodian relics sold by indicted dealer amid broader repatriation push." January 12, 2022. <https://www.icij.org/investigations/pandora-papers/tech-titan-surrenders-cambodian-relics-sold-by-indicted-dealer-amid-broader-repatriation-push/>.

WorldData.info. "Tourism in Cambodia." Accessed April 26, 2022. <https://www.worlddata.info/asia/cambodia/tourism.php#:~:text=Tourism%20in%20Cambodia,number%20of%20guests%2C%20is%20obvious>.

World Heritage Convention UNESCO. "Cambodia." State Parties. Accessed February 27, 2022. <https://whc.unesco.org/en/statesparties/kh>.

Yamada, Talahiro and Hiroyuki Yamada. "The long-term casual effect of U.S bombing missions on economic development: Evidence from the Ho Chi Minh Trail and Xieng Khouang Providence in Lao P.D.R." *Journal of Development Economics* 150 (May 2021): 1-17. <https://doi.org/10.1016/j.jdeveco.2020.102611>.

Yates, Donna and Diana Berzina. "Regulating and policing the grey antiquities market: what works, what does not and ways forward." Paper presented at the International Conference Opportunities and Challenges of the Art and Antiquities market management, Latvia 24-25 November 2020.