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 Arts Correspondent

**A**s the mercury fell in New York City, a curator from Singapore's Asian Civilisations Museum stepped off the sidewalk in the city's posh Upper East Side neighbourhood and into the gallery, Art of the Past, in Madison Avenue.

Like other museum officials around the world who visit the gallery to acquire art, the curator was on a mission: to look for works of art that could be added to the museum's trove.

The gallery, a few blocks from the famed Metropolitan Museum of Art, was run by the respected dealer Subhash Kapoor. His family has been in the art business for decades and he regularly published illustrated catalogues that were known for their scholarly descriptions of the gallery's artefacts that were on sale.

That visit in 2005 by the curator was neither the first nor the last. Asian Civilisations Museum was not the last. It had been acquiring items from Mr Kapoor since 1997 and, by 2010, it had bought a total of 50 artefacts from the New York gallery.

In the museum's dealings with the India-born United States-based dealer, there was no sign that the gallery's operations were not above board. Periodic checks by the museum on its previous acquisitions had offered no reason for suspicion.

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The museum paid \$650,000 for the statue. Nine years later, the statue and an 18th-century gilded Virgin Mary and Christ altar from Goa, India, bought for \$345,000 in 2009, have been named in lawsuits brought against the museum. The gallery's manager Aaron Freedman.

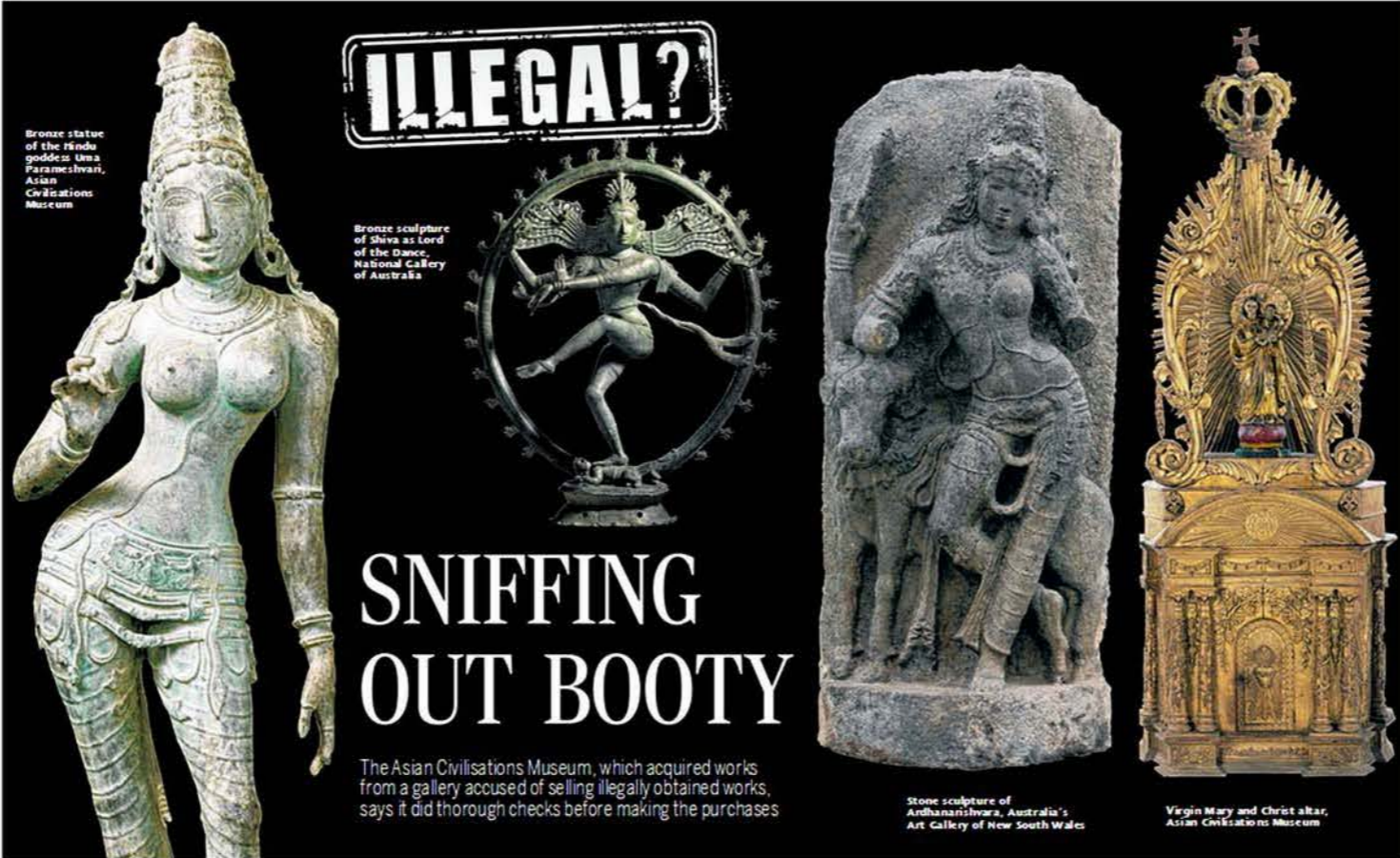
The gallery is accused of trafficking in millions of dollars' worth of illicit artefacts. When the Asian Civilisations Museum did its checks in 2006, there was nothing in the year-long evaluation process to suggest that the Uma statue was looted from Tamil Nadu in India.

The proposal to acquire the statue was first discussed among the museum's curators, then vetted and approved by the chief curator, museum director and the acquisition committee comprising members of the museum's advisory board and external experts. The final decision was made by the chief executive of the National Heritage Board, which oversees the museum.

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Bronze statue of the Hindu goddess Uma Parameśwari, Asian Civilisations Museum

**ILLEGAL?**

Bronze sculpture of Shiva as Lord of the Dance, National Gallery of Australia

# SMU SNIFFING OUT BOOTY

The Asian Civilisations Museum, which acquired works from a gallery accused of selling illegally obtained works, says it did thorough checks before making the purchases

Stone sculpture of Andhamañbhava, Australia's Art Gallery of New South Wales

Virgin Mary and Christ altar, Asian Civilisations Museum

museum requested records of ownership to validate the sculpture and was provided bills of sale and export documents.

The papers showed that the work was in the private collection of an individual in the 1960s before it was sold to a dealer and then to another private collector before ending up with Art of the Past. The museum tried to

trace the most recent owner, but the search led to a dead end with no results.

Museum director Alan Chong, 51, who joined the institution in 2010, told *The Straits Times*: "There was very strong indication that the objects we acquired were completely legitimate."

Following the court case, the Asian Civilisations Museum is not the only museum to be alerted to the possibility that it might have bought illegally acquired artefacts. An 18th-century bronze sculpture of Shiva as Lord of the Dance, acquired by the National Gallery of Australia in 2008 for US\$3 million, was cited in legal documents as having been stolen from a temple in Tamil Nadu in 2007.

A 17th-century stone sculpture of Andhamañbhava, acquired by Australia's Art Gallery of New South Wales for US\$300,000, is also believed to have been looted from a temple in Tamil Nadu.

Other institutional collections named in the cases include the Peabody Essex Museum, which dates to 1919 and is one of the oldest museums in the US, as well as the University of Florida's Harn Museum.

The extent of Art of the Past's trade in illicit artefacts has brought the challenges faced by museums in ensuring that the artefacts they acquire are legitimate. Experts whom *The Straits Times* interviewed, including art dealers and lawyers specialising in cultural property, emphasise the need for independent verification of a dealer's provenance to the original owner.

Standard checks include lodging an inquiry with an art loss register that tracks works which have been stolen or looted. Published catalogues, auction sales records, museum archives and export permits can also help establish the ownership history of a work.

But Mr Peter Hoogendijk, 65, president of the International Confederation of Art and Antique Dealers' Associations, which represents 1,000 dealers from 57 associations worldwide, says: "It is often difficult, if not impossible, to trace successive ownership of an artefact from the point of creation to the present day, given the lack of records available."

Ms Cai Yumi, 31, a doctorate candidate pursuing South-east Asian mythology at the University College London's Institute of Archaeology, says that if all else fails, museums can seek a sworn statement, prepared by the dealer, to confirm the account of an object's origin from the seller or donor.

She says museums should also examine the object. Fresh-looking sold on the object, for example, may mean that it was recently excavated and possibly looted. Such checks, though, can be taxing on a museum's resources.

Mr Hoogendijk says these investigations can cost from several hundred dollars to several thousand dollars, depending on the complexity of the search. Accidents with the additional information sourced, some of the documents could be forged.

Mr Kevin Tan, 52, president of the International Council on Monuments and Sites, Singapore, says: "The problem with art registers is that it depends very much on what was reported. Some museums or collectors, or even states, will not report the theft or loss of items for fear of embarrassing the country. If nothing is reported, there is no way an institution can verify if it is a stolen item."

Mr Chong of the Asian Civilisations Museum stresses that the museum, as a member of the International Council of Museums, abides by the council's strict conventions and takes a strong stand against acquiring stolen or illicit artefacts.

He says: "I want to dispel the notion that we lack procedures and that we are cowboy out there just doing things. We are not."

"Our procedures are actually very robust. We could not find a flaw or error in our procedure in 2006 and 2009."

He adds that the museum conducted a fresh round of checks in 2011 with the Art Loss Register on the origin of all the artefacts it acquired from Mr Kapoor.

The re-investigation was spurred by a civil lawsuit in Singapore between Mr Kapoor and his former lover, Ms Purnanary Purnanary, a Singaporean art dealer who contended that she had part ownership of some of the gallery's artefacts, including items that were sold to the museum. Those checks turned up nothing, says Mr Chong.

With the commencement of US court action against Art of the Past in 2011, the museum has called in an outside legal counsel to examine everything again.

He stresses, however, that neither the museum nor the National Heritage Board has received any request for information on the artefacts in question from the US courts or the Indian government. This move is often the first step in facilitating an official request for the repatriation of a stolen artefact.

He adds that the museum's lawyers have not found any legal filings against Mr Kapoor, who is now held in India waiting trial, or the New York gallery, so there are no grounds for it to take any legal action, although it is monitoring the situation closely.

He says: "We will cooperate with the Indian and American governments when that time comes and if it is proven that these are illegally acquired art. We will do the right thing, but we need to follow procedures."

"We have acquired something in good faith on behalf of the Singaporean people and we are not in a position to simply hand it back without proof."

He adds that if the museum had to repatriate the items, it would use the New York gallery and dealer for compensation.

Last Thursday, the National Gallery of Australia filed documents in the Supreme Court of New York against Mr Kapoor in relation to the museum's purchase of the Shiva as Lord of the Dance bronze sculpture from Art of the Past.

The Art Loss Register chairman Julian Radcliffe, 65, says that when an artefact or work of art is proven to be fake or illegally obtained, the dealer who supplied the item would normally be liable to repay the buyer the purchase price and other costs. But it may be difficult to enforce that because the dealer could have been declared bankrupt.

Assistant Professor Jack Lee, 43, of the Singapore Management University's School of Law, says museums with the option of seeking legal redress in such situations should also consider if it is worth suing the fraudster because the museum will have to pay its collectors' fees. If the legal proceedings occur overseas, extra costs will be incurred.

Museums may also make insurance claims against the loss of artefacts due to repatriation to their rightful owners.

Mr David Scully, 57, vice-president and senior underwriter for the Asia Pacific region of the XL Insurance company, says: "A museum is able to demonstrate that it has a strong risk mitigation programme, whereby it diligently researches each object before purchase. It may be possible for specialist art insurers to offer limited indemnity coverage for purchases."

The coverage, however, varies with each policy, although it is possible for a policy to cover legal and other fees.

Art consultant Lindy Poh, 44, suggests that there may also be alternatives to repatriation, even if an artefact is found to have been illegally removed.

She says: "Sometimes, the lawful ownership of the artefact may have the resources to build climate-controlled environments, to conserve and restore old artefacts, to present exhibitions that attract large numbers, or to fund scholarship on these artefacts."

"In this context, I would say that it should be an option for the museum to discuss having the artefact stay in its own arrangement and perhaps to present the works jointly in public exhibitions or publications."

Added about the damage to the reputation of museums found to have acquired

looted artefacts, Mr Tan of the International Council on Monuments and Sites, Singapore, says: "If they are transparent and explain their processes, the public will not blame the museum. In the case of Art of the Past, it appears that a number of other major museums were also involved... the museum were not particularly public or naive."

Museum director Mr Chong says reviews of its acquisition process are ongoing and might probe further, "we

really think we have covered all the bases."

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He adds: "I think, to a certain extent, we have been a victim like other museums have been victims, of what appears to be a fraud. Clearly, Mr Subhash Kapoor has been deceptive and in such a way that no one could have detected."

He adds: [www.jedipho.com](http://www.jedipho.com)

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**TREASURES THAT WENT HOME**  
**MUSEUM:** The J. Paul Getty Museum, the United States  
**WHAT IT RETURNED:** Statue of a goddess, fifth century BC, Italy

The J. Paul Getty Museum acquired the rare limestone and marble statue of a Greek goddess in 1988 from a London dealer for US\$15 million, then a record price tag for the institution. It was displayed in the Roman villa-style museum, Getty Villa, in Malibu.

The statue of a female figure is widely regarded by scholars as one of the few surviving sculptures created at the apex of Greek classical art.

In the 1990s, Italy's national art squad raided a warehouse that belonged to an Italian antiquities dealer who had sold works to major museums,

including those in the US. The raid yielded photographic evidence of artefacts excavated illegally, which prompted investigation into the acquisition of American museums. This put pressure on the Getty Museum to probe its purchase of the iconic goddess statue.

The Getty's checks eventually turned up evidence in 2006 that the 390kg beauty was likely excavated illegally. It agreed to return the statue and the Italian allowed the museum to display it until 2010. It is now housed in a 17th-century monastery-turned-archaeological museum in Aversa, a small Neapolitan town.

**MUSEUM:** Metropolitan Museum of Art, New York  
**WHAT IT RETURNED:** Euphrosyne krater (below), 6th century BC, Italy

Suspicion about the origins of the terracotta vessel quickly surfaced after New York's Metropolitan Museum of Art bought the artefact from an American art dealer in 1975 for the then hefty sum of US\$1 million.

The Italian authorities claimed the krater was looted, but it was only in the 1990s that the imposing also gained momentum for leaving the raid of a warehouse belonging to an Italian antiquities dealer who supplied works to major American museums. The raid turned up evidence of illegal excavation.

The vessel is widely hailed as one of the finest examples of its kind because of the skillful and vivid painting on its body by the legendary ancient Greek vase painter Euphrosyne.

The dispute over the ownership was eventually settled between the museum and the Italian government in 2006. The Met agreed to return 20



artefacts in its collection that experts found to have been illegally excavated from Italy, including the Euphrosyne krater, in exchange for long-term loans of equally prized objects from Italy's collection.

The krater returned to Italy in 2006 and is now housed in Rome's National Etruscan Museum.

**Mr Maxwell Hearn (far left) is Deputy Indian Chairman of the department of Asian Art at the Metropolitan Museum of Art in New York. He is seen with Mr Chai Tan, Secretary of State of the Office of the Council of the Ministry of Culture of Cambodia in June last year.**



**MUSEUM:** Metropolitan Museum of Art, New York  
**WHAT IT RETURNED:** Statue of kneeling attendants, 10th century, Cambodia

The life-size and stone statues from the Koh Ker temple complex, also of 10th-century Cambodia, were gifted to the Metropolitan Museum of Art by donors between 1907 and 1921.

Doubt was first cast over the origin of the sculptures after a French scholar's research into its acquisition at the temple complex revealed that the museum's statues were not temple guards, but warriors who formed part of a statue of a

temple gateway. The statues were also later mislabeled as plinths unearthed by an archaeological dig at the temple complex, which had been destroyed in the 1970s.

The Cambodian government's investigations into the looting of treasure from the temple eventually led to a request last year for the Met to return the two statues. The statues are now housed in Cambodia's National Museum in Phnom Penh.