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SPECIAL ANALYSIS: Antiquities Sales Supporting ISIS Fails The Test Of Robustness

February 27, 2017

By: Ivan Macquisten



Dr. Neil Brodie, an archaeologist, academic and campaigner for tighter antiquities trade restrictions, stated in his article, *Thinking on Policies*, for the European Union National Institutes for Culture in Washington, that, "There is an opinion within the archaeological community that highlighting the financial importance to ISIL of the antiquities trade will make it an issue of national security and ensure a strong government response. The danger with this line of reasoning is that the response might be an inappropriate one, aimed more at disabling ISIL and less at protecting archaeological heritage. This seems to be exactly what has happened."

When it comes to accuracy and appropriate response, I agree, but, unfortunately, as Brodie argues; many people looking to defeat the looters clearly believe that the end justifies the means. This may not seem important in the face of the Syrian crisis, but failure to respect the truth erodes the principles society sets out to defend in confronting such terrorist threats.

Next time you read a news report or watch a TV broadcast purporting to show evidence of looted objects linked to ISIS in Western markets, look out for phrases like "experts say," "alleged" or, "it is believed." Ask yourself who these experts are. What actual primary source evidence is being offered? I monitor these reports every day and have yet to find one that stands up. Indeed, I am writing this article because of the criticism I leveled at the House Committee on Homeland Security majority staff report, *Cash to Chaos*, for failing to test the robustness of its sources, many of which do not withstand scrutiny.

[Editor's note: Similarly, a *Homeland Security Today* article on a report by National Center for Policy Analysis Senior Fellow David Grantham in which he stated a doctrinal change in how military strategy accounts for cultural heritage will help diminish an important funding stream terrorist groups need to fund operations against American forces and will improve the image of embedded US forces and discourage cultural infighting in their area of responsibility, was refuted by Joseph Coplin, co-owner of New York antiquities dealer Antiquarium on behalf of the American Council for the Preservation of Cultural Property, and James McAndrew, the former head of the Department of Homeland Security's International Art and Antiquity Theft Investigations Program. Coplin and McAndrew told *Homeland Security Today* in a joint statement for the article, *Report that Antiquities Sales is Major ISIS Funding Source Disputed by Authorities*, that, "There is a great deal of incorrect information being disseminated by the media, generally groundless numbers generated by special interest groups that are parroted by the media without the benefit of fact-checking. Conceiving and implementing military or legal agenda based on bad data is dangerous."] "

Yes, looting has been and is taking place in Syria and Iraq. Yes, it is serious. Yes it needs tackling. However, we have a duty to deal with it in the right way, and we also have a responsibility to protect law-abiding citizens in the process.

I have been a journalist for 30 years and now run a consultancy that, among other things, advises both the Antiquities Dealers' Association (ADA) in the UK and the International Association of Dealers in Ancient Art (IADAA). I spend a great deal of my time conducting research into the Syrian/Iraqi crisis with regards to antiquities, as well as advising the associations on how to improve compliance.

The legitimate trade deals in artifacts that have been in legal circulation among collectors for decades or even centuries. It eschews illegally exported, looted or stolen material.

The trade has more incentive than anyone to tackle criminality because it is the reputation of the legitimate trade that is always besmirched when the crooks prevail.

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Both the ADA and IADAA work closely with law enforcement and lawmakers. This has included advising the US government, the UK government, UNESCO, The UN Sanctions team, Europol and Scotland Yard. However, they continue to be excluded from the debate, while the authorities consult academics, archaeologists and anti-trade campaigners.

The most active campaign group for tighter trade restrictions, the Goldman Sachs-backed Antiquities Coalition, appears to show no interest in engaging with the trade, surrounding itself instead with politicians and like-minded campaigners. Along with fellow campaigners, the Middle East Institute and the Asia Society co-authored the #CultureUnderThreat taskforce report that formed the basis of the new Congressional Protect and Preserve Cultural Property Act. What stunned me was the absolute lack of scrutiny displayed by the US government in passing this legislation that nominally targeted crime but caused huge problems for innocent dealers and collectors who had no say in its drafting. Such collateral damage has no place in a civilized society.

A symposium at the Asia Society in New York showed Mark Taplin, Principal Deputy Assistant Secretary at the State Department Bureau of Educational Culture, calling for the market to make public pledges of responsible behavior. If he'd talked to the market, he would know that not only have they recently upgraded their codes of conduct to the most stringent of any art market association globally, but they have also been very vocal in committing to fighting the crooks, with IADAA's chairman, Vincent Geerling, addressing UNESCO in March 2016, Europol in May 2016, as well as in various media interviews in such terms.

The Asia Society debate confirmed that although there are a number of ongoing investigations, the US has yet to prosecute anyone at all in relation to ISIS-related looted material turning up in the States despite the mass media attention and political focus. This is six years after the crisis began and a year after Secretary of State John Kerry announced a \$5 million reward (a larger sum than the total revenues ISIS is now thought to have raised from antiquities in 2014-15) for information leading to the disruption of ISIS's trade in oil and antiquities. How much of that \$5 million has been paid out or even claimed, in relation to antiquities? No one is saying, although the question has been asked more than once.

The lack of material turning up in the UK or mainland Western Europe has also meant a dearth of prosecutions.

US prosecutors have clamped down hard where looted material has appeared, but it has come from Afghanistan, India and the Far East, not Syria, Iraq and the Middle East. The recent prosecution of Subash Kapoor shows how keen the authorities are to parade their success. Just Google his name and see what I mean.

James McAndrew is a former US Customs agent who took over the International Art Theft program in the US in 2000 and developed and ran it for the Department of Homeland Security (DHS), training more than 400 agents. In 2010, he set up the antiquities department for DHS and told me personally that if the authorities ever seized looted material from Syria on US soil, they would give the operation huge publicity. No news so far indicates this has not yet happened, he said.

He is also skeptical about the \$5 million reward, telling The Creators Project in an interview in March that it's unlikely to produce any returns.

Strikingly, McAndrew agrees with the trade associations when it comes to a solution. He said, "The only way to address the conflict is in the zone of the conflict ... Support the countries surrounding the conflict area by putting much stronger enforcement at the point of entry."

Campaigners always talk about the *rights* of countries of origin, but Article 5 of the UNESCO Convention also focuses on their rather overlooked *responsibilities* to protect their heritage in situ. That may be impossible in Syria for the moment, but not so in Egypt, which still faces considerable difficulties on this front. The Egyptian government needs to address this as a matter of urgency.

Far too many wrong turns have been made on the antiquities issue, and the failure of those in power to investigate properly and do their own due diligence when it comes to evidence is leading to inappropriate policy. We have to be able to rely on the intelligence.

Ivan Macquisten runs his own consultancy, ImacQ, focusing on policy and communications strategy for trade associations and others on an international basis. He frequently advises politicians and NGOs, and more recently has worked with the All Party Parliamentary Group on Cultural Heritage in the UK. He's also advised the United Nations Security Council's sanctions monitoring team as well as the Government Accountability Office on the issue of cultural property relating to Syria and Iraq. He has also run a number of political campaigns, most recently negotiating with the UK Secretary of State for Business, Sajid Javid, on transitional terms relating to the enforcement of new legislation. He's currently working on a project involving proposed changes within the EU linked to art market regulation.

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