

EU Workshop on Protecting Iraqi Cultural Heritage 30-5-2018

“The view of the organized legitimate trade on ways to prevent trafficking and destruction of Iraqi cultural heritage”

Your excellencies, ladies and gentlemen, my name is Vincent Geerling, I am an art dealer from the Netherlands and today I represent the organized art and antiques trade in Europe. We wish to express our gratitude that, for the first time, we have been invited by the Council of the European Union to participate in the debate. I speak specifically on behalf of the **ADA** (<http://theadada.co.uk>), **CINOA** (<https://www.cinoa.org>) and **IADAA** (<http://iadaa.org>).

Together these organizations represent about 5,000 art and antiques dealers. All three organizations have exemplary codes of ethics and strict due diligence guidelines. You will receive a pdf of my presentation with links to websites and other documents I refer to, so you can study the facts in detail later. It is thanks to UNESCO 1970 that over the past 45 years the organized art and antiques dealers have cleaned up their act where necessary, and it is time to acknowledge that. Therefore I congratulate UNESCO on this achievement, but at the same time ask that we now focus on the protection of cultural heritage in the source countries, as formulated under UNESCO Article 5.

The debate on looting and trafficking often talks about “the illicit market”, but there is no organized illicit market. There certainly are single illicit transactions and there are always some black sheep among us, as with every industry, but there is no organized illicit market, comparable to the drugs market. Such comparisons between cultural goods and the drugs market, which are often made, are untenable.

The dealers I represent, as well as the renowned auction houses that deal with antiquities, relics from the ancient cultures in Mesopotamia, Greece, Egypt and the Roman Empire, conduct their business in a transparent way. They deal with objects that have been in private collections in Europe and the USA for decades and sometimes even centuries. We estimate that in Europe and the USA, there are several million such objects to which collectors have legal title, enough objects to keep everybody happy. The one thing our members do NOT do, is buy in source countries. Illicit goods are toxic for us; they are just stolen goods.

Our members, established dealers, can only be successful because we:

- follow our codes of ethics and due diligence guidelines;
- have premises in prominent places;
- issue expensive printed catalogues;
- present ourselves with well-designed websites;
- participate in distinguished art fairs, open to the public;
- invest our own money in objects we hope to sell to famous museums and well-known private collectors;
- are transparent.

This is completely different from low-grade, unvetted internet sales. It should be obvious that we adhere to the highest standards, both on provenance and authenticity, because otherwise our reputation and our business would be at risk. Just one more thing, the majority of our members have a passion for our shared past. It is an illusion that the art market is full of rich people; the majority of us are small enterprises. If you want to become rich, you would be better off dealing in second hand cars.

Until now most of the attention has been focused on blaming the trade, and viewing us as the cause of the problem. The trade is an easy target, but we are NOT the cause. We want to be part of the solution. Therefore we applaud the aim of this workshop: to “explore ways to prevent the illegal trafficking and destruction of Iraqi cultural heritage”. At the end of this presentation, we will propose a number of options that could really help to prevent trafficking and protect Iraq’s heritage in future.

About the legitimate market: collections and provenance, auctions and why requested documents do not exist.

What you see here is a page from a 2013 catalogue of a well-known London auction house. It shows a lot with three cuneiform tablets, which sold for an average of €214. These tablets were acquired in Palestine during the First World War in 1917. <https://www.bonhams.com/auctions/20667/lot/210> They have been sold legally.

From the same auction we have another lot of cuneiform tablets: 22 pieces at an average price of €325, which shows that these items are not expensive at all because there are many legally available. <https://www.bonhams.com/auctions/20668/lot/137>

Of course 22 pieces is nothing compared to the collection of 135,000 tablets held by the British Museum.

And finally from a 2015 sale, here is a large collection of 60 Mesopotamian seals, sold for an average of €95. They come from an old collection and were sourced from local antiques shops in Iraq between 1961 and 1963 by the wife of a Military Attaché in Bagdad. <https://www.bonhams.com/auctions/22739/lot/52/>

Over the past 150 years, travellers in the Near East acquired tens of thousands of minor objects like these, mostly in antiques shops. These objects have by now changed hands several times and the story behind them is often lost. Are they illicit? NO. Are they important for archaeology? No, because they were found in disturbed soil during agricultural or construction activities.

Until the 1980s Beirut was a centre for the legal antiquities trade in the Near East. Well-respected dealers sold tens of thousands of antiquities under licence to European and American dealers.

Nevertheless European legislators, who lack a clear understanding of the issue, want dealers to provide the old licence as incontrovertible evidence that the object was imported legally. As you can see from this example, however willing we might be to co-operate, the nature of the old licences make this impossible. The examples I have given here are for rather low value objects, although sometimes sales can make high prices.

This brings me to **the size of the legitimate antiquities market** of Europe and the USA. IADAA has done a research and the outcome is **a stable €150 million to €200 million**, excluding the other, different market, the low-grade internet sales, for which we have no figures. Perhaps the next speaker from eBay can elaborate on that. By the way, Mesopotamian antiquities are not very sought after and make up less than 5% of this market.

Taking all of the above into account, you can imagine how shocked we were in 2014 when we saw a German documentary titled: “The looted heritage, terror financing by German auction houses”. The German minister of culture Monika Grütters, ***pictured below***, stated on television that, I



‘As we now know, and has been acknowledged by the authorities, lawmakers, law enforcement and even anti-trade campaigners, such figures are fantasy and have nothing to do with the facts’

[illegible]

quote: "It is a business worth billions; we know that the trade in artworks comes third after drugs and weapons."

What is amazing is that nobody asked her for evidence of such a dramatic claim. Is it true? No it is not.

A few minutes later in the documentary, the German police commissioner, Mrs Karfeld, ***pictured right***, states that this global business is worth 6 to 8 billion dollars, a figure that remained unchallenged, while nobody asked how the illicit market could be 40 times bigger than the legal market.

The media jumped on board straight away, quoting the multi-billion dollar figures in their headlines. Why did they not question the figures? As we now know, and has been acknowledged by the authorities, lawmakers, law enforcement and even anti-trade campaigners, such figures are fantasy and have nothing to do with the facts.

So what the art trade faces here, again and again, is unjustifiable trial by media.

Statements by ministers and other high officials should be based on facts, but these statements turn out to be no more than fake news.

If you ask INTERPOL or UNESCO, as we did of course, they say that they have no idea about the value of trafficking. The INTERPOL website states this quite clearly under its FAQs: "We do not possess any figures which would enable us to claim that trafficking in cultural property is the third or fourth most common form of trafficking, although this is frequently mentioned at international conferences and in the media." Still these institutions are "quoted" all the time, including by the European Commission, as the source of these fantasy figures. We really appreciate that at least the police and customs are publishing facts.

<https://www.interpol.int/Crime-areas/Works-of-art/Frequently-asked-questions>

What evidence does the World Customs Organisation provide?

And how about the comparison with drugs and weapons? Well in their latest Illicit Trade Report of 2016, the World Customs Organization published for the first time comparable figures on cultural goods and drugs and weapons. We compared the number of reported seizures worldwide and put them in this pie chart (***see next page***). The WCO points out it did not receive answers from all countries – so we must assume that they had nothing to report. As the pie chart shows, comparing the drugs and weapons problem with that of cultural goods is nonsensical.

What about the tale of terror financing, for which there is, after four years of investigating, still no evidence beyond what is alleged in the Barcelona case that arose in April. Instead the media abounds with unfounded allegations, allegations now found to be without merit and based on inaccurate data. In March 2017, I personally submitted the following four important independent reports about terror financing to the authorities in Brussels. Not one of these deemed cultural property to play a role of any importance in this problem.

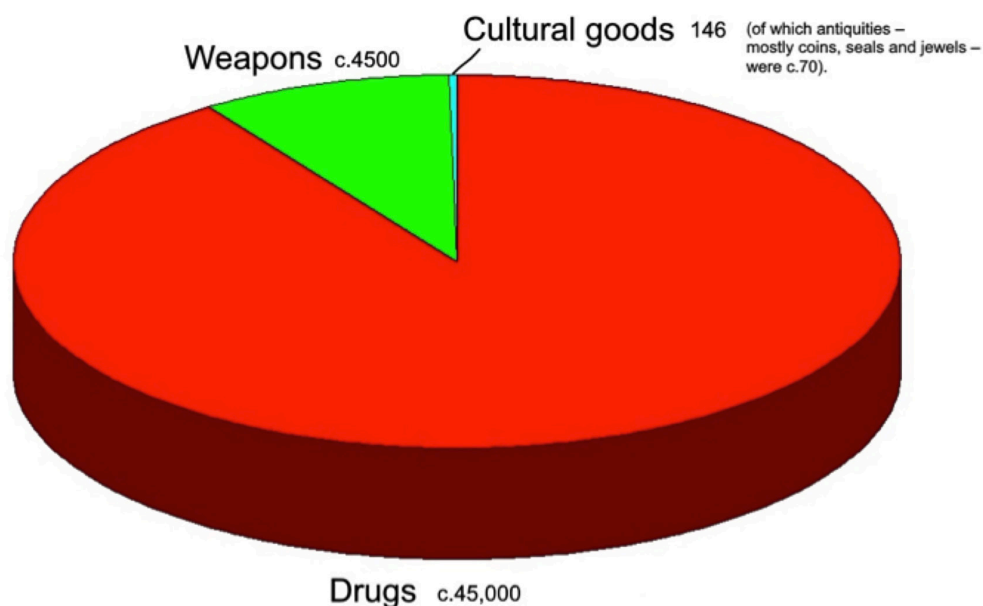


'...nobody asked how the illicit market could be 40 times bigger than the legal market'



World Customs Organisation Illicit Trade Report 2016

worldwide number of confiscations



‘The WCO points out it did not receive answers from all countries – so we must assume that they had nothing to report. As the pie chart shows, comparing the drugs and weapons problem with that of cultural goods is nonsensical’

Caliphate in Decline: An Estimate of Islamic State’s Financial Fortunes – The International Centre for the Study of Radicalisation and Political Violence, 2017

<http://goo.gl/VidSZj>

Cultural Property, War Crimes and Islamic State. Destruction, plunder and trafficking of cultural property and heritage by Islamic State in Syria and Iraq – a war crimes perspective.

A report commissioned by the Dutch National Police, Central Investigation Unit, War Crimes Unit

<http://goo.gl/rNhQgb>

Report That Antiquities Sales Is Major ISIS Funding Source Disputed By Authorities – Homeland Security Today 07-01-2017

<http://goo.gl/UwlEn9>

SPECIAL ANALYSIS: Antiquities Sales Supporting ISIS Fails The Test Of Robustness – Homeland Security Today 27-02-2017

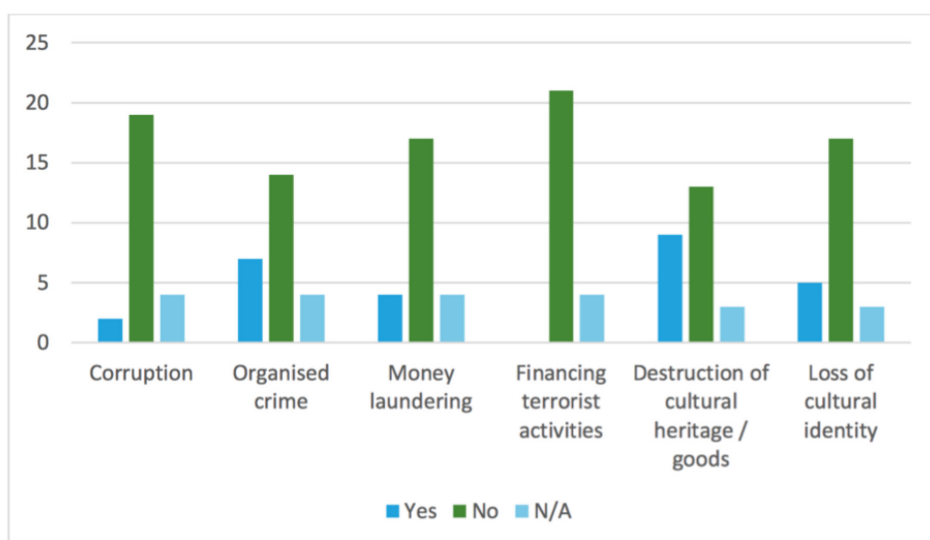
<http://goo.gl/TUIbnH>

Why did the Commission choose to ignore these reports, I wonder?

In 2016 the Commission asked Deloitte to investigate the size of the problem, resulting in the 2017 report: ***“Fighting illicit trafficking in cultural goods: analysis of customs issues in the EU”*** (See <https://bit.ly/2GHRQiU>). On page 120 the EU investigation shows that none of the Member States had any evidence of terror financing, as you can see from the graph (below). Again, I wonder why the Commission chose to ignore the facts of its own report? I suspect the answer is that it did so for purely political reasons.

‘The same Deloitte report shows just a handful of seizures in 28 countries over the past three years. In Germany this amounted to just one tablet of minimal value.’

Figure 30 – Effects: available evidence



Source: General survey to the EU Customs and Culture administrations (2016)

The same Deloitte report shows just a handful of seizures in 28 countries over the past three years:

3.6.2.2 Seizure

Only a very limited number of Member States has actually seized cultural goods moved in breach of Regulation No 1210/2003 and Regulation No 36/2012. The Member States indicating they have actually traced and seized such goods, only did so in a limited number of cases.

In Germany this amounted to just one tablet of minimal value.

✉ The criminal police office of Schleswig-Holstein, Germany has seized a Sumerian clay cuneiform tablet, which was offered in an online auction in violation of the ban on trade of Iraqi cultural property in the EU. The cultural good in question dates from 2049 B.C. and records the distribution of flour to the crew of a ship. On January 14, 2016, the German authorities have restituted the antiquity to the Republic of Iraq.

This demonstrates that the restrictive EU regulations on cultural property from Iraq and Syria are, indeed, effective. Regular checks with our members have also not turned up anything suspicious.

Given the almost total lack of evidence for terror financing, the organised trade thinks that the proposed new regulation is disproportionate, will certainly not protect any cultural property and should be reconsidered.

I have now come at the end of my presentation and would like to propose possible solutions for the challenges faced in Iraq. Some may sound “impossible” at first, but please do not dismiss them out of hand.

The real challenge will be **thinking outside of the box**.

Ladies and gentlemen, you have to understand that the objects themselves are not important for archaeology; it is the undisturbed find spots that are essential. Therefore it is crucial to protect these find spots, a fundamental obligation recognised by Article 5 of the UNESCO Convention.

The police simply do not have the resources to protect the 30,000 archaeological sites in Iraq – they need the help of the local population. Because of this, we suggest the following:

- The creation of a **European Union Task Force**, backed by UNESCO experts, to support Iraq in setting up this type of protection, and
- The development of an education programme to teach the population to be proud of the past and take an active role in protecting it for the future.
- Iraq can benefit here from the very positive experience in the United Kingdom where, over the past 20 years, the Portable Antiquities Scheme (PAS) has established an effective system of reporting archaeological finds in partnership with the public. To give you an idea of how effective this has been, I quote from the PAS 2016 report (see <https://finds.org.uk/publications/reports/2016>): “81,914 finds were recorded; a total of 1,303,504 on the PAS database to date. 90% of finds were found on cultivated land, where they are susceptible to plough damage and artificial and natural

‘The police simply do not have the resources to protect the 30,000 archaeological sites in Iraq – they need the help of the local population’

corrosion.” These numbers can never be achieved without the help of the population and I believe people will be happy to help.

- The local people find ancient objects almost every day during agricultural and building activities. Do not punish these people, but reward them when they report these finds to the authorities, who can register them in a database. Provide an incentive for them to do so by recompensing the honest finder with a fair share of the market value for such objects, say 25%. This way they will be encouraged to work with the authorities again.
- Introduce a rule that allows unimportant finds to be exported under licence; the proceeds could be used to finance excavations.
- Create a database of the content of museums and the storerooms of excavation sites. This will help prevent theft, once criminals realise that it will be possible to identify stolen objects quickly.
- If an object is stolen, let IADAA know; we will alert our members, which will increase the chance of recovery, as we have shown in the past.
- And last, but not least, our members are offering their expertise to law enforcement agencies to help with the quick assessment of objects. This will also help avoid time wasting on fakes.

Please let me finish by stating that:

- The trade is as horrified by the destruction and iconoclasm as anyone else and we share a common cause in wishing to defeat it.
- The trade has more incentive than anyone else to stop the crooks because of the damage they risk causing the reputation of the legitimate trade.
- The focus should now be on UNESCO Article 5, which has not been adopted fully in source countries.
- Claims of illicit activity should always be supported by independently verifiable evidence or not treated as credible.
- We will not find a workable solution unless all parties to the debate work together including art professionals – both dealers and auction houses.

I understand that some of my proposals sound bold, but please do not dismiss them without careful study and real consideration. Think outside of the box!

Thank you for your attention.

VJG 30-05-2018

A selection of links to documents mentioned during the presentation

World Customs Organisation Illicit Trade Report 2016 <https://mailchi.mp/c531ab59b201/iadaa-newsletter-february-1403953?e=5e1025c6e8>

Report That Antiquities Sales Is Major ISIS Funding Source Disputed By Authorities – Homeland Security Today 07-01-2017
<http://goo.gl/UwlEn9>

SPECIAL ANALYSIS: Antiquities Sales Supporting ISIS Fails The Test Of Robustness – Homeland Security Today 27-02-2017
<http://goo.gl/TUIbnH>

The Real Value of the ISIS Antiquities Trade, New Yorker, Ben Taub.
<https://www.newyorker.com/news/news-desk/the-real-value-of-the-isis-antiquities-trade>

More on Abu Sayaf: <https://culturalpropertynews.org/wp-content/uploads/2017/12/CCP-Bearing-False-Witness-The-Media-ISIS-and-Antiquities-1.pdf>

Iraq 30,000 archaeological sites, United States dept of defence: <https://www.cemml.colostate.edu/cultural/09476/iraq05a.html>

IADAA investigates Operation Pandora results (with pictures) 28-03-2017
<http://goo.gl/145oH7>

Vincent Geerling, Chairman of IADAA has given a lecture on the occasion of the Brussels Ancient Art Fair BAAF 2016. It is titled "Collecting Ancient Art, an old tradition under attack"
<http://iadaa.org/2016/07/21/lecture/>

IADAA reports on many of the above-mentioned topics in the monthly IADAA Newsletter. You can subscribe here free of charge: <https://iadaa.org/newsletter/>

