

WCO Illicit Trade Report 2017 (Published December 2018, see <https://bit.ly/2QgalC0>)

Summary comparison in 2017 in descending order of the number of cases:

Drugs

- 105 countries reported seizures
- Together they submitted 40,236 cases (3% less than in 2016)
- They seized more than 1.25 million kilos of narcotics
- Just one operation (Operation COCAIR VI (see page 89) recovered \$768,000 worth of drugs, while another, project AIRCOP (see page 90) recovered \$1m worth.

Intellectual Property Rights breaches (e.g. counterfeit goods)

- 61 countries reported seizures
- 20,058 reported cases
- 27,267 individual seizures
- 368.7 million pieces seized

No over all values given, but at least hundreds of millions of dollars, probably more

Alcohol and tobacco

- 91 countries reported seizures
- 12,228 reported cases
- 14,786 individual seizures
- 3.65 million litres of alcohol
- 2.37 billion cigarettes
- 468,778 cigars and e-cigarettes
- 1.4 million kilos of tobacco products

No over all values given, but at least hundreds of millions of dollars, probably more

Medical products

- 67 countries reported seizures
- 6,051 reported cases
- 7,629 seizures
- 270.8 million pieces seized

No over all values given, but at least hundreds of millions of dollars, probably more

Weapons & Ammunition

- 50 countries reported cases
- 3,232 reported cases
- 5,612 individual seizures (3,942 of weapons, 1,670 of ammunition)
- 813,188 weapons seized, 522,620 pieces of ammunition seized

No over all values given, but at least hundreds of millions of dollars, probably more

Environmental products linked to crime:

- 46 countries reported seizures
- 2310 reported cases
- 2419 individual seizures
- 123,661 pieces seized
- 478,031 kilos of prohibited flora and fauna seized
- Estimated value: \$91-250 billion (see page 93)

Cultural Heritage

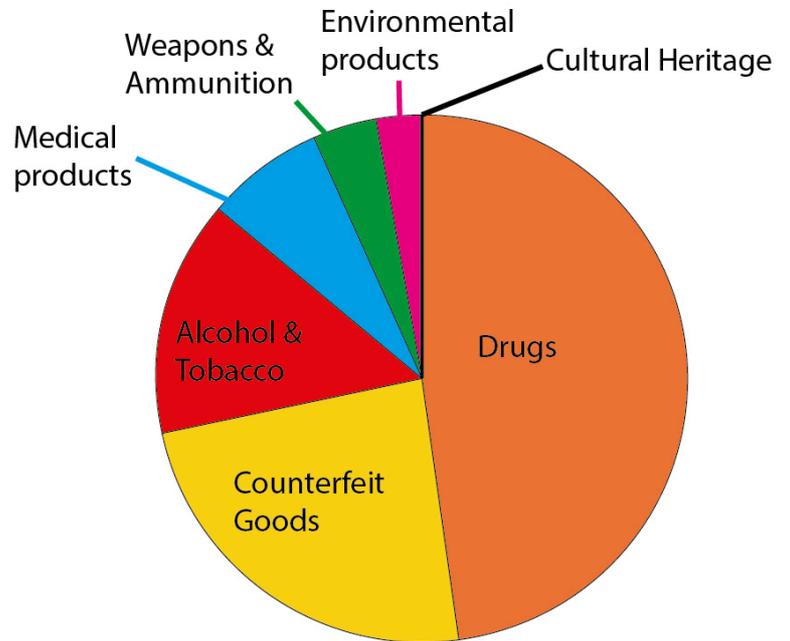
- 133 countries took part (intro)
- 140 reported cases (across 25 countries)
- 167 seizures
- 14,754 items seized (antiquities, paintings, statues and other cultural objects)
- Estimated value: Low hundreds of thousands of dollars

Further risk category comparisons

Number of cases

Total:	84,255
Drugs:	40,236 (47.7%)
Counterfeit goods:	20,058 (23.8%)
Alcohol & Tobacco:	12,228 (14.5%)
Medical products:	6,051 (7.2%)
Weapons & Ammunition:	3,232 (3.8%)
Environmental products:	2,310 (2.7%)
Cultural Heritage:	140 (0.2%)

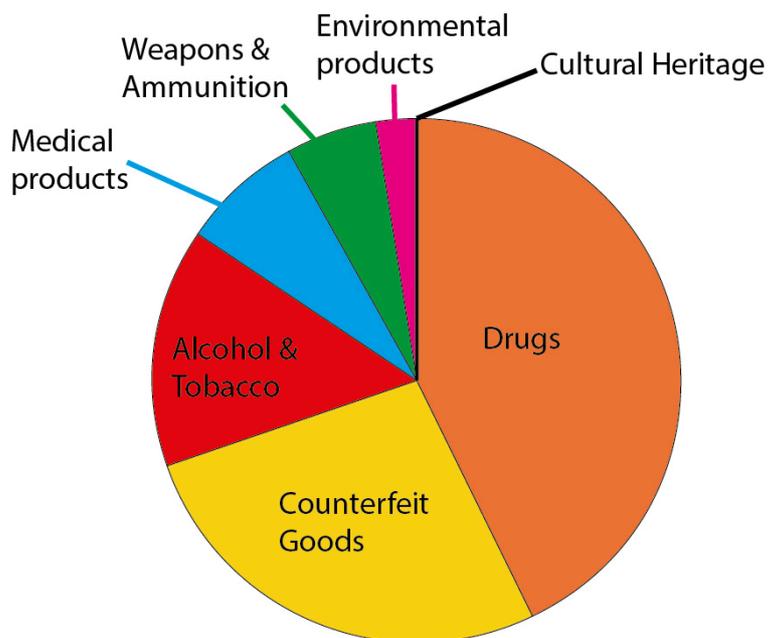
Share of cases by risk category



Number of seizures

Total:	101,024
Drugs:	43,144 (42.7%)
Counterfeit goods:	27,267 (27.0%)
Alcohol & Tobacco:	14,786 (14.6%)
Medical products:	7,629 (7.5%)
Weapons & Ammunition:	5,612 (5.5%)
Environmental products:	2,419 (2.4%)
Cultural Heritage:	167 (0.2%)

Share of seizures by risk category



Values of items seized

All categories appear to have seizure values at least in the hundreds of millions of dollars, if not considerably more, except for Environmental Products (although the illicit market is given a value of \$91-250 billion) and Cultural Heritage, where a generous estimate would put values of seized items as high as \$250,000-500,000 (worldwide). Antiquities are a much smaller proportion of this.

By any measure, Cultural Heritage, of which Antiquities form a proportion, barely registers on a global scale when compared with other risk categories. Statistically speaking, the Cultural Heritage category is all but invisible.

These illustrations from the **2017 WCO Illicit Trade Report** show mainly very low value items, most of them even unsaleable junk. None of these items are covered by the UNESCO 1970 Convention. For many items it is even questionable whether they are illicit at all. Doubtless, if the seizures had involved high value items, they would have been pictured in the report.





Left: One of the biggest seizures was of long playing records, exported from the Netherlands to Turkey. As such exports from the Netherlands are not illegal, it is not clear why these were included in the figures.



The only items of significant value pictured in the report (see page 24 and above) have nothing to do with customs work, nor were they seized, but voluntarily returned when their owners/holders discovered that they might be tainted, so it is misleading for them to have been included.

The German Gallery acquired the torso from a private collection, checked it during due diligence with the Art Loss Register, and discovered that it was missing. The cow's head was returned by an USA collector who had owned it for decades during which it has been on display in a major US museum.

The problem with the term Cultural Heritage/Property

One of the on-going problems is the term Cultural Heritage/Property itself. Politicians, NGOs and campaigners often fail to distinguish between the various categories it encompasses. As shown in the WCO report, it covers every category within the global art market, from contemporary art to furniture. However, whenever it is used in a political campaigning context, the assumption is almost always that it refers only to antiquities.

This confusion has caused a great deal of the problems with inaccurate information and fake news that have arisen over the past decade and more.

Although it does not give a source for the figure, the FBI has estimated that the value of ALL art/cultural property related crime across the world is \$4 billion to \$6 billion (see Bonnie Magness-Gardiner, manager of the FBI's Art Theft Program: <https://bit.ly/2ALcxQY>). That means all crime, from fraud and forgery to burglary and smuggling, across all categories. However, because the term cultural property is often used to describe this, this \$4 billion to \$6 billion figure – sometimes expanded to as much as \$7 billion – has wrongly been attributed to antiquities; even, on occasion, the value of antiquities looted from Syria in a single year, despite there being no evidence to support this at all.

With this in mind, the oft-repeated claim that it is only third in importance and scale to Drugs and Weapons when it comes to trafficking is patent nonsense and this should be highlighted at every opportunity because of how the misuse of these claims affects policy and law-making. Most recently, Alessia Mosca, one of the two rapporteurs guiding the Import licensing regulations through the European Parliament, made this exact claim to in the final European Parliament debate to justify the import licensing proposals on October 24 2018, stating: “Some studies indicate that illicit trafficking of works of art is second only to that of arms and drugs.”

In the same debate, Jasenko Selimovic MEP reiterated the false claim that “the illicit trafficking of antiquities is estimated at USD 6 billion per year” (See <https://bit.ly/2AOVtd1>).

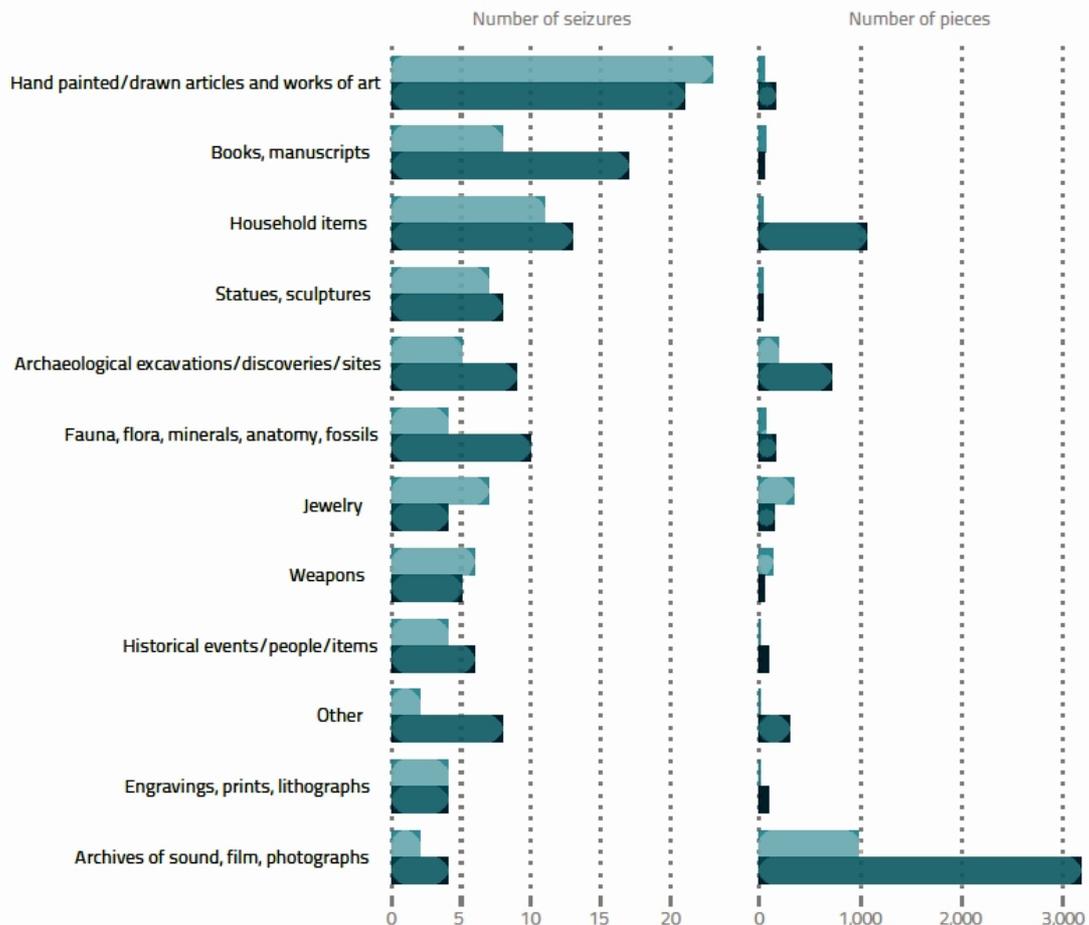
WCO 2017 report Cultural Heritage/Property seizures in more detail

- 133 countries took part (Foreword, page 3)
- 25 countries submitted a total of 140 cases, comprising 167 seizures (p.8)
- 14,754 items recovered (antiquities, paintings, statues and other cultural objects) (p.8)
- A 48.6% increase on 2016 (by number) when only 9,931 pieces were recovered (p.8)
- The number of cases and seizures remained largely static (*Column 2, Page 17 of the report states that this trend was the result of data reports from new countries in several regions):

<u>2017</u>	<u>2016</u>
140 cases	143 cases
167 seizures	158 seizures

- 37% of seizures resulted from intelligence led investigations (62 seizures/3709 artefacts)
- 30% of seizures resulted from risk profiling (49 seizures/7802 artefacts)
- 29% of seizures resulted from routine control (48 seizures/3709 artefacts)
- Cultural Heritage is divided into 13 categories of items
- Fig 2 of the report on page 10 (and below) shows the number of seizures per category and the number of items seized per category. Among other things, these show:

FIGURE 2: NUMBER OF SEIZURES AND QUANTITY SEIZED BY TYPE, 2016–2017



	<u>Seizures</u>		<u>Pieces</u>	
	<u>2017</u>	<u>2016</u>	<u>2017</u>	<u>2016</u>
• Hand-painted/drawn articles and works of art	21	23	100	30
• Books & manuscripts	8	17	20	30
• Household items	13	11	1056	10
• Statues/sculptures	8	7	9	7
• Archaeological excavations/discoveries/sites	9	5	716	150
• Fauna, flora, minerals, anatomy, fossils	10	4	120	70
• Jewellery	4	7	120	220
• Weapons	5	6	30	100
• Historical events/people/items	6	4	100	under 10
• Other (musical instruments, ethnological objects, religious items etc)	8	2	250	under 10
• Engravings, prints, lithographs	4	4	100	under 10
• Archives of sound, film, photographs	4	2	3169	980

• The figures show that the biggest growth area for seizures was sound, film and photo archives (3169 pieces)

• The figures show that the smallest growth number of objects seized was for statues/sculptures.

• Antiquities	58	67	8725	8005
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(Antiquities (Inscriptions/coins/seals/etc). Primarily coins and seals were seized in just 58 seizures, a 13.5% decline on 2016. However, the number recovered rose 9% from 8005 to 8725.

These figures, given at the top of the first column on page 13, do not appear to match the analysis at the bottom of the first column on page 11. The analysis reads: “The number of pieces recovered in these [Antiquities] categories rose by 226%, 2,754.1%, and 271%, respectively, accounting for 77.5% of the overall increase in pieces seized. However, the table shows the increase from 8005 to 8725, just 9%. If the analysis refers to something else, it is not clear what that is, especially as it states that it refers specifically to Fig 2A.

Where is the problem geographically?

Fig 4 (page 14) shows that the overwhelming number of antiquities seizures took place in Egypt, Iran, Jordan, Syria and The Ukraine. Other significant countries include Saudi Arabia, Serbia, Spain and Belarus.

Fig 5 (page 15) considers cultural heritage as a whole, with the Russian Federation and the Ukraine posing the overwhelming problem. The only EU member states that appear in the top 15 countries by case count are Poland and France, both with fewer than five cases.

Quality of the report and conclusions

It should be noted that the quality of many of the charts and infographics in this report is poor or confusing. Note Fig 8 on page 22 as an extreme example of this. Fig 10 on page 28 is little better.

It should also be noted that in general the quality and value of the archaeological items and antiquities chosen to illustrate the report are relatively poor. One would expect the WCO and other authorities to select images of their most important seizures for such a report. If that is what they have done, then this indicates a poor return on investment for the anti-trafficking programme.

As reported on page 24, where statues/sculptures of significant value were included in the report, they did not form part of the anti-trafficking operation but were pieces voluntarily returned by the collectors or museums that held them on discovery that they were tainted, which raises the question as why they have been included in the report at all.

Case study 1, reported on page 25, regarding the Guardia Civil operation against members of an online trafficking network, is another example of where very low-grade material appears to have been seized – broken potsherds and coins.

Since 2015, the WCO have stated that it will put more emphasis on the subject of Cultural Heritage, which may reflect why it is the first risk category covered in the report. However, as the statistics above show, it barely registers compared to other categories. One of the WCO's concerns had been the relatively low number of countries tracking and reporting trafficking of cultural heritage in previous years. It is notable that this latest report shows that 133 countries took part, with 25 submitting data. In 2016 only 13 submitted data.

On page 7 of the 2016 Illicit Trade report, the WCO noted: "...trends between 2015 and 2016 may potentially be distorted by increasing efficiency among Customs authorities. As Customs officers become increasingly proficient in seizing both large and small shipments of cultural objects, the data can suggest that illicit trade is on the rise when, in reality, levels of trafficking may be holding constant or even decreasing."

A year on, then, with twice as many countries submitting data as the year before, with Customs officers becoming ever more proficient, according to the WCO, one might have expected to see a doubling of the number of reported cases and seizures. Instead, the number of cases has fallen from 143 to 140 and the number of seizures risen from 158 to 167.

Only 58 of these seizures involved antiquities.

As the illustrations used in the WCO report and information submitted also show, of the 14,754 items (in 2016 it was 9,931) seized in total across all cases worldwide, 8,725 were antiquities, but the overwhelming majority of these were low-value coins and potsherds.

Although Cultural Heritage is by a very long stretch the least significant risk category on all counts – number of cases, seizures, individual items seized and value – it appears first in the report. Those only interested in this category will fail to put the significance of this category in context if they do not read the whole report and appreciate the level of the problem in the other risk categories. The summary at the beginning of this analysis of the report may help to alleviate that.

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