

The Debate

Fake News and the Antiquities Trade

By Ivan Macquisten

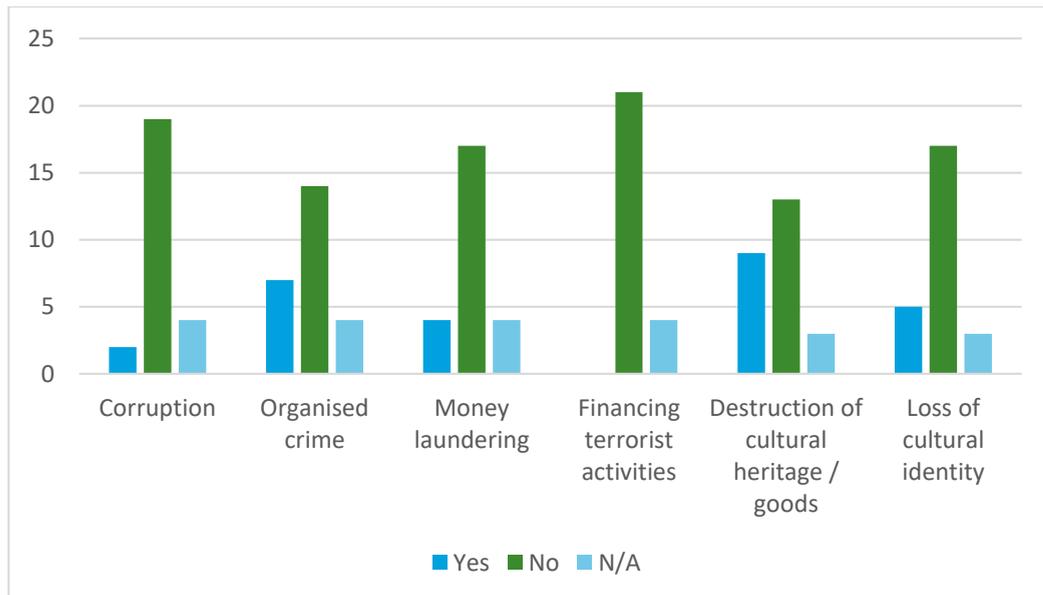


Fig. 1: The Deloitte report for the European Commission (see fn. 6) includes this table on page 120, showing no evidence of the financing of terrorist activities from cultural property trafficking within the EU.

The newly minted European Union import licensing regulations,¹ prompted by the desire to prevent trafficked items that could have funded terrorism from entering the EU, used commonly quoted false figures to justify the proposals, as the Impact Assessment (IA)² and Fact Sheet³ published by the European Commission to explain their purpose demonstrate. This matters because, as IADAA (International Association of Dealers in Ancient Art) and others have argued in their submissions to the EU, Article 4 and other aspects of the proposals are likely to have a severely restrictive and unreasonable impact on the antiquities trade. The levels of proof required to qualify for an import licence, as set out in the draft proposal, are simply not available in the case of most relevant objects.

This article will look at how these false figures have come to blight the market over the years as a result of what the wider world now recognizes as the phenomenon of fake news. This became the subject of much debate from the beginning of the Trump administration, but it was a phenomenon in the art market some time before that. In 2013, for example, headlines appeared across the media that 40 per cent of antiques on the UK market were fakes.⁴ The source was given as *The UK Fakes and Forgeries Report*. However, it transpired that journalists had only seen a press release, and this merely stated that 43 per cent of people who buy antiques do not get them authenticated, while 68 per cent of people who buy antiques were ‘worried’ that they might be fake. The true purpose of the release and report, though, was to promote a new television se-

ries, *Treasure Detectives*. On being pressed for a copy of the original survey, a spokesman for the television company replied: “I’m afraid we don’t release the survey data,” before going on to disclose that the survey had been completed by 2000 adults, using a reputable survey company (never named), and adding, “The rest of the report was comment and expertise of Curtis Dowling,” the programme’s presenter, who gained substantial publicity from the story.

It is now commonplace for the media to quote misinformation from such ‘surveys’ or ‘reports’ whose real objective is to promote a commercial or political interest. In July 2015, a Google search of the word ‘Survey’ at *Antiques Trade Gazette* yielded 79.9 million results; in June 2017 that figure had risen to 515 million; today it is 1.84 billion. As 24-hour rolling reporting, combined with declining resources within the media, robs journalists of the opportunity to investigate in any depth or check facts, they become increasingly vulnerable to unscrupulous interests that want to present propaganda or marketing as news. According to Robert McChesney and John Nichols in their book *The Death and Life of American Journalism*, by 2010 there were five PR specialists for every journalist, compared to 1:3 in 2004. By September 2018, industry source Muck Rack put it at 6:1.⁵ The pressure on journalists can also lead to simple errors, while the internet has made us all publishers, but not with the accompanying rigour required for proper fact checking, so that even accurate media reports end up being misquoted. Fake news is endemic where campaigners pursue policy change in highly sensitive areas. The antiquities trade is a natural target, and much evidence exists of how potentially damaging new laws emerge as a result.



Fig. 2: The Work of Art Crime home page on the Interpol website, where it makes a clear claim about the black market in works of art. Screenshot taken on February 11, 2019. The statement was removed in March 2019. The World Customs Organisation’s Illicit Trade Report 2017 (see fn. 8) demonstrates clearly that this claim is wrong (cf. fn. 8).

WORKS OF ART

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Frequently asked questions

Is it true that trafficking in cultural property is the third most common form of trafficking, after drug trafficking and arms trafficking?

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.

In fact, it is very difficult to gain an exact idea of how many items of cultural property are stolen throughout the world and it is unlikely that there will ever be any accurate statistics. National statistics are often based on the circumstances of the theft (petty theft, theft by breaking and entering or armed robbery), rather than the type of object stolen.

An enhanced information exchange could assist INTERPOL in determining the importance as well as the trends and patterns of this type of crime.

Works of art

Database

Fig. 3: The conflicting claim under the Frequently Asked Questions on the same page of the Interpol website. Screenshot taken on February 11, 2019. The statement was removed in March 2019.

As part of the research process in drawing up its import licensing proposals, the European Commission ordered a study from Deloitte to investigate, amongst other things, how antiquities trafficking within the EU might be financing terrorism. On page 120, the report concluded that hard evidence for the existence of various criminal effects that “are believed to occur as the result of trafficking in cultural goods” was “currently often lacking.”⁶ The table on the same page shows that, to a limited extent, evidence linking the trafficking of cultural goods to corruption, organised crime, money laundering and the destruction of cultural goods was available. However, the section titled Financing Terrorist Activities registered zero on the scale (fig. 1).

Nonetheless, the European Commission ignored this and pressed ahead with its import licensing proposals anyway, providing the Impact Assessment² (IA) and Fact Sheet³ quoting sources to illustrate the problem. As noted above, though, when checked, these sources proved inaccurate or untraceable – and decades old. For example, on page 12, the IA states: “According to studies, the total financial value of the illegal antiquities and art trade is larger than any other area of international crime except arms trafficking and narcotics and has been estimated at \$3 to \$6 billion yearly.” The same page directly quotes Interpol thus: “according to Interpol, the black market in works of art is becoming as lucrative as those for drugs, weapons and counterfeit goods”.

Interpol updated its website in early March 2019, but for years before that carried misleading information that directly informed such policies as the EU import licensing proposals. The Interpol statement quoted on page 12 of the IA, above, appeared on the Works of Art Crime home page under Crime Areas on the Interpol website (fig. 2). However, on the same page, the Frequently Asked Questions link led to the following (fig. 3): “Is it true that trafficking in cultural property is the third most common form of trafficking, after drug trafficking and arms trafficking?” The

answer: “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.” These two entirely conflicting responses sourced from the same page have now thankfully been removed.

In making the claim that the illicit art and antiquities trade is third only to arms and narcotics trafficking, the IA gives as its source a 1995 article by Lisa J. Borodkin in the *Columbia Law Review*. That article, in turn, gives as its source the June 13, 1992 (page 13) *Guardian* article *The Greed That Is Tearing History Out By Its Roots: The Illicit International Traffic in Antiquities Rivals the Drugs and Arms Trades in the Catalogue of World Crime* by Deborah Pugh et al.⁷ However, Pugh’s article simply quotes it as the ‘belief’ of Patrick Boylan, then Professor of Creative Practice and Enterprise at City University in London. It provides no hard evidence for the claim, and that article is now 27 years old.

What we do know now, thanks to the World Customs Organisation’s latest illicit trade report,⁸ is that cultural heritage trafficking – including ALL art and antiques from around the world, not just antiquities – is so tiny compared with drugs, weapons, environmental products, medical products, counterfeit goods, alcohol and tobacco, that it barely registers in the figures. The summary of statistics and pie charts provided by IADAA, which can be checked against the original report, gives a clear view of this (fig 4).⁹

The IA gives as its source for the second, “\$3 to \$6 billion yearly” claim the same page of the *Columbia Law Review* article by Lisa J. Borodkin. As Borodkin’s footnote 5 indicates, her source for this figure was an August 19–20, 1993 article by Lachlan Carmichael and Mohamed El-Dakhkhny of Agence France Presse entitled *Thieves Plunder Egypt’s Tombs, Dealers Sell Treasures Worldwide*, which quotes the figure as the opinion of

Caroline Wakeford, then operations manager for the Art Loss Register, who appears to be quoting another unnamed source.¹⁰ So this is another unattributed primary source from another media article that is now more than 25 years old.

Also cited in the same set of footnotes in the IA is Neil Brodie, Jenny Doole and Peter Watson’s 2000 report, *Stealing History: The Illicit Trade in Cultural Material*,¹¹ which does quote a similar figure. On page 23, it states: “Geraldine Norman has estimated that the illicit trade in antiquities, world-wide, may be as much as \$2 billion a year.” On page 60, under the relevant footnote, it gives the source as follows: Norman G., *Great Sale of the Century*. *Independent*, November 24, 1990. However, the Norman article mentions no figure whatsoever. UNESCO quotes the Brodie, Doole and Watson report in its 2011 report, *The fight against the illicit trafficking of cultural objects*, which in turn is quoted by the European Commission Fact Sheet in its attempt to justify the proposals. But UNESCO makes exactly the same mistake as Brodie, Doole and Watson did in quoting the Norman article, referring to it as *Great Sale of the Century* rather than *Great Sale of the Centuries*,¹² indicating that it lifted the source without checking it.¹³ Had it done so, as explained above, it would have found that the article quoted no figure at all. These are just some of the figures commonly referred to in the media that contribute to the fake news phenomenon relating to the antiquities market that influence policymakers in the EU, the UK and the US.

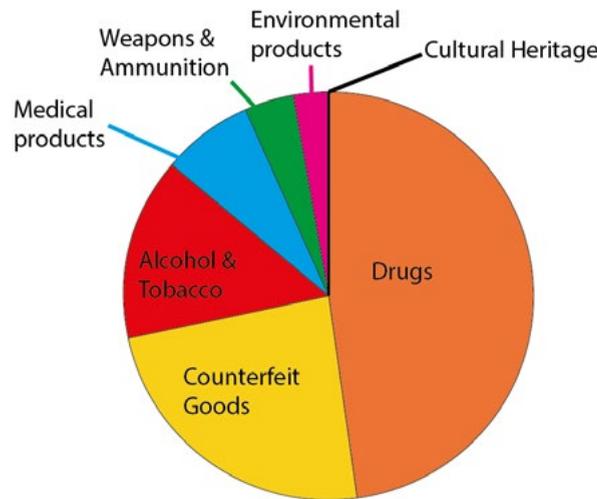
On February 20, 2019, the BBC World Service Business Daily radio programme *Zombie Statistics*¹⁴ challenged UNESCO over the inaccuracy of its data. Far from defending UNESCO’s figures, Lazare Eloundou Assomo, Director of *Culture In Emergencies*, argued that they do not matter as they are out of date (although they were never accurate and UNESCO continues to publish them). Dr Tim Harford, presenter of the Radio Four statistics and fake news programme *More or Less*, was

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

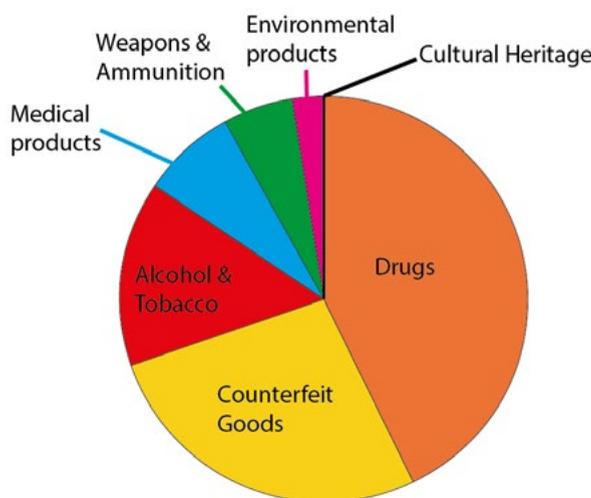


Fig. 4: IADAA's summary analysis (see fn. 9) of the World Customs Organisation's Illicit Trade Report 2017 includes this pie chart, which illustrates the true relative importance of the various crime sectors being investigated.

also interviewed by Business Daily and does not agree with Assomo. He explained that policy-based evidence, where a body decides what it wants to do and then looks for the evidence to back it up without necessarily testing its robustness, is commonplace. "If you think right is on your side, then you're not going to be too careful in scrutinising claims that fit in with your preconceptions," he says. "This is confirmation bias." Harford's conclusion: "If people start treating them [statistics] in a very cavalier way, that spoils it for everybody, because then people start not trusting statistics." Tackling this issue is a little like attacking the hydra; you cut off one head and two more grow in its place. There may be a long way to go, but as the BBC programme shows, attention is at last being turned to this phenomenon and how it can unfairly afflict the international art market.

As this article goes to press, it has emerged that some of the same false claims that informed the European Commission over the import licensing regulations have now been used to justify new proposals for an EU-wide harmonisation of restitution regulations for looted art.¹⁵ Whether or not there is a need for new laws, these proposals should not be based on falsehoods.

¹ Proposal for a Regulation of the European Parliament and of the Council on the introduction and the import of cultural goods (December 16, 2018): <https://bit.ly/2G-NfXaD>

² European Commission Impact Assessment accompanying the document Proposal for a Regulation of the European Parliament and of the Council on the Import of Cultural Goods: see page 12, 3.1.4 The magnitude of the illicit market and trafficking: <https://bit.ly/2tAleJX>

³ European Commission - Fact Sheet: Questions and Answers on the illegal import of cultural goods used to finance terrorism. See: What is the value of the cultural goods that are imported illegally to the EU? <https://bit.ly/2thNoH4>

⁴ Curtis Dowling: About 40 per cent of art on the market are fakes. In: Metro, August 28, 2013 <https://bit.ly/2U-Wlw9G>

⁵ Mike Schneider: There are now more than 6 PR pros for every journalist. In: Muck Rack blog, September 6, 2018: <https://bit.ly/207aNGm>

⁶ Fighting illicit trafficking in cultural goods: analysis of customs issues in the EU, see Figure 30 on page 120: <https://bit.ly/2GHRQiU>

⁷ Lisa J. Borodkin, The Economics of Antiquities looting and a Proposed Legal Alternative. In: Columbia Law Review, no. 2, 1995, p. 377-418 (esp. p. 377) <https://bit.ly/2lvWkvY>. Footnote 3 credits Deborah Pugh et al, The Greed That Is Tearing History Out By Its Roots: Illicit International Traffic in Antiquities, The Guardian, June 13, 1992, at 13: <https://bit.ly/2IWT5HG>

⁸ World Customs Organisation, Illicit Trade Report 2017 (published November 2018): <https://bit.ly/2QqaIC0>

⁹ WCO Illicit Trade Report 2017, IADAA Summary Comparison: <https://bit.ly/2sFKwGa>

Sources for the data shown can be found on the following pages of the WCO Illicit Trade Report 2017 as follows: Cultural Heritage: 7, 9, 16; Drugs: 33, 34, 36, 88, 89; Environmental Products: 92, 93; Counterfeit Goods: 117; Medical Products: 117; Alcohol and Tobacco: 147; Weapons and Ammunition: 181.

¹⁰ "The worldwide market for all stolen art is estimated at \$3 billion annually and growing - which is second only to drug trafficking - and Egyptian antiquities are a steady part of it," Ms Wakeford said. Thieves Plunder Egypt's Tombs, Dealers Sell Treasures Worldwide, Jordan Times, August 19-20, 1993, page 2: <https://bit.ly/2U1KZhT>

¹¹ Neil Brodie, Jenny Doole and Peter Watson, Stealing History: The Illicit Trade in Cultural Material, 2000: <https://bit.ly/2twwYNE>

¹² Geraldine Norman, Great Sale of the Centuries. In: The Independent, November 24, 1990: <https://bit.ly/2Xihsnk>

¹³ UNESCO report: The fight against the illicit trafficking of cultural objects. The 1970 Convention: Past and Future, March 15-16, 2011: <http://goo.gl/YZnJKX>

¹⁴ Zombie Statistics, Business Daily, BBC World Service, February 20, 2019: <https://bbc.in/2Tx943g>

¹⁵ Motion for a European Parliament Resolution on cross-border restitution claims of works of art and cultural goods looted in armed conflicts and wars. See paragraphs A and B: <https://bit.ly/2VI5ila>

Ivan Macquisten is a journalist and art market analyst. As Editor of *Antiques Trade Gazette* for 15 years, he oversaw the entire news and features operation. He is a leading commentator and opinion former on the international art market and has niche specialist interests in art market business operations, risk and statistical analysis. He is the researcher, policy and media adviser to a number of trade associations including IADAA.

Imprint

Publisher Jean-David Cahn Malzgasse 23 CH-4052 Basel +41 61 271 67 55 mail@cahn.ch www.cahn.ch ISSN 2624-6376	Joceyln Wolff Yvonne Yiu
Editors Jean-David Cahn Yvonne Yiu	Translations Yvonne Yiu Bronwen Saunders
Authors Jean-David Cahn Martin Flashar Ulrike Haase Gerburg Ludwig Ivan Macquisten	Photos Robert Bayer Niklaus Bürgin Ulrike Haase
	Design and Layout Michael Joos
	Printer Druckerei Deiner www.druckerei-deiner.de