

## CONCLUSIONS AND RECOMMENDATIONS

### Conclusion of the analysis of the material being used by policy makers

In summary, this IAADA resource shows how bogus figures and other data cited are either entirely made up or do not accurately reflect the claims about the international art market with which they are associated. Widespread claims about trafficking, money laundering and links to terrorism have no basis in reliable evidence. In fact, the figures come from a mixture of anecdote, assumption and error. Where detailed figures are given, often while naming specific claims about the antiquities trade, it turns out that they do not relate to the antiquities trade at all, but the entire culture sector and often relate to crimes or activity that have nothing to do with looting, trafficking or terrorism financing. It is also notable that where figures do apply to the wider culture sector, they are usually decades old.

**This all begs the following questions: if the problem is as widespread as the authorities and anti-trade campaigners claim, why do they have to rely on false evidence? Surely real evidence of wrongdoing must be extensive? So why is it so hard to find? One thing we can be sure of: if an instance arose where it could be proved that art crime led directly to terrorism financing, it would be heavily publicised in the media.**

Often the promotion of bogus data is effective because of its source. It is shocking just how often that source proves to be law enforcement, NGOs and even governments, as this IAADA resource begins to show. It is the greatest irony that those very organisations, who at best are simply not checking where the information they promote comes from, are the same organisations that demand incontrovertible proof of the legitimate origin of artworks.

Just as shocking is the clear evidence that reports promoting bogus data and claims are being used to influence government policy. The Clooney Foundation's recent Docket report, *The need for prosecuting participants in the illegal antiquities trade for complicity in international crimes and terrorism finance*<sup>[29]</sup>, is an example of this. Making extensive claims that have already been widely debunked and have no standing among those who have been working in this sphere for years, it states: "Looting antiquities has made ISIS tens, if not hundreds of millions of dollars." While the report looks superficially impressive and has the Foundation's resources to promote it globally, its methodology and the quality of research is desperately poor. The findings are utterly unsupported by evidence. It is also clear that its researchers have not even checked their own footnotes, which do not support the claims they make from them.

It is now more than 30 years since the Geraldine Norman *Independent* article was published and decades since the original sources misinterpreted by law enforcement and others as evidence of antiquities crime, or crimes in the wider art market, arose.

Seven multi-national law enforcement operations in recent years, going under titles like Athena and Pandora, have led to hundreds of thousands of items being seized, tens of thousands of people, ships and vehicles being searched, and hundreds of arrests. Despite this, the ADA is unaware of a single related conviction involving terrorism financing or,

indeed, any conviction at all applying to an art market professional, as a result of these operations.

Despite all this, and the incalculable level of resources dedicated to showing that the art market is a haven of crime, the supremely distinguishing characteristic of the resulting evidence is how little crime there is compared to other sectors. Where crimes such as looting, trafficking and money laundering have exploited artworks, the criminals involved are almost universally not members of the professional art market. Detection can be difficult because the nature of the crimes is varied and complex... and criminals don't cooperate with the authorities.

The *Art Newspaper* is widely recognised as the most influential and important publication reporting on the art market globally. A simple search of its archive using the term 'art crime' gives as accurate picture as any of the real nature of the problem. It's notable how little of this involves art market professionals or collectors.

It is easy to write a new law – much harder to address the real problem effectively. All the above challenges the need for increasingly restrictive legislation to be applied to the international art market. The oft-used claim that it is unregulated is patently untrue; it is subject to hundreds of laws nationally and internationally, many of them already stringent. In the UK the art market is now directly regulated for anti-money laundering by Customs. Taking a risk-averse approach to legislation must be balanced by acting in the legitimate interests of business and the public; this is clearly not happening now. The courses of action taken against the international art market in the absence of justifiable evidence to support them point more to the enforcement of ideologies than a serious attempt at crime prevention. This does not serve justice and is against the public interest. The dissemination of false figures and information should be stopped and publicly rectified.

### **Securing accurate data and evidence, and policing standards of evidence in the public interest**

– We recommend that the authorities obtain a clear overview of the statistics concerning the number of EU money laundering convictions directly linked to art dealing and the proportion of all art transactions it represents – 0.0001% or 5%? – as well as a comparison to the figures for other sectors.

– We recommend that the US and EU Governments show justification for why the art dealing sector has been singled out, when other sectors selling items or services well over the €10,000 threshold (such as luxury brands, automobiles, luxury tourism packages or yachts) are not listed as obliged entities. According to figure 30 of the Deloitte Report<sup>[2]</sup>, only very few possible AML cases related to cultural goods occur in the EU.

– Analysis is required to reveal if those committing the crimes are art professionals, amateurs or criminals who knowingly skirt the law and are unlikely to adhere to any of the new AML restrictions. Only with this data will it be possible to evaluate if "persons trading or acting as intermediaries in the trade of works of art" should be subject to any new measures and which measures would be the most effective.

– The US, EU and UK Governments, as well as Customs and law enforcement, should enforce the highest standards of due diligence regarding data used as evidence to influence policy. All bodies should be required to provide primary sources for all data and evidence used, as well as a guarantee that these have been verified.

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#### Footnotes

[29] See <https://cfj.org/the-docket-projects/looted-antiquities/need-for-prosecutions/>