4ISIS, Blood Antiquities, and the International Black Market

Ashleigh Tilley – Research Assistant

Last year the terrorist group ISIS piled atrocity on atrocity as they systematically destroyed cultural heritage in Iraq and Syria dating back thousands of years. Following the looting and destruction at Mosul in Iraq since ISIS took control of the city in 2014, last year saw more attacks on some of the most important cities of ancient Mesopotamia. The terrorist group publicised their destruction in a series of videos showing militants setting to stonework with sledgehammers, and detonating entire buildings.

Meanwhile, however, it has been widely reported that ISIS enjoys a significant stream of revenue from the looting of heritage sites under its control. Yet it is exceedingly difficult to estimate the scale of the problem, either in terms of numbers of looted artefacts, or how much money ISIS is making from their sale. This fragmentary information considerably impedes any attempt to disrupt the illicit flow of items from the region.

Looting from war zones is certainly not a new problem, though it has recently been forced into the public consciousness, and consequently a number of national and international initiatives have been introduced. These include several campaigns to protect heritage in the region and track archaeological looting. Along with these preservation projects, there have been moves to restrict the transnational illicit trade in antiquities, including a Resolution passed by the UN Security Council in February 2015.

Yet this global problem requires a more integrated, comprehensive response. This briefing will focus on the need for stiffer legislation to restrict the market for blood antiquities in destination countries. It will also explore opportunities for increased cooperation and information sharing between countries in Europe and the Middle East.

I. The scale of cultural racketeering

Cultural racketeering has been defined as the 'systematic looting and trafficking of art and antiquities by organised crime', and it has been ranked by the FBI as a multi-billion dollar global industry.[1]

While cultural looting has a long history, it has escalated in the last two decades with the increasing instability of parts of the Middle East and North Africa.[2] The illicit antiquities market has thrived in Iraq since the 1990s. In Egypt, the revolution of 2011 and subsequent political instability allowed widespread systematic looting of archaeological sites. But in the last two years, the destruction and looting of heritage in Iraq and Syria has reached what UNESCO has termed 'industrial' levels.[3]

In over four years of civil war, historic sites in Syria have been caught in the crossfire between government and opposition fighters. Much of Aleppo has been bombed to rubble. Between 2011 and 2013, the number of antiquities imported to the US from Iraq and Syria doubled.[4] On top of suffering the ravages of war, important sites of Syrian and Iraqi heritage have been deliberately destroyed by ISIS. The terrorist group is now said to control more than 4,500 archaeological sites in the region. In flattening ancient temples, churches and mosques, ISIS militants aim to punish 'shirk', or idolatry, which is unacceptable in Islam. In the eyes of ISIS, 'shirk' applies to any heritage that does not fit into a very narrow Sunni interpretation of Islam.

In 2015, terrorists targeted the ancient Assyrian capitals of Nineveh and Nimrud, including the 9th-century BC palace of Ashurnasipal. They later seized Palmyra, one of the best-preserved cities of antiquity, detonating explosives around the ancient temples of Bel and Baal Shamin. ISIS have also bombed sites specifically associated with religious minorities including Yazidis, Kurds,

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[1] Antiquities Coalition, 'Cultural Racketeering'. [Link]
[2] The National, December 11, 2014. [Link]
[3] The Guardian, July 3, 2015. [Link]
[4] IB Times, March 14, 2015. [Link]

Christians, and the Shi'a and Sufi sects of Islam. In this way, ISIS aims to delegitimise and destroy the identity of any society that has existed outside of their hateful movement. The organisation is attempting to empower themselves by destroying in minutes what has been built up in centuries. Finally, by denouncing past archaeological efforts in the region as a Western export, ISIS intends to breach any notion of a shared heritage between Muslims and the 'unbelievers'.

However, this has not prevented ISIS militants from exploiting the heritage sites under their control for financial gain. According to the G7's Financial Action Task Force (FATF), ISIS is facilitating a large-scale antiquities trafficking operation that comprises a significant strand of their funding.[5]

There are few reliable figures on this enterprise. While media outlets including *The Guardian* have suggested figures of tens of millions of US dollars,[6] these have been challenged by experts. France Desmarais, of the International Council of Museums, claimed that plundered items would initially be sold at a very low margin:

> These items are going into dormancy or if sold are at very small prices because they are hot and risky. They have no provenance, are looted and illegal so their price tag is very low.[7]

Nevertheless, as Dr Neil Brodie, an expert in illicit antiquities, pointed out, 'If no one was buying, people wouldn't dig it up. This material sells.'[8]
Moreover, while heritage looting is hardly as lucrative as other key sources of funding for ISIS, it is said to represent a more stable, less labour-intensive revenue stream.[9] For instance, ISIS is

believed to derive tens of millions of US dollars per month from selling crude oil.[10] However, this revenue stream might be disrupted by air strikes on ISIS-held oil fields, whereas the income from the illicit antiquities enterprise could be much more difficult to disrupt.

Unfortunately much of our understanding of ISIS' cultural racketeering relies on speculations rather than hard evidence. The following section lays out current research into how ISIS makes money from antiquities.

The antiquities smuggling enterprise

Research suggests that ISIS derives revenue from antiquities in several ways, including licensing of looters, and taxation. According to a report by the archaeologists Amr al-Azm and Salam al-Kuntar, along with cultural heritage expert Brian Daniels,

> ISIS does not seem to have devoted the manpower of its army to the active work of looting archaeological sites.[11]

Instead, it appears that ISIS allows local inhabitants to carry out their own excavations – and then takes a percentage of the value of any finds as a 'khums' tax. According to some interpretations of Islamic law, the 'khums' requires Muslims to pay one-fifth of any war spoils or business profits. The level of taxation levied on plundered items varies across different parts of ISIS territory, and can be much higher than 20%.[12]

There is also evidence to suggest that experienced teams of looters may be issued with licenses to excavate, by the ISIS' department for Natural Resources.[13] (ISIS' bureaucracy comprises several 'diwanat', or departments, dealing with different

[5] Financial Action Task Force (February 2015), 'Financing of the Terrorist Organisation Islamic State in Iraq and the Levant (ISIL)'. [Link]
[6] The Guardian, June 15, 2015. [Link]
[7] The National, December 11, 2014. [Link]
[8] The Guardian, July 3, 2015. [Link]
[9] Fanusie, Yaya J. and Joffe, Alexander (November 2015), 'Monumental Fight: Countering the Islamic State's Antiquities Trafficking'. Center on Sanctions & Illicit Finance, Foundation for Defense of Democracies.

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[10] IB Times, December 2, 2015.[Link]
[11] The New York Times, September 2, 2014. [Link]
[12] The New York Times, September 2, 2014. [Link]
[13] Fanusie, Yaya J. and Joffe, Alexander (November 2015), 'Monumental Fight: Countering the Islamic State's Antiquities Trafficking'. Center on Sanctions & Illicit Finance, Foundation for Defense of Democracies. [Link]

elements of statebuilding.)[14] In return, excavators pay a significant amount of the proceeds of any finds to ISIS. According to Al-Azm, Al-Kuntar and Daniels, these excavators may work with heavy machinery.[15] By issuing excavation licences, then, ISIS may effectively be employing private contractors to mine the land under its control for antiquities.[16] Additionally, according to FATF's 2015 report on ISIS' finances, the terrorist group levies taxes on all cash and goods transiting territory under its control, which would include antiquities.[17]

Information on these processes is very fragmentary, and any evidence tends to be focussed on Syria, rather than Iraq, as conflict antiquities expert Sam Hardy has pointed out.[18] Crucial details are missing, including how the monetary value of plundered items is worked out. In Hardy's words, 'the connoisseur-driven pricing mechanism' in the antiquities market makes export duties difficult to determine.[19] Moreover, Peter Campbell, another antiquities expert, has written that looting in the early Syrian civil war was carried out by 'opportunists' and 'subsistence diggers'.[20] It seems likely that many of the local inhabitants who loot heritage sites in ISIS territory do so in order to live.

There is also little evidence on who the middlemen are in the antiquities smuggling network.

According to the FATF report,

> *Syria...has a long history of smuggling networks operating in the country and along the border regions. These networks are largely autonomous, and some of them... are powerful local families known to have dealings in arms and drug smuggling and historical ties to the Syrian regime.[21]*

However, Campbell suggests that antiquities trafficking in the region more resembles 'fluid networks' than centralised organisations.[22] He writes that a smuggling network may involve a vast number of participants, who are otherwise unrelated and 'whose only connection is a shared opportunity'.[23] In this way, it seems likely that ISIS is capitalising on and facilitating an illicit enterprise that exists largely autonomously. Indeed, there is evidence that other key players in the civil war, including the Free Syrian Army and Assad's regime, have been exploiting heritage sites for financial gain.[24] This means that disrupting the flow of money to ISIS from the illicit antiquities trade may prove extremely difficult.

The paths that items take once they cross the border are even less well understood. From Syria, stolen antiquities are often smuggled through Turkey or Lebanon. Items may well go underground for several years into private collections, or be held by smuggling networks until

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[14] Fanusie, Yaya J. and Joffe, Alexander (November 2015), 'Monumental Fight: Countering the Islamic State's Antiquities Trafficking'. Center on Sanctions & Illicit Finance, Foundation for Defense of Democracies. [Link]

[15] The New York Times, September 2, 2014. [Link]

[16] Sam Hardy, Conflict Antiquities blog, September 2, 2014. [Link]

[17] Financial Action Task Force (February 2015), 'Financing of the Terrorist Organisation Islamic State in Iraq and the Levant (ISIL)'. [Link]

[18] Sam Hardy, Conflict Antiquities blog, September 2, 2014. [Link]

[19] Sam Hardy, Conflict Antiquities blog, September 2, 2014. [Link]

[20] Campbell, Peter B. (2013), 'The Illicit Antiquities Trade as a Transnational Criminal Network: Characterizing and Anticipating Trafficking of Cultural Heritage'. International Journal of Cultural Property. pp.129-130.

[21] Financial Action Task Force (February 2015), 'Financing of the Terrorist Organisation Islamic State in Iraq and the Levant (ISIL)'. [Link]

[22] Campbell, Peter B. (2013), 'The Illicit Antiquities Trade as a Transnational Criminal Network: Characterizing and Anticipating Trafficking of Cultural Heritage'. International Journal of Cultural Property. p.114.

[23] Campbell, Peter B. (2013), 'The Illicit Antiquities Trade as a Transnational Criminal Network: Characterizing and Anticipating Trafficking of Cultural Heritage'. International Journal of Cultural Property. p.115.

[24] Campbell, Peter B. (2013), 'The Illicit Antiquities Trade as a Transnational Criminal Network: Characterizing and Anticipating Trafficking of Cultural Heritage'. International Journal of Cultural Property. p.130.

there is less scrutiny in the market.[25] Items might also be given false provenance and sold in Western countries.[26] Finally, there is evidence that some antiquities have been advertised for sale on social messaging apps including WhatsApp and Skype.[27]

Evidently, there must be more systematic research on the processes of cultural racketeering in Syria and Iraq, and ISIS' involvement in the market.

II. Policy summary

This summary will be divided into policies tackling cultural racketeering in the countries of origin, and in transit countries and destination countries.

Origin countries

Since the start of the civil war in Syria, several awareness-raising campaigns and heritage protection initiatives have been introduced.[28] These initiatives have comprised several approaches to the problem of antiquities looting. They include training workshops for local archaeologists and curators relating to the protection of artefacts, temporary storage, 'first aid' to heritage, and damage assessment. Other projects focus on creating digital inventories of cultural artefacts, in order to later identify stolen goods, or the digitisation of items for online preservation.

Several of these projects are on a relatively small scale with volunteers working to protect their local heritage, while other initiatives are driven by national NGOs or Syria's Directorate-General of Antiquities and Museums (DGAM). Many projects are led by international NGOs, including Heritage for Peace and the World Monuments Fund (WMF). Additionally, under the US-funded ASOR Cultural Heritage Initiatives, satellite imagery has been used to document damage to heritage sites, in order to notify local archaeological communities and to map looting patterns.

Transit and destination countries

There have also been initiatives to reduce illicit trafficking in Syria and neighbouring countries. For instance, UNESCO's Emergency Safeguarding of the Syrian Heritage project has supported training courses for police and customs officials from Syria, Lebanon and other regional countries, and the development of a police database of stolen artefacts. Such databases are used by law enforcement worldwide to identify potential trafficked objects. For instance, the Red Lists Database published by the International Council of Museums (ICOM) shows the type of artefacts that might be illicitly trafficked from Syria and Iraq.

However, identifying whether an object is looted or legitimately owned is hampered by the fact that new archaeological sites with unknown artefacts are being looted in Syria and Iraq. Additionally, the well-established routes of the black market ensure that much of the trafficked antiquities industry eludes law enforcement. It is much easier to enforce restrictions on trafficked objects when they cross into the licit market. Top auction houses in the West are careful about checking the provenance documents of the items they sell, and have been known to return looted objects to their source countries.[29]

III. Policy recommendations

Towards a more integrated approach to combating antiquities smuggling

Evidently, many of the policies outlined above, while worthy, cannot directly prevent ISIS from profiteering from the illegal antiquities trade. This is partly because there is very little understanding of what point along the smuggling chain ISIS picks up its profit, and of how much it makes from the enterprise. There must therefore be more extensive analysis of ISIS' involvement in cultural racketeering.

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[25] PBS, May 19, 2015. [Link]
[26] PBS, May 19, 2015. [Link]
[27] CounterPunch, October 2, 2015. [Link]
[28] For a comprehensive record of these initiatives, see Heritage for Peace, 'Summary of National and International Responses' [Link]

[29] The National, December 11, 2014. [Link]

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Nevertheless, if the international community is able to restrict the market for smuggled antiquities, it may be able to stem profits going to terrorist groups. This will require more robust inter-governmental initiatives that tackle cultural racketeering at every point in the process.

There already exist a number of international conventions and declarations intended to stem antiquities trafficking, including UNESCO's 1970 Convention for the protection of cultural property, and the UNIDROIT Convention of 1995. Yet it falls on member States to ratify the Conventions and implement national legislation based on them. Several countries have failed to ratify either Convention, leaving entire regions where there is little official policy to prevent the trafficking of cultural heritage.[30] Two experts have named the implementation of such international conventions the 'keystone for an effective international campaign against illicit trafficking in cultural property'.[31]

Even when appropriate international legislation has been applied, loopholes can be found. Peter Roberts, a legal officer for the German government, writes that despite two EU regulations of 2003 and 2013 banning the import, export and trade of cultural artefacts from Iraq and Syria respectively, these measures have 'little effect in practice'.[32] This is because aside from these two regulations, the EU does not impose a blanket restriction on the import of stolen cultural property. As such, once smugglers have transported artefacts across EU borders, they

enjoy free movement across all Member States. Therefore a smuggler may claim that cultural property from Syria or Iraq in fact originated from elsewhere in the region – a claim that would be very difficult and costly to disprove.[33] Roberts therefore suggests that the EU should adopt legislation that restricts illegally exported cultural property from anywhere in the world.[34]

Alongside this suggestion, others have recommended a new framework for the trade of antiquities similar to that used in the diamond industry, based on 'proof of innocence'.[35] In other words, antiquities would require clear details of provenance before being imported, exported or traded. It has been further suggested that we should draw on comparison between the illegal antiquities industry and other transnational criminal markets, in order to implement appropriate legislation.[36] Indeed, the German government has proposed legislation that means the market will be open to the import and trade of only those cultural goods with an official export licence from their country of origin.[37]

Finally, countries should continue to develop cooperation between law enforcement agencies, in order to allow for a more open and active information exchange. One recent initiative is encouraging in this aspect: the Cairo Declaration, said to be an encouraging sign that countries are taking responsibility to tackle antiquities trafficking.[38] The Declaration commits ten

[30] Delepierre, Sophie and Schneider, Marina (2015), 'Ratification and Implementation of International Conventions to Fight Illicit Trafficking of Cultural Property'. *Countering Illicit Traffic in Cultural Goods*, International Council of Museums. p.135

[31] Delepierre, Sophie and Schneider, Marina (2015), 'Ratification and Implementation of International Conventions to Fight Illicit Trafficking of Cultural Property'. *Countering Illicit Traffic in Cultural Goods*, International Council of Museums. p.137

[32] Peters, Robert (2015), 'The Protection of Cultural Property in EU Law'. *Countering Illicit Traffic in Cultural Goods*, International Council of Museums. p.146

[33] Peters, Robert (2015), 'The Protection of Cultural Property in EU Law'. *Countering Illicit Traffic in Cultural Goods*, International Council of Museums. p.146

[34] Peters, Robert (2015), 'The Protection of Cultural Property in EU Law'. *Countering Illicit Traffic in Cultural Goods*, International Council of Museums. p.148

[35] Mackenzie, Simon (2015), 'Do we need a Kimberley Process for the Illicit Antiquities Trade?'. *Countering Illicit Traffic in Cultural Goods*, International Council of Museums. p.152

[36] Mackenzie, Simon (2015), 'Do we need a Kimberley Process for the Illicit Antiquities Trade?'. *Countering Illicit Traffic in Cultural Goods*, International Council of Museums. p.159

[37] Deutsche Welle, October 24, 2014. [Link]

[38] Antiquities Coalition, '2015 Cairo Conference'. [Link]

countries in the MENA region to specific actions, including the establishment of a task force to 'coordinate regional and international efforts against cultural racketeering', and of an independent centre to 'combat antiquities laundering'.[39]

The destruction of cultural heritage undermines communities and identities, and strengthens the cause of terrorist groups like ISIS. Tackling cultural racketeering requires a significant, integrated effort among origin, transit and destination countries.

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Ashleigh Tilley is a Research Assistant with the HSC. Contactable at:
ashleigh.tilley@hscentre.org

Cite this article as:
Tilley, Ashleigh (2015). '*ISIS, Blood Antiquities, and the International Black Market', Human Security Centre Policy Brief,* Issue X, No. X. Date No[st] Month Year.

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[39] Antiquities Coalition, '2015 Cairo Conference'. [Link]