

Illicit trade in cultural property: looted in the Global South, sold in Europe

Jan Schubert

1. Trafficking in cultural property: as old as the pyramids

Illicit trafficking in cultural property is not a new criminological phenomenon. History is full of trafficking and destruction of cultural heritage for various reasons: for ideological, political, religious reasons or fuelled by greed. For thousands of years, illicit trade and illicit flows of cultural goods have taken place in every civilisation. Even the ancient Egyptians tried to protect their pyramids and tombs against looters: by using traps, hidden doors and even spells and curses in order to secure their passage to the afterlife.

However, this crime field has never been as sophisticated and professional as it is today. Open borders and transnational trade liberalisation have opened up new opportunities to sell illegally acquired antiquities on the European market (BLKA 2021).

A UNESCO convention in 1970 marked the beginning of international attention to cultural property. By now, 141 countries in the world have ratified this convention and implemented it in national legislation to save cultural property (UNESCO n.d.). These laws are supposed to stop the drain of cultural goods to other countries and to respect foreign culture even in times of war.

The term “cultural property” in this context refers to mobile items which are of importance to a specific culture for various reasons (UNESCO 1970: Art. 1) and are of relevance to science as well. These items can be works of art, tools, religious objects and every piece of at least some value for scientific research. There are two relevant types of antiquities within the criminological definition of stolen or looted cultural property: those that are “known” and those that are “unknown”. “Known” antiquities, which either have been previously excavated by archaeologists or have never been lost, are “comparatively easy to consider within normal conceptions of ownership and protection”. They are documentable and possibly securable, and their restitution after a theft is facilitated by the fact that they have clear owners to claim them. The largest part is of course cultural

property which has never been acknowledged by science because no one knew of its existence – the “unknown” antiquities (Mackenzie et al. 2019: 2).

2. *The European art market as a trading venue for cultural goods from the Global South: “looting in the South, selling in the North”*

International smuggling and trafficking of cultural property is on the rise. Decades ago, European centres of ancient cultures like Italy, Greece and Spain used to be the top source countries for looted artefacts. Due to political erosions caused by war and social tensions, case numbers of looted antiquities from the Global South, especially countries in the Middle East, Latin America and Southeast Asia are rapidly increasing (BLKA 2021).

The classic modus operandi and supply chain are as follows: first of all, looting takes place in regions of the Global South, maybe near historical sites, where authorities are simply not present or corrupt. The following definition of “looting” is a broad one: it could be the illegal but “professional” extraction of artefacts at an archaeological site or just the use of force in order to “dig up” antiquities in unofficial excavations. “Looting” here refers to every form of excavation outside of established norms (Mackenzie et al. 2019: 3). In cases of illicit trafficking, it does not matter whether cultural goods were illegally excavated or stolen in a museum.

The economic goals in this field of illicit trade are the same as on the legal art market: everyone along the supply chain wants to make money. It is a criminal billion-dollar business – and it is expanding. According to INTERPOL (2018), this “low-risk, high-profit business” achieves estimated profits of about US\$10 to 12 billion per year. Due to a highly diverse mixture of artefacts, an allegedly enormous dark figure and very volatile market prices partially based on irrational parameters, it is extremely hard to estimate the amount of worldwide profits. Numbers of trafficked artefacts per year such as the number mentioned by INTERPOL should merely be regarded as a very conservative educated guess. The real figures may be at a much higher level; there may just not be any scientific evidence to prove this (LKA BW 2021).

As for every type of illicit flow, the supply chain forms the backbone of illicit trafficking in cultural property. The following chapter tries to outline the specific mechanism of this illicit transnational lifeline.

2.1. Criminal supply chain: from looters in the Global South to Europe's art markets

Figure 1: Illicit Flows: Trafficking in Cultural Objects



Stage 1: illegal acquisition

This first stage starts with any type of illegal acquisition of cultural goods. In most cases, it begins with looting in the Global South, which includes every form and every modus operandi conceivable: either with local looters being hired by an intermediary or with pieces that were accidentally found being bought – this is all it takes for the supply chain to begin (BLKA 2021). The range goes from unauthorised excavations as far as classic thefts. Corrupt and weak state authority as well as unstable economic conditions, accompanied by military conflicts and a lax legal framework unable to tackle the issue effectively, provide the necessary environment for systematic looting (Dietzler 2013: 331).

The local looters, mostly living under precarious conditions in countries of the Global South, receive only about 1 % of the overall profit (Dietzler 2013: 330). Often this means less than 1 US cent per item (Mackenzie et al. 2019: 6). As a consequence, there is often a gap of thousands of per cent regarding the amount of money looters and other kinds of thieves earn for their efforts in comparison to the profits ultimately being made on the

European art market (Groß 2018: 53). It is not very uncommon for rare cultural objects to be sold for a six-figure sum of euros or US dollars (LKA BW 2021).

In most cases, the looted goods have to leave the source countries of the Global South to reach potential buyers. In order to compensate the (financial) efforts along the supply chain and to generate the biggest possible profit, the value of the saleable piece has to be high enough (Polk 2009: 15).

After being professionally cleaned, the artefacts are provided with forged documents by counterfeiters or corrupt officials in order to be smuggled across borders as a “legalised” part of the international goods traffic (BLKA 2021).

Stage 2: transit

The second stage is usually transit. Sometimes, though, there are some further preparations before the illegal journey begins. These preparations consist of cleaning and freeing from soil, sand and other forms of dirt that could reveal the illicit origin. In addition, forged documents are necessary for every artefact being transported as a “legally excavated archaeological antiquity”: provenance for a legal trade as well as valid export and import documents for the transit route to the destination country. Otherwise, the cultural goods have to be smuggled across international borders. If the export documents do not arouse any suspicion, receiving authentic import documents from national authorities in transit countries or destination countries will not be a problem at all. It is not necessary to counterfeit all the official permissions if artefacts are “laundered” with documents issued without justification. As a result, the required documents for the illicit transport are often authentic ones issued by corrupt officials. Cultural property transported via smuggling operations or with the support of corrupt officials simply needs a (moderately) plausible provenance for being legally sold in the destination country – depending on national regulations.

Based on illegally issued official certificates (provenance and export/import documents), cultural goods from the Global South find their way to (licit) European marketplaces.

As some artefacts are not small enough for efficient transport, they are reduced in size by force (Polk 2009: 15). This has the additional advantages that large transport containers – which are easier to detect – are not required and that the profit margin increases if larger objects are sold in

parts. This may mean that initially intact archaeological finds, like reliefs or mosaics, are not only looted, but also often destroyed in their original form.

Law enforcement agencies have learned that there are no special transit routes exclusively for the illicit flow of cultural property (yet). However, the route is crucial for the transport of archaeological artefacts, especially for regions on UN embargo lists in the Middle East, like Syria and Iraq. The transport has to be cost-efficient but also safe enough to get the goods to their ultimate destination. Well-planned cooperation and organisation are needed to hand over the objects from one transport stage to the next. Many aspects have to be considered in this regard: logistics, contacts, corrupt officials, particular time windows, certain routes and so on. The illicit flow of cultural property uses the same routes as drug trafficking, illegal migration, human trafficking and other kinds of transnational crime. Trafficking in cultural goods highly benefits from the land route to (Western) Europe: the so-called “Balkan route”. It has been the most practicable pathway from the Orient to Europe for hundreds of years. The “Balkan route” comprises three variations:

1. The classic route via Turkey, Bulgaria, North Macedonia, Kosovo, Serbia, Bosnia and Croatia
2. The northern route via Turkey, the Black Sea, Ukraine or Bulgaria, Romania, Hungary and finally to Austria
3. The southern route via Greece, North Macedonia and Albania to Italy (Krasniqi 2013: 597)

There is no other illicit transit route linking the Global South with Europe as prominent as the “Balkan route”. Artefacts are transported via air, land and sea mixed with other types of illegal “goods” like arms, narcotic drugs and even smuggled or trafficked human beings.

Figure 2: Geographical overview for illicit flow of cultural goods



Stage 3: crime-as-a-service

Another prospering market exists besides the classic trade: the manufacturing and sale of fake artefacts and the provision of all kinds of illegal services (“crime-as-a-service”) along the trade route. The latter could be forging export documents, offering escrow or “mixing services” to disguise virtual trades via cyber currencies and, of course, brokerage, i.e. connecting the sellers with interested customers. Adding fake antiquities can be compared to “extending” the quantity of illegal narcotic drugs: mixed-in fakes increase the profits by being sold either to unknowing buyers (hidden within originals) or to customers actually searching for fake artefacts. The sellers can broaden their product portfolio in both ways. Potential customers are defrauded, or they get what they are looking for.

Almost every form of “crime-as-a-service” can be pulled off in the context of illicit trafficking in cultural property. There is not much difference to other crime fields or illicit flows in this regard.

Stage 4: sale

The last stage is the European art market: this market includes every sort of commerce in the private sector for art and cultural goods, which can be executed in art galleries, art exhibitions, auction houses and even online auctions – ultimately, the only mandatory requirement is having an office in the market country (Roth 2015: 29).

In the majority of investigated cases, intermediaries, straw people or other contacts bring the cultural objects to auction houses in the different market countries. Achieving the desired effect, public auctions provide a “cloak of licitness” as the antiquities are sold on the legal art market (BLKA 2021).

Some artefacts have been found to be traded on the art market since the 1970s, steadily lengthening their chain of provenance – and thereby increasing their price above the average by passing through value-adding hands (LKA BW 2021).

In order to estimate the dark figure of illicit trafficking in cultural goods more precisely, the scientific study “ILLICID. Dark figure study on illegal trade of cultural goods from the Eastern Mediterranean region” (undisclosed study by GESIS – Leibniz-Institut für Sozialwissenschaften 2019) provided a critical glance behind the curtain of the European art market. In this context, the study showed a high rate of at least suspicious artefacts on the German art market in particular. The German market serves as an adequate model and microcosm of Europe’s entire art market.

Between July 2015 and June 2017, 6,133 cultural objects were scientifically analysed (ILLICID 2019: 4). These 6,133 objects were sold for a final amount of €1,693,674. 39.9 % of these cultural goods had their presumed origin in Syria or Iraq. There is still an embargo for these countries on the sale of cultural property because of war or warlike conditions. By the current legal standards in Germany, 42.8 % of all monitored artefacts failed to provide evidence of a licit origin (missing or not verifiable provenance). But this provenance is a mandatory requirement for every cultural object in order to be legally traded on the German art market (ILLICID 2019: 7).

This scientific dark figure study is just one example that leads to the thesis (which cannot entirely be dismissed) that there must be a certain “culture of ignorance” (Dietzler 2013: 332) in the market countries: sellers, mostly auction houses, receive tempting commissions – usually between 12.5 and 20 % (Groß 2018: 54). What this exemplary study also shows is the grey nature of the art market. It has to be considered as a mixed portfolio of cultural objects with a licit, illicit, questionable or just unknown background (Mackenzie et al. 2019: 146). Not every seller or buyer neces-

sarily acts in bad faith, nor deals in illicit goods. The destination market is where licit and illicit flows finally merge, as is the case with other markets as well.

Before reaching the ultimate buyer, intermediaries appear as profiteers in different forms and at different stages between the looting and the final sale: as intermediaries reaching out to local looters, as intermediate buyers for storing and cleaning or as the ones handling the final sales in direct contact with the buyers at antique fairs or auction houses at the last stage (Müller-Karpe and Laufer 2011: 16).

However, what increases the demand? Who are the buyers at the end of the supply chain?

2.2 Investors and speculators

Recent police investigation cases have shown that the final buyers are not always collectors, but are sometimes buying antiquities for investment reasons. Purchased cultural goods are intended to be resold in the near future in order to achieve higher prices. For example, investigators discovered several cases in which antiquities from the Global South were bought in Munich and afterwards sold to the United States with a huge surcharge via big auction houses in London – only to be delivered to auction houses in Europe again afterwards. It is even not unusual that the same antiquities are submitted once more by the same first sellers (BLKA 2021).

European and US investors and collectors are the main customers for cultural property. They regard cultural goods as enlargements to their own collection or as value-adding investments (Groß 2018: 53). Antiquities are regarded as a safe investment combined with an outstandingly increasing value (Müller-Karpe and Laufer 2011: 17).

Passionate collectors form another large group of customers for cultural property. “Collectomania is one of the main reasons for looting and destruction of culture” (Müller-Karpe and Laufer 2011: 17, own translation).

2.3 Museums and state collections

Museums and state collections have often received antiquities with a doubtful background – whether by active buying or by artefacts being donated (Müller-Karpe and Laufer 2011: 17). If acting in bad faith, this

group of customers would be the most paradoxical one, as science is supposed to preserve cultural heritage.

3. Sale in cyberspace

Nowadays, not only in times of a worldwide pandemic, the virtual market is increasingly attractive for sellers and buyers likewise. Key players in international illicit markets for all kinds of goods reacted quickly to improve online trading in order to compensate for the restrictions on the conventional markets. Online auction trading is one good example of this more virtual approach. Due to this relocation of larger parts of the art market, COVID-19 has had almost no detectable impact on the illicit trade with cultural property (BLKA 2021).

As a matter of fact, this is not a new phenomenon caused by a pandemic: cyberspace with its (seemingly) unlimited possibilities has always been underestimated by international law enforcement. Thus, the power of criminals and their illegal markets has simply not been anticipated (Shelley 2018: 4). Like all other forms of trade, the internet and its hidden side called “darknet” or “deep web” provide manifold options for anonymously trafficking in cultural objects. Legal and illegal purchases are commonly processed via online auctions. In some cases, incriminated artefacts with false provenances are sold on the internet for all the world to see.

On the “darknet”, different conditions prevail: drugs, arms, “crime-as-a-service” and other categories of an illegal portfolio are traded on the very same restricted website (Shelley 2018: 10). In 2017, Europol already declared illegal online commerce – including illegal trafficking in cultural property – a prioritised criminal phenomenon for the European Union in terms of internal security (Europol 2017a: 57).

Despite this development, the majority of expensive products like smuggled antiquities are still (virtually) traded in high-end stores or auction houses (Shelley 2018: 10).

4. Cultural property as a perfect asset for money laundering

Money laundering is primarily about protecting illicit money and illegal profits against being seized by law enforcement agencies – and of course about avoiding criminal prosecution (Barreto da Rosa and Diergarten 2015: 2). This is why dealing with art and cultural goods is an excellent

option for potential money laundering. Very high prices are achieved, sometimes not completely based on rational reasons. These large amounts of transferred money, combined with cash payments, which are not uncommon, generate an almost perfect environment for money laundering: they provide attractive opportunities to legalise illegal earnings and to increase financial resources at the same time by investing in art.

There is a rise in customers from emerging countries considered as homelands for well-established organised crime, which appears to be connected with these opportunities for money laundering by trading in cultural objects on the art market. In this way, not only drug trafficking profits but also assets gained by corruption flow back into the legal financial market (Roth 2015: 14f.). Such criminal operations are likely to be executed by organised crime groups, as a certain degree of sophisticated organisation and knowledge is necessary for successful and systematic money laundering.

5. Criminal participants: “different backgrounds, different motivations”

While it is mostly pursuit of profit that draws the offenders into this field of crime, it is also desperation and the will to survive. In countries devastated by war, political instability and poverty, this field offers criminal participants access to some of the few available resources (BLKA 2021). It is the exploitation of these regional and personal crises by internationally operating crime groups that gives these offences a new dimension of transnational crime.

In view of an artefact's journey with all the different stages to reach the destination country and the final customer, it is quite understandable that there are not many criminal protagonists working on their own: without the means and networks, single offenders are not able to participate in this kind of transnational “business” – without access to this criminal network, single players will sooner or later fail. On top of that, groups that are already operating will not tolerate competing rookies not protected by powerful organisations.

6. Playground for Organised Crime Groups

As illicit flows are extremely complex and profitable, organised crime controls most of the illicit flows, especially when it comes to cultural property.

Practicability is the key word: joint ventures, networks, logistics also used for other criminal operations, reliable routines and unused capacities open organised crime's portfolio to this kind of business.

From 2004 to 2009, the number of legal art sellers from the Middle East rose by about 400 %. During the same period, the prices in the top market segments increased very rapidly, which has been associated with a clandestine involvement of new organised crime groups in the art market (Roth 2015: 13).

Scientific studies that include countries of the Global South differ in their results regarding the linkage between the art market and organised crime.

In Latin America, for example, a significant role of criminal groups could not be observed in the field of illicit trafficking in cultural goods. Paradoxically, organised crime is in fact one of the biggest threats to the entire region of Latin America. Furthermore, many regions are rich in pre-Columbian artefacts, and organised crime could rely on existing effective trade routes and other forms of necessary infrastructure (Yates 2014: 31). While Latin America with its historical Mayan, Olmec, Inca and Aztec cultures is a source region, the exploitation and trafficking of the Latin American cultural heritage appears to be less "industrialised" to be considered organised crime (Mackenzie et al. 2019: 20).

In Cambodia, on the other hand, there is proof of organised groups operating in drug trafficking and in looting from historical sites, too (Schönleber 2010: 17). Jordanian law enforcement agencies detected that organised crime groups are operating in the Middle East, even in regions occupied by Islamist militias (BLKA 2021).

However, cultural goods as resources or required infrastructure being available is not decisive for organised crime to start dealing in antiquities. What works well on the "Balkan route" need not necessarily be profitable in other regions, too. In order to guarantee a lucrative trading route and a long-term market as well, all puzzle pieces have to interlock.

Police investigations show that well-organised crime groups are to be found at every stage of the supply chain (BLKA 2021). The annual operations "Actionweek Pandora" of INTERPOL and its partners are the most extensive international investigation efforts that prove the involvement of transnational organised crime (LKA BW 2021). Flexible forms of cooperation with criminal specialists such as looters, smugglers and counterfeiters are part of this illegal business, as well as classic Italian mobsters: "Organised Crime" (established hierarchical organisations) and "organised crime" (cooperation for short-term operations) (Hagan 2006: 134) participate in this criminal market at the same time (Tijhuis 2011: 89). The often one-

dimensional image of small mafia families pulling strings from Sicily is just one piece of a large puzzle – if at all (Dietzler 2013: 334; 338). The major part allegedly consists of illegal syndicates seeking maximal profit and power over regional markets and trading routes. In this context, operating in criminal “joint ventures” based on a network of professionals with special skills is just one of the instruments – pulling strings from a management level is a different one. The transition between different stages of the supply chain is the most critical factor, as it requires a very high degree of professionalism, logistics and organisation (Dietzler 2013: 338).

Due to its complexity, illicit trafficking in cultural property is predestined to be a field of operation for organised crime groups. Criminal organisations decide whether or not to participate, based on various factors such as regional specificities, competitors, risk assessment, profit forecast and options to control the market. Generally speaking, the entire supply chain is not controlled by a single criminal organisation, but by different groups according to their regional competence (BLKA 2021).

7. Terrorist organisations

Terrorist groups like the Islamic State of Iraq and Syria (ISIS) exploit the indigenous cultural heritage of regions under their control to finance their terrorist activities. They follow an economic plan: gaining money by selling cultural items from the respective area, destroying its cultural identity and enslaving the region for financial and ideological reasons.

7.1 Islamic State of Iraq and Syria (ISIS)

In 2014, ISIS started its campaign to establish a caliphate in the Middle East, primarily focused on regions in Iraq and Syria. At its peak, ISIS commanded 30,000 to 40,000 jihadist fighters (Schwind 2016: 704 f.).

Terrorist organisations like ISIS draw value out of the territories they control. Using this powerful monopoly position, the local ruling terrorist organisation can generate high profits (Shelley 2014: 192) through trade in cultural property: in 2014, ISIS controlled more than 12,000 excavation sites on their territory and built facilities for strategic exploitation nearby (Aust/Malzahn 2014). Without being directly involved in the sales, ISIS raised taxes from 10 % to 30 % on each traded (cultural) good (Shelley

2018: 77). This taxation is justified as a contribution to Allah akin to the “fifth of the spoils of war” paid by defeated enemies (Charney 2016: 67). Illicit trafficking in cultural objects was just one financial source for ISIS: like a prospering multinational company, ISIS used a diversified portfolio consisting of gas and oil trading, abduction, banking, blackmailing as well as smuggling (Europol 2018: 43; Shelley 2018: 131; Schwind 2016: 706).

A special “department” was created in order to professionalise the trade in antiquities: “Diwan al-Rikaz”, loosely translated: “department for precious archaeological finds”. Its responsibilities primarily included the trade in oil and artefacts from occupied territories (Heing 2018: 38; Wessel 2015: 44). It is not possible to confirm the exact amount of profits ISIS generated from selling archaeological antiquities, but an estimate can be obtained: ISIS earned about US\$36 million by looting artefacts in only a small region near Damascus in 2014 (Wessel 2015: 40).

On 15 May 2015, a high-ranking ISIS leader linked to the organisation’s financial institutions was supposed to be arrested in Iraq by US special forces but was killed in this operation. Artefacts of great value like ancient coins made of precious metals, manuscripts in Aramaic and hundreds of other cultural objects were seized during the raid. In order to finance its terror regime, ISIS had looted regional museums, e.g. the prominent museum of Mosul. This was proven due to the fact that unique items from this museum were identified (US Department of State 2016). ISIS had not destroyed the artefacts (as it had claimed for propaganda reasons), but looted and sold at least some of the “heretical” cultural goods. ISIS not only profited by illegal excavations “on an industrial level” (FBI 2016), but also by using opportunities to loot museums and other kinds of state collections.

In 2016, international embargoes had a severe impact on ISIS’ oil trades. Due to this, ISIS changed its business model and intensified its efforts regarding trafficking in antiquities (Groß 2018: 52). At this point, estimates differ widely: millions or even several billions of US dollars may have been made by systematic exploitation of the occupied regions (Heing 2018: 38).

Even after the military defeat of ISIS, it is very likely that remaining terrorist groups keep trafficking in cultural property in the Middle East, exploiting the power vacuum fostered by corruption and unstable political systems. However, this is also not a new phenomenon: the Taliban regime already looted ancient tombs in Afghanistan, looking for artefacts to finance its activities. These finds were shipped from Pakistan to Brussels, Paris and even the United States (Shelley 2014: 259).

7.2 Africa

Africa is a large continent with a great diversity of heritage resources. Nearly every region in Africa has reason to be concerned about losing this heritage (Abungu 2016: 33). The systematic looting clearly started with Europe's imperial ambitions (Abungu 2016: 36). The illicit traffic of cultural property in Africa is rooted in the North's self-righteous dominance over the Global South.

Due to having been neglected for a long time, at least some of the African regions have recently turned into new hotspots for international terrorism and looting. In the past decades, internal conflicts, poverty and re-emerging religious fundamentalism have led to appalling atrocities and have fostered the illicit trade in African cultural goods.

Unfortunately, many attempts to address this issue internationally in an adequate way have failed (Abungu 2016: 33). There are two main causes for an increase of looting in recent years: the political erosion following the "Arab Spring" in North African states like Egypt and Libya in 2011, with members of security agencies resigning from their duties (Abungu 2016: 34; Europol 2017b: 35; Europol 2018: 38 f.), and the rise of Islamist fundamentalism, especially in the Sahel region with its terrorist focal point in Mali (Abungu 2016: 35; Europol 2018: 40; Europol 2016: 33). In the meantime, Boko Haram is creating an unstable political situation in large parts of Nigeria, Cameroon, Chad and Niger. In 2015, the terrorist organisation swore allegiance to ISIS, which led to Nigeria being labelled as an ISIS province in West Africa (Europol 2016: 33). Boko Haram's transnational activities destabilise entire regions.

In Mali, with its rich cultural heritage, the trade in cultural objects ranks with the trade in arms and drugs as one of the three most serious illicit international trading activities (Abungu 2016: 35; 39). The looted artefacts find their way to Europe, allegedly using the same channels as African migrants and illegal narcotic drugs: through Libya (Abungu 2016: 38). Neither French military interventions, nor the UN peacekeeping mission MINUSMA are capable of combatting certain forms of serious crime effectively – they simply do not have the clear mandate and means they would need to be successful (Abungu 2016: 39; Europol 2018: 39). Stabilisation and counter-terrorism efforts are prioritised in Mali's extensive and inhospitable territory. Countermeasures against trafficking of antiquities with all its economic and cultural consequences for the region is clearly not one of the most pressing problems if it is not directly linked to terrorist financing.

Terrorist organisations such as Ansar Dine in Mali pursue a dual strategy: immovable cultural goods such as monumental buildings were destroyed to achieve a public effect or used as shields against air strikes. Movable cultural goods on the other hand were sold to finance further operations (Charney 2016: 66; Groß 2018: 50; Wessel 2015: 44). This meant the annihilation of the cultural heritage of entire regions, combined with ethnic cleansing of “inferior” minority groups. The (multiple) devastations of Palmyra in Syria and the levelling of the Assyrian city of Nimrud in Iraq with bulldozers are only two examples of terrorist groups destroying immovable cultural property (Wessel 2015: 37 ff.).

So far, only one terrorist leader has been convicted exclusively of “atrocities committed against cultural heritage” by the International Criminal Court in The Hague: in 2016, Ahmad al-Mahdi, member of an Islamist militia in Mali, was sentenced to nine years in prison for destroying the UNESCO world heritage site Timbuktu in Mali (Groß 2018: 57). The amount of movable cultural property looted from sites like these will remain unknown.

An ongoing process of slow decline is noted for the northern part of Africa: for hundreds of years now, the incredibly culturally rich African North has been struggling with a steady illicit drain of cultural property. The systematic plunder by Europeans started in colonial times and has never been easier than today. To give only a small example: in 2017, it was still possible for European citizens to avoid the security check at a big North African airport by paying a bribe of €3 in order to smuggle literally any artefact even by plane.

8. How to respond?

A blueprint for combatting this entire illicit flow is unlikely to be developed in the near future. All aspects of the supply chain, all types of protagonists, all different kinds of *modi operandi* and of course the economic profits as the main reason would have to be tackled at once (BLKA 2021).

Even though perpetrators are usually identified as already known to the police, building a criminal case including an unbroken chain of evidence from the art market back to the source country is quite rare. Most of the looted items originally come from unstable regions and countries of the Global South. On top of that, the international legal assistance process often appears to be very slow and bureaucratic and to undermine quick and effective law enforcement measures (BLKA 2021).

Against this background, it is necessary to improve existing international networks of law enforcement authorities to make them capable of tackling transnational forms of crime effectively. Authorities located all along the supply chain have to be connected: in source, transit and destination countries. Contacts to foreign lead investigators and decision makers are vital to handle cross-border cases professionally. Established supranational agencies like INTERPOL, Europol and Eurojust are able to provide support in coordinating and connecting the national actors or – if necessary – to provide law-enforcement-based capacity building as well as special trainings for prosecutors or investigators. By these means, more and more transnational investigations have lately become examples of successful collaborations (BLKA 2021). Furthermore, national liaison officers abroad are able to stay in continuous close contact with the different foreign investigation units – even without an ongoing specific case.

The following recent operational results are good examples of successful international cooperation in combatting this specific form of illicit flow:

Operations ATHENA and PANDORA II, inter alia by INTERPOL, Europol and the World Customs Organization (WCO) in 2017:

53 persons were arrested and 41,000 artefacts were seized in global operations by law enforcement agencies from 81 different countries (Europol 2018b).

Operation DEMETRA, inter alia by the Italian Carabinieri Art Squad, the Spanish Guardia Civil and the State Criminal Police Office of Baden-Württemberg, coordinated by Europol in 2018:

After four years of international investigations, 23 perpetrators partially associated with Italian Organised Crime were arrested and 25,000 seized archaeological antiquities from Sicily were restituted to Italy (LKA BW 2021; Phillips and Huggler 2018).

Operations ATHENA II and PANDORA IV, initiated by INTERPOL, Europol and the WCO in 2020:

101 individuals were arrested, and 19,000 stolen artefacts (inter alia coins, ceramics, historical weapons, paintings and fossils) were seized in worldwide raids by law enforcement agencies from 103 countries. 8,670 of the 19,000 seized objects were found to have been sold online. In the source country Afghanistan, customs authorities confiscated 971 items at the Kabul airport (INTERPOL 2020).

Bi- and multilateral projects between source and destination countries can also become a further pillar for achieving a lasting and strategic strength-

ening of international cooperation. One of several European projects on connecting source and destination countries is already in progress: the German Federal Criminal Police Office (BKA), the State Criminal Police Office of Baden-Württemberg and the Bavarian State Criminal Police Office (BLKA) are closely cooperating with Jordan to improve bilateral communication and coordinate law enforcement measures. In this way, strategic approaches can be efficiently coordinated and synergy effects can be achieved (BLKA 2021; LKA BW 2021).

Furthermore, issues associated with the illicit trade in cultural property must not be seen as isolated law enforcement problems. They are embedded in Western societies and linked to everyday life in the Global South as well. They have to be addressed by society in order to eventually be tackled politically. The first step has to be an awareness-raising process to shed some light on this rather neglected topic. Science has to play a major role within this process by providing objective information to raise public awareness. Thereafter, societal awareness will hopefully build pressure on relevant policy fields to address these issues properly.

The routine activities of the European art market have to be put under scrutiny without any prejudgement. The restitution of former stolen artefacts to source countries of the Global South is a necessary step in showing that destination countries actually care about the issue. These often complicated legal processes are also signs of respect for other cultures and counteract the image of the Western world as only being interested in its own heritage, as it has been for centuries, especially in regard to Europe's colonial history.

The absence of licit business segments in source countries fosters every kind of unrestrained illicit trade. The trafficking in cultural property is no exception. Sustainable economic support for source countries of the Global South means simultaneously reducing incentives for illicit looting and other forms of regional exploitation. Therefore, economic alternatives have to be provided.

9. Conclusion

The illicit trade in cultural property is one of the most underestimated transnational threats. Humankind is slowly but surely losing its cultural heritage and part of its identity. A looted tomb can be compared to an old book: if someone steals a page, the full content may not be understandable any more. The damage is not done with a specific missing artefact, but with the entire scientific context being lost. The original content may be

lost forever – for science and for coming generations. An intact archaeological site on the other hand potentially tells an entire story of the past, not just a fragmentary chapter.

Trafficking in cultural goods has many reasons, such as poverty, greed, conflicts, weak legal frameworks or just ignorance. It should be viewed as a “by-product” (Mackenzie et al. 2019: 5) of social and economic disruption, often associated with (internal) conflicts. Root causes may quite readily be named, but all nations – source, transit and destination countries – have to fight this problem to protect the world’s cultural heritage and to save our common history.

International threats like transnational organised crime and terrorism in all its forms cannot be defeated just by national approaches. They require a holistic international approach.

Great efforts combining law enforcement, politics, science and societal responsibility are needed to tackle the different components with various strategies: international cooperation of law enforcement agencies and international awareness raising for this worldwide issue from source countries in the Global South to destination countries in the Global North. Financial compensation in the form of strategies like “alternative development”, already established in sustainable drug-policy projects, is also needed to provide licit solutions to people living in precarious circumstances.

Trafficking in cultural objects is not a crime without a victim: every looted tomb means a possible abuse of indigenous people in source countries, losing pieces of human history and strengthening crime and terror. Trafficking in cultural goods means dealing with cultural identity. Humankind deprives itself by selling its heritage for financial purposes.

References

- Abungu, George (2016): “Illicit trafficking and destruction of cultural property in Africa. A continent at a crossroads”. In: *The Journal of Art Crime*, 15, pp. 33–40.
- Aust, Stefan/Malzahn, Claus Christian (2014): “Der islamische Staat im Zenit seiner Macht“. At: <https://www.welt.de/politik/ausland/article134379366/Der-Islamische-Staat-im-Zenit-seiner-Macht.html> (accessed 9 February 2021).
- Barreto da Rosa, Steffen/Diergarten, Achim (2015): *Praxiswissen Geldwäscheprävention. Aktuelle Anforderungen und Umsetzung in der Praxis*. Berlin: De Gruyter.
- BLKA, Bavarian State Criminal Police Office (2021): Interview from 25 January 2021 with Detective Chief Inspector C. Klein, Special Investigations Unit, Munich (interview conducted in German).

- Charney, Noah (2016): "Lessons from the history of art crime 'Saving artifacts from terrorists'". In: *The Journal of Art Crime*, 15, pp. 65–68.
- Dietzler, Jessica (2013): "On 'Organized Crime' in the illicit antiquities trade. Moving beyond the definitional debate." In: *Trends in Organized Crime*, 16, pp. 329–342.
- Europol (2016): "European Union Terrorism Situation and Trend Report 2016 (TE-SAT)". At: <https://www.europol.europa.eu/publications-events/main-reports/european-union-terrorism-situation-and-trend-report-te-sat-2016> (accessed 11 May 2022).
- Europol (2017a): "Serious and Organized Crime Threat Assessment (SOCTA). Crime in the age of technology". At: https://www.europol.europa.eu/sites/default/files/documents/socta2017_0.pdf (accessed 11 May 2022).
- Europol (2017b): "European Union Terrorism Situation and Trend Report 2017 (TE-SAT)". At: <https://www.europol.europa.eu/sites/default/files/documents/tesa2017.pdf> (accessed 11 May 2022).
- Europol (2018): "Over 41 000 artefacts seized in global operation targeting the illicit trafficking of cultural goods". At: <https://www.europol.europa.eu/newsroom/news/over-41-000-artefacts-seized-in-global-operation-targeting-illicit-traffic-kng-of-cultural-goods> (accessed 8 February 2021).
- FBI, Federal Bureau of Investigation (2016): "ISIL antiquities trafficking". At: <https://www.fbi.gov/file-repository/isil-art-psa-082516.pdf> (accessed 8 February 2021).
- GESIS – Leibniz-Institut für Sozialwissenschaften (2019): *ILLICID. Dark Figure Study on Illegal Trade of Cultural Goods from the Eastern Mediterranean Region* (2019): Final report (undisclosed, translated by the author)
- Groß, Steffen W. (2018): "Can cultural property protection be an effective counter-terrorism instrument?". In: *The Journal of Art Crime*, 19, pp. 49–62.
- Hagan, Frank E. (2006): "'Organized crime' and 'organized crime'. Indeterminate problems of definition." In: *Trends in Organized Crime*, 4, pp. 127–137.
- Heing, Bridey (2018): *Cultural destruction by ISIS (Crimes by ISIS)*. Berkeley Heights: Enslow Publishing.
- INTERPOL (2018): "Protecting cultural heritage by disrupting the illicit trade". At: <https://www.interpol.int/News-and-Events/News/2018/Protecting-cultural-heritage-by-disrupting-the-illicit-trade> (accessed 5 August 2020).
- INTERPOL (2020): "101 arrested and 19,000 stolen artefacts recovered in international crackdown on art trafficking". At: <https://www.interpol.int/News-and-Events/news/2020/101-arrested-and-19-000-stolen-artefacts-recovered-in-international-crackdown-on-art-trafficking> (accessed 8 February 2021).
- Krasniqi, Kole (2013): „Entstehungsbedingungen und Herausforderungen der Organisierten Kriminalität auf dem Balkan“. In: *Kriminalistik*, 10, pp. 11–14.
- LKA BW, State Criminal Police Office of Baden-Württemberg (2021): Interview from 8th of February 2021 with Detective Chief Inspector S. Holz, Art Crime Unit, Stuttgart (interview conducted in German).

- Mackenzie, Simon/Brodie, Neil/Yates, Donna/ Tsirogiannis, Christos (2019): *Trafficking culture. New directions in researching the global market in illicit antiquities*. London: Routledge.
- Müller-Karpe, Michael/Laufer, Eckhard (2011): *Kriminalarchäologie*. Mainz: Verlag des Römisch-Germanischen Zentralmuseums.
- Phillips, John/Huggler, Justin (2018): "Italian police smash £30m international ancient artefact smuggling ring". At: <https://www.telegraph.co.uk/news/2018/07/04/italian-police-smash-40m-international-ancient-artefact-smuggling/> (accessed 8 February 2021).
- Polk, Kenneth (2009): "Wither criminology in the study of the traffic in illicit antiquities?". In: Mackenzie, Simon/Green, Penny (eds.): *Criminology and archaeology. Studies in looted antiquities*. London: Bloomsbury Publishing, pp. 13–28.
- Roth, Monika (2015): *Wir betreten den Kunstmarkt. Geldwäscherei / Zollfreilager – ein zu diskretes Geschäft? / Interessenkonflikte, Manipulationen und Preisabsprachen*. Zurich: Dike.
- Schönleber, Wolfgang (2010): „Das Phänomen ‚Raubgräberei‘ – nationaler und internationaler Kulturgutschutz“. In: *Mitteleuropäische Polizeiakademie (mepa)*, 1, pp. 4–13.
- Schwind, Hans-Dieter (2016): *Kriminologie. Eine praxisorientierte Einführung mit Beispielen*. Heidelberg: Kriminalistik Verlag.
- Shelley, Louise (2014): *Dirty entanglements. Corruption, crime and terrorism*. Cambridge: University Press.
- Shelley, Louise (2018): *Dark commerce. How a new illicit economy is threatening our future*. Princeton: University Press.
- Tijhuis, A. J. G. (2011): "The trafficking problem. A criminological perspective". In: Chappell, Duncan/Manacorda, Stefano (eds.): *Crime in the art and antiquities world. Illegal trafficking in cultural property*. Berlin: Springer Verlag, pp. 87–97.
- UNESCO (1970): *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property*. At: http://portal.unesco.org/en/ev.php-URL_ID=13039&URL_DO=DO_TOPIC&URL_SECTION=201.html (accessed 11 May 2022).
- UNESCO (n.d.): "About 1970 Convention". At: <https://en.unesco.org/fighttrafficking/1970> (accessed 10 November 2021).
- US Department of State (2016): "ISIL leader's loot". At: https://eca.state.gov/files/bureau/isil_leader_loot.pdf (accessed 8 February 2021).
- Wessel, Günther (2015): *Das schmutzige Geschäft mit der Antike. Der globale Handel mit illegalen Kulturgütern*. Berlin: Ch. Links Verlag.
- Yates, Donna (2014): "Displacement, Deforestation, and Drugs: Antiquities Trafficking and the Narcotics Support Economies of Guatemala". In: Balcells, Marc/Kila, Joris (eds.): *Cultural property crime. An overview and analysis of contemporary perspectives and trends*. Leiden: Brill Academic Publishers, pp. 21–36.