

Shutting Down ISIS' Antiquities Trade

Statement for the Record

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“Preventing Cultural Genocide: Countering the Plunder and Sale of Priceless Cultural Antiquities by ISIS”

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Chairman Fitzpatrick and members of the Task Force, thank you for the opportunity to submit written comments about the ISIS antiquities trade. I am David Grantham, a senior fellow at the National Center for Policy Analysis. We are a nonprofit, nonpartisan public policy research organization dedicated to developing and promoting private alternatives to government regulation and control, solving problems by relying on the strength of the competitive, entrepreneurial private sector.

The attacks in Paris and San Bernardino, California, reminded the world that the so-called Islamic State in Iraq and Syria is at war with western civilization. The U.S. government desperately needs a more comprehensive strategy for combating this threat than simply drone warfare and piecemeal deployments of “specialized expeditionary targeting forces.” And a top priority of a new, broader campaign should be the destruction of ISIS’ financial networks.

ISIS and Antiquities. ISIS poses a national security threat to the United States primarily because of the resources it commands. The organization boasts an impressive network of revenue streams, ranging from oil proceeds and racketeering profits to money seized from local banks. But ISIS also profits from its lucrative trade in pilfered Roman, Greek, and other antiquities found in Syria and northern Iraq. This lucrative operation presents a national security dilemma because it helps fund ISIS’s international war machine.

The U.S. government and international bodies have tried in the past to undermine the global trade in looted antiquities by international conventions that disallow signatory countries from participating in the theft and transportation of looted antiquities. But the illegal antiquities market remains notoriously difficult to regulate. Moreover, officials often treat the illegal antiquities trade as a victimless crime run by criminal organizations. Few acknowledge the definitive links between illegal antiquities and terrorism. The challenges of enforcement and lack of attention keeps the market for illicit antiquities strong.

This Is Not a Recent Phenomenon. During World War II, Nazis looted public and private collections from across Europe. Looters reaffirmed the importance of the antiquities market by ransacking regional museums in Iraq in the wake of the First Gulf War. Between the end of the war in 1991, and 1994, eleven museums lost 3,000 artifacts and 484 manuscripts to theft. A majority have yet to be recovered. Years later, the Taliban earned a reputation as a broker of Afghan antiquities, even though it spent enormous time and energy destroying historical landmarks throughout the country.

Al Qaeda was also involved in the trade. In 1999, Mohamed Atta, who piloted the plane that crashed into Tower Two of the World Trade Center, tried to sell Afghan antiquities to a German university professor. Atta “claimed that he was selling artifacts in order to purchase an airplane.” The Iraqi museums looted after the U.S.-led invasion in 2003 only reiterated the national security implications surrounding unprotected antiquities. As of 2008, authorities have only recovered about 6,000 of the 15,000 items stolen. Experts fear that Al-Qaeda offshoots like ISIS are today selling some of the unaccounted for antiquities to fund their terrorist operations.

While the fanatics of ISIS make a public display of destroying ancient ruins, they peddle antiquities off camera to prospective buyers. This profitable enterprise has allegedly netted ISIS an estimated \$36 million to \$360 million since 2012. Despite these enormous profits, the United States has yet to treat the terrorist-backed antiquities trade as a national security problem. The FBI sent out a notification in August 2015 warning prospective buyers against the inadvertent purchase of ISIS antiquities circulating on the U.S. market. The following month, the U.S. Department of State established the “Reward for Justice” program, which offers \$5 million for information that leads to a disruption in the ISIS antiquities trade. But warning and reward systems cannot be the extent of it. The reactive nature of this policy, especially during wartime, seems strange since the illicit antiquities business has been a hallmark of militant governments and terrorist organizations for years.

ISIS Cashes In. Today, looting plagues historical areas in ISIS-held territories throughout Syria and Iraq. In Syria alone, five of the six UNESCO World Heritage sites have been extensively damaged by looters. Meanwhile, the value of declared antiques, which includes antiquities, imported from Syria to the United States jumped by 134 percent in 2013, to \$11 million. The total value of undeclared pieces is estimated to be much higher.

Former Executive Director of the World Bank and award-winning author Moisés Naím wrote in 2005 that “to the extent...governments paid attention to illicit trade at all,” they have treated it as a criminal enterprise. This mindset needs to change. ISIS remains a U.S. national security threat because of its financial prowess. And part of that network includes a very lucrative operation in the sale of looted antiquities that depends on the American and European markets.

The proceeds earned from antiquities alone could cover the costs of multiple terrorist operations. Putting the threat in dollars, experts estimate that an average Al Qaeda operation cost around \$30,000 to execute. For example:

- The Al Qaeda-led bombings that destroyed the U.S. Embassies in Kenya and Tanzania cost approximately \$50,000.
- The USS Cole attack cost less than \$10,000.
- The March 2004 Madrid train bombings cost an estimated \$10,000.
- If ISIS has potentially made \$36 million off the antiquities trade since 2012, that profit alone could fund three attacks a day for an entire year.

Those figures, however, are more suited to the cost of attacks in close proximity to territories controlled by ISIS. An operation in the United States would obviously be more expensive. The 9-11 Commission Report estimated that the September 11th attacks cost between \$400,000 and \$500,000. That means even the lowest estimated earnings (\$36 million) would give ISIS the funds necessary to execute at least 72 attacks on par with September 11th.

Despite this reality, federal and local agencies do not seem to appreciate the threat. As of 2010, the Los Angeles Police Department remained the only American police force with a full-time art (and antiquities) crime investigator. The FBI did not even have a dedicated art and antiquities team until 2004. Lack of promotion potential, however, has led to high turnover, which means

the FBI will not dedicate significant resources to the effort. The American military and Central Intelligence Agency (CIA) do not fare much better. The U.S. government must take the lead in rebranding the ISIS antiquities trade as a national security issue.

Stopping the Trade Remains Extremely Difficult. Determining the provenance — a complete chronology of ownership for a given item — remains the single greatest obstacle to specifically targeting the ISIS operation. Antiquities experts and law enforcement professionals argue that antiquities are especially problematic since, unlike art, they often flow from poor to rich countries. Discovered and dug up by poor or unscrupulous dealers, these antiquities offer buyers few clues as to their find spot. Indeed, as Moisés Naím’s research shows, illicit trading networks often flourish in less developed or failed states because it “branch[es] out towards” legitimate businesses or co-opts corrupt government officials. The nebulous relationship between legitimate and illegitimate businesses not only obscures the item’s origin, but also the line separating legal and illegal activity.

The Gray Market. The gray market is what helps disguise the chain of custody for most antiquities. Different from the black market, which caters to the sale of commonly prohibited goods like drugs or guns, the gray market involves the transfer of legal items outside approved distribution channels. In other words, the market facilitates the sale of otherwise legal items obtained illegally. This process masks the history of any given antiquity, and thereby hides how someone retrieved it. The cash-based nature of these transactions further complicates the determination of an antiquity’s provenance. The sophisticated network of smuggling routes and middlemen essentially launders the cash, making it difficult to determine if an item originated from an illegal dig and if those proceeds actually fund terrorism.

Thus, it is extremely difficult for U.S. authorities to determine whether someone knowingly purchased an antiquity from the ISIS network. A pilfered antiquity could arrive in the United States with seemingly legitimate documentation created on the gray market or simply appear to have originated from an approved source. Those undeclared or undocumented items are even harder to verify. For these very reasons, as former FBI Agent Robert Wittman explains, wittingly or unwittingly, stolen art and looted antiquities often end up in the hands of legitimate auction houses or prominent museums.

Indeed, the U.S. government may not be able to resolve the longstanding problems surrounding unprovenanced antiquities. But the illicit antiquities trade is not impossible to combat. Peter Watson and Celcilia Todeschin use a host of different studies in *The Medici Conspiracy* to demonstrate that the illicit trade is “organized.” Antiquity-smuggling networks need people with a certain expertise, they argue. The operation also needs someone who can put the product in front of the right audience.

Moisés Naím’s own research echoes that “illicit trade networks are quite deliberate” because they share similar goals centered on profits. These realities could point authorities to the stages and key players in the ISIS network. Analyzing those established distribution channels that lead back to ISIS would then inform a strategy for dismantling their antiquities network.

Demystifying the ISIS Antiquities Operation. ISIS generally employs two separate techniques for selling antiquities. First, members may loot an area and market the items directly to buyers via social media or other web-based platforms. The same cast of characters may also charge unaffiliated looters a 20 percent tax for permission to excavate a given area. In this case, a variety of middlemen would then use well-treaded smuggling routes to transfer those items to the gray market, primarily through Turkey and into Europe. From there, antiquities move through both legitimate and illegitimate businesses and on to important markets in Asia and the United States. The use of popular, well-known smuggling routes running from Syria to Europe provides an excellent target for U.S. interdiction. The visibility of ISIS on the Internet also presents a readily available, supply side target.

Market realities also yield some useful information for disrupting the network. For example, much of what is on the black market only fetches about 10 percent of its open market value. In fact, an art thief once sold a stolen Rembrandt painting worth \$1 million for \$23,000.

Similar rules apply to antiquities. Smugglers are more likely to make a sale on hard-to-trace, smaller items than larger, more popular antiquities. Likewise, buyers generally prefer the friendlier price of medium-to-small size items versus the expensive, more familiar pieces. Smaller objects are also easily concealed. Dr. Erin Thompson explains that looters are known to dig up ancient cemeteries in search of finger-sized cylinder seals commonly used as jewelry or as identification millennia ago. Often buried with their owner, these pieces are “extremely easy to smuggle...[and]...a backpack full would be worth about \$1 million.” Therefore, smaller items of moderate price originating from Syria and Iraq give authorities and consumers a fair description of potentially suspect items.

Working Toward a Solution. There exists a clear connection between those terrorist organizations targeting U.S. citizens and the sale of antiquities. And American authorities have begun to show a greater appreciation for that relationship. The U.S. House of Representatives passed a bill in June 2015 to address the issue, The Protect and Preserve International Cultural Property Act. (The bill is in the Senate Committee on Foreign Relations, as of this writing.) The move came on the heels of the United Nations Security Council’s unanimous approval in February 2015 of Resolution 2199, which requires all member states to actively prevent business transactions that may benefit ISIS, such as illegal antiquities trade. Unfortunately, the House bill consists of broad language and toothless reforms, neither of which specifically map out strategies to stop the ISIS operation. The bill requires increased government coordination among relevant agencies and calls for the creation of the “Coordinating Committee on International Cultural Property Protection.” A generic mandate instructs the committee to “[coordinate] Federal efforts to protect international cultural property...” in order to curb demand both stateside and abroad. The bill also provides the president, in certain situations, the discretion to waive or enforce specific import restrictions on Syrian materials. The reference to Syria represents the only substantive reference to the ISIS operation.

The bill would be improved if it focused on the ISIS antiquities trade. First, Congress could tighten the language to explicitly address the ISIS antiquities operation and then maximize the use of intelligence, military and law enforcement resources to target the supply side of the trade.

It could also include domestic support programs expressly tailored to preventing the inadvertent purchase of artifacts originating from ISIS-controlled territories. A plan with that singular focus would go further in dismantling the supply and demand links between illicit antiquities trade and ISIS.

Supply Side. Since networks linking illegal excavation and smugglers are rarely random, legislation could include realistic strategies for combating the supply side of the ISIS operation. The Coordinating Committee on International Cultural Property Protection could be recast as a smaller, joint anti-ISIS task force made up of individuals from the list of relevant agencies and tasked solely with disrupting ISIS's operation internationally. This task force could operate out of U.S. Air Force bases located in Turkey since its border with Syria remains the single-greatest corridor for smuggled antiquities.

Demand Side. The bill could also be written with greater precision on the demand side. First, the language should only address those Syrian and Iraqi antiquities identified as potentially originating from areas under ISIS control; this must also include territorial holdings in North Africa. After all, ISIS has considered moving its capital to Sirte, Libya, since American and European bombing campaigns have devastated its current headquarters in Raqqa, Syria. Exact language concentrating on these locales would winnow an otherwise broad field of artifacts that could potentially come under scrutiny by local and federal law enforcement.

The legislation could also include an evaluation program for businesses and individual consumers. This program would offer U.S. companies or private citizens involved in the antiquities trade a free-of-charge evaluation by contracted experts on any items before or after purchase believed to be originating from ISIS-controlled areas. This would be especially helpful since ISIS floats products on the Internet without documentation. This evaluation program could come with a guarantee for the consumer that any item cleared by an expert automatically becomes free for sale, purchase or trade without future penalty, should later evidence reveal that the item came from an ISIS network. It could also include an approval/ disapproval deadline for the government so that consumers are not left waiting on the notoriously slow federal bureaucracy. The U.S. Department of State already works closely with the American Schools of Oriental Research, which could lead the program.

Likewise, any individual or private entity that chooses not to use this free service will be subject to certain laws, such as the Office of Foreign Assets Control sanctions under the Iraq Stabilization and Insurgency Sanctions Regulations (31 CFR part 576). A purchaser found to have wittingly executed a transaction of antiquities sold by ISIS could be considered for prosecution under 18 USC 233A for financial support to a terrorist organization.

These stipulations will require more federal law enforcement assets be dedicated to the ISIS antiquities trade. To do this, the government could tap one federal agent as an ISIS trade expert on each joint terrorism task force where major volume dealers operate. Despite limited staffing, the FBI could also consider reallocating manpower to its Art Crime Program. The unit could then develop more robust education programs for relevant audiences on the risks of funding ISIS

through the purchase of illicit antiquities. Increased manpower would also provide more frequent opportunities to liaison with relevant businesses.

Finally, and most importantly, the bill must be accompanied by a sunset clause, which should expire within five years of enactment. The law against ISIS should be considered a temporary, wartime strategy with the express intent of defeating the organization.

Conclusion. The reach of the self-proclaimed Islamic State remains tied to its resources. Therefore, its funding operations present a clear national security problem. The often overlooked and unappreciated illegal antiquities trade remains an actionable target. Narrowing the legislation to an ISIS-specific law would produce measureable results. David Grantham is a senior fellow with the National Center for Policy Analysis.

Thank you for the opportunity to submit these written comments.