# Illicit trafficking, provenance research and due diligence: the state of the art

**Research study** 

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#### **Executive summary**

- 1. Above-ground, underground and underwater cultural heritage is under threat around the world.
- 2. Yet, the illicit trade in cultural property is so under-researched that basic empirical evidence is unreliable or absent.
- 3. Still, there is sufficient evidence to demonstrate that antiquities trafficking encompasses not only petty crime and white-collar crime, but also organised crime and conflict financing.
- 4. Trafficking is particularly harmful in zones of physical and economic insecurity, where it worsens the insecurity, and where vulnerable persons may be directly or financially forced to participate.
- 5. Hence, this study indicates a need for investigation of organised crime and online trafficking, as well as the manifest need to develop an evidence-based understanding of trafficking out of the zones of crisis across the Middle East and North Africa.
- 6. Cultural heritage cannot be effectively protected without market transparency and due diligence.

The author is responsible for the choice and the presentation of the facts contained in this book and for the opinions expressed therein, which are not necessarily those of UNESCO and do not commit the Organization.

#### How do looters and thieves obtain artefacts?

Cultural property criminals loot antiquities from archaeological sites and ancient monuments, as they have from 80 or 90 per cent of sites in Mali<sup>1</sup>; 80 per cent of sites in Bulgaria<sup>2</sup>; and, at least in some regions, 90 per cent of sites in Turkey<sup>3</sup>.

Looters target cultural heritage that is underwater as well as underground. Plunder of underwater cultural heritage is exceptionally difficult to identify and prosecute<sup>4</sup>, but it is a serious problem from the Baltic Sea, to the Indian Ocean, to the South China Sea.

Thieves steal architecture from historic buildings and artefacts from excavation stores, galleries, libraries, archives, museums or collections elsewhere. Such theft tends to be a sporadic problem, which is easy to downplay, but the Congolese civil wars of 1997-2003 left many museums 'nearly empty'<sup>5</sup>.

Thieves can also embezzle assets from institutions. Between 1999 and 2014, chief curator Mirfaizi Uzmanov, chief restorer Bakhtiyor Botirov and senior restorer Abdurakhmon Muranov forged copies of exhibits in the Art Museum of Uzbekistan, then sold the original artworks privately<sup>6</sup>.

#### How does activity vary across regions?

It is difficult to use Interpol's database to estimate trends in cultural property crime, as it can only include objects that were documented before their theft or have been documented since their recovery. The database cannot account for the vast number of undocumented antiquities. Looting has wrecked perhaps 90 or 95 per cent of tombs in China<sup>7</sup>.

Nonetheless, there are now more than 47,000 objects in Interpol's database of stolen works of art<sup>8</sup>, and they are sufficient to demonstrate significant points.

Region	Interpol database	
Europe	Nearly 74% <sup>9</sup>	
Middle East and North Africa	Nearly 9%	
South America	Nearly 9%	
North America	More than 3%	
Asia-Pacific	More than 3%	
Central America	More than 1%	
Sub-Saharan Africa	Less than 1%	
Caribbean	Less than 1%	

Table 1: stolen works of art in the Interpol database by region of origin<sup>10</sup>

February 2016

<sup>9</sup> EU, 59%; non-EU, 15%

<sup>10</sup> according to Criminal Intelligence Officer Françoise Bortolotti, 22<sup>nd</sup> February 2016; 25<sup>th</sup> February 2016

<sup>&</sup>lt;sup>1</sup> ICOM, 2000: 11

<sup>&</sup>lt;sup>2</sup> CSD, 2007: 179

<sup>&</sup>lt;sup>3</sup> Roosevelt and Luke, 2008: 179

<sup>&</sup>lt;sup>4</sup> l'Hour, 2015

<sup>&</sup>lt;sup>5</sup> Labi and Robinson, 2001

<sup>&</sup>lt;sup>6</sup> RFE/RL, 2014

 <sup>&</sup>lt;sup>7</sup> according to archaeology professors Wei Zheng and Lei Xingshan, cited by Branigan, 2012
 <sup>8</sup> according to Criminal Intelligence Officer Françoise Bortolotti, e-mail: 22<sup>nd</sup> February 2016; 25<sup>th</sup>

These statistics reflect exceptional under-documentation in countries with low capacity, as well as "standard" under-documentation by countries with high capacity. They do not reflect the pre-crisis trade in antiquities from the Middle East and North Africa, let alone the trend of trafficking in MENA antiquities, which has been 'increasing' through the crisis<sup>11</sup>. Still, these demonstrate that "market" countries such as Italy are *also* "source" countries.

When sampled, the numbers of illegally-exported antiquities that have been repatriated between 2006 and 2015 also appear misleading, due to one great success in recovering coins from Bulgaria. However, it is also possible to measure the level of activity by the numbers of cases in which illegally-exported antiquities have been repatriated.

These numbers still reflect the exceptional success of the Carabinieri in Italy. And they may reflect exceptional efforts in Cambodia, Egypt and Nigeria. But they may more accurately reflect the level of looting and theft in the Middle East, South and South-East Asia, and West Africa.

Region	Repatriations by volume, 2006-2015	
Europe	Nearly 80.96% <sup>12</sup>	
Middle East and North Africa	9.79%	
Asia Pacific	3.85%	
North America	3.78%	
South America	1.22%	
Caribbean	0.25%	
Sub-Saharan Africa	0.14%	
Central America	0.03%	

Table 2: repatriations of illegally-exported antiquities between 2006 and 2015 by number of objects and by region of origin

Region	Repatriations by cases, 2006-2015
Europe	31.25%
Middle East and North Africa	25%
Asia Pacific	19.79%
Sub-Saharan Africa	11.46%
South America	4.17%
Central America	3.13%
North America	3.13%
Caribbean	2.08%

Table 3: repatriations of illegally-exported antiquities between 2006 and 2015 by number of cases and by region of origin

### Which cultural goods do looters and thieves try to obtain?

Between 1970 and 2014, Italy's Carabinieri for the Protection of Cultural Heritage recovered 1,826,289 cultural goods that had been looted or stolen<sup>13</sup>. Its exceptional

<sup>&</sup>lt;sup>11</sup> Interpol, 2015

<sup>&</sup>lt;sup>12</sup> This is due to the interception of the trafficking of 18,000 coins from Bulgaria

<sup>&</sup>lt;sup>13</sup> according to Data Processing Unit Commander Captain Luigi Spadari, 2015

efforts have produced a large data set that enables some reliable inferences and estimates of the illicit market.

Туре	2014	1970-2014
Cultural objects	38,488	738,878
Archaeological objects	17,981	1,087,411
Counterfeit objects	1,687	269,150

Table 4: recovery of illicit cultural goods in Italy in 2014 and between 1970 and 2014<sup>14</sup>

For instance, the statistics from 2014 might suggest that the illicit antiquities market was far smaller than the illicit art market. However, across 1970-2014, more antiquities were recovered than artworks, despite the fact that antiquities are more difficult to recover than artworks.

Similarly, the statistics from 2014 might suggest that counterfeit objects were a negligible problem (2.90% of the market). Yet they constituted 12.85% of the illicit objects on the market across 1970-2014. Moreover, it is reasonable to assume that they constitute an even larger proportion of illicit markets in other cultural goods, which are materially and artistically easier to counterfeit.

Statistical analyses of Sotheby's auctions in 2001, 2005, 2008 and 2010 demonstrate that Egyptian, Greek and Roman antiquities are worth more than other ancient societies' cultural goods. Sculpture is worth more than mosaics and jewellery, which are worth more than ceramics<sup>15</sup>. According to numismatist Nathan Elkins' calculations, each year, more than a million ancient coins are sold through eBay USA alone<sup>16</sup>; they are 'fundamental and lucrative' for the trade<sup>17</sup>.

Nonetheless, there is a market for every commodity and a venue for every market, including archaeological human remains<sup>18</sup>. Bioarchaeologist Damien Huffer and digital archaeologist Shawn Graham have identified 'a whole "community" of buyers and sellers of remains on the social media platform Instagram, who operate so freely that they publicly list their full names, phone numbers and online (eBay) trading account details<sup>19</sup>; there were 9,517 posts about the trade on Instagram in December 2015 alone<sup>20</sup>.

#### How do looters and thieves operate?

"Subsistence digging", to survive and access basic goods, has been documented in Mali<sup>21</sup>, Niger<sup>22</sup>, Nigeria<sup>23</sup>, Bulgaria<sup>24</sup>, Palestine<sup>25</sup>, Jordan<sup>26</sup> and Iraq<sup>27</sup>. Beyond that, there

<sup>&</sup>lt;sup>14</sup> according to Data Processing Unit Commander Captain Luigi Spadari, 2015

<sup>&</sup>lt;sup>15</sup> Kiel and Tedesco, 2011: 10

<sup>&</sup>lt;sup>16</sup> Elkins, 2012: 98

<sup>&</sup>lt;sup>17</sup> Elkins, 2012: 93

<sup>&</sup>lt;sup>18</sup> Huffer and Chappell, 2014

<sup>&</sup>lt;sup>19</sup> Graham, 2015

<sup>&</sup>lt;sup>20</sup> Graham, 2016

<sup>&</sup>lt;sup>21</sup> Hardy, 2015a

<sup>&</sup>lt;sup>22</sup> Gado, 2001: 58

<sup>&</sup>lt;sup>23</sup> Labi and Robinson, 2001

<sup>&</sup>lt;sup>24</sup> Dikov, 2009

<sup>&</sup>lt;sup>25</sup> Yahya, 2010: 97; 98

<sup>&</sup>lt;sup>26</sup> Politis, 1994: 15

is poverty-driven digging, by individuals and teams of looters, who may have metal detectors and even bulldozers, yet who lack protective equipment and safe working practices<sup>28</sup>.

Profit-driven looters and thieves may operate as entrepreneurs, individually or within cooperative yet competitive groups, like some metal detectorists in the Czech Republic<sup>29</sup>. Such looters commonly have local knowledge, official records or an amateur understanding of sites and landscapes, which they apply in places that are poorly monitored or to acquire objects that are poorly regulated; they target anywhere from prehistoric villages to modern battlefields. Even thieves who sell stolen goods by weight, because they do not know the value of the objects that they sell, may supply traffickers who serve the international market for antiquities from, for instance, India<sup>30</sup>.

At any level, in Honduras<sup>31</sup>, the UK<sup>32</sup>, Sweden<sup>33</sup>, Belarus<sup>34</sup>, Iraq<sup>35</sup> or across the Sahara that spans the Western Sahara in Morocco, Mauritania, Mali, Niger, Algeria, Tunisia, Libya, Chad, Egypt and Sudan<sup>36</sup>, profit-driven looters and thieves use academic publications, state registers, popular publications and satellite-based navigation systems to target archaeological sites.

More structured networks, like some gangs in the Republic of Ireland<sup>37</sup>, display greater investment and organisation in their activity. There, looters went overseas to secretly learn how to dive, so that they could plunder underwater sites; they even used rope grids, to increase the thoroughness of their plunder. And they blackmailed and threatened those who interfered with their business.

Furthermore, there are criminal enterprises that rival legitimate transnational businesses in their complexity, capacity and profitability. At least 175 traffickers formed ten interconnected, hi-tech gangs in China. Each specialised in one trafficking process, from excavation to sale. They were caught with 1,168 antiquities, which were worth  $\pm 500$  million or \$80 million<sup>38</sup>.

Such operations can also take a far greater share of the profits than the 1 or 2 per cent that looters and source-end dealers normally get. One of the gangs' archaeologists embezzled a jade coiled pig dragon from an excavation, sold it through an intermediary to a private collector for  $\frac{1}{3},200,000$  (US\$515,840) and took 67 per cent of the price.

#### Which are the main transit and destination countries?

It is possible to identify significant transit countries – Pakistan and the post-Soviet states for material from Central and South Asia<sup>39</sup>, Turkey for material from West Asia and North Africa<sup>40</sup>, Lebanon for material from West Asia<sup>41</sup>, Belgium for material from

<sup>&</sup>lt;sup>27</sup> Hardy, 2015a
<sup>28</sup> cf. al-Houdalieh, 2009; 2013; Petkova, 2004
<sup>29</sup> Richter, 2008
<sup>30</sup> cf. Rajesh, 2016
<sup>31</sup> Luke, 2005
<sup>32</sup> Wardrop, 2012
<sup>33</sup> Lundén, 2004: 216
<sup>34</sup> Vadzim and Khvir, 2012
<sup>35</sup> al-Hassoun, 2012
<sup>36</sup> Keenan, 2005: 474
<sup>37</sup> Kelly, 1993: 379-380
<sup>38</sup> Beijing Times, 2015; Xinhua, 2015
<sup>39</sup> Wendle, 2013
<sup>40</sup> Mabillard, 2013
<sup>41</sup> PBS, 2015

West Africa<sup>42</sup>. However, routes do not reflect the exceptional anti-trafficking efforts of law enforcement agencies in transit countries such as Lebanon and Turkey. Routes also expand, contract and change with circumstances. The disorder in Egypt has facilitated organised trafficking of antiquities that have been looted during the chaos in Libya<sup>43</sup>.

Trafficking structures, trafficking routes and collecting countries may develop for historical, cultural, social and geographical as well as economic reasons. Orthodox Christian icons are stolen from churches in Bulgaria to supply the regional market in Greece as well as the global market in Western Europe and North America<sup>44</sup>.

Nonetheless, the main destination countries are fundamentally the most economically powerful countries. The scale of the illicit market can be assumed to have some correlation with the scale of the ostensibly legal market and 83% of the global art trade is conducted in three countries – the USA (39%), China (22%) and the UK  $(22\%)^{45}$ . To be more precise, 83% of the wealth in the market was exchanged in those three trading hubs. The commodities, the sellers and the buyers may be from – and indeed may *be* – elsewhere.

#### Which networks do looters/thieves and buyers use?

Illicit cultural property is still sold through newspaper adverts, flea markets, antique shops and auction houses from Germany<sup>46</sup> to Taiwan<sup>47</sup>. Nevertheless, it is also sold through national online platforms<sup>48</sup>, regional (e.g. Russian-language) online platforms<sup>49</sup> and international online platforms such as eBay<sup>50</sup>. Between 2007 and 2012, the National Heritage Board of Poland identified 3,000 'suspicious auctions' through one national (i.e. Polish-language) platform<sup>51</sup>. Yet eBay UK and eBay US alone handle more than 600,000 listings for antiquities auctions every year<sup>52</sup>.

Online trafficking greatly eases direct transactions between thieves and collectors. In Spain<sup>53</sup> and around the world<sup>54</sup>, looters sell online to market-end dealers and collectors. Still, since the colonial era, whether they have been in the Middle East and North Africa<sup>55</sup> or Europe<sup>56</sup>, illicit dealers have moved countries in order to maintain their existing businesses or to increase their share of the profits. Just as around 30-50 illicit dealers from Bulgaria have opened antique shops in the UK and the USA<sup>57</sup>, so an illicit dealer in Turkey is currently planning to move to a market country in the West<sup>58</sup>.

Often little, if any, documentation is provided in the ostensibly legal trade, so it is easy for illicit antiquities to penetrate the market. There can be a 100 per cent increase

<sup>&</sup>lt;sup>42</sup> Forrest, 2003 <sup>43</sup> Allsop, 2011 <sup>44</sup> CSD, 2007: 183 45 TEFAF, 2015 <sup>46</sup> Wessel, 2015: 4 <sup>47</sup> Tseng, 2001: 124 <sup>48</sup> e.g. in Lithuania, cf. Augustinavičius, 2012 <sup>49</sup> e.g. Belarus, cf. Vadzim and Khvir, 2012 <sup>50</sup> e.g. in Latvia, cf. Zirne and Ziedina, 2012 <sup>51</sup> Sabaciński, 2012 <sup>52</sup> cf. Fay, 2013: 163-164 <sup>53</sup> e.g. Rodríguez Temiño and Roma Valdés, 2015: 123 <sup>54</sup> cf. Hardy, 2015b 55 cf. Kersel, 2008: 34 <sup>56</sup> cf. Mackenzie and Green, 2009: 164 57 CSD, 2007: 186

<sup>&</sup>lt;sup>58</sup> Giglio, 2016

in the value of objects with the 'very best provenance'<sup>59</sup>. Nonetheless, antiquities that are sold through Sotheby's auction house with *any* paperwork achieve a 72 per cent increase<sup>60</sup>; "Mesopotamian" antiquities that are sold online with *any* paperwork achieve a 74 per cent increase<sup>61</sup>; and "Near Eastern" antiquities that are sold online with *any* paperwork achieve a 65 per cent increase<sup>62</sup>.

While much looting and trafficking is conducted by entrepreneurs and networks, a significant amount benefits profit-driven gangs and politically-motivated armed groups. Even state-organised, transnational trafficking to supply the private antiquities market has existed for more than a century<sup>63</sup>.

There is no regular connection between the trafficking of antiquities and the trafficking of other commodities. Still, France is currently prosecuting an online dealer who was caught trafficking antiquities, ivory and (the preserved bodies of) endangered wildlife from Africa to Europe<sup>64</sup>. From Nigeria<sup>65</sup> to Bulgaria<sup>66</sup> to Turkey<sup>67</sup> to Burma/Myanmar<sup>68</sup>, there are "archaeomafias" that traffic antiquities as well as drugs. Those gangs sometimes follow the same routes as people smugglers and use antiquities along those routes to launder money<sup>69</sup>.

Europol<sup>70</sup> believes that online trafficking of cultural goods by organised criminals is a 'marginal phenomenon'. However, much if not most antiquities trading is now online trading. As well as the cases that have been highlighted in this study, armed groups in Syria's civil war are trafficking antiquities online. There is evidence of looting-to-order and other private online trading with encrypted communications and currencies<sup>71</sup>. Europol's opinion necessarily reflects the limited *research* into organised cultural property crime worldwide, not necessarily the limited *extent* of organised cultural property crime online.

#### Which routes do antiquities take from source to market?

Supply chains can be very long. Coins from Bulgaria tend to flow from looters, through source-end dealers, to local numismatic exchanges, to local collectors and/or the regional market; and from the regional market, through organised criminal networks, to the international market in Western Europe and North America<sup>72</sup>. Supply chains can also be very short. In 1992, a Luvale mask was offered for auction at the Mon Stayaert Gallery in Belgium 'weeks' after it had been stolen from the Livingstone Museum in Zambia<sup>73</sup>.

<sup>&</sup>lt;sup>59</sup> Antiquarium dealer Joseph Coplin, cited in Tully, 2015

<sup>&</sup>lt;sup>60</sup> Kiel and Tedesco, 2011: 10

<sup>&</sup>lt;sup>61</sup> Hanson, 2011

<sup>&</sup>lt;sup>62</sup> Hardy, 2016a

<sup>63</sup> Hardy, 2015c

<sup>&</sup>lt;sup>64</sup> SNDJ, 2016

<sup>&</sup>lt;sup>65</sup> cf. Maniscalco, 2006: 57; 70

<sup>&</sup>lt;sup>66</sup> cf. Lazarova and Hristov, 2007

<sup>&</sup>lt;sup>67</sup> cf. Hardy, 2015d: 335-336

<sup>68</sup> Chouvy, 2013: 15

<sup>&</sup>lt;sup>69</sup> Sharpe, 2012

<sup>&</sup>lt;sup>70</sup> Europol, 2015: 40

<sup>&</sup>lt;sup>71</sup> Hardy, 2015b: 5; 13; 16

<sup>&</sup>lt;sup>72</sup> CSD, 2007: 179-182; 185-188

<sup>73</sup> Brent, 1996: 69

Whether from West Africa through North Africa or from West Asia through South-Eastern Europe, antiquities trafficking is being conducted along routes of human trafficking and people smuggling. Antiquities are being trafficked by politically-motivated armed groups<sup>74</sup>; by people smugglers<sup>75</sup>; and by the people who are smuggled<sup>76</sup>, for whom the antiquities constitute savings or convertible currency.

#### Recent cases of proven illicit export and attempted auction or sale

Once an object reaches the market, it is very difficult to prove illicit export. India repatriated 13 antiquities between 1972 and 2015, but suffered more than 13 registered thefts of antiquities between 2013 and 2015<sup>77</sup>. Yet, in the period since the 35<sup>th</sup> anniversary of the 1970 UNESCO Convention and the 10<sup>th</sup> anniversary of the 1995 UNIDROIT Convention, outstanding cases have continued to emerge.

This study included a review of reports that discussed illegally exported antiquities between 2011 and 2015. It corroborated cases where illegally exported antiquities had been repatriated between 2006 and 2015 and excluded all other cases. In total, it identified at least 27,273 objects. Only 442 of those objects (1.62%) appeared to have been illicitly handled before 1970. Only another 50 of those objects (0.18%) appeared to have been illicitly handled before 1995. All of the available evidence suggests that 26,781 of those objects (98.2%) had reached the market since 1995.

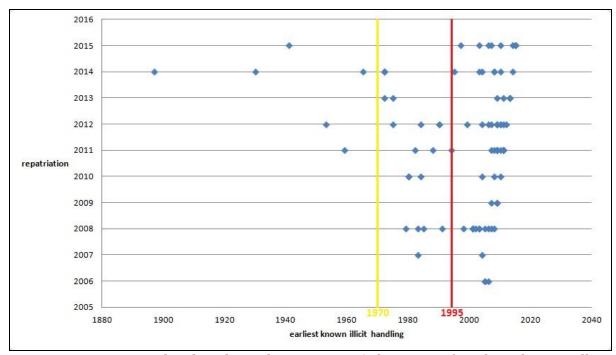


Figure 1: repatriated cultural goods, 2006-2015, by year of earliest known illicit handling

In 2011, Cambodia prevented the auction of a statue of Duryodhana that had been looted around 1972. Sotheby's New York had known that it was 'definitely stolen' since 2010 at the latest. Sotheby's consultant Emma Bunker had initially advised against a

<sup>&</sup>lt;sup>74</sup> e.g. from Syria, cf. Luck, 2013

<sup>&</sup>lt;sup>75</sup> e.g. through Bulgaria, cf. CSD, 2007: 186

<sup>&</sup>lt;sup>76</sup> e.g. from Nigeria, cf. Dune Voices, 2015, and through Slovenia, cf. RTV MMC, 2016

<sup>&</sup>lt;sup>77</sup> cf. Shaikh, 2015

public auction of the 'definitely stolen' statue, thereby implicitly advocating for a private sale. Subsequently, Bunker recommended not publishing photographs of the feet from which the statue had been broken off, and 'repeatedly' instructed Sotheby's New York not to notify Cambodia of the auction, in order to be able to sell the statue publicly<sup>78</sup>.

In 2015, Egypt's Department for Restitution of Antiquities prevented an auction house in Australia from selling artefacts that had been looted in the crisis since the Arab Spring<sup>79</sup>.

Also in 2015, Christie's London auction house withdrew certain ancient ceramics from Italy, because forensic archaeologist Christos Tsirogiannis<sup>80</sup> revealed that they had reached the market through convicted dealer Gianfranco Becchina and convicted traffickers Hicham Aboutaam and Ali Aboutaam.

Concerns with market regulation and due diligence persist. When Christie's New York advertised two collections of Central, South and Southeast Asian sculptures and paintings, which were each worth millions of dollars, it highlighted 24 lots; 23 lacked secure collecting histories<sup>81</sup>.

For example, according to the auction catalogue, a statuette of Ganesha from India was imported to the USA by confessed antiquities smuggler William H. Wolff. A sculpture of Shiva and Parvati from India was removed from a temple where it was guarded by priests. A statue of Avalokiteshvara from Cambodia has broken arms and legs that resemble those of the statues of Bhima and Duryodhana that were looted from Cambodia and were recently repatriated from the USA.

On 11<sup>th</sup> March 2016, Immigration and Customs Enforcement<sup>82</sup> seized two *other* sculptures from India: one of the highlights, a sandstone panel of Revanta and his entourage; and one of the less advertised pieces, a sandstone stele of the first Jain Tirthankara, Rishabhanatha.

<sup>&</sup>lt;sup>78</sup> Bunker, cited by Felch, 2012; Hardy, 2012

<sup>&</sup>lt;sup>79</sup> Mostafa, 2015

<sup>&</sup>lt;sup>80</sup> Tsirogiannis, 2015

<sup>81</sup> cf. Hardy, 2016b

<sup>82</sup> USICE, 2016

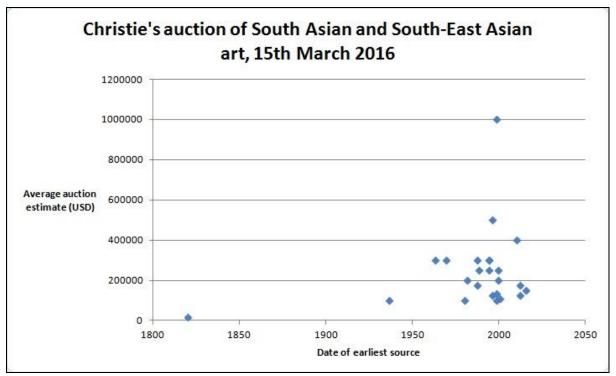


Figure 2: Lots in Christie's 15<sup>th</sup> March 2016 auctions of South Asian and Southeast Asian sculpture by date of earliest source<sup>83</sup>

# How is fake provenance documentation produced and disseminated? Who is involved?

There are forms of false provenance, which are a joke amongst looters and collectors as well as cultural heritage professionals, but which are still used, such as the "grandfather clause" that an object was inherited from a dead relative or bought from the collection of an "anonymous gentleman" before unscientific excavation or unlicensed export was criminalised in the country of origin.

Dealers and collectors can simply 'obscure' suspect collecting histories by withholding evidence<sup>84</sup>. However, criminals can also physically produce all sorts of fake provenance documentation, from falsely reassuring labels, which attribute objects to certain cultures or guarantee authenticity but do not guarantee legality, to false declarations on customs documents.

Indeed, Subhash Kapoor's antiquities trading empire, which had more than 110 million dollars' worth of assets when it was interrupted in 2011, was dependent upon false documentation that was 'not terribly sophisticated'<sup>85</sup>. Kapoor either instructed his employees to supply 'false documents through false letter heads and forging false signatures'<sup>86</sup>, which attributed objects to members of his family or collectors who were unknown or uncontactable, or he elicited false declarations in handwritten notes from acquaintances<sup>87</sup>.

<sup>&</sup>lt;sup>83</sup> cf. Hardy, 2016b

<sup>&</sup>lt;sup>84</sup> cf. Mazza, 2015: 134

<sup>85</sup> Felch, 2013

<sup>&</sup>lt;sup>86</sup> cited by Felch, 2015a

<sup>&</sup>lt;sup>87</sup> cf. Felch, 2015b

In 2008, Hassan Fazeli Trading LLC exported a limestone head of Assyrian king Sargon II from the United Arab Emirates (UAE) to the United States of America (USA). It was from Iraq and worth \$1,200,000. In order to circumvent the ban on trading in undocumented antiquities from Iraq, Fazeli declared that the object was from Turkey and worth \$6,500<sup>88</sup>.

Since the USA identified the declaration as false, it seized the object and eventually repatriated it in 2015. However, it should be noted that Turkey has had strict export laws since its foundation in 1923; indeed, it inherited strict export laws that had been in place across the Ottoman Empire since 1869. Hence, if the head had been from Turkey, its unlicensed export would have been illegal.

In 2011, Fazeli exported a statue of Persephone from Libya through the UAE to the UK, where it was held under bond by Connoisseur International, until it was found by Customs in 2013. Amongst confusing and contradictory statements about the collecting history by Hassan Fazeli, Riad Al Qassas and Farhan Yaghi, the statue was alleged to be 100 years old, worth £60,000-£75,000 and from Turkey. In fact, it was more than 2,000 years old, was worth \$1,500,000-£2,000,000 and was from Libya.

As archaeologists testified, it had obviously been looted from the UNESCO World Heritage site of Cyrenaica; it still had a coating of soil. The statue was repatriated, but no party was prosecuted<sup>89</sup>. Again, the statue was seized due to the false declaration, but if it had been from Turkey, its unlicensed export would have been illegal.

That case emerged from the case of a Kudurru, which had been exported from the UAE to the UK by Fazeli in 2012. It was alleged to be worth \$330 and, yet again, from Turkey. It was worth \$70,000-\$140,000 and from Iraq. When Customs checked the trading history, they identified other suspect goods, including the statue of Persephone from Libya.

Still, there are examples of model behaviour. In 2013, the Museum of Fine Arts (MFA), Boston, inherited a Nok figurine that had been bought from the owner of Galerie Walu in Switzerland; it was accompanied by a waiver of ownership from the National Commission of Museums and Monuments (NCMM) in Nigeria. When provenance curator Victoria Reed doubted the documentation, the NCMM confirmed that the waiver had been forged and that the figurine had been stolen from Oron Museum. The MFA returned that figurine and other antiquities to Nigeria in 2014<sup>90</sup>.

#### How can awareness of provenance fraud be raised?

It is possible to warn potential buyers of the risk of being defrauded within the public displays and media campaigns that educate them about national and international cultural property law. Nonetheless, it is evident that the best-informed, most-exposed buyers regularly and persistently ignore professional ethics and obstruct independent assessment. Ultimately, "autoregulation" and self-regulation do not work<sup>91</sup>.

The international market for Egyptian antiquities is a telling example. Within a larger criminal network, UK-based restorer Jonathan Tokeley-Parry disguised Egyptian antiquities as touristic souvenirs, to facilitate their transport; and he forged documentation from the non-existent Thomas Alcock collection, to facilitate their sale

<sup>88</sup> St. Hilaire, 2015

<sup>&</sup>lt;sup>89</sup> Ulph, 2015

<sup>90</sup> Toesland and Culliford, 2016

<sup>&</sup>lt;sup>91</sup> cf. Brodie, 2014

by USA-based Frederick Schultz. When Tokeley-Parry was convicted of dishonest handling of antiquities and Schultz was convicted of conspiring to receive, possess and sell stolen property, it was alleged that the convictions would 'blight' the trade<sup>92</sup> and 'threat[en] the viability' of the market<sup>93</sup>.

Yet sales of Egyptian antiquities at Sotheby's New York auction house actually *increased* after Tokeley-Parry's conviction in 1997; fell in 2000; then increased *at an increasing rate* through Schultz's indictment in 2001, conviction in 2002 and failed appeal in 2003 to another peak in 2004<sup>94</sup>. After ebbing and flowing to another low in 2009, the American market for Egyptian antiquities then increased greatly through the global economic crisis and even through the total crisis since the Arab Spring.

They are measured first in the value of Sotheby's New York sales between 1998 and 2010<sup>95</sup> and second in the value of imports of artworks, antiques and archaeological objects from Egypt to the USA between 2011 and 2013<sup>96</sup>. These increases were sustained despite the evidence of massive looting in Egypt<sup>97</sup>, the predominant lack of secure collecting histories for the objects that were auctioned in the USA, and the instructive lessons of simultaneous repatriations of illicit antiquities from the USA to Egypt<sup>98</sup>.

Effective legislation and effective law enforcement are necessary, but supply chain due diligence and market transparency are critical.

<sup>&</sup>lt;sup>92</sup> Antiquities Trade Gazette, 2002

<sup>93</sup> American Society of Appraisers, 2002

<sup>&</sup>lt;sup>94</sup> cf. Gill, 2015: 68 – fig. 6.1

<sup>95</sup> Gill, 2015: 68 – fig. 6.1

<sup>96</sup> St. Hilaire, 2014

<sup>97</sup> Parcak et al, 2016

<sup>&</sup>lt;sup>98</sup> Gill, 2015

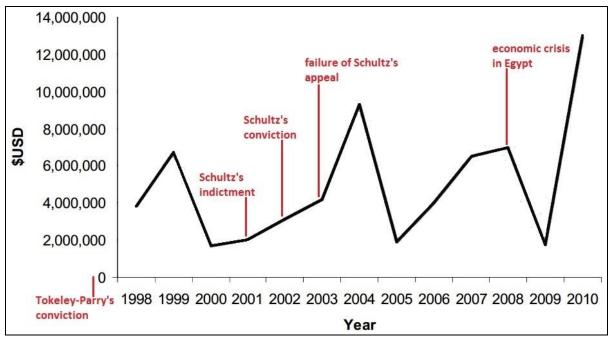


Figure 3: comparison of events for the Egyptian antiquities trade and the value of Sotheby's New York sales of Egyptian antiquities, 1998-2010<sup>99</sup>

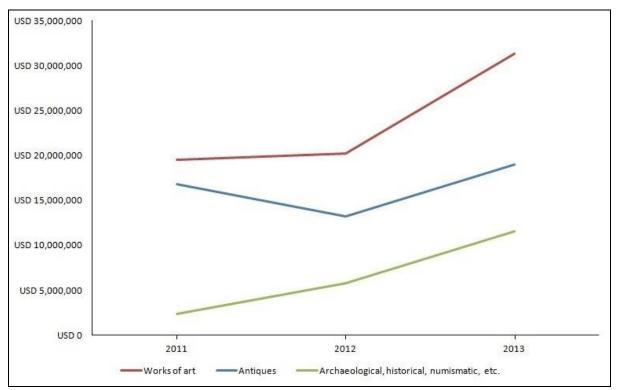


Figure 4: imports to the USA of artworks, antiques and objects of archaeological, historical, numismatic and other interest from Egypt during the post-Arab Spring crisis, 2011-2013<sup>100</sup>

<sup>&</sup>lt;sup>99</sup> based on Gill, 2015: 68 – fig. 6.1

<sup>&</sup>lt;sup>100</sup> collated from St. Hilaire, 2014

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