

ISIS AND ILLICIT TRAFFICKING IN CULTURAL PROPERTY: FUNDING TERRORISM THROUGH ART

The self-proclaimed Islamic State of Iraq and al-Sham (ISIS) recently shocked the world by destroying a number of archaeological sites throughout the region under its control, among which were the ancient Assyrian cities of Nineveh and Nimrud. Determined to impose its culture as the dominant one in the region, Daesh – the Arabic equivalent of ISIS – calls for the destruction of all cultural property of other religious groups, as well as Islamic artefacts it considers haram or forbidden in Islam, such as religious shrines and art depicting human faces. In reality, the trade in looted artefacts from Syria and Iraq to the rest of the world represents a major source of income for the terrorist group.



Taking over the Mesopotamian antiquities trade

Surely, ISIS is not the first group that saw the financial benefits of illicit trafficking in the region's cultural property. Since the outbreak of the civil war in Syria, different groups involved in the conflict have engaged in such activities in order to acquire their weapons. Reportedly, not only have rebel groups taken advantage of the trafficking in looted artefacts, but Syrian regime soldiers as well.⁽¹⁾ In Iraq, the looting of archaeological sites has been practiced before the current conflict. Both during the country's isolation after the first Gulf War and after the 2003 invasion, plundering and antiquities trafficking became a common source of income for insurgency groups.⁽²⁾

After taking over vast areas of northern and eastern Syria and Iraq, ISIS has become the major player in smuggling the region's cultural goods. Despite the fact that it did not "invent" the practice of archaeological looting in both countries, ISIS is believed to have intensified and accelerated the pre-existing situation.⁽³⁾ In fact, the current looting in the region is estimated to be massive and its unprecedented scale has been referred to as "the worst-case scenario".⁽⁴⁾

The value of cultural heritage

Amidst the long list of war crimes, crimes against humanity, serious human rights violations and possibly even genocide attributed to ISIS,⁽⁵⁾ the destruction of cultural property within these war-torn countries might seem to lack importance and significance. Nevertheless, the region's cultural heritage, comprising some of

the world's oldest traces of civilisation, belongs to human patrimony and should be protected by the international community. Additionally, one should not ignore the economic and development opportunities tourism could offer to both countries once the region stabilises. For instance, before the beginning of the uprisings in 2011, tourism in Syria accounted for an estimated 5% of the GDP.⁽⁶⁾ Moreover, the potential healing power of cultural property, which might help bringing together communities within such heterogeneous societies, should not be underestimated.

Perhaps, a more persuasive reason for the international community to intervene is the enormous amount of financial resources the illicit trafficking in stolen art and antiquities offers to ISIS. In February 2015, the United Nations Security Council (UNSC) adopted its resolution 2199 (2015), which extends to Syria the prohibition of trade in cultural objects already in place for Iraq since 2003 under resolution 1483. In its resolution, the UNSC expressed its concern that the Islamic State and others "are generating income from engaging directly or indirectly in the looting and smuggling in cultural heritage items (...) to support their recruitment efforts and strengthen their operational capability to organize and carry out terrorist attacks".⁽⁷⁾ While oil revenues represent a significant portion of the group's income, other primary income sources are generated from systematic extortion in the areas under its control, private foreign donations, kidnap ransoms, and looting of banks and stealing from the local population. Its involvement in illicit trafficking in cultural goods allows ISIS to diversify their financing. It has been estimated that more than a third of Iraq's 12,000 important archaeological sites are now under ISIS' control, while the smuggling of archaeological artefacts represents their second largest source of funding. ⁽⁸⁾

The route of smuggled Mesopotamian artefacts

Further research is needed to deepen knowledge of ISIS' exact level of involvement in and modus operandi of the antiquities trade. Nevertheless, Daesh is believed to play an active role in controlling the trade; not only is it in charge of the looting by providing permissions and levying taxes to looters, but it also monitors the artefacts and decides which objects are to be sold or destroyed. The useful and transportable objects are smuggled by intermediaries to the neighbouring countries Turkey, Jordan and Iran through traditional smuggling routes. At this point, internationally connected antiquities dealers and collectors are thought to act as a link between the illicit and licit trade.

A large number of artefacts supposedly end up in antiquities markets in Jordan, where they are being sold to tourists. The internet has enlarged the possibilities of this illicit market. In fact, antique dealers are selling stolen antiquities from ancient Mesopotamia not just through the traditional channels, but also through the Deep Web. Even certain auction houses have been reported to sell on the open markets illegal artefacts from ISIS controlled regions, accompanied by false documentation.⁽⁹⁾ Such antiquities appear to be particularly desired by private buyers in Europe and the United States, and also in the Gulf countries and China. In fact, many of the stolen artefacts end up in private buildings, where they are being displayed as a status symbol. However, it is also expected that a majority of the stolen cultural goods are being held in storage rooms for future sale at higher prices.⁽¹⁰⁾

International efforts to fight illicit art trafficking

Undoubtedly, international cooperation and coordination are key aspects in the response to trafficking in cultural property. Antiquities smugglers are facilitated by the "open" borders surrounding both Syria and Iraq, some of which are extensive and difficult to control. ISIS makes use of smuggling networks that operate through long-standing routes, often passed on within families from generation to generation. The same routes are also used for trafficking in arms, drugs and human beings.

Additionally, antiquities smugglers take advantage of gaps in the relevant legislative framework or in its implementation. Since the 1970s, a number of international conventions as well as soft law agreements, aimed at reducing illegal trafficking of art, antiquities and cultural property, have been agreed upon. One of the main instruments is the 1995 UNIDROIT Convention on stolen or illegally exported cultural objects, which obligates antiquities buyers to check the legitimacy of their purchase. This convention, however, has not been ratified either by Syria and Iraq or by some of the main States in which illicit Mesopotamian artefacts end up. In December 2014, the United Nations General Assembly adopted a set of non-binding guidelines aiming to assist Member States in the development and strengthening of their criminal justice policies, strategies, and

legislation as well as cooperation mechanisms with regards to the trafficking in cultural property. (11)

Other key aspects in the fight against the illicit trade in cultural objects are the development of documentation of the artefacts' origin as well as inserting such information into inventories, both at a national and international level. Similar databases might assist authorities during investigations of trafficking in archaeological artefacts, but also guide auction houses in checking the provenance before selling cultural objects. Examples are INTERPOL's Stolen Works of Art Database and the so-called "red lists", issued by the International Council of Museums (ICOM). In addition, it is necessary to raise awareness that collecting looted antiquities is a crime that contributes to the financing of terrorism. In March 2014, three UN agencies started such an awareness-raising initiative, aimed at travellers and the tourism industry.(12)

Conclusions

Although ISIS in appearance is a religiously inspired group, its funding operations resemble those of an "ordinary" organised criminal network. By raising money through a wide array of essentially criminal activities, ISIS appears to be a self-sustaining organisation that makes most of its money from the territory under its control, rather than relying heavily on foreign money flows, such as private donations. It is, therefore, critical to tackle their financial resources, including the money generated by the illicit art trade, which constitutes one of their main sources of income.

The effectiveness of traditional channels used for tackling financial terrorist funding, such as closing bank accounts and blocking money transfers, may decline in the case of ISIS.(13) In fact, being a cash-based organisation that also heavily relies on hawalas or informal money transfer networks, ISIS is able to avoid legitimate banking channels. It is, however, essential to enhance border controls, in particular with the neighbouring States, and establish additional custom operations to prevent smuggling. The international community should also focus on promoting States' adherence to and implementation of the relevant international legal framework, encouraging the documentation of archaeological sites in the affected States, enhancing the monitoring of the cultural property market, and raising public awareness on the seriousness of the issue.

The relevance of the involvement of Daesh in the illicit trade in archaeological goods from ancient Mesopotamia should not be underestimated. Despite the fact that this criminal activity seems to fade away among the horrendous atrocities that continue to be perpetrated in the region, its financial impact appears to be vital to the organisation.

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