

“Blood Antiquities” of Africa: A Link between Illicit Trafficking of Cultural Property and Terrorism–Financing?¹

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In the light of recent years’ armed conflicts and the growing level of terrorist activity globally, the link between illicit trafficking of cultural property and terrorism constitutes a growing concern for war-torn regions as well as for the international community as a whole. Identified as a possible form of terrorism-financing in recent years, the illegal trade of artefacts contributes to the fuelling of the spiral of violence and by this, to the undermining of the identity of the targeted populations. Due to the effects of the Arab Spring swiping through several African countries resulting in a still-existing destabilisation, power vacuum and the spread of different terrorist groups, these countries are serving an especially timeous example from this point of view. By presenting some examples from North Africa and the Sahel region, the paper aims to give an initial insight into the issue as an increasingly important international security challenge.

Keywords: *illicit trafficking, cultural property, terrorism, Libya, Mali, Sahel*

Introduction

The plunder and destruction of cultural heritage in armed conflicts and during occupation is not a new phenomenon, it has occurred all the way along history. It is especially true for Africa, where colonialism and the spread of Christianity had violently affected the continent’s heritage,³ some being destroyed, others transported to the colonial states. This latter has resulted in still ongoing restitution affairs between Western European and

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³ It is important to note here that although Christianity in Africa is often viewed in an oversimplified way as an import of the colonialist powers, it has a much longer presence in certain parts of the continent. The oldest example is the Aksumite Empire, where the ruins of probably the first Christian church in sub-Saharan Africa from the 4th century AD has been revealed by archaeologists in 2019. But we shall also refer to the Coptic Orthodox Church centred in Alexandria, but gaining influence also beyond Egypt, as well as the Christian kingdoms in the territory of Nubia, today Sudan (Jeff Oganga: Christianity in Africa Is Not a Colonizer Religion. *Religion Unplugged*, 14 April 2021; János Besenyő: Christianity and Africa. In János Besenyő – Viktor Marsai [eds.]: *The Dynamics of Conflicts in Africa in the Early 21st Century*. Budapest, Dialóg Campus, 2018. 23–36).

African countries (for example the case of the so-called Benin Bronzes which Nigeria claims back since the 1960s, with limited results so far).⁴ But – due to the rising level of terrorist activity globally – what is happening today is unprecedented: terrorist groups often turn to the use of cultural heritage for conveying their message, underpinning their propaganda (mostly by its damage or destruction) on the one hand, and in the background, the looting of cultural property provides a form of funding of their operations on the other hand.⁵ The wave of the Arab Spring from 2011 swept across several countries of North Africa and brought about the enlarging influence of jihadist terrorist groups building on the existing inter-communal and political tensions and profiting from the power vacuum and chaos. For example AQIM (Al-Qaeda in the Islamic Maghreb) gained ground in Algeria and Tunisia in 2011, Ansar Dine and AQIM (and their successor organisations) in Mali from 2012⁶ or ISIL (Islamic State in Iraq and the Levant) cells in Libya from 2014.

ISIL is considered the first terrorist organisation to make a viable and significant source of revenue from the systematic and large-scale organised looting, smuggling and illegal sale of cultural goods.⁷ Its field of operation has been primarily Syria and Iraq, but we can see a similar pattern in the Sahel and North Africa as instability and influence of Al-Qaeda or IS-affiliates were spreading, and security deteriorating all over the region.⁸

“Blood antiquities”, as illicitly traded cultural property funding armed conflicts has been often called – as a reference to blood diamonds providing financial sources for rebellion groups to fund military actions against the internationally recognised governments, a problem receiving worldwide attention in the 1990s (especially in Angola, in the Democratic Republic of the Congo and in Sierra Leone)⁹ – are representing a growing concern for the international community because of their potential financial contribution to the operations of terrorist organisations.

⁴ One of the most notorious and often cited examples is the appropriation of approximately 3,000 artefacts – what is today called the ‘Benin Bronzes’ – during the 1897 punitive expedition of the British Empire in the capital of the kingdom of Benin (today its former territory is to be found in the southern part of Nigeria) together with the destruction of the city, including the Palace of the Oba (the traditional ruler of the Edo people). This high-scale plunder is the basis of several still ongoing restitution affairs between Western European countries and Nigeria, as the country, since having gained independence in 1960, has repeatedly called for the repatriation of the artefacts. One important element of the process was the creation of the ‘Benin Dialogue Group’ in 2007 made up of representatives of major cultural institutions in order to arrange for the permanent display of the artefacts in Nigeria. In recent years, some countries and institutions – like France, Berlin’s Humboldt Forum, Scotland’s University of Aberdeen and the Metropolitan Museum of Art in New York – have pledged to repatriate objects in their possession, but the results remain limited so far (Alex Greenberger: The Benin Bronzes Explained: Why a Group of Plundered Artworks Continue to Generate Controversy. *Artnews*, 02 April 2021).

⁵ Tom Westcott: Destruction or Theft? Islamic State, Iraqi Antiquities and Organized Crime. *Global Initiative against Transnational Organized Crime*, Research Report, March 2020.

⁶ Zoltán Prantner: The Al-Qaeda in the Islamic Maghreb after the Arab Spring. In János Besenyő – Viktor Marsai (eds.): *The Dynamics of Conflicts in Africa in the Early 21st Century*. Budapest, Dialóg Campus, 2018. 151–167.

⁷ Hans-Jacob Schindler – Frederique Gautier: Looting and Smuggling of Artifacts as a Strategy to Finance Terrorism. Global Sanctions as a Disruptive and Preventive Tool. *International Journal of Cultural Property*, 26, no. 3 (2019). 331–342.

⁸ Will Brown: Echoes of Isil as Armed Groups Loot Priceless Artefacts across Sahel. *The Telegraph*, 07 March 2020a.

⁹ Robert Curley – Emily Rodriguez: Blood Diamond. *Encyclopaedia Britannica*, s. a.

This paper focuses on the illicit trade in cultural property to give an initial look at the issue as a potential means of terrorism financing thus a more and more considerable international security challenge based on two case studies from North Africa and the Sahel region by also pointing out some of the measures taken by the international community to counter this threat.

Black market of cultural goods and terrorism-financing

The illicit trafficking of cultural property – after illicit drug and arms trade – is considered by some experts to be the third most serious international illegal trading activity as for its volume.¹⁰ These three types of crimes are at the same time closely intertwined in terms of their trading routes.¹¹ However, illegal trade in cultural property differs from the other two in the sense that the article needs to be entered into the legal market, i.e. to be laundered by obscuring the transit routes, generating false documentation and false provenience in order to represent a higher value.¹² It is virtually impossible to estimate the exact amounts of transactions via the black market due to a number of causes including lack of awareness, knowledge and expertise within law enforcement organisations, lack of awareness of the art market, and the low political priority of the issue.¹³ However, according to the OECD’s (Organization for Economic Co-operation and Development) figures, illicit trade in art and cultural property represents a 6.3 billion USD annual revenue globally.¹⁴

The extraordinary size of the black market is also reflected by the impact assessment of the European Commission, according to which 80–90% of antique sales globally are of objects of illicit origin.¹⁵

The potential contribution of illicit trade in cultural goods to the financing of terrorist organisations has been highlighted by the activities of ISIL in Syria and Iraq, which have reaped hundreds of millions of dollars in profits from institutionalised looting beyond all

¹⁰ See, for example, Agnès Bardon: Art Traffickers: Pillaging Peoples’ Identities. *The UNESCO Courier*, October–December 2020. 5–8. However, the later presented WCO reports on illicit trade do not confirm this claim: according to them, of all reported investigations and seizures, only a small fragment was related to cultural property crimes in the examined years. This low number is partly due to the specific and complex character of the cultural property black market, which will be elaborated later (Ivan Macquisten: A New Report on Transnational Crime Shows That the Business of Smuggling Cultural Property Is Not as Big as People Think. *Artnet News*, 28 September 2020).

¹¹ George Abungu: Illicit Trafficking and Destruction of Cultural Property in Africa: A Continent at a Crossroads. In Noah Charney (ed.): *Art Crime. Terrorists, Tomb Raiders, Forgers and Thieves*. London, Palgrave Macmillan, 2016. 240–254.

¹² Marta Suárez-Mansilla: Blood Antiquities: A Net Acting in Spain Helped to Finance DAESH through Illicit Trafficking of Cultural Goods. *Art World Law Bulletin. Chronicles of Themis and Athenea*, no. 4 (2018). 1–32.

¹³ Neil Brodie – Donna Yates: *Illicit Trade in Cultural Goods in Europe. Characteristics, Criminal Justice Responses and an Analysis of the Applicability of Technologies in the Combat against the Trade: Final Report*. Luxembourg, European Commission Directorate-General for Education, Youth, Sport and Culture, 2019. 130–166.

¹⁴ OECD: *Illicit Trade. Converging Criminal Networks*. OECD Reviews of Risk Management Policies, Paris, OECD Publishing, 2016. 24.

¹⁵ P8_TA(2019)0037. European Parliament resolution of 17 January 2019 on cross-border restitution claims of works of art and cultural goods looted in armed conflicts and wars.

previous levels. According to some estimates, it made up for the second largest revenue of the organisation.¹⁶ The terrorist organisation made archaeological excavations on the area under its control subject to a permit issued by its natural resources department (*Diwan al-Rikaz*) and imposed a tax (*khums*) of 20–50% on smuggling activities.¹⁷ When the organisation began to retreat, it changed tactics: until then, it earned income primarily from the issuance of excavation permits, but later it probably bought the items to manage the trade itself – in exchange for weapons for example.¹⁸ But a similar phenomenon shows up in North Africa too as we will see in the next section.

Due to the events of the Arab Spring (and its culmination in a civil war in Libya for example), the reinforcement of Islamist jihadist groups¹⁹ has accelerated from the 2010s in the African continent too, as they were easily gaining a foothold in North Africa and the Sahel region building on social fault-lines in the often ethnically/religiously diverse countries and among populations with poor living standards. The issue of weak governance paired with structural violence – partly originating from extreme poverty – and horizontal inequalities²⁰ have been all contributing to the spread of influence of different extremist groups.²¹

The dramatic boost in terrorist activity in the African continent in the 2010s both in qualitative and quantitative terms is well reflected by the number of casualties and affected countries.²² According to the 2020 Global Terrorism Index, – although the number of deaths globally fell significantly since 2014 – the number of countries affected by terrorism is still high (being 63 in 2019). Most (96%) of the deaths caused by terrorism were occurring in conflict-torn countries. Terrorism remains a widespread problem on the African continent. Although by 2019, the activity of ISIL had been decreasing in the Middle East and North Africa – the region accounting for the vast majority of ISIL-related

¹⁶ Joe Parkinson et al.: Syrian ‘Monuments Men’ Race to Protect Antiquities as Looting Bankrolls Terror. *Wall Street Journal*, 10 February 2015.

¹⁷ Mark V. Vlastic – Helga Turku: ‘Blood Antiquities’: Protecting Cultural Heritage beyond Criminalization. *Journal of International Criminal Justice*, 14, no. 5 (2016). 1175–1197.

¹⁸ Suárez-Mansilla (2018): op. cit. 1–32.

¹⁹ Nevertheless, radical Islamist activity had been present on the continent well before the Arab Spring – like al-Shabaab in Somalia, the AQIM rooting in the radical armed groups of the Algerian civil war, but gaining ground in neighbouring countries as well, or Boko Haram in Nigeria – which have reached a new quality in terms of activities in the last decades, making Africa the centre of global jihad (Viktor Marsai – Ákos Treszkai: Radikális iszlamista csoportok az afrikai kontinensen. In Viktor Marsai [ed.]: *Afrika a globalizált világban. Lehetőségek és kihívások*. Budapest, Dialóg Campus, 2019. 245–266).

²⁰ Horizontal Inequalities are factors defined by the degree of disproportionality between the size of culturally defined groups and their share of resources, serving as a concept to understand causes of violent conflicts within multi-ethnic and multireligious countries. We can identify Horizontal Inequalities in four dimensions: 1. political participation (the share of political positions at a top level); 2. economic aspects (access to and ownership of assets, employment opportunities, incomes); 3. social aspects (access to services, human outcome indicators); 4. cultural status (the recognition/exclusion of certain cultural traditions by the state) (Frances Stewart: *Horizontal Inequalities and Conflict: An Introduction and Some Hypotheses*. In Frances Stewart [ed.]: *Horizontal Inequalities and Conflict. Understanding Group Violence in Multiethnic Societies*. New York, Palgrave Macmillan, 2008. 3–24).

²¹ Dëlidji Eric Degila: The Hybridisation of Security Challenges in Contemporary Africa. In *Global Terrorism Index 2020. Measuring the Impact of Terrorism*. Sydney, Institute for Economics and Peace, 2020. 80–82.

²² Viktor Marsai – Omar Sayfo: Húsz év után – a dzsihádisták terrorizmus helyzete 2021-ben. *Horizont*, no. 14 (2021). 1–12.

terrorism deaths between 2013 and 2017 – the group remained active across the world (27 countries recorded attacks by ISIL or its affiliates). Sub-Saharan Africa had been affected the hardest – 41% of deaths related to the activity of the terrorist organisation in 2019 occurred in the region. Much of the terrorist activity was concentrated in the Sahel: from the five countries accounting for the highest numbers of deaths from terrorist attacks, four (Somalia, Mali, Burkina Faso and Nigeria) are located in the region.²³ One of the six big jihadist centres in Africa by nowadays is the surroundings of the common boundary of Mali, Niger and Burkina Faso.²⁴

Modern info-communication technologies, in particular the Internet (and especially various social media platforms such as Facebook, WhatsApp, Instagram, TikTok, YouTube, etc.), are playing an increasingly important role in the management of illegal trade, both by providing anonymity and by facilitating access to global markets. These factors have been resulting in an increase in the number of cultural goods sold.²⁵ Facebook’s share in the digital black market is on the rise since the beginning of the Arab Spring – rare artefacts showing the biggest growth.²⁶ An excellent example to describe this phenomenon is the report of the ATHAR project published in June 2019, which examined the role of Facebook in the global illicit trafficking in artefacts and its relationship with terrorism, organised crime, and cross-border smuggling. 36% of the posts in the Arabic-language Facebook groups offering art for sale surveyed in the study came from conflict zones, with Libya in the second place just after Syria. Another 44% of the posts examined were uploaded from neighbouring countries of war-torn states; the role of North African ones (Egypt, Tunisia and Algeria) is also significant here. The Facebook groups involved in the study had a global outreach, and the members showed a mixed picture; besides average citizens, they demonstrably included people associated with extremist organisations.²⁷

A major result of the project is the June 2020 announcement of Facebook to prohibit all sales of antiquities on its social media platforms (Facebook, Instagram), directly after ATHAR reported an uptick in the activity of the groups examined presumably profiting from the lockdowns due to the Covid-19 pandemic.²⁸

²³ IEP: *Global Terrorism Index 2020. Measuring the Impact of Terrorism*. Sydney, Institute for Economics and Peace, 2020.

²⁴ Marsai–Sayfo (2021): op. cit.

²⁵ Brodie–Yates (2019): op. cit. 16.

²⁶ Amr Al-Azm – Katie A. Paul: Facebook’s Flawed Plan to End Antiquities Trafficking. Evidence of War Crimes Must Be Preserved, Not Destroyed. *Foreign Affairs*, 01 July 2020.

²⁷ Amr Al-Azm – Katie A. Paul: Facebook’s Black Market in Antiquities. Trafficking, Terrorism, and War Crimes. *ATHAR Project Report*, June 2019.

²⁸ Carlie Porterfield: Facebook Bans Artifacts Trade after Uptick in Posts of Looted Objects. *Forbes*, 23 June 2020.

A new security threat for African cultural property? Case studies from Libya and Mali

Over the past decade, both Mali and Libya are constantly among the top 5 countries experiencing the most serious worsening in terms of fragility.²⁹ Political violence constantly being present since 2010 in North and West African countries,³⁰ these countries can serve as hotbeds of different forms of organised crimes, including illicit trafficking of cultural property interweaving with terrorism in some proven cases.

The problem of fragile statehood, lack of state and institutional control and of law enforcement capacity, corruption, porous borders, weak economies and the proximity of the North African region to important European markets are all contributing to the profitability of illegal trade – including in cultural property – by transnational organised crime groups in the region. According to Interpol (International Criminal Police Organization), Egypt and Libya are the most exposed to the latter issue. This can be a major concern from a security policy perspective, as it further undermines economic growth, public security and efforts to build political stability and sustainable peace in the long run. Moreover, it can further fuel corruption and violence. In addition to organised criminal groups, due to the high degree of poverty, individuals and groups (often equipped with rudimentary tools) – for whom this is a kind of source of income – also appear in connection with illegal excavations, thefts and looting. Although presumably to a lesser extent than ISIL in Syria and Iraq, there is good evidence that the illicit trafficking of cultural property is a source of revenue for terrorist organisations operating in the region, in cooperation with various organised criminal groups.³¹ This analysis is focusing on examples from Libya and Mali, but in the case of Tunisia, for example, evidence has been also found about the intertwining of organised crime and terrorism in connection with illegal trade in art treasures.³²

The particular exposure of conflict-torn and neighbouring countries to the issue is also underpinned by the results of the ENACT (Enhancing Africa’s response to transnational organised crime) project. Launched in the framework of the European Union’s Pan-African Programme, the project includes vast research on the illegal trade in cultural property across North and West Africa.³³ The analyses – examining more closely four countries (Tunisia, Algeria, Nigeria, Mali) from the region – have found that due to the lack of state presence and because of economic pressure, the rate of illicit trade in artefacts means a major threat for the region’s cultural heritage. The upheavals of the beginning of the 2010s have severed the problem in Tunisia and Mali, as well. The complexity of the issue is well reflected by a wide array of motives and actors from subsistence looting of impoverished

²⁹ FFP: *Fragile States Index. Annual Report 2021*. Washington, D.C., The Fund For Peace.

³⁰ ACLED Dashboard: *The Armed Conflict Location and Event Data Project*.

³¹ Interpol: *Overview of Serious and Organized Crime in North Africa. Analytical Report*. ENACT Project, Lyon, France, 2018.

³² Garde Nationale: Démantèlement de 11 cellules terroristes en décembre. *Mosaiquefm*, 06 January 2017.

³³ Julia Stanyard – Rim Dhaouadi: Organised Crime in Africa. Culture in Ruins: The Illegal Trade in Cultural Property across North and West Africa. *ENACT*, 12 November 2020d.

communities to organised and specialised criminal networks. The illegal trade of artefacts shows a strong intertwining with other forms of illicit trading activities.³⁴

As for North African cultural property, the main markets are in Europe, in the United States, and increasingly in the Gulf States, where there is a particular interest in Islamic artefacts. In terms of routes, according to the data of the Interpol, the objects are transiting through either Gaza, Jordan, Israel, the United Arab Emirates, Turkey or other North African countries before reaching their destination.³⁵ This fact is also underpinned by the WCO’s (World Customs Organization) 2018 and 2019 Illicit Trade Reports, which found that in all reported cases, the illicitly exported cultural goods from North Africa were heading to the Middle East.³⁶ (It shall be noted that WCO has been assessing cultural heritage as an independent category within its reports only since 2015.) The 2017 report revealed minor trading activity toward Western Europe and, to a lesser extent, Eastern and Central Europe.³⁷ But it is important to emphasise here, that North African countries can serve as transit countries as well for the illegal trade in works of art originating from the Western part of the continent (for example from Mali), using the same routes as for human trafficking and smuggling.³⁸

Since the breaking out of the civil war in 2011, there is evidence of an increase in trafficking of art from Libya,³⁹ which trend has accelerated with the gaining of foothold of the Islamic State in the country from 2014.⁴⁰ The terrorist group – building on the already existing Al-Qaeda network – managed to get control over some coastal territories in 2014 for a short period, losing them apart from some isolated far-south regions by 2016.⁴¹ The economic instability following the 2011 civil war and the lack of control and capacity of law enforcement as well as the rise of the online market parallel with the increasing Internet connectivity and use of social media among the population have all been contributing to a thriving illicit trade in artefacts. Recent reports suggest that the hot spot for the illicit trade in antiquities is primarily Cyrenaica, family and tribal affiliations determining the market.⁴²

Although to a lesser extent than in the case of their Syrian and Iraqi counterparts, there is evidence for local ISIL member involvement in the international smuggling of artefacts. For instance, during the battle of Benghazi, prehistoric objects originating presumably

³⁴ Julia Stanyard – Rim Dhaouadi: Culture in Ruins. The Illegal Trade in Cultural Property across North and West Africa. *ENACT Research Paper*, no. 18 (2020c).

³⁵ Interpol (2018): op. cit.

³⁶ WCO: *Illicit Trade Report 2018*. Brussels, World Customs Organization, 2019. 21; WCO: *Illicit Trade Report 2019*. Brussels, World Customs Organization, 2020. 26.

³⁷ WCO: *Illicit Trade Report 2017*. Brussels, World Customs Organization, 2018. 21.

³⁸ Interpol (2018): op. cit.

³⁹ Aidan Lewis: Libya’s Ancient Sites Not Exposed to Same Risk as in Syria, Iraq – Experts. *Reuters*, 11 May 2016.

⁴⁰ Pilar Velasco: Jaume Bagot, el anticuario del expolio libio descubierto por un estudiante belga. *SER*, 28 March 2018.

⁴¹ Azeem Ibrahim: *Rise and Fall? The Rise and Fall of ISIS in Libya*. Carlisle, PA, U.S. Army War College Press, 2020.

⁴² ASOR: The State of Illicit Trade and Looting of Libyan Antiquities 2011–2020. *ASOR*, 31 December 2020.

from Fezzan, but also Roman and Byzantine items were captured in the house of an Islamic State commander in May 2016.⁴³

A fact-finding article published in 2016 by war reporter Domenico Quirico of the Italian daily *La Stampa* revealed the relationship of the Islamic State operating in Libya and mafia networks of Southern Italy (especially *Camorra* and *Ndrangheta*) in the trade of artefacts. The terrorist group sold antiquities pillaged from Libyan territories once under its control and from the Middle East – Libya serving both as a source and a transit country – in exchange for weapons coming from Moldova and Ukraine. The transport was carried out by Chinese criminal networks’ ships and containers to the Italian port of Gioia Tauro, Calabrian region. As a result of the tightening regulations in the United States, there is evidence that Russia, Japan, China and the United Arab Emirates had become the main business partners.⁴⁴ Following the report, an investigation has been launched in the case by the prosecutor of Salerno.⁴⁵

The first time the link between illegal trade in cultural goods and the financing of Islamic terrorism and its way to the Western markets have been explored through investigative police operations was in a Spanish criminal case. Objects from North Africa, mostly from Egypt and northern Libyan sites of Balagrae, Apollonia and Cyrene – latter ones being at the time under the jurisdiction of Islamic State affiliates *Ansar Al Sharia Benghazi* and *Ansar Al Sharia Derna* – had been smuggled to Spain between 2014 and 2015.⁴⁶ On 27 March 2018, two Spanish antique dealers, Jaume Bagot Peix and Oriol Carreras Palomar were arrested – later released on bail – for terrorism financing, membership in criminal organisation, contraband and documentation forgery by the *Brigada de Patrimonio*, the department responsible for crimes relating to cultural property within the Spanish police.⁴⁷ The two accused were allegedly involved in a smuggling network dealing with antiquities trafficking linked to looting and thefts of the Daesh. The three-year investigation in collaboration with the Italian and the Libyan police also shed light on the trade routes of the Libyan pieces (Figure 1). The results are mostly in line with the above-mentioned findings of Interpol and WCO reports: the objects were sent across other North African or Middle Eastern countries like Egypt to Jordan from where they were either sent directly to Spain or by a loop through Saudi Arabia and the United Arab Emirates, then back to Jordan. A second route established by the investigative work led through Jordan, the United Arab Emirates and Thailand from where the objects were transported through a number of European countries such as Russia, Germany, France and the United Kingdom to arrive at their final destination in Spain. The invoices incorrectly

⁴³ Lewis (2016): op. cit.

⁴⁴ Domenico Quirico: How to Buy Antiquities Looted by ISIS from an Italian Mobster. *La Stampa*, 18 October 2016.

⁴⁵ *La Stampa*: Arte trafugata da Isis e mafie Inchiesta al via. *La Stampa*, 26 October 2016.

⁴⁶ Brodie-Yates (2019): op. cit. 123–124.

⁴⁷ La Moncloa: La Policía desmantela una red que comerciaba con obras de arte expoliadas en Libia que servían para financiar el terrorismo yihadista. *Government of Spain*, 28 March 2018.

indicated Turkey or Egypt as the place of buying.⁴⁸ However, the trial case is still not closed since and there is no information available on its actual status.⁴⁹

As Deborah Lehr, the chairperson of the Washington-based non-governmental organisation working against antiquities-looting and trafficking, Antiquities Coalition observed about the case: “If confirmed, [this] will be a smoking gun that “blood antiquities” are reaching the international art market, and will hopefully serve as a wake-up call.”⁵⁰

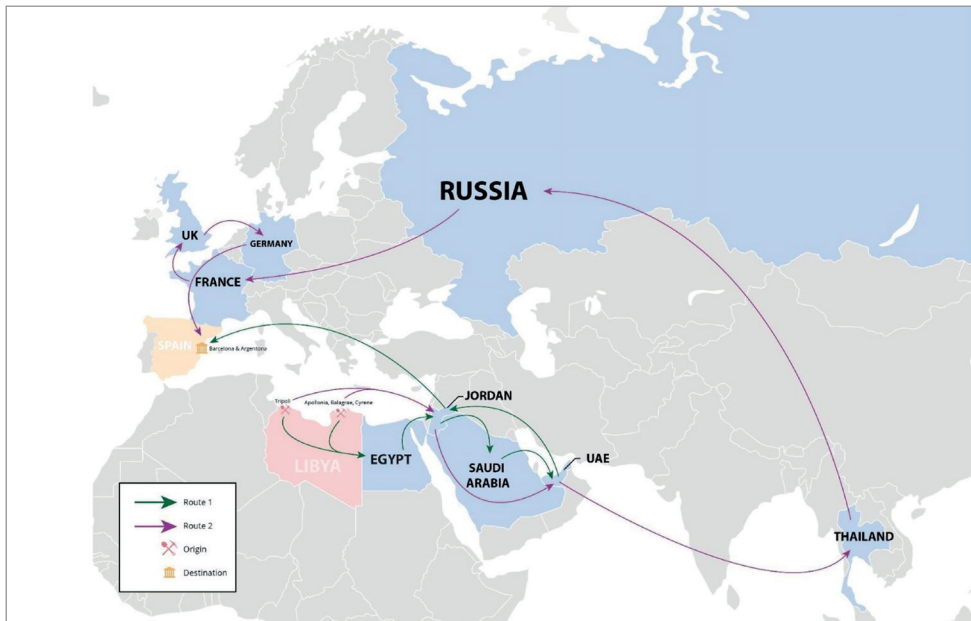


Figure 1: Visualisation of routes mentioned in the *Jaume Bagot* case

Source: Brodie–Yates (2019): *op. cit.* 125.

Mali shall be mentioned as another important case study from recent years, also from the point of view of the role of international intervention possibilities. A multi-ethnic country with its northern part stretching to the Sahara Desert, Mali gained independence from French colonial rule in 1960. The northern part of the country has been affected by cyclical conflicts ever since unleashed by the Tuareg population of the region. But the latest – erupted in 2012 led by the National Movement for the Liberation of Azawad (MNLA) – proved to be more serious than the earlier ones as jihadist groups had soon took control over the conflict. It led to an intervention from the part of the international community (first France through Operation Serval, followed by Operation Barkhane, then the Africa Union-led AFISMA [African-led International Support Mission to Mali] mission, replaced

⁴⁸ Brodie–Yates (2019): *op. cit.* 123–124.

⁴⁹ IADAA Newsletter: Poor Research Demanding Dramatic Outcomes Is not a Victimless Activity. *IADAA Newsletter*, June 2022.

⁵⁰ Georgi Kantchev: Suspected Traders of Ancient Art Linked to Islamic State Are Detained. *The Wall Street Journal*, 19 March 2018.

by MINUSMA [United Nations Multidimensional Integrated Stabilization Mission in Mali] under the aegis of the UN).⁵¹ The uprising eventually resulted in the expansion of different Salafi-Jihadist organisations in the northern regions (Timbuktu, Gao, Kidal). The primarily Tuareg-based Ansar Dine militant Islamist group had a major role in the Mali conflict in 2012–2013, especially in Timbuktu. Together with the Saharan branch of AQIM, the Macina Liberation Front (MLF or Katiba Macina) and Al-Mourabitoun, the four organisations formed JNIM (*Jama'a Nusrat ul-Islam wa al-Muslimin*) in 2017 pleading allegiance to Al-Qaeda. The group is active in Mali, Burkina Faso and Niger, as well. The branch of the Islamic State in the Sahel, ISGS (Islamic State in the Greater Sahara) is also active since 2018 splitting from Al-Mourabitoun in 2015.⁵² It shall be noted that the number and affiliation of the different groups is showing a constantly changing pattern. The terrorist activity has also spiralled into neighbouring countries, posing a regional threat.⁵³

From 2015, the terrorist violence in Mali has benefited from the tensions in the central Mopti region (inhabited primarily by Fulanis and Dogons) of the country with the appearance of MLF (consisting mostly of Fulanis). The violence of the group was focused mostly against officials and authorities. Their activity has been building on the existing inter-ethnic tension from time to time reaching up to violence rooting in socio-economic, as well as cultural differences (which has been often used in the rhetoric of the MLF too referring to the 19th century Macina Empire) and longstanding grievances between primarily Fulanis and Dogons.⁵⁴

The country has been struggling with instability, extreme poverty and the deterioration of the social order, disposing of porous borders especially in the north which are making it a thriving transit point for illegal trade (in drugs, arms, etc.). Profiting from the chaos, the pillage of archaeological sites and illicit trafficking of cultural property has been posing an increasing problem due to the destabilisation and growing armed violence in the region.⁵⁵ As the head of UNOWAS (United Nations Office for West Africa and the Sahel) highlighted at a United Nations (UN) Security Council meeting, reflecting on the root causes of the lingering turmoil in the region: “The growing linkages between terrorism, organized crime and intercommunal violence cannot be overemphasized. [. . .] Terrorists continue to exploit latent ethnic animosities and the absence of the State in peripheral areas to advance their agenda.”⁵⁶ A map presented at a regional meeting hosted by Dakar, Senegal with the support of UNESCO (United Nations Educational, Scientific

⁵¹ János Besenyő: Thoughts on the Crisis in Mali. In Marian Majer – Róbert Ondrejcsák (eds.): *Panorama of the Global Security Environment*. Bratislava, Centre for European and North Atlantic Affairs (CENAA), 2013. 415–430.

⁵² Will Brown: The Key Actors Battling for Control of the Sahel. *The Telegraph*, 01 March 2020b.

⁵³ Adrian Blomfield: Jihadists Win Hearts and Minds in the Sahel by Providing Basic Services. *The Telegraph*, 06 March 2020.

⁵⁴ Aurélien Tobie: Central Mali: Violence, Local Perspectives and Diverging Narratives. *Stockholm International Peace Research Institute*, Research Report, 01 December 2017.

⁵⁵ UNESCO: Groupe de travail vers une action conjointe de lutte contre le trafic illicite des biens culturels dans la région du Sahel. *Note conceptuelle*, 2017.

⁵⁶ UN Security Council: Situation in West Africa, Sahel ‘Extremely Volatile’ as Terrorists Exploit Ethnic Animosities, Special Representative Warns Security Council. *Press Release*, 9 July 2020.

and Cultural Organization) – as part of a line of capacity-building training in Africa⁵⁷ – in July 2017, shows well the dynamics of illicit trafficking of cultural property in the Sahel and Mali’s central role in it (Figure 2).

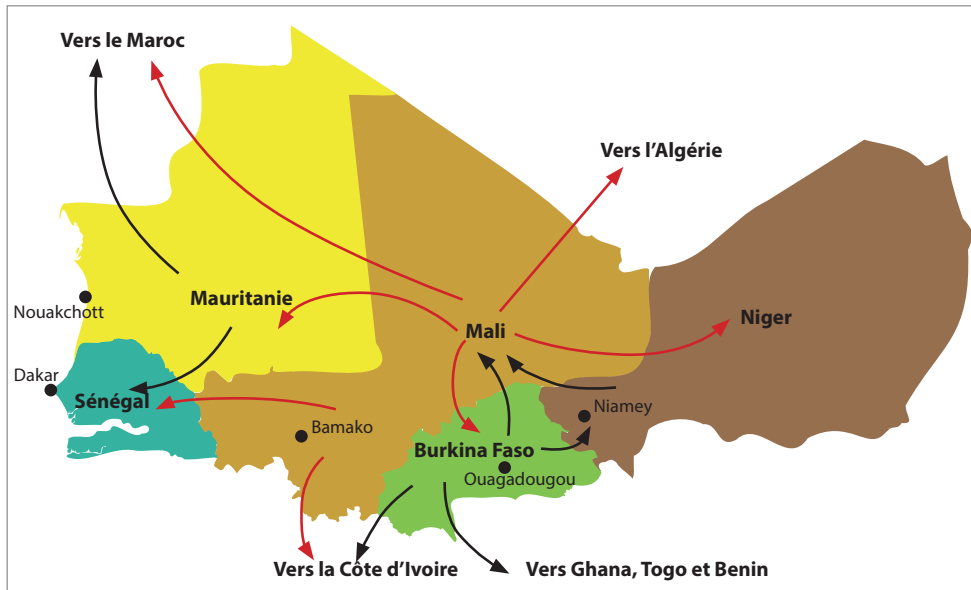


Figure 2: Dynamics of illicit trafficking of cultural property in the Sahel region

Source: UNESCO Office in Dakar (2017): *op. cit.*

Due to the growing level of cultural property trafficking coming from West Africa, ICOM (International Council of Museums) has drawn up a so-called ‘Red List’ for the region. It is serving to illustrate the categories of cultural goods most vulnerable to illicit trade, thus to help individuals as well as police or customs authorities in identifying objects at risk and in preventing their illicit sale and export.⁵⁸ By the way, a similar ‘Emergency Red List’ was launched in the case of Libya too in 2015 as a result of the instability and violence in the country putting cultural heritage in peril.⁵⁹ The relevance of this latter list is well reflected by another publication of the ATHAR project drawing up a list of selected objects put on sale in different Facebook groups corresponding to categories listed by ICOM for Egypt, Iraq, Libya, Syria and Yemen.⁶⁰

The city of Timbuktu – located in the northern part of Mali – fell prey to the violent occupation by extremists in 2012. Apart from the razing of several mausoleums and

⁵⁷ UNESCO: *Africa: Training Activities*. 05 October 2020.

⁵⁸ ICOM: *Liste Rouge des biens culturels ouest-africains en péril*. 2016.

⁵⁹ ICOM: *Liste Rouge d'urgence des biens culturels libyens en péril*. 2015.

⁶⁰ Amr Al-Azm – Katie A. Paul: Facebook’s Black Market in Antiquities. ICOM Red List Artifacts Offered on Facebook. *ATHAR Project Report*, June 2019.

mosques – the majority of them part of the World Heritage site of the town⁶¹ – the town’s priceless manuscripts collection⁶² was affected by Ansar Dine’s violence, which seized control over the town in the spring of 2012. The Ahmed Baba Institute housing around 46,000 pieces in its collection – the oldest ones dating back to the 13th century – was burned down in January 2013, leading to the destruction (or steal) of 4,203 manuscripts.⁶³ Fortunately, about 90% of the collection could be saved by previously evacuating them and other private, family-owned collections from the town to Bamako. But a number of valuable manuscripts were pillaged and probably entered on the black market.⁶⁴

Due to the instability and ongoing violence since 2012, it is estimated that 90% of sites in Mali have been looted, however, still scarce information is available on this. The investigation is encumbered by several factors, including the differences in the routes and markets by types of artefacts, the lack of control over sites and of financing for awareness-raising. To this, adds the shortcomings of the related legal framework, the weakness of the judicial system, the lack of access to comprehensive information and of data sets on artefacts.⁶⁵

The northern and central part of the country is the most heavily hit by archaeological lootings (around the towns of Djenné, Mopti, Timbuktu and Gao). The trafficking of artefacts is accomplished together with other forms of (either licit or illicit) trading activities. Due to the economic breakdown and profiting from the lack of control and proper governance structures, items are increasingly being smuggled through the porous borders with neighbouring countries including Algeria, Mauritania, Burkina Faso and Niger – besides Bamako still being a major hub for illegal trade in cultural objects⁶⁶ – in growing cooperation with violent extremist groups, often together with other items, such as drugs and arms.⁶⁷ As for their destinations, according to the results of the ENACT project, Western European and – at a raising but still small rate – Asian countries (China and to a lesser extent Japan) can be traced as for terracotta, bronzes and other archaeological

⁶¹ As part of their extremist propaganda, Ansar Dine being in cooperation with AQIM introduced severe measures after occupying the town and destroyed or damaged mausoleums and mosques related to the Sufi population of Timbuktu. The International Criminal Court convicted Amad Al Faqi Al Mahdi, member of the Ansar Dine and the leader of the local ‘morality police’ *Hisbah* for 9 years of imprisonment for war crime of attacking protected objects in 2016, namely 10 buildings of historical and religious importance, 9 of them World Heritage Sites between 30 June and 11 July 2012.

⁶² Mali disposes of the most significant collection of Arab language manuscripts in Western Africa. Timbuktu’s collections are even more outstanding, the north Malian town serving as a thriving regional educational-scientific-cultural hub in the Middle Ages under the Mali and from the 15th century Songhai Empire. The depositaries of this intense scientific exchange with the rest of the Arab world are well preserved by the today known manuscripts of 377,000 pieces. Until 2012, the manuscripts were held in over 45 private collections and in the archives of the Ahmed Baba Institute established in 1973 by UNESCO, funded by Kuwaiti and Saud Arabian ruling families (Joshua Hammer: *The Bad-Ass Librarians of Timbuktu. And Their Race to Save the World’s Most Precious Manuscripts*. New York, Simon & Schuster, 2017).

⁶³ AP News: UN Assesses Damage to Timbuktu Manuscripts. *AP NEWS*, 02 July 2013.

⁶⁴ Guillaume Thibault: F. Baba Keita: “Les manuscrits anciens, objet du nouveau trafic illicite”. *RFI*, 22 July 2017.

⁶⁵ Allan Ngari: Instability Is Decimating Mali’s Cultural Heritage. *Institute for Security Studies*, 23 June 2021.

⁶⁶ Julia Stanyard – Rim Dhaouadi: Culture in Ruins. The Illegal Trade in Cultural Property. Case Study: Mali. *ENACT Case Study*, November 2020a.

⁶⁷ Ngari (2021): op. cit.

items, European as well as Gulf states and Turkey in the case of medieval manuscripts, and other Sahel countries in the case of ancient beads. The case of manuscripts is also interesting as due to the eruption of the conflict, a large number of these objects was taken to neighbouring countries by refugees as part of their family wealth, often acquired and then internationally trafficked by collectors and dealers.⁶⁸

The most important international responses

Table 1: List of examined responses of different international organisations

Organisation	Action	Relevant elements
United Nations	Security Council Resolution 2100 (2013)	deployment of MINUSMA
	Security Council Resolution 2199 (2015)	looting and smuggling of cultural heritage as a possible means of generating income for ISIL, ANF and other Al-Qaeda groups
	Security Council Resolution 2347 (2017)	first one addressed exclusively to cultural heritage protection; concern about links between the activities of terrorists and organised criminal groups (in ex. trafficking in cultural property); includes the possibility of involving protection of cultural heritage in the mandate of UN peacekeeping missions
	Security Council Resolution 2482 (2019)	jointly addresses organised crime and terrorism in preventing and countering illicit trafficking of cultural property
European Union	EU Security Union Strategy (2020)	links trafficking in cultural goods as both a way of terrorism financing and a form of organised crime, promotes steps and cooperation in this regard
	EU strategy to tackle organised crime (2021)	envisages the development of an Action Plan on tackling illicit trade of cultural goods by 2022
	Conclusions on the EU strategic approach to cultural heritage in conflicts and crises (2021)	stresses the importance of urgently enhancing the fight against illicit trade in cultural property and the fight against terrorism also on the basis of existing international legal frameworks
	EU–Africa Security Cooperation in the Sahel region, West Africa and the Horn of Africa (2020)	calls for protection and preservation of cultural heritage and clamp down on the smuggling of cultural artefacts, especially in conflict zones
African Union	Model Law on the Protection of Cultural Property and Heritage (2013)	promotes the filling of the gaps in adequate legislation in Member States to tackle illicit trafficking, and ratification of key international instruments of this domain
	2021 Theme Year ‘The Arts, Culture and Heritage: Levers for Building the Africa We Want’	recognises the potential in cultural heritage to contribute to the integration and socio-economic development in the continent

Source: Compiled by the author.

⁶⁸ Stanyard–Dhaouadi (2020a): op. cit.

The first-ever UN peacekeeping mission mandated amongst others with the protection of cultural property – the MINUSMA – has been deployed in Mali since 2013 by UN Security Council Resolution 2100 (2013) and has been taking part in collaboration with UNESCO and the Malian authorities in the fight against illicit trafficking in cultural objects. Besides, it provided for instance logistical support in the rehabilitation of shrines, mosques and libraries in the city of Timbuktu (damaged or destroyed during the summer of 2012 by the terrorist groups occupying the city).⁶⁹

The example of the mission can be an important precedent for future UN peacekeeping operations. By creating the mandate of MINUSMA, ‘the Security Council had established the link between illicit trafficking in cultural objects and the financing of terrorism’ – said Ban Ki-Moon, former UN Secretary-General on the event of adoption of Security Council Resolution 2347 (2017). This latter resolution was the first of its kind dealing exclusively with cultural heritage protection, and including amongst others the possibility of involving protection of cultural heritage in the context of armed conflicts from destruction, illicit excavation, looting and smuggling in the mandate of UN peacekeeping missions,⁷⁰ thus fully integrating it in the international peace and security agenda, which builds on the positive experience of MINUSMA in this field.⁷¹

Important to note here that in recent years, the UN Security Council through its several other decisions has also built a link between terrorism and organised crime in terms of financing or logistical support including in relation to illicit trade in cultural property and international responses to these security issues. Resolution 2199 (2015) – in case of Iraq and Syria – recognised the fact that ISIL, ANF (Al-Nusra Front) and other Al-Qaeda affiliates are profiting from looting and smuggling of cultural heritage items in order to support recruitment efforts and to strengthen their operational capability. In the above-mentioned Resolution 2347 (2017), the Council used the same wording, also recognising the links ‘between the activities of terrorists and organized criminal groups that, in some cases, facilitate criminal activities, including trafficking in cultural property, illegal revenues and financial flows as well as money-laundering, bribery and corruption’.⁷²

In order to jointly address these ‘twin threats’, following an open Security Council debate⁷³ and initiated by Peru, the Council adopted its Resolution 2482 (2019) urging Member States amongst others to ratify and implement global instruments and participate in initiatives to build capacity in preventing and countering illicit trafficking of cultural property.⁷⁴ UNESCO, UNODC (United Nations Office on Drugs and Crime), Interpol, WCO and OSCE (Organization for Security and Co-operation in Europe) have all taken an active role in supporting Member States in the implementation of Resolution 2347 (2017) by providing awareness-raising activities, supporting international cooperation and

⁶⁹ Brown (2020a): op. cit.

⁷⁰ S/RES/2347 (2017) adopted by the Security Council at its 7907th meeting on 24 March 2017. 19.

⁷¹ UN Security Council: Security Council Condemns Destruction, Smuggling of Cultural Heritage by Terrorist Groups, Unanimously Adopting Resolution 2347 (2017). *Meetings Coverage*, 24 March 2017.

⁷² S/RES/2347 (2017). 2.

⁷³ UN Security Council: Security Council Expresses Concern over Links between International Terrorism, Organized Crime, Unanimously Adopting Resolution 2482 (2019). *Meetings Coverage*, 19 July 2019.

⁷⁴ S/RES/2482 (2019) adopted by the Security Council at its 8582nd meeting on 19 July 2019.

offering capacity-building trainings for cultural heritage professionals, the judiciary, the police, customs officers, actors of the art market and financial services.⁷⁵ In the case of Mali, capacity-building and training programmes for law enforcement agencies provided by UNESCO and WCO amongst others yielded positive results,⁷⁶ and the support provided by Interpol and MINUSMA together with the military forces for the national heritage protection agency in the training of the security personnel has also been effective.⁷⁷

In recent years, the European Union (EU) has also been actively engaging in the safeguarding of cultural property in the fight against illicit trafficking, especially as regards its possible links with terrorism financing. In several documents and decisions relating to combating terrorism and terrorism financing, the organisation stressed its concerns in this regard. The *Conclusions on the EU Strategic Approach to Cultural Heritage in Conflicts and Crises* adopted by its Foreign Affairs Council in June 2021 recalls the development of an Action Plan on tackling illicit trade of cultural goods by 2022. This action plan was already scheduled by the *EU Strategy to Tackle Organised Crime* adopted in April 2021 by the Commission, in line with the *EU Security Union Strategy* adopted in July 2020, which also stated that:

[...] trafficking in cultural goods has also become one of the most lucrative criminal activities, a source of funding for terrorists as well as organised crime and it is on the rise. Steps should be explored to improve the online and offline traceability of cultural goods in the internal market and cooperation with third countries where cultural goods are looted as well as providing active support to law enforcement and academic communities.⁷⁸

The document laying down the framework of the Strategic Partnership between the EU and Africa also included the increasing of efforts to fight against the illicit trade in cultural goods within their cultural cooperation.⁷⁹ In the European Parliament (EP)’s resolution on the establishment of an *EU–Africa Security Cooperation in the Sahel Region, West Africa and the Horn of Africa*, the EP highlights “the emergence of new forms of mafia economy, including human, migrant and drug trafficking, cultural and wildlife smuggling”, as a major challenge, and “calls for the EU to address the consistent and growing threats to the protection and preservation of cultural heritage and clamp down on the smuggling of cultural artefacts, especially in conflict zones”.⁸⁰

The African Union (AU) has put arts, culture and heritage as its theme for the year of 2021 (‘The Arts, Culture and Heritage: Levers for Building the Africa We Want’) highlighting its potential to contribute to the integration and socio-economic development

⁷⁵ S/2020/754. Action taken by Member States and United Nations entities to address the issue of linkages between terrorism and organized crime. 14–15.

⁷⁶ Ngari (2021): op. cit.

⁷⁷ Stanyard–Dhaouadi (2020a): op. cit.

⁷⁸ COM(2020) 605 final. Communication from the Commission on the EU Security Union Strategy.

⁷⁹ Council of the European Union: *The Africa – European Union Strategic Partnership. Investing in People, Prosperity and Peace*. Luxembourg, Publications Office of the European Union, 2014. 30.

⁸⁰ P9_TA(2020)0213. European Parliament resolution of 16 September 2020 on EU–African security cooperation in the Sahel region, West Africa and the Horn of Africa (2020/2002(INI)).

in the continent.⁸¹ Within the AU’s efforts in protecting and preserving cultural heritage, we shall mention the 2018 elaboration of a *Model Law on the Protection of Cultural Property and Heritage* aiming to fill the gaps revealed by a 2013 report by the organisation and to assist member states to improve their current legislation. The identified gaps included the lack of adequate legislation in Member States to tackle illicit trafficking, the low number of ratification of key international instruments of this domain (for example the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property or the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects) or the lack of follow-up on cases of illicit procurement of cultural goods.⁸²

But as we regard efforts of African regional organisations such as the AU or ECOWAS (Economic Community of West African States) concerning returning illicitly trafficked or stolen cultural property, they are primarily in relation with the restitution of objects removed during the colonial period (see for example ECOWAS 2019/2023 action plan for the return of African cultural property to their countries of origin⁸³ or the concept note of the AU’s thematic year⁸⁴), the link with terrorism is not explicitly appearing in their decisions.

Last but not least, it is worth mentioning some intergovernmental initiatives in this regard. Having recognised the scale of the issue, the governments of Egypt, Saudi Arabia, the United Arab Emirates, Iraq, Jordan, Kuwait, Lebanon, Libya, Sudan and Oman released in May 2015 the so-called Cairo Declaration to set up measures against the looting, trafficking and destruction of cultural property by criminal networks and extremist groups motivated by intimidation of populations on the one hand and by profit-making on the black market on the other hand. The actions drawn up in the document included amongst others the launching of a Cultural Racketeering Task Force to coordinate activities to prevent smuggling and repatriate stolen artefacts, supported by an International Advisory Committee.⁸⁵ In July 2021, a memorandum of understanding was signed between Libyan and Egyptian attorney general’s offices – the two African countries most heavily hit by the issue – in order to improve cooperation in investigations concerning terrorism, misappropriation of public funds, petroleum smuggling and the recovery of cultural property.⁸⁶

⁸¹ Institute for Security Studies: *Peace and Security Council Report*. Issue 132, February 2021. 9–10.

⁸² African Union: *The African Union Model Law*. s. a.

⁸³ ECOWAS: Validation of ECOWAS 2019/2023 Action Plan for the Return of African Cultural Property to Their Countries of Origin. 12 April 2019.

⁸⁴ African Union Executive Council: *EX.CL/123(XXXVII) Rev. 1, Concept Note on 2021 as the Year of Arts, Culture, and Heritage in Africa*. 2020.

⁸⁵ The Cairo Declaration, 14 May 2015.

⁸⁶ Mohammed Abu Zaid: Egypt, Libya Pledge Closer Ties in Terror, Trafficking Probes. *Arab News*, 31 July 2021.

Conclusion

The uprisings of the Arab Spring leading to political instability, violent conflicts and economic pressure in several countries of the Middle East and North African region has sharply increased the scale and the systematic way of illicit trafficking of cultural goods in which online platforms have a major role.⁸⁷ These conflicts also led to the deliberate destruction of built heritage in numerous cases, however, this falls out of the scope of the present article. Given the complexity and elusiveness of the issue, limited factual information is publicly available about the exact scale of illicit trade in cultural property so far, especially as for those originating from conflict zones of recent years. Also, due to the special nature of the antiquities black market, stolen objects may wait for years, even decades before entering the market. According to some experts, antiquities spoiled by ISIL may appear on the market around 2030 – based on the time span elapsed in the case of the looting of the Baghdadi Iraq Museum of 2003⁸⁸ – which reflects the long-term character of the issue and the need for sustained international cooperation in this field. And the response shall be complex as well, ranging from awareness-raising, tightening legislation, capacity-building, strengthening border control, and police and judiciary cooperation in order to disrupt the ability of terrorist organisations to generate income from illicit trafficking of cultural property,⁸⁹ necessitating taking measures both in source and market countries.

The correlation between illicit trafficking of cultural property and the financing of terrorists and other violent non-state actors is a hardly measurable but a certainly existing security issue. The earlier cited report of the European Commission, however, reminds us of the fact that this link has been detected only in a small number of cases so far and illegal trade of cultural goods shall be regarded primarily as an organised crime-related issue. The low number of revealed cases suggests that cultural goods originating from conflict zones either may be warehoused, or not recognised as such, or does not mean a significant portion of the market. Finally, the report’s observation shall be highlighted according to which overemphasising a link between terrorism and illicit trafficking is useful for raising public and political awareness of the problem but eventually may result in the ignorance of other significant aspects of the issue in criminal justice and other responses.⁹⁰

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⁸⁷ Julia Stanyard – Rim Dhaouadi: Culture in Ruins. The Illegal Trade in Cultural Property. Case Study: Algeria and Tunisia. *ENACT*, 2020b.

⁸⁸ Vincent Michel: Illegal Trafficking of Cultural Goods in Countries of Conflict. *NETcher*, 07 October 2020.

⁸⁹ Schindler–Gautier (2019): op. cit.

⁹⁰ Brodie–Yates (2019): op. cit. 112–115.

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