Culture in ruins

The illegal trade in cultural property across North and West Africa

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Summary

Illegal trade in African archaeological and cultural objects continues to cause untold damage to sites and monuments, draining the continent of its collective history. Focusing on key case studies from North and West Africa, this report draws on original research to describe the key characteristics of illicit markets across Mali, Nigeria, Tunisia and Algeria, explore how these markets have developed and shifted over time, and examine the efficacy of the institutional response. This paper forms part of a set of publications on the illegal trade in cultural property across North and West Africa, made up of this research paper and three case studies (on Mali, Nigeria and North Africa).

Key findings

- The illegal antiquities trade poses a significant threat to the region’s cultural heritage.
- Insecurity was consistently found to expand illegal trade.
- Economic hardship during conflict and the absence of state authority drive communities to loot cultural sites.
- Across the case studies, except for Mali, corruption within the cultural heritage institutions significantly facilitates illegal trade.
- Networks involved in other organised crimes are sometimes opportunistically involved in the illegal antiquities trade.
- Despite more responsible sourcing practices in international art markets, dealers and collectors continue to purchase illegally acquired objects.
Key recommendations

- Governments, cultural and academic institutions and non-governmental organisations (NGOs) should continue conducting awareness-raising programmes, engaging with local communities, and sharing knowledge of best practices.
- Cultural authorities within affected countries need to collaborate with national law enforcement to conduct targeted investigations into the looting and illegal trade in antiquities.
- In contexts of political instability, violence or conflict, cultural institutions should collaborate with security forces, especially where the military is the initial point of contact with the looters and traffickers of illegal objects.
- Law enforcement and customs officials in destination countries should be educated about known trafficking routes and object types to help them identify illicit imported objects. Knowledge-sharing and collaboration between source, transit and destination countries may highlight the risks of illicit trade.
- Bilateral treaties between source and destination countries should be a model for building future regional and international partnerships to curtail the illegal trade in antiquities.
- Knowing the looting trends of particular objects, dealers and collectors should act in good faith and exercise particular caution when acquiring these objects and interrogate information provided on their provenance.
- Further research is needed to improve the understanding of the illicit trade in antiquities in these regions. Affected countries, academic institutions and NGOs should invest in primary research into the extent of looting and the dynamics of illicit trade.

Introduction

Cultural heritage is an inalienable part of individual, community and national identity. The ability to learn about one’s heritage and self-determination concerning that heritage is a human right.¹

The right to cultural heritage is undermined by the looting of archaeological sites and widespread trade in illegally acquired cultural property which also diminishes the chance for these objects to be used, studied and benefited from in their original settings. This illegal trade drives corruption, provides an income for criminals and, in several countries, is part of the criminal economies that have emerged amidst violent conflict.

Issues of cultural heritage are rarely high on the political agenda of governments or the strategic agenda of law enforcement and customs authorities, and are often managed by poorly-funded institutions.

Any discussion of the trafficking of cultural property in Africa naturally takes place in a fraught political space. African countries have led the campaign for the restitution of their cultural objects, taken during colonial rule, from European museums. A 2018 report by academics Bénédicte Savoy and Felwine Sarr, commissioned by French President Emmanuel Macron, urges full restitution of objects taken ‘without consent’ during the colonial period and links colonial looting to modern trafficking.²

The report, which sent shockwaves through the art market and museum sector, taps into broader debates over globalisation, sovereignty and historic injustice.³ Modern trafficking is inseparable from the question of historical restitution, as modern tastes and art market dynamics (both legal and illegal) are shaped by colonial legacies, and looting drives the ongoing loss of African heritage.⁴

At the same time, cultural property trafficking is increasingly being seen as an international security issue, prompted by the iconoclastic destruction and looting in Iraq and Syria that materialised after the Arab Spring, as jihadist groups profiteered from the control of the trade. Similar looting took place in Libya, Yemen, Somalia and Mali. The United Nations (UN) Security Council, international law enforcement and customs organisations,⁵ national governments⁶ and civil society⁷ have all begun to take greater action on this issue.

Increased political and public concern has put the international art market under pressure. The market has been rocked by a series of major scandals that have implicated some of the world’s most
prestigious auction houses, collectors and museums in participating in illegal trade.\(^8\)

Historically, illegal actors have been able to exploit vulnerabilities in the international art market to launder objects into the legitimate market.\(^8\) The international art market has traditionally operated with a high degree of anonymity and relies on an object’s ‘provenance’ or ownership history to establish its legality. The fallout from these prominent cases in terms of both criminal investigations and the restitution of illegally-traded objects is ongoing.

Some groups in the international art market have begun to acknowledge its vulnerability to suspicious trade practices and to advocate for more due diligence.\(^10\) Many museums have now adapted acquisition practices and several market countries have updated their legislation. While these changes have been welcomed by observers as paving the way for substantive change,\(^11\) the trade in objects of questionable legality remains open and widespread.

Despite the momentum building on all sides to counter illegal trade in cultural property, relatively little is known about its scale and the criminal networks involved.\(^12\) This study aims to help alleviate this information vacuum with key case studies in North and West Africa, namely, in Mali, Nigeria, Tunisia and Algeria.

This report outlines the methodology used and the limitations of the study, before contextualising the illegal trade in cultural property across the country case studies. The report then explores the key cross-cutting findings that draw out commonalities across and contrasts between the four countries, focusing on the actors involved, key factors that shape and structure these markets, how the market has developed over time, and the role of government institutions tasked with managing cultural heritage.

**Methodology and limitations**

Researching illegal markets and organised crime is a challenge in any context – illegal trade in cultural property is no exception.

Parties involved naturally have strong vested interests in ensuring their activities remain private or, at the very least, minimising any impression of their role in the illicit economy and presenting themselves, or their institutions, in a favourable light.

There are also particular challenges associated with investigating illegal antiquities trading:

- There is little official monitoring of the trade by governments and international organisations. Source sites for archaeological objects are often spread over vast areas and remote locations and are associated with object types and cultures for which there has sometimes been limited investigation by archaeologists and heritage authorities.\(^13\)
- Legal complexity is exacerbated because legitimate and illegitimate objects are often traded through the same channels in a so-called ‘grey market’, and differentiating between legal, illegal, fake and genuine artefacts is a significant challenge.
- The international art market is famed for its traditional anonymity and is not a naturally conducive environment for probing questions on sensitive topics.\(^14\)

At the same time, there exists an active community of archaeologists and heritage researchers who have, often for decades, observed looting in the communities in which they work. They have a vested interest in bringing illegal activity, corruption and the mismanagement of heritage to light. In addition, the overlap with legal trading in cultural objects provides a natural avenue for identifying relevant interviewees and sources who have an insight – either direct or indirect – into the illegal market.

With these challenges and opportunities in mind, this research followed an established methodology of researching illicit economies. A literature review formed the basis for a broad set of interviews. This included academic works, media coverage, and (where possible) official statistics and government information. Over 90 interviews were conducted across the four case study countries from February to July 2019. The research team collaborated with local consultants who drew on their established networks and knowledge of the local context to forge connections with relevant sources.

**Interviewees included:**

- Archaeologists with experience of working in affected regions
- Current and former members of the relevant cultural ministries
- Customs officials
- Former and serving police officers
- State security officers and military (where relevant)
• Antiquities traders involved in the legal trade and with knowledge of illegal activity
• Dealers in transit and destination countries for North and West African objects

Figure 1: Map of the region

Tunisia and Algeria have many types of cultural material in common as a result of ancient civilizations which spanned North Africa.

Tunisia’s black market for antiques intensified in the upheaval following the 2011 revolution and remains very active. Tunis, El Djem and Monastir were identified as hubs for illegal dealing.

In Algeria, the picture is similar, with archeologically rich eastern regions, close to the Tunisian border, identified as at risk for looting and cross-border smuggling. Corruption in cultural ministries and management of sites was seen as a driving factor in both countries.

Illegal trade in Mali’s cultural heritage grew dramatically from the late 1980s. High demand on international art markets for Malian material spurred the development of large-scale and sophisticated networks of site looting and object supply.

Today, ongoing conflict has driven looting and made it more difficult for the cultural ministries to protect sites, despite their work being seen as a model for the region. The conflict has disrupted former illegal supply chains and brought new actors into the market.

Looting and illegal trade of Nigeria’s Nok terracottas exploded in the early 1990s. From this peak, the market has since declined due to a combination of factors, including a lack of trust in a market which is perceived as being flooded with fakes. However, illegal trade in Nigerian heritage is persistent, and facilitated by endemic corruption and a lack of capacity in Nigeria’s cultural authorities.
Additional challenges particular to the contexts under investigation presented themselves in the course of the fieldwork:

- In Tunisia, where a democratic transition in 2011 restored freedom of expression, the market in cultural heritage remains a taboo topic, either because this trade continues to involve powerful networks or because authoritarian traditions take time to overcome.

- In Algeria, despite the presence of state-led efforts to fight the looting of archaeological sites and museums, most interviewees would only speak ‘off-the-record’ for fear of retaliation from powerful networks allegedly involved.

- In Nigeria, ongoing insecurity related to interethnic conflict, banditry and kidnapping limited travel within the Nok region which was the focus of the research.

- In Mali, ongoing conflict and high levels of insecurity precluded travel beyond Bamako. However, remote interviews were conducted with interviewees operating in various capacities (both legal and illegal) in the central and northern regions of Mali.

Inevitably, broad-ranging research on a clandestine, elusive and under-researched market will not be able to paint an exhaustive picture. This research aims to provide a source of discussion and primary investigation, contribute to the knowledge base on this trade and help build a conceptual framework of how illegal antiquities trading operates in its modern context.

Cross-cutting findings

This section aims to bring together key cross-cutting findings that draw out commonalities and contrasts between the four case studies, and which were identified as important for informing future policy responses to cultural property trafficking.

The map in Figure 1 provides a set of summaries of the overall political economy of cultural property trafficking in each case study. The full case studies – which lay out the interview findings in greater length, discuss specific trafficking routes and national hubs, and explore the key actors involved and how these markets have developed over time – are available online at https://enactafrica.org.

International law and the trade in cultural property

The international legal frameworks and norms governing the antiquities trade (and hence shaping its illegal counterpart) are complex and evolving.15

Two key international instruments relate to cultural property trade:

- The United Nations (UN) Educational, Scientific and Cultural Organisation (UNESCO) Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970). There are currently 140 States Parties to this convention. It outlines measures for cultural heritage protection to be taken at national level, facilitates the restitution of illegally-exported objects and supports further international cooperation through the creation of bilateral agreements under its auspices.

- The International Institute for the Unification of Private Law (UNIDROIT) Convention on Stolen or Illegally Exported Cultural Objects (1995). There are currently only 42 States Parties to this convention. It aims to strengthen the protection of the UNESCO convention, particularly regarding objects illegally excavated from archaeological sites – which are not explicitly covered in the 1970 instrument.16 The UNIDROIT convention is a private law mechanism that aims to expedite the return of stolen cultural property. It mandates that the possessor of an object must return it in all cases but offering ‘good faith’ purchasers the opportunity of receiving compensation if they can demonstrate due diligence.17
In recent years, UN Security Council resolutions have also increasingly dealt with cultural property trafficking. Resolution 2347 (2017), which draws an explicit link between cultural heritage protection and the maintenance of international peace and security, is the first resolution entirely dedicated to the protection of cultural heritage.

Bilateral agreements between countries place import restrictions on objects from a particular source country. They require importers to either show valid proof of legal export from that country or that objects were legally held outside the source country before the date of the agreement. Such agreements are frequently made between the United States (US) and archaeological source countries such as Mali.

These agreements are increasingly being used between source and transit states for legal trade within the Middle East and North Africa. They have been welcomed by observers as an effective means of countering illicit trade as they enable customs to act more effectively in the detection of undocumented antiquities.

National legislation in archaeological ‘source’ countries vests ownership of unexcavated archaeological artefacts in the state, rendering excavation and sale by private individuals illegal. In addition, the legislation places export restrictions on types of objects over a certain age or identified as having national cultural importance. All the case study countries have such legislation, which also mandates responsibility for managing archaeological sites, museums and heritage in the relevant cultural authorities.

Many of the principles of the UNIDROIT Convention are being enacted in new legislation in art market countries. Legislation enacted in Germany (2016) and the European Union (2019) have significantly tightened the legal requirements around trading in cultural objects with the specific aim of reducing illicit trade and the associated risk of conflict and terrorism financing. In broad terms, both pieces of legislation stipulate that any imported antiquity must be accompanied by documentation proving that it was legally exported from its source country.

These changes have been greeted with dismay by the art market, whose members have argued that the new requirements are impossible to meet, as very few objects possess the documented ‘provenance’ that the new laws require.

Summary of findings from Nigeria

Following an explosion of looting in the early 1990s, the market in illegal Nok terracotta sculptures has since declined. These are figurative sculptures of human and animal figures that date back to 500BC – 200AD, which have been excavated from sites of the Nok culture in northern Nigeria. The decline in looting is due to a combination of factors that demonstrate the impact of shifting behaviours and the dynamics of trust and value in ancient art markets.

On the supply side, increasing insecurity and violence in the regions where Nok objects are found has made it more difficult for intermediaries and buyers to travel freely in the region. On the demand side, an influx of fake objects into the market and the mounting pressure on dealers, auction houses and collectors to provide certifiable provenance for Nok objects has cooled the market.

Despite this decline, looting of Nok sites continues to pose a major threat to the region’s heritage. Sites have been and continue to be ransacked, to the point that genuine archaeological investigation of the Nok culture has become difficult. Looting is driven by poverty in local communities. This means that looting continues even when the market has become less profitable and often overlaps with illegal mining for tin and tourmaline.
Nigeria’s National Commission for Museums and Monuments (NCMM) has struggled to counter persistent illegal trade, in which intermediaries operating between Nigeria and bordering countries play a key role.

Current and former members of the NCMM and other Nigeria-based archaeologists argue that the NCMM’s capacity to manage heritage has declined in recent years, in part due to persistent underfunding. Interviewees raised concerns about persistent and high-level corruption but describe an environment whereby whistleblowing on corruption is suppressed.

An organisation called the Artefact Rescuers Association of Nigeria (ARAN) plays a particularly central role in the trade of Nigerian artefacts. Officially ARAN is a civil society organisation of artefact ‘rescuers’ who work in partnership with the NCMM. However, evidence emerged during the study that individuals within the organisation may be using the guise of legitimacy provided by the organisation to sell looted objects internationally.

The major challenge for Nigeria lies in effectively countering the illegal trade in antiquities in the context of other pressing criminal and security challenges as well as the economic stress under which the NCMM is currently operating.

### Summary of findings from Mali

Illegal trade in Mali’s cultural heritage underwent a dramatic shift in the late 1980s into the 1990s. High demand in international art markets for Malian material spurred the development of large-scale and sophisticated networks of site looting and object supply.

Ongoing conflict and insecurity since the 2012–2013 crisis – where the northern regions of Mali were occupied by jihadist insurgents – are driving renewed looting as well as disrupting long-established supply chains and bringing new actors into the market. The absence of functioning state structures and enormous economic pressure on local communities have all led to an increase in the illegal excavation and trade in cultural artefacts, particularly around Djenné and Mopti. Increasingly prominent and powerful middlemen coordinate, control and finance teams of looters at the source, as well as facilitate the smuggling of objects to the final consumer.

In Bamako, while the decline of the opportunistic tourist and expatriate market for objects has put some dealers out of business, other more wealthy and powerful dealers are still actively involved in the illegal trade of ancient objects directly to buyers in the market countries.

Transit routes out of Mali have shifted. While previously Bamako was the hub for trading in objects internationally via air, now overland routes out of the country have become more prominent, with antiquities smuggled alongside other illegal commodities.

Destination markets vary for the diverse range of objects traded. Terracottas, bronzes and other archaeological objects are generally smuggled to Europe, while ancient beads are sold to markets within the Sahel region, and medieval manuscripts are destined for the Gulf, Turkey and Europe.

While their response was seen as a model for the region, cultural ministries in Mali currently face insurmountable challenges in the form of violence, insecurity and constrained state capacity. However, the National Museum, the Direction Nationale du Patrimoine Culturel (DNPC) and the regional cultural missions continue to work in the field, as well as with Interpol and the Malian military to respond proactively to this complex threat.
Summary of findings from Tunisia and Algeria

Tunisia and Algeria have many types of material culture in common as a result of ancient civilisations that spanned North Africa, with a wide range of objects sought after by collectors in Algeria and Tunisia as well as internationally.

Looting in Algeria has remained fairly consistent over the past several decades, compared to Tunisia which saw a sharp increase in the illegal trade in antiquities following the post-2011 political instability in the country.

Three groups play key roles in both Tunisia and Algeria:

- Lower-level subsistence looters who live close to archaeological sites and sell small finds to antiquities shops or tourist markets
- Archaeologists who intend to either protect or benefit from the sale of objects
- Professionalised networks that deal in higher-volume and higher-value goods

In Tunisia, the fall of the Ben Ali regime shifted the control of the illegal antiquities market from elite families and politicians to professionalised looters, smugglers and collectors. In Algeria, ‘art facilitators’ play a specialised intermediary role between looters and collectors, using academic or professional expertise to identify valuable objects that are purchased and sold on to wealthy clients.

Overland trafficking routes link the national markets of Algeria and Tunisia to the regional economy, while sea and air transport hubs are used to transport illegal objects to Europe, the Gulf states, Turkey and, increasingly, China and Japan.

Corruption in cultural ministries and the management of sites is seen as a driving factor in the illegal trade of cultural antiquities in both Algeria and Tunisia. However, law enforcement agencies in both countries have had some success in dismantling trafficking networks, with the Algerian Gendarmerie Nationale establishing a special unit to deal with these crimes.

Context for the illegal antiquities trade in West and North Africa

The scale of the trade in illegal antiquities poses a major threat to the region’s cultural heritage. While the threat to cultural heritage is by no means uniform across, or even within, the case study countries, in each case illicit trade was identified as a major issue facing national cultural authorities.

In Mali, large-scale archaeological site looting has been taking place since the 1980s but has increased exponentially in the recent conflict. Archaeologists and heritage workers stressed the sheer intensity of current looting around the key source regions of ancient terracotta – Djenné, Mopti, Gao and Timbuktu – where over 90% of sites are estimated to have been looted.

The lack of state presence in conflict-affected areas in Mali has made it difficult for cultural authorities to investigate looting incidents or continue preventative outreach programmes among local communities. This is compounded by the economic pressure in these regions, which has enticed new actors into the illegal trade.

In Nigeria, where the research focused on the illegal trade in Nok terracotta figurines, the market was described as having declined since a ‘boom’ period.
in the 1990s. However, looting is still seen as a major threat and the Nok region is one of the worst affected in Nigeria. A decline in the international market is believed in part to be due to the scarcity of terracotta objects that remain unexcavated and because there is a dwindling supply of objects and unlooted sites due to systematic and sustained looting.

Tunisia’s black market for antiquities intensified in the upheaval following the 2011 revolution and remains very active. The market is facilitated by institutional corruption and a lack of capacity within the cultural ministries and museums to manage the country’s thousands of archaeological sites, which stretch over remote areas. Tunis, El Djem and Monastir were identified as hubs for illegal dealing. In Algeria, the picture is similar, with the archaeologically rich eastern regions, close to the Tunisian border, identified as at risk for looting and cross-border smuggling.

Looting of antiquities is rife in West Africa, with the Nok region in Nigeria being worst affected

The trade in cultural property is not often considered a form of serious organised crime in political terms and funding resources allocated to heritage protection and dedicated policing resources are universally low. Yet this illegal trade brings with it a unique set of problems – archaeological and cultural materials are a non-renewable and non-recoverable resource. Illegal excavation of archaeological sites destroys the context in which the objects are found and makes it near impossible to interpret what these objects mean or to learn about the societies in which they were created.

This is not an abstract academic ideal or a problem for archaeologists alone, but an issue with real modern political and cultural weight for nations dealing with the legacies of colonialism. For example, the Nok terracotta sculptures are one of the most ancient forms of figurative art in sub-Saharan Africa and are key evidence of the complex society that created them. The flow of these objects, primarily to Western art markets, has damaged the understanding of this society and is a unique blow to Nigerian and African cultural heritage.

Actors and modus operandi

Far from an ad-hoc and disorganised crime, the illegal antiquities trade in West and North Africa is a significant and ongoing problem involving complex networks of key regional and national intermediaries with connections to international buyers.

There was some uniformity in the type of groups involved in the first stage of the illegal trade, the looting of archaeological sites themselves. As has been documented elsewhere, ‘subsistence looting’ as a form of income in impoverished communities, including those under economic stress caused by insecurity and conflict, is often carried out by members of local communities, such as local farmers and labourers.

There are local variations. In certain cases, some of those who had participated in legitimate archaeological excavations as labourers would use the same skills to participate in the illegal market. In Nigeria, some artisanal miners moved towards archaeological looting in boom periods for the market in Nok figures. In Mali, interviewees suggested that some previously involved in tourism-related work turned to looting in search of alternative livelihoods.

The more sophisticated forms of criminal networks and groups involved in antiquities trafficking varied significantly by country. In Mali, interviewees described how powerful, established intermediaries in source regions control and direct teams of looters. These same intermediaries have established links to dealers based in Bamako. Objects are either smuggled to neighbouring countries via overland routes or prominent Bamako-based dealers, with the financial capital to acquire high-value objects, provide connections to international buyers.26

In Nigeria, the Antiquity Rescuers’ Association of Nigeria (ARAN), a self-proclaimed cultural heritage protection group with members from across the country, ostensibly works with the National Commission for Museums and Monuments (NCMM). The agreement is that the NCMM buys objects from ARAN to prevent them from being trafficked abroad. This policy is viewed by many of the archaeologists interviewed as leaving the museum open to exploitation by criminal interests.

However, during this research, members of ARAN described trading in objects abroad or offered objects...
for sale, suggesting that members of ARAN are using the legitimate veneer of the organisation to continue to engage in illicit trade. Parts of the group, and their described territorial control over antiquities trading in source regions, bear certain similarities to organised crime operations, which is in fact how some interviewees described them.

More broadly, the Nigerian market is structured through intermediaries in both key urban hubs and regional hubs. Cotonou in Ghana and Lomé in Togo were described as longstanding transit zones for Nigerian objects, although trade in all West African object types has declined in these hubs.27

In Algeria, ‘art facilitators’ provide a service for high-level collectors in search of specific illegal objects

In Algeria, a specialised group of actors who describe themselves as ‘art facilitators’ provide a service for high-level collectors in search of specific illegal objects. They exploit their networks of contacts to source objects, restore and prepare them for their clients, and ship them to destination markets. This specialised role was not observed elsewhere.

Corruption facilitates illegal trade

Corruption within the institutions tasked with the management of cultural heritage facilitates illegal trade. This is done passively by enabling illegal actors and actively through the involvement of ministry representatives.

In Nigeria, the connected issues of underfunding of the museum sector and endemic corruption within the management of the NCMM were described as both persistent and worsening in recent years. Current and former employees of the national museum reported that high-ranking members of museum management have exploited the access to museum collections to sell objects abroad and that whistleblowing could have negative consequences for the individual’s career. Interviewees claim that this weakening of museum institutions is, in turn, connected to the relationship between the national museum and ARAN, with interviewees questioning why the museum’s role of collecting and curating Nigerian heritage was being ceded to a group that may have criminal interests.

In Tunisia, during the rule of former president Zine El Abidine Ben Ali (from 1987 to 2011 when the revolution ousted his regime28), the presidential family and their associates allegedly controlled the illegal antiquities market. They seized objects from sites and museums for personal collections as well as to smuggle abroad. This was part of a wider pattern of exploitation by elite families who made use of their control of state structures to run illegal markets and extort Tunisian businesses.29 Corrupt control of this market and the ownership of illicitly-acquired antiquities was not only a source of revenue but a means of expressing the wealth and power of the elite.

Following the revolution, corruption in heritage management is still reportedly a major factor in the illegal trade, as individuals with privileged access to archaeological sites and collections reportedly use this advantage to trade objects illegally. Similar trends were reported in Algeria.

Mali is a notable exception to this finding. Despite the overwhelming stress under which Mali’s cultural institutions are operating, interviewees did not cite the corruption of museum management or archaeologists in the country as an issue.

Illegal trade in periods of conflict and political upheaval

Periods of conflict and political upheaval in the countries studied were consistently (and unsurprisingly) found to be periods in which illegal trade expanded. Economic hardship caused by conflict or instability drives communities to loot, and the absence of state authority provides an environment in which illegal trade thrives.

However, the impact of regime change, conflict and insecurity on the political economy of antiquities trafficking is more complex than a simple driver of the trade. These broader changes may also displace established trade routes and participants in illegal trade networks.

In Mali, ongoing conflicts since 2012 and the ensuing political turmoil, absence of state structures and
economic pressure on local communities have, predictably, produced an exponential rise in site looting. At the same time, the conflict has not just led to a simple increase in the market but has produced a more complex set of changes in terms of the actors participating in the market and the international trafficking routes being used.

Economic hardship caused by conflict or instability drives communities to loot

Before the conflict, the Malian antiquities market was centred in Bamako and catered to an international customer base. Since the onset of the conflict, difficulties transporting objects to the capital and the departure of the majority of this customer base has taken its toll on Bamako’s antiquities market. This is also broadly true for the traditional craft and tourist markets. This has resulted in lower-level Bamako-based dealers being forced out of the market and it has entrenched the position of wealthier, more powerful dealers. These powerful actors have established links to suppliers of high-value archaeological objects as well as international buyers, dealers and collectors.

Regional intermediaries who direct and finance teams of looters have also become more powerful. Antiquities are increasingly trafficked via overland trafficking routes through Mali’s northern borders. This has resulted in smuggling groups involved in trafficking other illicit goods via these routes becoming involved in the antiquities trade.

Regional intermediaries who finance teams of looters have become more powerful

In Nigeria, criminal activity and interethnic conflict in the source regions of Nok objects and other archaeological sites have contributed to economic hardships in those areas and have therefore compelled some local communities to turn to looting. However, at the same time, antiquities dealers in the region have argued that, as it has become more difficult for them to travel to the region and source objects for fear of being targeted by criminal groups, insecurity has in effect slowed the trade in illegal antiquities.

In Tunisia, the fall of the Ben Ali regime which held control over illegal antiquities trading in the country was seen as having ‘democratised’ the antiquities trade. It allowed new networks to form that cater to an international customer base.

The overlap of illegal trade in protected objects and other forms of organised crime

In the case study countries, the research found that networks involved in other forms of organised crime are, in some instances, involved in the illegal antiquities trade where this is an opportunistic advantage. At the same time, trade in legally protected objects often intersects with broader legal markets in art, crafts and cultural items, due to the overlap of both the expertise of traders and the demand of buyers for different types of material culture. These links blur the lines between genuinely protected objects, fakes and modern replicas.
Connections to other forms of organised crime primarily took two forms in the countries studied:

- Where the excavation of archaeological sites overlaps with other resources that are being illegally extracted
- Where multiple types of commodities are being moved through the same smuggling routes

Both these overlaps are opportunistic but the wholesale involvement of other organised criminal groups in the antiquities markets was not observed.

Illicit mining for minerals such as tourmaline and tin is a widespread activity conducted openly in the source region for Nok objects. In the course of this small-scale mining, archaeological sites are uncovered and the objects sold to local intermediaries. Depending on whether mining for minerals or terracotta objects is, at that particular time, the more lucrative option, local dealers who direct looting operations have reportedly switched the focus of their activities between the two markets. Interviewees in Algeria also spoke of the overlap between mining for antiquities and minerals in the south of the country.

In terms of smuggling routes, representatives of the Malian military reported that antiquities are regularly seized alongside shipments of drugs and arms, two of the major illicit commodities moved through northern Mali, an area contested by different armed groups.

Malian military reported that antiquities are seized alongside shipments of drugs and arms

Overland routes through which objects are smuggled between Tunisia, Algeria and Libya, and by which Tunisian and Algerian objects are smuggled by sea to Europe, are the same routes used to smuggle various kinds of contraband. The same methods of concealment are used and the dealers rely on the same associations with corrupt customs and border officials.

Despite their varying relations to other criminal markets, all the case studies involved similar overlaps with broader legal markets in art, antiques and crafts. For example, in Nigerian cities, including Abuja, markets provided a venue where dealers with prohibited ancient objects to sell could connect with prospective clients with an interest in material culture, even when the objects themselves are kept out of public view. However, this practice is not widespread and dealers reported that trading in prohibited objects is more freely done away from public view. Similar dynamics were observed in Tunisia and Algeria.

The overlap with legal trading, in turn, leads to the role of fakes and replicas of ancient objects. In Nigeria, dealers interviewed in transit and market countries, as well as archaeologists, attested that the majority of objects offered for sale internationally are, in fact, fakes. Interviewees suggested that there are vested criminal interests involved in the production of fake Nigerian objects in neighbouring countries. This presents a challenge to law enforcement and those aiming to regulate the trade in both source and market countries of differentiating between genuine cultural heritage and modern creations.

The majority of objects offered for sale internationally are fake cultural antiquities

Interviews with dealers in market countries revealed that they doubt the seriousness of looting and the illicit trade in antiquities because of the prevalence of fakes. They contend that any investment in regulating the market and investigating cases of illegal trade would be a waste of time and money for a market that is predominantly comprised of fakes, particularly at the lower end of the market. However, archaeologists interviewed contended that, even if fakes make up the majority of traded objects, illicit objects are still infiltrating the international market. This means that the harm to communities and cultural sites from looting continues.

The purchase of illegally acquired objects by art dealers and collectors

Interviewees consistently reported the continuing active participation of art dealers and collectors from market countries in purchasing illegally acquired objects. These interviewees included dealers trading in illegal objects as well as members of the police, archaeologists and museum officials. This provides
More localised destinations for looted objects include in-region consumer markets, such as smaller markets where women in communities within Mali and neighbouring countries trade ancient beads excavated from burial sites in the region of Gao.

Antiquities dealers and art market professionals operating in Europe, the US and African transit countries such as Togo reported that trading practices for antiquities in Western markets have changed dramatically in recent years. In previous years, collectors of ancient African artworks were reportedly almost purely concerned with aesthetics and the perceived rarity of the object, rather than its origins and legality. Now, provenance and documentation to support an object’s provenance are seen as crucial for it to be able to command a high asking price.

Public campaigning around illicit trade objects, the bad press surrounding looted colonial objects, stories of ‘conflict antiquities’ from source regions controlled by terrorist groups and high-profile cases of restitution have prompted this shift. Legal changes in destination markets have also made an impact and cooled the market, both licit and illicit. These legal changes include bilateral agreements between the US and source countries, which impose more stringent import requirements on key object types.

‘You can make up the art, the provenance and the value and get paid in cash’

While it was consistently argued that the market has changed in recent years, several dealers interviewed readily described ongoing criminality and argued that the shift towards providing more detail on provenance does not necessarily safeguard against illegal trade. Several dealers argued that provenance information could be easily falsified. One dealer’s particularly damning description of his peers summed up this view:

I personally take a very dim view of all this attitude toward provenance. Because I’ve seen it – you can manipulate it. If you can fake a piece, you can fake a paper... You can make that stuff up, and people do. [They say it’s from an] ‘old Belgian collection’.
‘old colonial family’, people make this stuff up, left and right... That’s why lots of people are attracted to this particular industry because you can make stuff up. You can make up the art, you can make up the provenance, you can make up the value, you can get paid in cash. It’s ludicrous.31

Some suggested that the contemporary emphasis on provenance and legality has bolstered the role of established European and US dealers, who can present themselves as legitimate while introducing illicit objects to the market under the guise of established collections.

This sentiment was shared by other sources, who argued that this continues to be a ‘grey’ market where objects exported illegally may be traded, albeit now with a veneer of respectability by claiming ‘legitimate’ provenance. Other observers of the illegal antiquities trade have likewise argued that the international focus on protecting objects at source and the prevention of looting belies the very real issue of illegal objects being sold within legal markets.32

Dealers based in Europe, the US as well as transit countries, confirmed an ongoing trade in recently exported Nigerian objects openly sold at auction houses in the West. One suggested that these objects are brought to smaller auction houses and do not garner the necessary attention and scrutiny due to their small monetary value compared to other art forms.33

There is evidence from three sides to suggest that Western markets continue to provide a home for objects that have been looted:

- The ongoing trading in the case study countries and transit countries and the assertions by interviewees that Western markets are primary destinations
- The sporadic seizures of looted objects en route to market countries
- The descriptions of fabrication and falsification from dealers themselves

Current institutional responses

Each of the countries in this study has a national institute that is the primary authority for dealing with cultural property. The mandates of these institutions are similar, being generally tasked with the following:

- Managing cultural and historical heritage

The protection of cultural sites and the countering of illicit trafficking in antiquities is given political priority in Mali. However, the National Museum and Direction Nationale du Patrimoine Culturel (DNPC) currently operate in the context of ongoing violence in areas where security and state structures are often absent. Members of these institutions continue to conduct post-incident response missions to sites where looting has been reported. They assess what can be salvaged from the site and engage with local communities about the illegality of looting to help prevent further damage.34

The National Museum and DNPC also collaborate with Interpol and the Malian military to conduct training of security personnel in countering the illicit trade in antiquities.35

By contrast, interviews with current and former employees of Nigeria’s NCMM produced a stark
picture of an institution in decline in recent years.\textsuperscript{36} Reportedly, underfunding of the institution (due to it not being considered a political priority) along with persistent issues of corruption have made it difficult for the NCMM to fulfil its mandate of protecting Nigerian heritage. The illegal trade in antiquities is not seen as a security priority by police, although customs authorities have dedicated resources to training officers on countering the trade.

The Institut National du Patrimoine (INP) and the National Agency of Exploitation and Promotion of Cultural Heritage in Tunisia lack the resources to effectively protect sites and maintain storage facilities for historical and cultural artefacts. There is also widespread corruption among those tasked with protecting sites. Despite these obstacles, the police and Garde Nationale in Tunisia have succeeded in dismantling several antiquities trafficking networks in recent years.\textsuperscript{37}

In Algeria, the Office of Cultural Property Management and Exploitation and the National Archaeology Research Centre, are also beset by corruption allegations implicating high-level political figures and cultural heritage officials. However, similar to Tunisia, Algeria’s law enforcement response is considered relatively effective. The Gendarmerie Nationale hosts a specialised cultural heritage protection unit that operates in eight regions of Algeria and has taken a proactive approach to dismantling networks and working with counterparts in destination countries.\textsuperscript{38}

**Broad recommendations**

The following broad set of recommendations take into account the general trends of looting and illicit trafficking in protected artefacts across the countries studied:

- Governments and cultural institutions should continue engaging and conducting outreach programmes with local communities. This raises awareness about the value of cultural heritage and the harm that illegal trade causes. It also elicits the communities’ help in documenting objects in situ. This work can be conducted in partnership with other organisations such as academic institutions and NGOs. Experiences and best practices, for example those used in Mali, may be shared with other affected countries.

- Law enforcement, security forces and customs personnel in destination countries should be educated about known trafficking routes and object types to highlight particular indicators that imported objects may be illicit. Knowledge-sharing and collaboration between source, transit and destination countries may highlight the risks of illicit trade.

- Cultural authorities within affected countries should collaborate closely with national law enforcement to conduct targeted investigations into the looting of historical sites and the illegal trade in antiquities. These are often niche markets in which there are few actors, meaning targeted investigations could have a large impact.

- In the contexts of political instability, violence or conflict, cultural institutions should collaborate with security forces. This makes sense because the military is often the initial point of contact with looters and illegal traffickers of objects in areas affected by insecurity.

- On the international level, bilateral treaties between source and destination countries should be a model for building future regional and international partnerships. These could reduce the export and import of illegal objects as well as be a basis for bilateral support in protecting cultural heritage in situ.\textsuperscript{39}

- Dealers and collectors acting in good faith, in the knowledge of looting trends of particular types of objects, should exercise particular caution concerning acquiring these objects and interrogate provenance information provided.

- While a series of recent studies have shed much-needed light on aspects of this illicit trade,\textsuperscript{40} the often-repeated argument that this is an under-studied field remains true. Often, extensive surveys of looted sites are rendered impractical due to the vast areas that need surveying and issues of conflict and insecurity. However, affected countries, academic institutions and NGOs should invest in, and collaborate on, primary research into the extent of looting and the dynamics of illicit trade.

**Conclusion**

Some of the key trends identified in this report have particular implications for policymakers. We predict that the advent of the COVID-19 pandemic, which broke out after the period of fieldwork conducted for
this report, will have exacerbated some of these trends. Protecting cultural heritage and archaeological sites against looting presents policymakers with a complex set of policy challenges, practical problems and ethical questions, including:

- **What is the best way to protect sites that span vast areas, particularly when many sites are as yet undiscovered?**
- **What is the best way to engage with communities about the value of heritage, especially when those communities may not acknowledge the right of the national government to manage local resources, land and heritage?**
- **How can border security capacity be improved and expertise made available to identify protected forms of cultural property?**
- **What can be done to counter corruption in heritage management?**
- **What can be done to make the international market in cultural goods less permeable to illicit flows?**

There is an ongoing and consistent outflow of objects from North Africa (including Tunisia, Algeria, Libya and Egypt), a considerable recent upsurge in objects being trafficked from Mali, and a persistent problem in objects being trafficked from Nigeria. This trade in illegal antiquities has been taking place for decades, meaning that illicit objects looted in previous years are being circulated and re-circulated in antiquities markets. As a form of durable goods, antiquities may surface in public sales decades after their initial excavation.

Bad faith actors in international antiquities markets have reportedly shifted their strategies to more effectively disguise the origins of illicit objects and claim legitimate provenance. Recent changes in the regulation and import requirements for cultural objects in market countries are seen by some dealers as an effective tool in countering the import of illegal goods and therefore quelling demand in the longer term. However, some dealers expressed anger at these new regulations, which they see as impracticable and incompatible with an ongoing legal trade in cultural material.

However, a lack of capacity within cultural authorities to effectively carry out their mandate of protecting heritage is also closely linked to corruption, which was widespread but most obvious in Nigeria. Many of the interviewees emphasised the importance of prevention measures to halt the looting and illegal removal of objects from source countries.

This is not only because of the damage caused to objects and the loss of the archaeological context but because of the legal hurdles required for successful repatriation. **Once removed from their source country, objects are not as strictly protected by law and criminal actors can begin the process of falsifying an object’s provenance.** In addition, removing an object from its original context may make determining the source country – and any related repatriation claim – impossible.

Ultimately, it is the work of archaeologists and heritage institutions on the ground to protect heritage and cultural property in situ. The resilience of these individuals and institutions in the face of conflict and looting is the first and most important line of defence against cultural property trafficking.
Notes


11 For example, see: #CultureUnderThreat: Three years later. April 18, 2019. https://theantiquitiescoalition.org/cultureunderthreat-three-years-later/.

12 M Balcells. One looter, two looters, three looters... The discipline of cultural heritage crime within Criminology and its inherent measurement problems. In S Hufnagel and D Chappell, (eds), The Palgrave Handbook on Art Crime. 2019. S Hardy. Illicit trafficking, provenance research and due diligence. The state of the art. 2016. UNESCO.

13 This was particularly recognised, for example, for the Nigerian Nok terracottas and similar forms of ancient terracotta sculpture excavated in the Katsina and Sokoto regions. Thanks in part to the insecurity in the region little archaeological research has taken place here, which impacts on the amount known about the illegal trade.

14 Researchers’ approaches to antiquities dealers in market and transit countries for interviews were met with wariness and, at times, hostility. Anonymity and discretion are the hallmarks of this market; to the point that objects at auction are routinely described as being from an ‘anonymous Swiss collection’ or a ‘European collection’.


16 Archaeological objects are not expressly covered in the 1970 Convention as the wording stipulates that the objects covered include only those entered into national inventories, for example, in museums and in archives. However, states have interpreted the Convention more widely than this limited wording suggests.
Culture in ruins: The illegal trade in cultural property across North and West Africa


20 For a list of the current bilateral agreements in place governing import restrictions, see: https://ec.state.gov/cultural-heritage-center/cultural-property-advisory-committee/current-import_restrictions.


27 While the role of Lomé as a regional transit hub for art and antiquities was described as diminished relative to previous years, the transit of objects from Nigeria via the land border to Ghana and consequently to Togo was reported as continuing.


30 Some dealers interviewed expressed resentment at media reporting and research into illegal antiquities. Within the closed, discreet, world of the international art market, research into the issue was perceived as threatening. Research and journalism covering illicit trade was described as pursuing a ‘left-wing ideology’ and, on one occasion, our own questions to a dealer were lambasted as ‘insidious bullshit’.

31 Interview with a dealer based in the US.


33 Interviews with dealers in Europe, West Africa and the US.


36 In the words of one: ‘It’s weaker as the years go by. When I came into the Museum 20 years ago, I met an institution that was alive and that was interested in excavations and galleries, but now...’


38 Interview with an officer form the Gendarmerie Nationale.

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About this case study

This case study forms part of a set of publications on the illegal trade in cultural property in North and West Africa, made up of research paper 18, as well as three case studies (on Mali, Nigeria and North Africa).

About ENACT

ENACT builds knowledge and skills to enhance Africa’s response to transnational organised crime. ENACT analyses how organised crime affects stability, governance, the rule of law and development in Africa, and works to mitigate its impact. ENACT is implemented by the Institute for Security Studies and INTERPOL, in affiliation with the Global Initiative Against Transnational Organized Crime.

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