



#CultureUnderThreat

THREE YEARS LATER



EXECUTIVE SUMMARY

Celebrating progress, embracing challenge...

In the vacuum of political instability and breakdown of security created by the 2011 Arab Spring, the world faced a cultural heritage crisis, as violent extremist organizations throughout the Middle East and North Africa transformed archaeological, historic, and religious sites into a weapon of war and terrorist financing tool. Plundered, damaged, and often razed to the ground, cultural patrimony that had survived, unshakeable, for millennia disappeared in the blink of an eye.

In response to this growing emergency, the Antiquities Coalition, the Middle East Institute, and the Asia Society convened a multidisciplinary group of experts to explore solutions and serve as an ongoing resource to policymakers. Their resulting 2016 report, *#CultureUnderThreat: Recommendations for the U.S. Government*, called for new policies, practices, and priorities for U.S. policymakers, the international community, and the art market to reduce heritage destruction and looting, end impunity for cultural crimes, and sever this key source of funding for violent extremist groups.

Since then, we have seen significant progress on multiple fronts, though in some instances regression to policies that fail to protect our cultural heritage and collective security.

The Federal Government

The Antiquities Coalition commends the United States for [closing borders](#) to Syrian antiquities by way of the “Protect and Preserve Cultural Property Act” (H.R. 1493/S. 1887), codified in May 2016. This bill was a critical step in implementing UNSC Resolutions 2199 and 2253, and furthermore compelled the Department of State to establish a [Cultural Heritage Coordinating Committee](#), an unprecedented inter-agency partnership. Indeed, a recent uptick in cultural bilateral agreements processed by the [Department of State](#) reveals a heightened awareness of both antiquities trafficking as national security risk, and import restrictions as an opportunity for strengthened partnerships between countries of origin and the United States.

The [Department of Defense](#) (DOD) continues to collaborate with the [United States Committee of the Blue Shield](#) and partners to develop and utilize no-strike lists throughout the Middle East and North Africa, and has extended these efforts to include no-loot materials for troops stationed in South and Central America. The department nevertheless still lacks an institutionalized approach to cultural property resource management and protection training. However, pursuant to the National Defense Authorization Act for Fiscal Year 2018, the department has designated a [DOD Coordinator for Cultural Heritage](#), tasked with managing existing obligations for the protection of cultural heritage and overseeing a DOD coordinating committee for the protection of heritage.

Although the [Department of Justice](#) has made positive inroads in prosecuting cultural property crimes, it too lacks an agency-wide approach. The majority of cases result still in seizure and repatriation, rather than criminal prosecution. However, recent efforts by the [Manhattan District Attorney's Office](#) and [Immigration and Customs Enforcement](#) reveal the difference even a few dedicated attorneys and agents can make.

The International Community

In the international realm, the [United Nations](#) has increasingly highlighted the intersection of heritage and human rights, as well as the role of heritage protection in peace and security. UNSC Resolution 2347, passed in March 2017, is the first to focus exclusively on the role of cultural patrimony. Furthermore, the [International Criminal Court](#) prosecution of Ahmad Al Faqi Al Mahdi has set an important precedent for subsequent investigations into deliberate or reckless destruction of cultural heritage. However, the removal of cultural heritage from the [United Nations Department for Peacekeeping Operations](#) mission in Mali

represents a significant step back. Likewise, the United States' withdrawal from [UNESCO](#) in January 2019 signals a disappointing unwillingness to lead in matters of cultural heritage protection around the world.

The Art Market

The [art market](#) has progressively drawn attention to its own vulnerability to suspicious trade practices, attributable to its unusually high volume of legally questionable transactions. However, the market continues to lag in proactive steps to not only prevent antiquities trafficking, but also protect individual and institutional collectors from unknowingly dealing in looted antiquities, fakes, and forgeries. Recent multi-industry initiatives in Europe, as well as a legislative push for [improved market regulation](#) in the United States, have begun to pave the way for change

The following update, published on the three-year anniversary of the original report, details the status of each original recommendation, highlighting successes and identifying future challenges in this ongoing fight. We urge the United States government, international policymakers, and art market stakeholders to continue to utilize and build upon these recommendations as a roadmap for action in the continuous effort to prevent cultural crimes around the world.

Cover image courtesy of Diane Flynn. Banner image depicting the reconstruction of Timbuktu mausoleums © CRAterre / Thierry Joffroy

RECOMMENDATIONS





THE UNITED STATES GOVERNMENT

The United States should immediately and fully implement United Nations Security Council Resolutions 2199 and 2253 to cut off terrorist financing from antiquities trafficking.



The resolutions, which condemn any trade with ISIL, the Al-Nusrah Front, and other Al-Qaeda affiliates, and seek to prevent these groups from benefiting from exchange in oil, antiquities, and hostages, or receiving donations, were implemented vis-a-vis Syria with the Protect and Preserve International Cultural Property Act (H.R. 1493/S. 1887), codified on May 9, 2016.¹

In order to further address key issues laid out in UNSC Resolution 2199, in 2017 the Department of State Bureau of Counterterrorism and Countering Violent Extremism also launched an initiative to analyze the links between terrorist financing and the trafficking of looted antiquities in Iraq and Syria. An initial study completed in partnership with George Mason University's Terrorism, Transnational Crime, and Corruption Center (GMU TraCCC) in June 2018 made targeted recommendations for improving training of foreign law enforcement and ministerial partners to better identify smuggling networks and conduct international investigations. Based on these findings, the Department of State and GMU TraCCC are presently working with the Department of Justice Office of Overseas Prosecutorial Development, Assistance, and Training to develop and implement a new training program to empower foreign partners in confronting cultural racketeering.²

UNSC Resolution 2347, unanimously passed in March 2017, is the first to focus exclusively on the role of cultural heritage, and reflects a new recognition of the importance of heritage protection in peace and security. The resolution deplores the unlawful destruction and smuggling of cultural heritage, religious sites, and artifacts by terrorist groups in the midst of armed conflict, and affirms that such acts may constitute war crimes. The resolution stressed that Member States are responsible for protecting their cultural heritage, and outlined a series of concrete measures for them to effectively do so.³



THE WHITE HOUSE

The President should prohibit the import of illicit antiquities through Executive Order, as a means to cut off key sources of terrorist financing.



Despite calls for an executive order to prohibit the import of cultural property from war-torn Yemen, no such order has come to pass. On January 1, 2019, Ambassador Ahmed Awad Bin Mubarak, joined by Antiquities Coalition Chairman and Founder Deborah Lehr, wrote an op-ed in the *Washington Post* advocating the “urgent need for the U.S. Treasury Department to use its existing sanctions regime to close the U.S. art market to Yemeni blood antiquities.” On January 4, 2019, Representative Eliot Engel, Chairman of the House Foreign Affairs Committee, sent a letter to Secretary Mnuchin urging the U.S. Department of the Treasury to “use existing authorities to safeguard Yemeni cultural property — and block them from U.S. consumers and markets — by restricting the import of antiquities,” and identified these import restrictions as a way to “help prevent terrorist financing and further destruction of irreplaceable antiquities.”⁴

However, Executive Order 13773, entitled “Enforcing Federal Law with Respect to Transnational Criminal Organizations and Preventing International Trafficking” and issued by President Trump in February 2017, strengthened enforcement of federal law against criminal organizations that present a threat to public safety. The Executive Order highlighted the potential security threats posed by traffickers of persons, wildlife, weapons, and drugs or other substances; as well as groups who engage in corruption, cybercrime, fraud, financial crimes, and intellectual-property theft, and conceal or transfer the proceeds of these activities.⁵ Despite the threats posed by antiquities trafficking and rising salience of art-related financial crime, particularly in the virtual arena, the Executive Order did not flag art and antiquities as a trafficking risk. It is hoped, however, that a renewed focus on combating transnational organized crime will have positive effects on the fight against cultural racketeering.



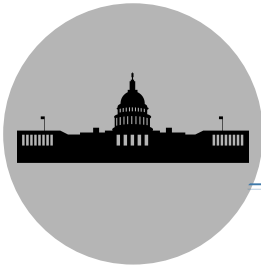
The President should use his powers as Commander in Chief to instruct the Secretary of Defense and the Joint Chiefs of Staff to prioritize the protection of cultural property in military operations.

While this directive has not taken shape via presidential order, Congress has sought to strengthen the Department of Defense's commitment to cultural property protection. The National Defense Authorization Act (NDAA) for Fiscal Year 2018 was amended to instruct the Secretary of Defense to designate a Department of Defense (DOD) employee to serve concurrently as Coordinator for Cultural Heritage Protection. This position is tasked with managing existing obligations of the DOD for the protection of cultural heritage, including the 1954 Hague Convention, as well as a DOD coordinating committee for the protection of heritage. This committee works with the Department of State's Cultural Heritage Coordinating Committee, and consults and coordinates with other federal agencies and nongovernmental organizations, including the U.S.

The National Security Council (NSC) should allocate staffing resources to track antiquities trafficking and its links to terrorist financing and organized crime.



To date, the NSC has not developed a centralized policy to combat antiquities trafficking. In his 2018 National Security Strategy, President Trump called for action against transnational illicit organizations and trafficking, specifically naming the trafficking of wildlife, drugs, arms, and persons as threats.⁷ Later, as part of the annual Worldwide Threat Assessment of the U.S. Intelligence Community in March 2018, Director of National Intelligence Dan Coats highlighted the serious and growing threat of transnational organized crime, with a focus on drug trafficking, to the testified to the Senate Intelligence Committee.



CONGRESS

The United States Congress should expeditiously pass the Protect and Preserve International Cultural Property Act (H.R. 1493/ S. 1887).



The bill, which restricts the import of archaeological and ethnological materials from Syria, went into law on May 9, 2016. Pursuant to the Act, in an unprecedented move, the Department of State established a Cultural Heritage Coordinating Committee (CHCC) in 2016. The CHCC comprises over twelve U.S. government interagency partners, including the Department of State, the Department of Defense, the Department of Homeland Security, the Department of the Treasury, the National Endowment for the Arts, the National Endowment for the Humanities, the Smithsonian Institution, and the U.S. Agency for International Development (USAID). The Committee coordinates diplomatic and law enforcement efforts to combat antiquities trafficking, disrupt trafficking networks, and protect against the plunder of cultural



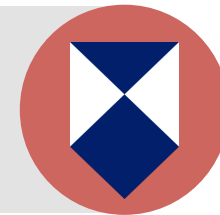
The House of Representatives and Senate Committees on Appropriations should approve a limited waiver allowing the United States to regain its vote in the United Nations Educational, Scientific, and Cultural Organization (UNESCO).

Not only did the United States not seek to regain a vote in UNESCO, it pursued quite the opposite path. On October 12, 2017, the United States announced its decision to withdraw from UNESCO and establish a permanent observer mission. The withdrawal was formalized on January 1, 2019.¹⁰ The United States has communicated a desire to remain engaged with UNESCO as a non-member observer state, yet the move significantly weakened U.S. leadership on issues such as the protection of world heritage and promotion of scientific collaboration and education worldwide.



THE ARMED FORCES AND DEPARTMENT OF DEFENSE

The Department of Defense should support the United States Committee of the Blue Shield's continuing work to create “no strike lists” of cultural heritage sites that should not be targeted during armed conflict.



The DOD utilized USCBS no-strike lists in its campaigns in Mosul, Iraq, and Raqqa, Syria. Multilingual booklets and other educational materials filled with maps, coordinates, satellite images, and street-view photographs of heritage sites were also distributed in order to orient soldiers with nearby sites. These materials were created through a joint collaboration of USCBS, the Smithsonian Institution, the University of Pennsylvania, and the Military Cultural Heritage Advisory Group (MilCHAG).¹¹

In collaboration with Endangered Archaeology of the Middle East and North (EAMENA), USCBS also supplied the DOD with a no-strike list for its campaign in Yemen.¹²

In October 2018, USCBS released bilingual playing cards specifically developed for the United States Southern Command (USSOUTHCOM). Appearing for the first time in both Spanish and English, the cards feature Central and South American artifacts, and focus on site looting and inadvertent purchase of conflict antiquities. The project was facilitated by the Smithsonian Institution and the Foundation of the American Institute for Conservation of Historic and Artistic Works.



USSOUTHCOM playing cards. Image courtesy of the U.S. Committee of the Blue Shield



U.S. armed forces and their coalition partners should engage in military air strikes, as appropriate, against targets threatening known heritage sites as part of their comprehensive mission to defeat violent extremism.

According to publicly available and unclassified data, it is unclear whether the United States or coalition partners have engaged in air strikes against targets threatening known cultural patrimony. In December 2016, Russia utilized targeted airstrikes to support Syrian troops in their mission to retake the ancient city of Palmyra, a World Heritage Site, from ISIL.¹³ However, Palmyra can also be considered to have strategic military value due to nearby oil, so Russia may not have been primarily motivated by the desire to protect cultural heritage.

Training for civil affairs—for both active duty and reservists—should provide a general background in cultural property protection (CPP).



The Department of Defense continues to lack an institutionalized approach to cultural resources management and protection training. The DOD offers an optional workshop, “Introduction to Cultural Resource Management Laws and Regulations,” to individuals assigned to dealing with cultural resources at post, or assigned collateral responsibility when they carry out duties in natural resources management, pollution control and remediation, National Environmental Policy Act (NEPA) compliance, and other fields. Following completion of this first workshop, an additional course is offered to provide advanced training in historical protection and preservation.¹⁴

At Fort Drum, home to the 10th Mountain Light Infantry Division and located in Jefferson County, New York, cultural property protection challenges, or “scenario injects,” are incorporated into field exercises. Though cultural property scenario injects are not used elsewhere in the United States, is hoped that these trainings will serve as a model for army trainings both domestically and abroad.



AGENCIES AND DEPARTMENTS

U.S. law enforcement should shift its focus from seizure and repatriation of antiquities to the dismantling of criminal networks through criminal prosecution.



While the majority of cases continue to result in forfeiture of contraband heritage, the Manhattan District Attorney's Office has increasingly pursued criminal prosecution, rather than civil action, to curb the flow of illicit antiquities through New York City. The office has accelerated seizures of allegedly looted artifacts, and since the formation of its dedicated Antiquities Trafficking Unit in 2017, has sought to build cases that could result in prison time for art dealers, accomplices, and co-conspirators.



A 12th century granite sculpture, returned to India, and the Sidon Bull's Head, returned to Lebanon. Both objects were seized by the Manhattan District Attorney's Office. Image courtesy of Manhattan DA.



The Department of Justice should appoint designated prosecutors to bring criminal cases against individuals and organizations involved in the illicit antiquities trade.

The Department of Justice (DOJ) Human Rights and Special Prosecutions (HRSP) unit reports that it investigates and prosecutes international antiquities trafficking cases. In practice, however, we have not yet seen HSRP pursue any investigations or cases, nor partner with local United States Attorney Offices to co-prosecute indicted antiquities traffickers.



Image courtesy of the U.S. Department of Justice

In December 2016, however, the DOJ filed a lawsuit demanding forfeiture of looted antiquities by ISIL, the first of its kind. The action, which was filed in the U.S. District Court for the District of Columbia, specifically demanded the forfeiture of four archaeological items depicted in photographs found during a raid of a residence of Abu Sayyaf, a senior ISIL leader, near Deir Ezzor, Syria, in May 2015. The items include a gold ring, two gold coins, and a carved stone. In December 2017, the DOJ updated the forfeiture complaint to include two golden brooches and a necklace. The gold ring identified in the December 2016 suit has been recovered by Turkish authorities, and the DOJ has now filed another lawsuit for its forfeiture.¹⁵

The State Department should educate foreign nations about proactive steps that can be taken to restrict the import of their illegally exported cultural property into the United States, including through the use of bilateral agreements under the Convention on Cultural Property Implementation Act (CPIA).



Recognizing that the statutory requirements for memoranda of understanding (MOUs) are strict and complex, the State Department has begun to advise countries seeking help in preparing MOU request packages, with an initial focus on the Middle East and North Africa. Since publication of the original report, the United States has entered into two MOUs closing U.S. borders to the antiquities trade, and received applications for four more. In November 2016, then Secretary of State John Kerry and Egyptian Foreign Minister Sameh Shoukry signed an MOU between the United States and the Arab Republic of Egypt, the first bilateral agreement between the U.S. and an Arab country to protect cultural heritage. In February 2018, the United States and the State of Libya also signed an MOU shutting U.S. borders to illicit trade in Libyan antiquities. Four additional requests for bilateral agreements are presently under review: the People's Democratic Republic of Algeria, the Republic of Chile, the Republic of Ecuador, and the Hashemite Kingdom of Jordan.



Left: Egyptian Foreign Minister Sameh Shoukry and U.S. Secretary of State John Kerry, November 2016. Right: Libyan Under Secretary for Political Affairs Lutfi Almughrabi and U.S. Under Secretary of State for Public Diplomacy and Public Affairs Steven Goldstein, February 2018.



U.S. Customs and Border Protection (CBP) should work with the World Customs Organization (WCO) to join and further develop ARCHEO, a web-based application that allows real time communication between government authorities and international experts to prevent antiquities trafficking.

9705.00.00	Collections and collectors' pieces of zoological, botanical, mineralogical, anatomical, historical, archeological, paleontological, ethnographic or numismatic interest.....	Free
	Numismatic (collector's) coins:	
30	Gold.....	Au g
60	Other.....	X
70	Archaeological, historical, or ethnographic pieces.....	X
91	Other.....	X

Before July 2018, Heading 9705, provided in its entirety

9705.00.00	Collections and collectors' pieces of zoological, botanical, mineralogical, anatomical, historical, archeological, paleontological, ethnographic or numismatic interest.....	Free
	Numismatic (collector's) coins, other than archaeological pieces:	
	250 years or more in age:	
10	Gold.....	g
40	Other.....	g
	Other:	
50	Gold.....	g
65	Other.....	g
75	Archaeological pieces of a kind described in statistical note 1 to this chapter.....	kg
80	Ethnographic pieces of a kind described in statistical note 1 to this chapter.....	kg
85	Zoological, botanical, mineralogical, anatomical, historical and paleontological pieces.....	kg

After July 2018, Heading 9705, revised

While ARCHEO has not risen to the fore in U.S. CBP operations, positive inroads have been made to more effectively distinguish between archaeological, ethnological, and historical imports at U.S. borders. Whereas previously, archaeological and ethnological materials were grouped with historical pieces, on July 1, 2018, the Harmonized Tariff Schedule of the United States (HTSUS) was revised to require importers to separate archaeological and ethnological items from historical pieces in their declarations to U.S. CBP. This will enable better data collection on the size of the U.S. market in antiquities in general, and will aid in curbing the illicit trade in particular items illegally removed from their countries of origin and prohibited from import into the U.S. It is hoped that the new definitions inserted into the HTSUS will serve as a model for moving this distinction to an internationally accepted tariff subheading, and updating the corresponding Explanatory Notes to the Harmonized System, which are the internationally accepted commentary on the scope of various Harmonized Tariff Schedule chapters and headings.¹⁶



THE UNITED NATIONS

In recognition that crimes against culture are human rights violations, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Special Rapporteur in the Field of Cultural Rights should develop responses to cultural cleansing and racketeering.



The OHCHR and United Nations as a whole has increasingly recognized that crimes against culture are crimes against humanity. The Special Rapporteur Karima Bennouna's first two thematic reports of her tenure, released in February and October 2016, focused on the intentional destruction of cultural heritage and its implications for human rights. Bennouna identified cultural heritage protection as one of her top priorities and placed cultural rights squarely within the context of universal human rights. She advocated for cultural heritage protection to be taken into account by peacekeeping missions, and called attention to threats to indigenous heritage that may go unrecognized by the general public. She also called on military actors to interpret narrowly the 1954 Geneva Convention's exception to allow damage to cultural heritage in the case of absolute military necessity, and voiced her support for future prosecutions of cultural heritage crimes, such as the ICC trial of Ahmad Al Faqi Al Mahdi.¹⁷

In March 2017, the UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, also condemned the "continuation of ethnic cleansing" of Rohingya Muslims in the Rakhine State of Myanmar.¹⁸



The United Nations Department for Peacekeeping Operations (DPKO) and other intergovernmental organizations, such as the North Atlantic Treaty Organization (NATO), should include the safeguarding of cultural resources in their peacekeeping training and mandates.

Over the course of the past three years, NATO has completed a series of advanced research workshops devoted cultural property protection, which produced a detailed report with recommendations for establishing doctrine and best practices. NATO also published a best practices handbook for the military.

Prior to 2018, the United Nations DPKO successfully incorporated the safeguarding of cultural resources into its initiatives in Mali. DPKO's Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) sought to raise awareness of the need to safeguard cultural heritage and combat the trafficking of cultural goods. They did so by providing support to cultural, artistic, educational, and rehabilitation projects, and emphasizing the critical role of protection, restoration, and memorialization of cultural heritage critical role in peacekeeping initiatives on the ground.¹⁹ However, in September 2018, the United Nations General Assembly withdrew cultural heritage from MINUSMA's mandate.²⁰

The United Nations should incorporate heritage protection and reconstruction—as well as legal actions to prosecute crimes against culture—into its post-conflict planning.



As part of Iraq's post-conflict planning, in September 2017 the United Nations Security Council (UNSC) established an investigative team tasked with collecting and preserving evidence of ISIL activity in Iraq. Respecting Iraqi authority, this team works hand in hand with Iraqi forces to document genocide, war crimes, and crimes against humanity, of which destruction of cultural heritage and the looting and trafficking of cultural property are a part. The team supports Iraq's post-conflict reconstruction efforts, which aim to restore peace, provide basic services, allow people to return to their homes.²¹ Iraq is also re-establishing its national security forces and rule of law, and continuing to combat corruption, which serves as a breeding ground for terrorism and crime. These developments, the UNSC hopes, will provide Iraq the tools to prosecute perpetrators of illicit trafficking and the destruction of cultural heritage.



The United Nations Security Council (UNSC) should refer the crisis in Iraq and Syria to the International Criminal Court (ICC), allowing the Prosecutor to open an investigation into cultural heritage crimes and other violations of international law.

The ICC has not moved forward with an investigation of the crisis in Iraq and Syria. However, it set an important precedent in classifying the destruction of cultural and religious sites as a stand-alone war crime in the case of Ahmad al-Faqi al-Mahdi, who received a nine-year sentence in connection with the destruction of Timbuktu. In March 2018, another Malian militant, Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, was detained by the ICC and accused of cultural heritage crimes; his case is ongoing.

The United Nations should encourage and support national prosecutions of cultural racketeering and cultural cleansing by domestic legal systems through the Department of Peacekeeping Operations (DPKO)'s Rule of Law Program.



While DPKO has not incorporated cultural heritage protection into its overarching Rule of Law Program, this directive has taken shape in individual missions. For example, following June 2016's UNSC Resolution 2295, the peacekeeping mission in Mali, MINUSMA, supported Malian authorities in protecting Mali's cultural and historic sites from attacks. The mission trained all civil, military, and police personnel to raise their awareness of Malian cultural heritage; supported the rehabilitation of damaged sites in northern Mali; and supported the resumption of cultural events in northern Mali to encourage social cohesion and the transmission of intangible heritage. However, following the September 2018 withdrawal of cultural heritage from MINUSMA mandate, the future of these activities is uncertain.



THE MARKET

Art market players should pledge to be fully transparent in their dealings, making publicly available documentation of legal title and known ownership history for all antiquities.



In September 2017, Art Basel released “Art Market Principles and Best Practices,” a set of guidelines for exhibitors and art dealers worldwide. Other art-industry entities, such as the Art Dealers Association of America and Comité Professionnel des Galeries d’Art, have similar guidelines; yet, due to Art Basel’s size and gravitational pull on the art trade, this new code of conduct will likely have ripple effects in the market. The document sets a standard for more thorough tracking of the ownership history of objects prior to sale and addresses legal compliance processes; recommendations include verification that artworks are not counterfeit, looted, or stolen. The guidelines seek to proactively set a strong system in place to prevent cultural racketeering and protect the reputation of the art market.

The Responsible Art Market Initiative, formed in Geneva, Switzerland, strives to address the growing operational and reputational risks faced by the art market. This non-profit industry program unites stakeholders from across the art market, including galleries, dealers, auction houses, art advisors, and service providers, with lawyers, academics, compliance specialists, and law enforcement and customs officers. In 2017, RAM published a series of guidelines and best practices to support art businesses in navigating the complex and often fragmented anti-money laundering and anti-terrorism financing frameworks within which they are required to operate.

In the legislative realm, the Illicit Art and Antiquities Trafficking Prevention Act (H.R. 5886) came under review of the House Financial Services Committee in May 2018. The bill sought to remove art and antiquities dealers’ exemption from the Bank Secrecy Act (BSA), which along with other anti-money laundering and counter-terrorist financing laws, requires luxury and cash-intensive industries to satisfy certain record-keeping requirements as well as identify and report possible criminal activity. Despite general support by the art market, revealing a willingness on the part of the industry to improve regulation, the bill expired following its sponsor’s lost bid for reelection in November 2018. The legislation may, however, be presented to lawmakers again in 2019.



REMAINING PRIORITIES

The following recommendations have witnessed little development in the past three years. They remain, however, as critical as ever in efforts to protect our collective human heritage.

The Department of Defense should conduct a full review and report on the status of the Arts, Monuments, and Archives section—the modern day incarnation of the “Monuments Men”—in light of the heritage crisis in the Middle East.



Training for Special Operations Forces (SOF) should be expanded to provide a basic knowledge of antiquities trafficking.



The armed forces, through the Manpower and Personnel Directorate (J-1), should maintain a roster of active duty personnel with a demonstrated expertise in heritage-related fields, who can be quickly identified, tasked, and deployed to protect cultural property.



The Department of Defense should review the 1954 Hague Convention’s Second Protocol with the ultimate goal of ratification.



The Department of Defense (DOD) should expand its cultural resources program, which protects heritage sites on DOD properties, internationally to help U.S. forces better protect cultural property when deployed overseas.



The Department of Homeland Security, or another relevant agency, should restrict the import and export of cultural property to designated ports, in order to more effectively and efficiently control the antiquities trade.



The Internal Revenue Service should require proof of legal title and known ownership history before granting tax deductions for art and antiquities.



The Peace Corps should create a program sector for cultural preservation.



UNESCO should request that the International Court of Justice (ICJ) issue an advisory opinion on the nature of war crimes committed through the destruction of cultural property in the current conflicts in the Middle East and North Africa.



Museums that receive public funding should adopt a disclosure policy that follows the intent of the Freedom of Information Act (FOIA).



A relevant professional organization should establish a registry of antiquities dealers who are verified to abide by prescribed ethical codes and industry best practices.



Because incidents of looting most often remain undiscovered until the objects surface on the market, and thus no records of their theft exist, we call upon stolen art databases to cease certifying antiquities.





CLOSING REMARKS

As this updated report makes clear, many immediate and long-term steps remain for the United States government, international community, and art market to effectively confront cultural crimes. The success of efforts not only to safeguard our collective human heritage, but also improve international security and ensure market integrity, will require a coordinated effort among diverse stakeholders, including the United States and international governments, the art market, the archaeological community, counter-terrorism and security experts, and countries of origin.

To learn more, we encourage you to read the original report, *#CultureUnderThreat: Recommendations to the U.S. Government*, available at www.theantiquitiescoalition.org, and follow the Antiquities Coalition for continuing updates.

We extend special thanks to our partners, the Middle East Institute and the Asia Society, as well as #CultureUnderThreat Task Force members for their contributions to this reexamination of the original task force report. The #CultureUnderThreat Task Force was chaired by Ambassador Wendy Chamberlin, former President of the Middle East Institute, Deborah Lehr, Chairman and Founder of the Antiquities Coalition, and Josette Sheeran, President and CEO of the Asia Society, and directed by Tess Davis, Executive Director of the Antiquities Coalition. Julia E. McLean, Project Director of the Antiquities Coalition, authored this update.

Endnotes

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- ² "Country Reports on Terrorism 2017," U.S. Department of State, <https://www.state.gov/j/ct/rls/crt/2017/index.htm>.
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- ⁴ Deborah Lehr and Ahmed Awad Bin Mubarak, "The U.S. Art Market for Stolen Antiquities from Yemen Must Be Shut Down," The Washington Post, January 01, 2019, accessed April 11, 2019, https://www.washingtonpost.com/opinions/the-us-art-market-for-stolen-antiquities-from-yemen-must-be-shut-down/2019/01/01/c3df44aa-db9d-11e8-85df-7a6b4d25cfbb_story.html?utm_term=.4375918a89b5; and Eliot Engel to the Honorable Steve Mnuchin, January 9, 2019, U.S. House of Representatives Committee on Foreign Affairs, https://foreignaffairs.house.gov/_cache/files/a/f/af837d33-f977-4554-8002-bbc6043dcffa/F214164D130209B10A840BB390E2C7AB.01-04-2019-letter-from-ele-to-mnuchin-regarding-yemen-trafficking-cultural-objects.pdf
- ⁵ Executive Order No. 13773, 82 Fed. Reg. 10691 (February 14, 2017), <https://www.federalregister.gov/documents/2017/02/14/2017-03113/enforcing-federal-law-with-respect-to-transnational-criminal-organizations-and-preventing>
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- ⁹ "H.R.1493 - 114th Congress (2015-2016): Protect and Preserve International Cultural Property Act," Congress.gov, May 09, 2016, <https://www.congress.gov/bill/114th-congress/house-bill/1493>
- ¹⁰ Heather Nauert, "The United States Withdraws From UNESCO," U.S. Department of State, October 12, 2017, <https://www.state.gov/r/pa/prs/ps/2017/10/274748.htm>
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