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Transnational crime and the interface between legal and illegal actors : the case of the illicit art and antiquities trade

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CHAPTER 7

THE ILLICIT ART AND ANTIQUITIES TRADE: AN INTRODUCTION

7.1 Introduction

The previous chapter dealt with the data sources for the empirical study of the transnational illicit art and antiquities trade. The data will be used in the next two chapters to study the interfaces that can be found in this type of transnational crime. Before that, a more general overview of the illicit art and antiquities trade will be provided in this chapter. The aim of this overview is threefold. First of all, it outlines the range of activities considered to be part of the illicit trade as well as its estimated scale. These activities are the subject of a small body of academic literature, some books by journalists, and numerous reports in the (specialized) media.¹⁰⁷ It tries to answer the question: what do we actually mean by ‘the’ illicit art and antiquities trade? Secondly, it points at the problems of discerning licit from illicit trade. Due to several factors, it can often be rather hard to label particular cases as licit or illicit. In those cases, illicit activities will become licit, or the other way around, because of the jurisdictions at hand, the characteristics of the objects involved, or the simple passing of time. Thirdly, this chapter studies the links between the illicit trade in cultural goods and other types of crime, like for example money laundering and drug trafficking.

One important topic will not be specifically discussed in this chapter: the different actors involved in the illicit trade. This topic will be discussed in the next chapter.

7.2 The illicit trade

According to Conklin (1994:2) art crimes are criminally punishable acts that involve works of art. This definition seems to be rather broad at first sight. However, if the range of activities is limited to those that are transnational, this definition provides a reasonable starting point. Hereafter, a number of crimes will be described: art theft, forgery, and the looting and smuggling of antiquities. Each crime has many variations of its own. The most important will be mentioned here.

¹⁰⁷ This includes a number of websites that offer reports on art crimes. Most important are the website of the *Illicit Antiquities Research Centre*, University of Cambridge (<http://www.mcdonald.cam.ac.uk/IARC/home.htm>), the US State Department’s *International Cultural Property Protection* website (<http://exchanges.state.gov/culprop>) and the *Museum Security Network* website (<http://www.museum-security.org/>).

7.2.1 *Art theft*

Many articles on art crimes or art theft mention the theft in 1990 from the Isabella Stewart Gardner Museum in Boston. It involved the theft of a number of paintings by Rembrandt, Vermeer, Degas, and Manet, and is usually considered as the largest art theft ever. According to the FBI, the total value may be as high as \$300 million (Koldehoff, 2004).¹⁰⁸ Other often discussed thefts include the four robberies of the Alfred Beit collection in Russborough House in Ireland, in which each time a number of old masters were taken (Koldehoff, 2004; Massy, 2000; McLeave, 1981). The first robbery was committed by members of the IRA in 1974. Thereafter, the collection was robbed three times by others in 1986, 2001 and 2002. Despite the spectacular nature of such large thefts, they make up a minor part of all art thefts. However, as these thefts are solved relatively often, a lot can be learned about the perpetrators of these crimes and their motives (Koldehoff, 2004; Tjhuis & Van der Wal, 2005; Mc Leave, 1981). Although art has always been stolen, thefts from museums have become more frequent with the rapid rises in prices of fine art since the late 1950s. At a number of auctions during the end of the 1950s and the beginning of the 1960s, the idea of master pieces as objects with spectacular and ever-increasing value, was established as more or less an undisputed fact for the public at large (Lacey, 1998; Koldehoff, 2004). As prices rose, paintings and other objects seemed an easy way for many criminals, to earn a lot of money without too much risk. One could either try to sell the objects or try to force insurance companies or owners to pay for their safe return.

Most art thefts in fact do not occur in museums. Most art is stolen from domestic dwellings and galleries.¹⁰⁹ As far as the first category is concerned, this ranges from art that is stolen in regular burglaries (besides other objects) to well-planned thefts from large private collections. The large majority of objects is not recovered and it is therefore difficult to say what happens with these objects.

A specific category of thefts are those of religious art and objects. In many countries, churches, temples, and other religious places are popular with thieves. Catholic churches are stripped of their precious objects by thieves who profit from the lack of security. Especially in Italy, this type of theft is a huge problem, but other countries in Europe, like France and Belgium, experience the same problem on a smaller scale (Carabinieri, 2004; Interpol, 2005, Massy, 2000). In Russia and some other countries in the region, religious icons have been stolen in substantial numbers for a long time. Icons will only rarely be recovered, partly due to the difficulty to identify individual icons and the sheer number of icons that has entered the market (Interpol, 2005). In Asia, the theft of Buddha and

¹⁰⁸ <http://www.fbi.gov/hq/cid/arttheft/northamerica/us/isabella/isabella.htm> (Visited, December 3rd, 2004).

¹⁰⁹ Some statistics can be found at the *Art Loss Register* website: <http://www.artloss.com/Default.asp> (Visited November 5th 2005).

other statues has been a major problem in several countries (Interpol, 2005; Nagashima, 2002; Thosorat, 2001). Nepal has been one of the countries hardest hit by these thefts (Stingelin, 1992). Jürgen Schick extensively documented the situation in Nepal in his book *The Gods are leaving the country* (1998). Buddha statues can originate from temples and be ‘owned’ and known. In that case they are comparable with other works of art discussed here. However, many Buddha and other statues are located in deserted areas and unknown, and not ‘owned’ by someone, except for the general claims of some countries on everything that is located on their territory. In case of these unknown objects they are usually categorized as antiquities.

Besides religious art, rare books and manuscripts form another specific category. Although not as well-known as thefts of fine art from museums, this type of theft occurs rather often and victimizes many libraries.¹¹⁰ More than most other thefts here, book thefts are regularly committed by persons with a connection to the objects. They can for example be scholars, students, collectors, museum curators or dealers. Furthermore, these persons are often serial thieves who may operate for years and in many places.

7.2.2 *Fakes and forgeries*

“Fakes are works of art made to resemble existing ones; forgeries are pieces that are passed for as original works by known artists. The mere production of a work that resembles an existing one is not a crime, but intentionally and deceptively passing it off as someone else’s work is forgery, a type of fraud” (Conklin, 1994:48).

At first glance, the field of fakes and forgeries seems to be clearly different from the illicit trade in stolen and smuggled art and antiquities. It is well known that fakes and forgeries are part of the art trade and probably part of many museum or private collections. How many fakes and forgeries are around is a matter of debate and also depends on the exact definition one uses. According to Thomas Hoving, the former director of the Metropolitan Museum in New York, about 40% of all fine art in museum collections consists of either fakes or forgeries. He dedicated a book on the history of fakery and forgery (Hoving, 1996). One of the things he shows is the fact that in every period art from earlier periods was forged and faked.

Many cases of fakes or forgeries have a transnational element. Two main categories can be distinguished. First of all, fakes of objects of fine art that are moved abroad to be sold. Secondly, forgeries of antiquities that are moved from the source country to the market country to be sold. The first category can be

¹¹⁰ Many cases of book thefts can be found on the following website:
<http://www.saztv.com/page13.html> (Visited November 5th 2005).
 See also www.museum-security.org (Visited November 5th 2005).

illustrated by a range of books on contemporary and past fakers and forgers (Goodrich, 1973; Jansen, 1994; Reitz, 1993). Often, works of modern art are faked or forged like works by Picasso or Dalí. However, old masters are also successfully forged or faked, as can be learned from the work of serial faker and forger Eric Hebborn. His drawings penetrated some of the world's most prestigious museums for over forty years (Hebborn, 1997; Landesman, 2001). In 1996 Hebborn published a book in which he outlined his methods. A week after it was published he was killed in Rome.

The second category consists of forgeries of antiquities. All kinds of antiquities, like for example Buddha statues, African masks, or Roman statues, are faked. In daily practice this can have confusing consequences, for example in case of fake Buddha statues. When these are sent abroad without export permits, for example from Cambodia, they will be initially considered as smuggled and probably looted items. They may be seized and action may be taken against the supposed smuggler. Only after it has been established that the objects are fakes, it turns out that in fact no crime has occurred (in most cases). One Mexican forger was so successful that he was arrested and accused of looting pre-Columbian sites. He was released only after he demonstrated his craft (Brodie et al., 2000:19). From a perspective of interfaces, the difference between fakes and original items is of particular importance. It will often mark the difference between licit and illicit trade, and therefore whether an interface exists and where the legal-illegal interface is to be located.

According to some experts in Asia, the production of high quality fakes is actually a blessing for the protection of the authentic pieces.¹¹¹ The same could be thought of the fakes of African art. Besides fakes that can to some degree be confused with authentic pieces, so-called 'airport-art' is another issue. This is a category of objects that is specifically made for the tourist market and consists of low quality fakes of indigenous art. Sometimes, objects are made that do not even resemble the ones known for the region but something from another region or country (Fuchs, 1992).

7.2.3 Looting and smuggling of antiquities

The looting of antiquities is often discussed together with art theft. Although there are similarities, however, it is important to point out the differences between the two. Art theft concerns known objects, owned by someone, that are stolen. Looted antiquities are usually objects that are not known before as individual objects, for example because they are still unearthed in tombs or elsewhere. Many states claim these unearthed antiquities as their property, but most national laws will not succeed in enforcing this claim against owners outside their jurisdiction. One of the reasons for this is the fact that it is often impossible

¹¹¹ Personal correspondence.

to proof unequivocally that an object comes from the territory of a particular country. However, a recent trial might indicate some change on this point. Frederick Schultz, a New York antiquities dealer and former president of the National Association of Dealers in Ancient, Oriental and Primitive Art, was found guilty by a US court of conspiring to receive and handle stolen Egyptian antiquities. He bought antiquities that were smuggled out of Egypt. The smuggling was organized by an antiquities restorer from the UK, Jonathan Tokeley-Parry, who worked with a local network in Egypt. They smuggled more than 2000 items out of the country. Tokeley-Parry was caught and prosecuted in the UK. These convictions in the two largest art market countries, together with the accession of the UK to the UNESCO Convention possibly mark a change in the legal status of smuggled antiquities (O'Keefe, 2004; TRACE, 2003).

Besides Egypt there are numerous countries from which antiquities are looted and often smuggled abroad (Acar & Rose, 1995; Brodie et al., 2001; Fuchs, 1992; Nagashima, 2002; Roux & Paringaux, 1999; Soudijn & Tijhuis, 2003a; Tubb, 1995). It needs to be stressed that looted and smuggled items are just part of the overall trade. First of all, there are legitimately bought antiquities that leave their source countries with export permits. Secondly, there are also antiquities that are probably looted but still leave their source country with permits. Finally, and often forgotten, there is a large stock of antiquities with private collectors and museums in market countries that has been there for decades or even longer. Whatever its provenance, it is clearly different from items that have left there countries of origin recently.¹¹²

Several countries in the Middle East have comparable problems to that of Egypt, like Iraq, Jordan, and Syria (Abdulrahman, 2001; Bisheh, 2001). Both in the colonial era as well as later, this region has always played a part in the illicit supply of antiquities on the market. During the latest decades, a number of wars and civil wars have made things worse, as most recently could be observed in Iraq.¹¹³ Latin America is another region that suffers from illicit excavations and smuggling. Especially pre-Columbian objects are looted in countries like Peru, Columbia, and Ecuador.¹¹⁴ Some countries have struggled with looting for ages and still have plundered sites (e.g., from the Spanish colonial period). In Belize, legislation to protect its cultural heritage has been in place for over hundred years. According to Belizean law, all antiquities belong to the state and cannot be exported definitely. Nevertheless, there is a lively trade in illicit material (Gilgan, 2001:73-89). According to a PhD study by Matsuda, Belize may have as many as

¹¹² For example because international treaties like the UNESCO 1970 and Unidroit 1995 Treaties did not exist at the time of accession of the objects involved.

¹¹³ For a detailed discussion of the looting in Iraq see: Bogdanons (2005); Gibson (2004).

¹¹⁴ For a comprehensive list of objects and the countries where they can be found, see the ICOM Red List for South America: http://icom.museum/redlist/LatinAmerica/english/red_list.html (Visited November 8th 2005).

30,000 to 50,000 people who hunt and gather artifacts (Matsuda, 1998a). About one to three percent of this group are full-time looters (Matsuda, 1998b).

Several parts of Africa are another source for illicit antiquities. Nok statues, terracotta, bronzes and pottery is looted and smuggled from countries like Mali, Niger, Ghana, and Burkina Faso (Gado, 2001; Mapunda, 2001).¹¹⁵ In several countries, the trade in illicit antiquities is organized in open and diverse ways, due to the inability and sometimes unwillingness of governments to do anything against it. On the one hand, networks of native traders connect the remotest villages with the main ports for shipment overseas. On the other hand, European traders directly buy their merchandise in regional centers and sometimes live in Africa for longer periods or even permanently (Gado, 2001). This marks a difference with the other regions from which antiquities originate. In South America, the trade tends to be more secretive and seems to involve more private collectors, besides dealers, looters, middlemen, and other actors (Alva, 2001). In South-East Asia, the trade is open and well-developed in several centers like Hong Kong and Bangkok. However, the structure of the trade before it ends up in these centers is less clear (Fuchs, 1992; Nagashima, 2002; Soudijn & Tjhuis, 2003a).

Asia has several regions that provide input for both licit and illicit trade. The main regions are South-East Asia, China, India, and the border region of Pakistan, Afghanistan, and India. Some categories of objects are regularly intercepted at borders or claimed from foreign collections as stolen objects (Nagashima, 2002; Shankar, 2001; Soudijn & Tjhuis, 2003a; Watson, 1998a). They include Gandharan statues from the border region of Pakistan and Afghanistan, Khmer objects from Cambodia or Thailand and all kinds of objects from China.

Europe and the United States are usually considered as regions that are primarily important as markets. However, several countries face the same problems as discussed above. Italy is the best known example here and loses significant amounts of antiquities, besides the works of art discussed in the first paragraph (Ciotti Galletti, 2003; Isman, 2000; Watson, 1998a). The United Kingdom, although always discussed as typical market country, has experienced a significant problem with illicit excavations with metal detectors (Addyman, 2001; Gill & Chippendale, 2002; Tubb, 1995). According to some experts, this has played an important role in the ratification by the UK of the UNESCO 1970 treaty and the relatively far-reaching legislation adopted to implement the treaty. In the United States, the cultural heritage of the Native Americans, as well as other cultures, is often the object of theft, illicit excavations, and smuggle (Canouts & McManamon, 2001; Conklin, 1994).

¹¹⁵ For a comprehensive list of objects and the countries where they can be found, see the ICOM Red List for Africa, <http://icom.museum/redlist/afrique/english/intro.html> (Visited November 8th 2005).

7.2.4 *War, civil war and occupation*

The regular thefts of works of art, and the illicit excavations of archaeological sites easily obscures the role of all kinds of political unrest at any given point in time (Chamberlin, 1983; Fuchs, 1992). This unrest has always caused significant looting, smuggling, and confiscation of art and antiquities. As a result of the international character of the art trade, one needs to focus on this topic to fully understand the intricate links between this type of crime and political developments and actors. In the literature on the illicit art and antiquities trade, however, the role of this topic is often under-exposed and restricted to World War II. This obscures the fact that warfare, revolutions, and civil wars are a permanent fact of life and cause permanent looting and smuggling of art and antiquities. Many works of art or antiquities that have been stolen or taken abroad without permit actually originate from the situations mentioned above. Some examples are outlined below.

The occupation of many countries by Nazi Germany led to systematic theft and confiscation of cultural goods on an unprecedented scale. Thanks to the renewed interest in this topic during the 1990s, many objects were returned to the original owners and the knowledge about this topic has been increased substantially (Aalders, 1999; Den Hollander, 1998; Feliciano, 1997; Muller & Schretlen, 2003). At the same time, the theft of artworks from Germany by the Soviet Union during the end of World War II, was studied and described by some authors in recent years, although this topic received far less attention than the Nazi atrocities (Akinsja & Kozlov, 1996). During the 1950s the Soviet Union returned approximately one and a half million objects to East-Germany. After the fall of the Berlin Wall, the debate about the works of art stolen during and after the war became a hot issue again and led to new exchanges of stolen art (Greenfield, 1996:220-235; Lerner & Bresler, 1998:222).

As far as Germany is concerned, there is one episode after the war that needs to be added here. In the former German Democratic Republic (GDR), a specialized government organization existed that was involved in all kinds of smuggling operations to obtain foreign currency. Part of the organization was aimed at the sale of works of art that were confiscated from East-German citizens and museums during the 1970s and 1980s. Large quantities of works of art were thus sold abroad, while the authorities told the victims that the items would go to museums in the GDR (Bischof, 2003; Blutke, 1990).

Long before World War II, art and antiquities were looted by many other emperors, like for example Napoleon during his military campaigns. Venice and Rome were among the places that were especially badly hit by the looting campaigns of the French (Chamberlin, 1983). During the Nineteenth century, many antiquities were stolen from the colonies of European countries. The British are for example known for the plunder of antiquities from Ghana and Benin (Chamberlin, 1983; Lloyd, 1964).

After World War II, a number of other territories were occupied and looted. Nevertheless, traditional wars are getting less important than civil wars in which organized crime and transnational crime often play a significant role (Crefeld, 1998; Jean & Rufin, 1999). In recent decades, numerous internal conflicts have had a major influence on the proliferation of looted art and antiquities. Many source countries have seen civil wars, anarchy or revolutions during extended periods. Afghanistan, Lebanon, China, Cambodia, Vietnam, the Democratic Republic of Congo, Nigeria, Colombia, and Nicaragua are examples of countries which have lost parts of their cultural heritage as a result of these events (Brodie et al., 2001; Fuchs, 1992). The loss of cultural heritage can have quite different causes. First of all, the chaos as a result of civil war may create a perfect situation for looting of sites or institutions. Secondly, the authorities or their opponents may engage in looting and smuggling to finance their regime or struggle. Thirdly, they may simply be corrupt and fill their own pockets with the revenues of illicit trade. Finally, the cultural heritage might 'simply' be destroyed for ideological reasons or as a result of hostilities. In this case, there is actually no transnational crime but only local vandalism.¹¹⁶

Often, the same countries will experience both 'regular' looting as well as looting due to (civil) war or revolution. The case of Cambodia can illustrate this. During the era of the Khmer Rouge, antiquities were both looted and destroyed. Looting served to generate funds for the Khmer Rouge while they destroyed antiquities at the same time (Nagashima, 2002). After the Khmer Rouge was ousted from power, antiquities continued to be looted and smuggled across the border to Thailand (Crampton, 2003; Thosarat, 2001a, 2001b). Another example is Afghanistan, where both times of war as well as 'peace' were marked by large-scale looting and destruction.

A parallel can be drawn with some transnational crimes which were discussed before: the illicit arms trade, drug trafficking and trafficking 'blood' diamonds. These crimes are also strongly connected with unstable countries or regions (Brunwasser, 2002; Morstein, 1989; Naylor, 1993, 2001; Phythian, 2000). In some countries illicit arms sales were financed by the smuggling of 'blood' diamonds, like for example Angola and Sierra Leone (NIZA, 2001; Wood & Pelemans, 1999; Wright, 1997). The same holds true for drug trafficking and the arms trade in Afghanistan and Colombia. The involvement of foreign intelligence organizations further complicates things in several countries (Kwitny, 1987; McCoy, Read & Adams, 1972). Although this used to be particularly evident during the Cold War, it remains to be seen whether the same pattern will be repeated within the context of the 'war on terrorism'.

Finally, one point should be added to the influence of political unrest during particular periods in particular countries. It sometimes depends on one's own

¹¹⁶ Nevertheless, these acts of vandalism are criminalized in many states on the basis of international law.

political point of view whether certain activities are defined as smuggling or export, and as theft or safeguarding. A concrete example given by Sereny (1983), quoted by Conklin can illustrate this.

“Between 1933 and 1949, a group of thirty museum officials moved around the Chinese countryside 19,500 large cases of artworks originally housed in Beijing’s imperial palace. The Japanese invasion of Manchuria in 1931 was the impetus for the removal of the treasures from Beijing, but the termination of the war with Japan in 1945 was followed by internal strife between the Communists and the Nationalists. In 1949, eight of the thirty scholars and workers followed Chiang Kai-shek to Taiwan with three shiploads of crates, which included some 600,000 of China’s most precious art treasures; the remaining 16,000 cases were returned to Beijing’s Palace Museum. Today, the mainland Chinese Communists regard Chiang Kai-shek as a thief; contemporary Taiwanese Nationalists believe that they are safeguarding their people’s cultural heritage” (Conklin, 1994:223–224)

It is important to note the parallel with other transnational crimes, like trafficking in arms, ‘blood’ diamonds or human beings. In some situations it is hardly possible to define the thin line between transnational crime and legitimate cross-border activities, without deciding on a clear political stand.

7.3 The extent of the illicit trade

Starting from the assumption that the illicit trade can be defined, and therefore separated from the licit trade, one can attempt to measure it. Several ways to measure the trade can be considered: the number of objects stolen or smuggled, the number of thefts, or the total value of the objects. However, each way of measuring the trade has significant problems. The number of thefts or objects is impossible to measure adequately. This speaks for itself with respect to looted antiquities. They are usually only known, and therefore measurable, as soon as they are stolen. To some extent this holds true for art thefts as well. Many thefts from museums, for example, are never registered because of failing oversight or because the objects involved were in fact never properly registered as belonging to the museum stock.

Despite the problems to measure the extent of the illicit trade, there are many bits and pieces of information that provide some indication of the scale of the trade. Three sources of information will be used here to sum up the available data. First of all, data can be gathered from the private Art Loss Register that registers stolen and missing objects and (among other things) searches auction catalogues to recover them. The data from the Art Loss Register is all taken from its website www.artloss.com. Secondly data provided by Brodie and Watson in their study *Stealing History: the illicit trade in cultural material* (2000). Thirdly, some

numbers on the situation in Italy are available, as described in an article in the UNESCO courier and also some numbers of the situation in Belgium as commuted by Massy (Carabinieri, 2004; Isman, 2001; Massy, 2000).

The Art Loss Register keeps records of over 10,000 losses from insurers, owners, and law enforcement agencies on its database each year. The database contains over 100,000 identifiable stolen or missing items from all kinds of countries. Each year, the items in the database are compared with over 300,000 items to be sold at the most important auctions. Since 1991, the searches for stolen and missing items have led to the recovery of over 1000 items and many more associated items. The total value of these items is about \$100 million. The Art Loss Register also provides information on the victims of thefts that are registered in their database. Most thefts occur in domestic dwellings (54%) followed by museums (12%), galleries (12%), churches (10%), commercial premises (4%), public institutions (3%), warehouses and storage (2%), and others (3%). From the different types of objects that are recovered (for example paintings or books) it is calculated which share they have in the overall number of recovered objects. This leads to the following statistics: paintings (51%), furniture (10%), silver (10%), sculpture (8%), books (6%), clocks (6%), jewelry (3%), ceramics (2%), antiquities (2%), musical instruments (1%), and rugs (1%). Finally, it has been calculated how stolen or missing items have been identified. This turns out to be primarily by searching auction catalogues (51%) and by *ad hoc* searches by the police (31%).

Brodie and Watson provide numbers from several sources that give some impression of the scale of the illicit trade. A selection of these numbers is mentioned here, the complete overview can be read in their study (2000:21-23). It needs to be pointed out that the authors do not provide the names of their sources, although some numbers can also be found in other publications. In January 1997, the Swiss police sealed four warehouses in the Geneva Freeport which were found to contain approximately 10,000 antiquities from sites all over Italy. They were valued at about £25 million. In late 1998, a raid on a villa in Sicily revealed more than 30,000 Phoenician, Greek and Roman antiquities, worth more than £20 million.

Between 1993 and 1995, the Turkish police was involved in 17,500 official police investigations into stolen antiquities.¹¹⁷ Raids on an antiquities dealer, carried out by the German police in Munich in 1997, recovered 50-60 crates full of material ripped from the walls of churches in North Cypriot churches, containing 139 icons, 61 frescoes and four mosaics. In Mali, a survey of 125 square miles found 834 archaeological sites and found that 45% had been looted,

¹¹⁷ Although this information relatively old, it can be added that the Turkish authorities are regularly sending long lists of stolen items to foreign governments, which might illustrate their active approach to this problem. At the same time, several authors have pointed to the tremendous loss of cultural heritage in Cyprus due to the Turkish occupation of a part of the island.

17% badly. According to Brodie and Watson, the history of Mali is literally disappearing from under the feet of its inhabitants. In Pakistan, a survey in the Charsadda District showed that nearly half of the Buddhist shrines, stupas, and monasteries had been badly damaged or destroyed by illegal excavations for vendible antiquities.

Isman described the activities of the art squad of the Italian police. The art squad is the largest in any country worldwide and has more than 150 members. Since its start in 1969 until 2001, they recorded 630,000 thefts. The stolen objects are recorded in a database that contains more than 1,100,000 objects. The following investigations led to the recovery of 180,000 works of art and 360,000 archaeological objects (Isman, 2001). Massy calculated some art theft statistics for Belgium. In the table below, the development of the overall number of thefts and stolen objects can be seen.

Year of theft	1991	1992	1993	1994	1995	1996	1997
Number of thefts	363	621	1346	1659	1682	1110	1226
Number of objects	3433	7960	10604	11888	16377	17287	10246

Source: Massy (2000:89-90)

The numbers provided by Massy seem to lend some proof to the often suggested trend of rising numbers of art theft after the fall of the Berlin Wall, although more data is needed to really test this hypothesis.

7.4 The link between the illicit art and antiquities trade and other illegal markets

A recurrent theme in the literature of art crime is the connection with drug trafficking and money laundering. As Bernick wrote in his article on art and antiquities theft in *Transnational Organized Crime*: “law enforcement agents frequently have reported links between stolen art, money laundering and drug deals” (1998). James Emson, former director of the Art Loss Register, noted in an interview that: “[...] criminal organizations often trade in stolen artworks as collateral in making deals with one another. [...] its a very valuable commodity that allows you to launder money very easily” (Lyll, 2000).

Usually, experts point at three potential connections between the illicit art and antiquities trade and drug trafficking as well as money laundering. First of all, precious stolen works of art are supposedly used as collateral or means of payment in major drug deals. Secondly, stolen art or looted antiquities are trafficked together with drugs from source to market country. Thirdly, stolen art is thought to be used to launder proceeds from drug trafficking or other criminal activities.

The first connection is often illustrated with a Spanish case in 1999. In January of that year, the Spanish police broke up an international art smuggling

ring and seized stolen masterpieces by Giacometti, Braque, Miro, Goya, and Picasso, as well as pre-Columbian sculpture, estimated to be worth \$35 million.¹¹⁸ Most of the items had allegedly been stolen in late 1997 from a chalet near Geneva. The perpetrators had planned to trade the objects for cocaine from drug traffickers (Brodie et al., 2000). Besides this Spanish case, there was an Italian case that may lend some support to the link between the illicit art and antiquities trade and other illegal markets, although it did not involve drugs. In a ‘sting’ operation against the Mafia, Italian secret agents posed as buyers of smuggled nuclear materials. When one of the agents had set up a bank account, and the smugglers found he was solvent, they made an unexpected offer. As part of the deal they wanted to sell a long-lost painting by Raphael for £30 million. One of the agents said he had been shown the painting in a hotel room and agreed to pay £15.5 million provided that the sale took place in Italy. The painting was brought back to Italy, described as a “minor artist of the Umbrian school” to avoid import tax. A trial of those involved in the deal later ended in the conviction of two art dealers from Rome and a courier who brought the Renaissance painting from Switzerland, although the organizers behind the deal were not caught.¹¹⁹ Not many other examples of art thefts that can be linked to either drugs or other illegal trades can be found.¹²⁰ It seems a real but relatively rare phenomenon that cannot explain a significant part of the international art thefts (Soudijn & Tijhuis, 2004).

A second connection is assumed to be present in the trade in illicit antiquities. Drugs and antiquities are assumed to go together physically. That is, shipments contain both drugs and illicit antiquities. An example is mentioned by Brodie and Watson. A smuggler’s plane, arriving in Colorado from Mexico, carried 350 pounds of marijuana together with many pre-Columbian antiquities (Brodie et al., 2000). Furthermore, in Guatemala and Belize, secret airstrips in the rain forest have been discovered from which cocaine and Mayan objects were flown to Miami and other US cities (Brodie et al., 2000). Finally, Gilgan noted many links between marijuana growers and traders and antiquities looters (Gilgan, 2001). It seems that these are not mere examples, but rather a summary of almost all known examples, because other credible cases can hardly be found in the literature or media reports.

The last link between the illicit art and antiquities trade and the drug trade has to do with money laundering. It is assumed that stolen art and antiquities are used

¹¹⁸ ‘International Art-theft ring busted in Spain’ *Museum Security Network Report* (© Reuters), January 17th 1999, <http://www.museum-security.org/reports/000899.html> (Visited November 5th 2005).

¹¹⁹ ‘Lost Raphael seized during Mafia ‘sting’ ‘ *Museum Security Network Report* (© London Times), February 22nd, 1999, <http://www.museum-security.org/reports/002399.html> (Visited November 5th 2005).

¹²⁰ A less recent example that is often cited is the theft from the Alfred Beit collection in Ireland in 1986. See Bailey (1997).

to launder funds generated with drug trafficking.¹²¹ According to Brodie and Watson, Miami is a crossroad for illicit art and antiquities from Ireland, Peru, Guatemala, Mexico, and Greece. Drug profits pay for the art and antiquities that are sent for auction so as to obtain a good pedigree for the cash (2000:18). However, empirical evidence is scarce here and in the rare cases which are often cited, the works of art turned out to be fakes. Despite the theoretical potential for money laundering with regular (non-stolen art), the occurrence of this mode of money laundering seems to be rare in practice (Boot & Ten Wolde, 1997; Ott, 2003; Tjhuis & Van der Wal, 2003). In one case, two art dealers were charged with conspiring to launder \$4.1 million in drug funds. They had tried to sell two paintings to someone who wanted to pay with drug money. The alleged buyer turned out to be an informant and before concluding the deal, the two art dealers were arrested.¹²² However, cases like this one do not prove the occurrence of money laundering schemes but only the willingness of some individuals to be helpful in such schemes.

Looking at the data on the various connections between the illicit art and antiquities trade and other illegal markets, it seems to consist primarily of a few incidents. Because of the difficulties to obtain sufficient and reliable data in this field, one cannot conclude that this means that the mentioned connections lack any credible evidence. The UK Ministerial Advisory Committee on the Illicit Trade in Cultural Objects noted with regard to this topic that:

“Evidence from law enforcement agencies also shows that the illicit trade in cultural property is in some instances (and in some parts of the world very frequently) linked with other illegal activities <note: In South America for example, the illicit trade in antiquities is very frequently connected with the drugs trade>. While this evidence is inevitably anecdotal, we nevertheless find it persuasive” (2000:13).

Whereas the Committee finds the anecdotal evidence persuasive, it seems to be way too little to draw any general conclusions as an academic observer of the illicit trade. The data indicate that there are definitely cases where the illicit trade is connected with other types of crime, but any systematic connection has neither any proven empirical nor theoretical basis.

¹²¹ ‘Art dealers dabble in drug money; are accused of money laundering’ *The Art Newspaper*, October 22, 2002.

¹²² ‘Two New Yorkers, man from Connecticut charged with money laundering’ *Portsmouth Herald*, June 1st 2001, http://www.seacoastonline.com/2001news/6_1_sb1.htm (Visited November 5th 2005); ‘Art dealer served time for fencing stolen art’ *Museum Security Network Report* (© Boston Herald), June 3rd 2001, <http://www.museum-security.org/01/120.html#4> (Visited November 5th 2005).

7.5 Conclusions

In the previous chapter, the sources of data for the empirical study of the transnational illicit art and antiquities trade were outlined. The data will be used in the next two chapters to study the interfaces that can be found in this type of transnational crime. In this chapter, a general overview of the illicit art and antiquities trade was provided as an introduction to the empirical study discussed in the next chapters. The three main sub-fields within the illicit trade are art theft and smuggle, antiquities looting and smuggling, and the production and sale of fakes and forgeries. These sub-fields are often assumed to be connected with other illegal markets, primarily the market for illegal drugs. Although there are several incidents in which the different markets collided, there does not seem to be any convincing evidence that this assumed connection is indeed significant.

A major factor in the illicit trade in general, is the occurrence of numerous (civil) wars, revolutions, and other political instability, particularly in the post-World War II period. Besides that, the colonial past of several Western countries has left a significant mark on the dispersion of cultural heritage from a range of countries in Africa, Asia, Latin America, and the Middle East. As was highlighted in this chapter, it is often hard to draw a line between the mentioned sub-fields in the illicit trade. Furthermore, it is often hard to differentiate licit from illicit trade. This last topic will be extensively discussed in the next chapter.