



Universiteit  
Leiden  
The Netherlands

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

Tijhuis, A.J.G.

### **Citation**

Tijhuis, A. J. G. (2006, September 6). *Transnational crime and the interface between legal and illegal actors : the case of the illicit art and antiquities trade*. Wolf Legal Publishers. Retrieved from <https://hdl.handle.net/1887/4551>

Version: Corrected Publisher's Version

License: [Licence agreement concerning inclusion of doctoral thesis in the Institutional Repository of the University of Leiden](#)

Downloaded from: <https://hdl.handle.net/1887/4551>

**Note:** To cite this publication please use the final published version (if applicable).

## CHAPTER 8

### INTERFACES AND THE ILLICIT ART TRADE

#### 8.1 Introduction

The previous chapter provided a general overview of the illicit art and antiquities trade. The overview was based on a review of the available literature on this subject, media reports, specialist archives on the internet and other open sources.

In this chapter, the transnational trade in stolen and smuggled art, as well as fakes and forgeries, will be viewed from a perspective of interfaces, as developed in chapters 2 to 4. The analysis will be based mostly on the data that were collected specifically for this study but these will be supplemented by secondary data.

The trade in looted and smuggled antiquities will be analyzed in the next chapter. Because of the differences between the two markets, they will be analyzed separately. These differences consist of both the structure of the transnational trade as well as its legal characteristics.<sup>123</sup> As a result, the interfaces between legal and illegal actors are partly different for these two trades.

In the next section, the interface typology and the lock model will be confronted with the data that was collected on the trade in stolen and smuggled art. The aim is to find answers to two related questions. First of all, to what degree can the interfaces between legal and illegal actors in the illegal art trade be understood with the interface typology? Secondly, are there interfaces between legal and illegal that are not covered by the existing typology and how should these be labeled? Following the discussion of the interface typology and the illegal art trade, a separate section will discuss the role of armed conflicts in the illegal art trade. Finally, a number of case studies will be used to analyze the usefulness of the lock model that was developed in chapter 5.

When the text mentions a 'case', this means a solved art theft or smuggle operation. In practice, theft and smuggle will often coincide, but not necessarily so.<sup>124</sup> Cases can either be derived from the empirical study performed for this study, or from media reports, literature, or other sources.

---

<sup>123</sup> See e.g. Atwood (2004); Koldehoff & Koldehoff (2004); Messenger (2003).

<sup>124</sup> This is the cause of much confusion, for example in relation with the EU Directive on the return of cultural objects unlawfully removed from the territory of a member state. When works of art are stolen in an EU member state and thereafter taken to another EU member state, it is often assumed that the objects involved are therefore smuggled and can be returned on the basis of the directive. However, the fact that an object is stolen and taken across the border, does not automatically mean that it is smuggled. Only when it involves objects that are protected by law as cultural heritage, and that need permits to cross the border, theft will coincide with smuggle in the mentioned situation.

## 8.2 The interface typology

The typology consists of two categories of interfaces: four antithetical and six symbiotic interfaces. Hereafter, the ten different antithetical and symbiotic interfaces will be discussed from the perspective of the illicit art trade.

### 8.2.1 *Antithetical interface*

#### **Injurious interface**

Injurious relationships occur when actors undermine, attack, or harm each other in other ways than as covered by the predatory, parasitical, or antagonistic interface.

It can be argued that art thefts lead to an injurious interface almost by definition. It depends on the situation who can be called the injured actor. This can be a private collector, a museum or a state as owner of collections of certain museums as well as other institutions.<sup>125</sup> In fact, much of the illicit art trade starts with theft, involving an injurious interface. The largest category of thefts that can be understood with the injurious interface is the so-called ‘normal’ theft. Normal thefts are thefts that are committed purely for the sake of reselling the works of art for profit without much delay (Tijhuis, 2005). These thefts do not involve any kind of extortion or collaboration between thieves and dealers. They are often solved because the thieves are caught when they offer their loot to dealers or auction houses that are suspicious, or because the thieves are offering their loot to pseudo dealers or collectors who are in fact undercover policemen.

In April 1989, the Koetser Gallery in Zurich, Switzerland, was robbed by a group of three men. They bound and gagged the secretary who led them in to the gallery and made off with 21 paintings, including works by Jan Davidsz de Heem, Jan Maertsen the Younger, Jan Steen, and others. Some time later the paintings were offered to a dealer in New York. The dealer did not trust the potential client who claimed to be a wealthy Swiss citizen who wanted to sell his private collection of old masters paintings. He checked with Interpol and IFAR but neither organization did know anything was wrong with the paintings. Nevertheless the dealer further checked with colleagues in New York until one of them remembered a robbery in Switzerland. Thereafter he found out that the collection did come from the Koetser gallery that had not informed Interpol or IFAR, and the thieves were arrested.<sup>126</sup>

In many cases, thefts do not only harm the property of institutions or individuals, but involve direct physical attacks. An example is the robbery of the

---

<sup>125</sup> The state is usually also the owner of still unearthed antiquities. This will be discussed in chapter ten.

<sup>126</sup> ‘Arrests and Recoveries in Zurich Dutch Old Masters Theft’ *IFAR Report* Vol. 10, no. 6, June 1989.

Alfred Beit collection in Ireland by the IRA, which included a direct confrontation with the collector (Koldehoff, 2004).<sup>127</sup> In another well-known case in France, a series of robberies was performed with brutal force by a gang of robbers. They victimized a range of castles and museums. This French case was analyzed during the stay with the French police and will be further discussed in the next section. It fits into a tradition of serial thieves working in France (Leitch, 1969; Macleave, 1981; Roux & Paringaux, 1999).<sup>128</sup>

Before all thefts are simply called injurious, some important exceptions need to be made here. Many thefts are so-called internal thefts that will be discussed in section 8.2.10. These thefts do not really fit into a definition of an interface involving one actor attacking or harming the other. Although there is harm, to be sure, this situation seems to demand another definition.

### **Antagonistic and (systemic-) synergy interface**

One of the antithetical interfaces is described as antagonistic relationships. Antagonistic relationships exist when there is competition between legal and illegal actors. Actors vying for a market share may be acting independently or in direct competition with each other.

In case of (systemic) synergy, actors benefit each other while they go about their business, independently promoting their interests and objectives.

The antagonistic and synergy interface are taken together here. In the original typology, these two interfaces were clearly separated. The antagonistic interface was part of the antithetical interfaces and the synergy interface was part of the symbiotic interfaces. While discussing the legitimate organizations as interface (in chapter 3) it was shown that these two interfaces are in fact often closely related. Depending on the frequency and consequences of certain illegal activities, relationships between actors can turn from synergic to antagonistic. Furthermore, the same activities can result in antagonistic relationships with one actor, while being synergic with another actor or entity. In this chapter, the two interfaces will be discussed together because of the observed relatedness of synergy and antagonistic relationships.

Although the antagonistic and synergy interface are thus treated together here, it should be pointed out that they remain analytically distinct interfaces. Furthermore, the connection between the two does only count for particular crimes. That is, for crimes where both actors are involved in the same kind of activity (whether it is legal or illegal). However, the synergy interface is also used to understand relationships between actors that are active in completely different branches (see also chapter 2).

---

<sup>127</sup> 'Four Thefts in 20 Years: The Saga of the Beit Collection' *IFAR Journal*, Vol. 5, no. 3, 2004.

<sup>128</sup> 'Voor tonnen antiek terug naar Frankrijk: Verdachte handelaar uitgeleverd door justitie Roermond' *Opportuun*, no. 3, November 2003.

Due to protective legislation in almost all source countries of art, dealers in objects from those countries are restricted in their opportunities to acquire new items and to take them abroad. Therefore, some dealers will not buy particular items from particular countries anymore. At the same time, other dealers will continue buying items and look for creative ways to smuggle them out of the countries of origin. The actual number of dealers who continue buying, or on the contrary stop their acquisitions in accordance with the mentioned legislation, will not be discussed here. This is an empirical question which cannot be answered on the basis of the available data, and seems to differ substantially for different types of items, source countries, and destination countries. The same holds for dealers in works of art that are stolen in market countries, like for example paintings from private collections or antiques from French castles. The point here is a distinction between two types of dealers that compete with each other. The first type acquires objects directly from the source country, while the other type is dependent on items which have been on the market for some time. The question to be answered here is whether those dealers actually benefit from each other's activities (synergy) or are hurt by them (antagonistic). It seems that this depends very much on the actual market situation. Two examples can illustrate this and will be outlined below.

The first example is the trade in icons from Russia and the Baltic States. Before the fall of the Iron Curtain, it was difficult to legally obtain icons from the source countries. Nevertheless, there were always individuals smuggling them to Western Europe in limited and sometimes substantial numbers. As long ago as 1970, the Soviet government made a formal request to Sotheby's and Christie's to avoid handling certain icons smuggled out in diplomatic bags, and one Western government was asked to recall its ambassador in Moscow since he was caught shipping out icons by the gross (Middlemas, 1975:71). During the Soviet era, prices were relatively high and the new acquisitions probably helped the smugglers and the dealers who bought them, as well as the dealers who only acquired items from existing collections. The new input was easily absorbed by the demand from a small group of collectors and eased the shortage for items on the market. However, as the Iron Curtain disappeared after 1989, a massive flow of icons emerged from the countries previously locked behind the wall. Although more than fifteen years have past since then, the data collected for this study in the Netherlands showed that icons are still finding their way from East to West. The same observation can be made from media reports from other countries.<sup>129</sup>

---

<sup>129</sup> US Customs Service (2001) 'U.S. Customs Returns Precious Icons To Russia' May 17<sup>th</sup>, <http://www.customs.gov/hot-new/pressrel/2001/0517-00.htm> (Visited August 5<sup>th</sup>, 2005) 'Police seize rare Russian icons, artwork smuggled into Greece' *Athens News Agency: Daily News Bulletin in English*, February 28<sup>th</sup> 2000, <http://www.hri.org/news/greek/ana/2000/00-02-28.ana.html#09>; 'Icons smuggled into Germany will be returned to Russia' *Pravda*, May 24<sup>th</sup> 2001, <http://english.pravda.ru/culture/2001/05/24/5853.html> (Visited August 5<sup>th</sup>, 2005).

As a result of the developments in 1989 and thereafter, prices went down because the demand from the collectors was not sufficient to absorb all the new items for the same prices. This clearly harmed honest dealers, while at the same time it might have harmed or benefited the dishonest dealers, depending on the balance between substantial extra turnover and lower prices.

Another example is provided by the life of one of Holland's most productive fakers of modern art, Geert Jan Jansen.<sup>130</sup> He originally owned a gallery for some time, but discovered how easy he could bring self-made fakes onto the market through auction houses and other channels. He fed the Dutch market with fakes and forgeries until things got out of hand in 1988 and he had to leave the country and moved to France. Several galleries turned out to have sold fakes and forged works by Karel Appel and one dealer was imprisoned for some months. In France, Jansen continued to produce fakes and forgeries in large numbers. For years he added works by Appel, Picasso, Magritte, Jorn, and other artists to the existing stock on the market (Bierens, 2002). In the Autumn of 1993, the beginning of the end came when Jansen, under his alias of 'Van den Bergen', offered a drawing by Karel Appel to the Munich auction house Karl & Faber. A Dutch dealer who saw the drawing in the catalogue informed the auction house that he believed it to be a fake. However, because the drawing was accompanied by a certificate that it had been auctioned before, no action was taken. In April 1994, Van den Bergen approached the auction house again. This time he had works on offer by Chagall, Asger Jorn, and Appel. The auction house consulted experts for all the works. Although Appel declared that the painting on offer was his, the experts on Chagall and Asger Jorn believed the works to be forgeries. Thereafter the German police was informed and it was discovered that Jansen had offered works of art to numerous auction houses in Germany and France. When the French police finally found Jansen's chateau near Poitiers in May 1994, they ran into 700 fake drawings and gouaches and 1,500 forged certificates of authenticity. According to Jansen, this was probably less than five percent of what he produced.<sup>131</sup> In prison he wrote an autobiography about his life in the art trade (Jansen, 1998). Thanks to the trial in France there is clear evidence that he was an extremely productive faker and that he sold many items in France. His autobiography describes the same connection between synergy and antagonistic relationships that was outlined above. In the beginning, his fakes were absorbed easily by the market and benefited everybody involved. However, as time passed by and the number of fakes increased, the trust in works by particular artists was

---

<sup>130</sup> H. Schutten (2000) 'Master forger Geert Jan Jansen on trial in France' *Het Parool*, English version at *Museum Security Network*, September 26<sup>th</sup>, <http://www.museum-security.org/00/170.html> (Visited November 8th 2005); J. Voorthuis (1994) 'The hunting and capture of two fakers – Ali Baba's cave of forgeries uncovered: the crucial evidence lay in the fake certificates' *The Art Newspaper*, July 1<sup>st</sup>.

<sup>131</sup> R. Gollin (2003) 'De echtheid bepalen was alleen maar lastig' *Volkskrant*, October 22<sup>nd</sup>.

partly undermined and prices negatively influenced.<sup>132</sup> Despite the large quantities of works involved, Jansen is just one of many fakers and forgers known in the literature on this type of art crime (Goodrich, 1973; Hebborn, 1997; Hoving, 1996; Reitz, 1993).

The above examples seem to be quite manifest in their consequences for the specific parts of the overall art market. However, many incidents of illicit cross-border trade in art, are often assumed to be without much impact on the broader market. Only a limited number of cases involve very unique items or large quantities of art and antiquities. Furthermore, as many deals involve individuals or unknown dealers, they are considered to lack significance for the art market in general. However, considering a number of factors, this impression is almost certainly less than accurate. One factor is the fact that only a minor part of the trade can and will come to the attention of customs or other authorities, or journalists and academic researchers. This means that, as with all illicit commodities, the real number of stolen and/or smuggled items will be much higher than the numbers found in a study like the one at hand. The flow of items between for example Belgium and the Netherlands is not covered by any customs checks. On the basis of both the literature on art thefts and the experiences of the last couple of years, this surely obscures a major part of the illicit trade (Leitch, 1969; MacLeave, 1981; Roux & Paringaux, 1999).<sup>133</sup> In addition to the fact that some flow of objects seems to exist, the simple fact that almost all objects are durable goods (as opposed to drugs for example) makes sure that objects with a dubious provenance will not simply fade away with the passing of time. The fact that precious and valuable items will always find their way to the top-end dealers, auction houses, collectors, and museums is another important factor. Therefore, it is just a matter of time before stolen and smuggled objects from source countries, will find their way to these actors in the most important market countries.

As a result of the mentioned factors, one can assume that the illicit and licit trade are almost always directly or indirectly linked. Furthermore, the fact that smuggled or stolen items will enter the market continuously year after year, and consist of durable goods, makes its impact larger than can be judged from the individual incidents of shipments with smuggled or stolen items. Depending on

---

<sup>132</sup> In general, one could also consider the effects of forgeries through the so-called 'droit du suite' on works of art. This legal principle enables some categories of artists, or their heirs, to profit from reselling works of art made by them. Due to the EU Directive, this principle will be incorporated in the laws of all EU member states on January 1<sup>st</sup> 2006. [http://europa.eu.int/eur-lex/en/search/search\\_lif.html](http://europa.eu.int/eur-lex/en/search/search_lif.html) (Directive 2001/84) (Visited November 8<sup>th</sup> 2005).

<sup>133</sup> Denis Meynard (2002) 'Le cerveau du gang des chateaux écroué' *Le Parisien*, January 7th; Voor tonnen antiek terug naar Frankrijk: Verdachte handelaar uitgeleverd door justitie Roermond' *Opportuum*, no. 3, November 2003; 'Maastrichtenaar vijf jaar cel in voor kerkroven' *Dagblad de Limburger*, March 31<sup>st</sup> 2005.

all relevant market factors, this will lead to antagonistic or synergic interfaces between the different actors in the art world.

### **Predatory interface**

The legal–illegal interface is called predatory when the aim is to destroy or bleed to death an organization or to control or fraudulently bankrupt a business.

It is rather hard to find examples of this interface in the illicit art trade. The definition of the predatory interface has several elements that will rarely be found together in empirical cases in this field of crime. First of all, the intention on ‘destroying or bleeding to death’. When a parallel is drawn with art, this would involve museums, private collectors or others and their works of art. However, as far as they can be seen as organizations, they are not known to be destroyed, neither literally nor financially. Instead of the organizations, one could theoretically also focus on the destruction of the objects involved, although the predatory interface was never meant to aim at such a situation. The thefts of works of art and prints from rare books will regularly damage these objects themselves and sometimes lead to their definite disappearance (Conklin, 1994; Koldehoff & Koldehoff, 2004; MacLeave, 1981). Sometimes, parts of stolen paintings or other works of art will be cut from the original and used to blackmail the owners to pay a ransom (Middlemas, 1975; Koldehoff & Koldehoff, 2004). However, the purpose here is clearly the collection of a ransom and only when the thieves or their middlemen fail to obtain such a ransom easily, they will try to obtain it by destroying a piece of the artwork. The destruction of objects as such is usually not intended by thieves.<sup>134</sup>

However, in some cases, destruction and illegal trade will go hand in hand. After the invasion of Turkish troops in Cyprus in 1974, years of massive destruction to Cyprus’ cultural heritage followed. Together with the destruction of objects, many objects like icons and mosaics, were smuggled abroad and sold there (Hadjisavvas, 2001; Watson, 1998). Nevertheless, even in this case the destruction and smuggling can usually be separated. The destruction as vandalism with a transnational character and without a commercial element, and smuggle as part of a transnational criminal enterprise to obtain profits for all actors involved. The case of Cyprus is just one of many cases in which states are involved in crimes related to works of art, or in which the wars between states or within states are the cause for crimes related to works of art.

Neither the literature on art crimes, nor the empirical study that was done, provided any examples of cases that can be understood as predatory interfaces.

---

<sup>134</sup> Incidents like the destruction of two ancient Buddha statues in the Bamiyan province in Afghanistan in March 2001 fall outside the scope of this study. Similar cases can be found in other countries but do not fall within the definition of transnational crime used here. See e.g. ‘Reporters see wrecked Buddha’s’ BBC News, March 26<sup>th</sup> 2001, [http://news.bbc.co.uk/1/hi/world/south\\_asia/1242856.stm](http://news.bbc.co.uk/1/hi/world/south_asia/1242856.stm) (Visited August 5<sup>th</sup>, 2005).

However, some elements of the predatory interface are found in situations as those discussed above. In general it also appears to be unlikely to find the predatory interface, as understood in this study, in concrete cases in the illicit art and antiquities trade. Therefore, it can be concluded that this interface does not occur in the illicit art trade.

### **Parasitical interface**

When the aim is to preserve the viability of the legal actor, so that illegal benefits can be extorted on a more or less regular basis, the interface is called parasitical.

Two types of art theft partly resemble the parasitical interface but do not fully match the definition. They are nevertheless discussed here because they play an important role in the illicit trade and may suggest an additional interface to the typology.

First of all, illegal benefits can be reaped on a regular basis, but without extortion of one actor by another. In case of so-called internal thefts, illegal benefits can be reaped for years while the organization is preserved and often unaware of this. Internal thefts are thefts by staff members or security officials of museums, libraries, galleries, or private collectors.

In September 2003, the Royal Library of Denmark in Copenhagen was contacted by Christie's auction house with an inquiry as to whether the library was missing some books. As a result of this inquiry, one of the largest internal thefts ever was solved.<sup>135</sup> The books that were consigned to Christie's were part of more than 3,200 unique books and copper engravings that were stolen from the library by a philologist during the late 1960s and 1970s. A substantial part of this collection of objects was sold during the period from 1998 to 2003. The objects went to auction houses in London, New York, and Hong Kong. A number of people around the former employee of the Royal Library were involved: his widow, son, daughter in law as well as a friend of them. In June 2004 they were all convicted to prison terms for their involvement in this case.

In the same year another large case of internal theft was solved. It involved the Army Museum in Delft in the Netherlands.<sup>136</sup> In April of 2003, some employees of the museum discovered the theft of a number of items. Three months later two persons were arrested, among them the main suspect: a curator of the museum. During several years he stole hundreds of books, prints,

---

<sup>135</sup> Copenhagen City Court, 28th division, June 3rd 2004, case no. 28.2543/04; 'Four Convicted in Danish Royal Library Theft' *American Libraries Online*, June 4th, 2004, <http://www.ala.org/ala/alonline/currentnews/newsarchive/newsarchive.htm> (August 5th, 2005).

<sup>136</sup> R. Gollin (2003) 'Loyale' conservator stal uit eigen collectie – Legermuseum loopt voor miljoenen euro's schade op door verdwijning van schilderijen, boeken en prenten' *Volkskrant*, December 2nd; 'Marechaussee houdt verdachten aan van diefstal Legermuseum' Ministry of Defense, July 22nd 2003, [http://www.mindef.nl/nieuws/nieuwsberichten/220703\\_diefstal.html](http://www.mindef.nl/nieuws/nieuwsberichten/220703_diefstal.html) (Visited August 5th, 2005).

drawings, and paintings. The thefts often resulted in major damage or destruction of unique books. The stolen items were sold to dealers and collectors in the Netherlands and abroad.<sup>137</sup>

These two cases are among many cases involving curators, security personnel, academic researchers, and others in the vicinity of valuable art collections (Koldehoff & Koldehoff, 2004; Middlemas, 1975; Tjihuis & Van der Wal, 2005). In 1998, the FBI pointed at an internal study that had researched thefts from museums. They had found that 83% of the known thefts could be classified as 'internal thefts', which meant performed by museum staff or others with privileged access to collections, like scientists, security officials and restorers.<sup>138</sup> Although this study was limited to museums, private owners face comparable problems (McLeave, 1983; Tjihuis & Van der Wal, 2005).

In the Summer of 1983, Nelly Dehem, the 88-year-old daughter of the painter Henri Dehem, was hospitalized in Cannes. She had entrusted the care of the villa and here collection of impressionist paintings to a hospital worker and his wife. During her stay in the hospital they took about 40 paintings by Monet, Gauguin, Renoir, Pissarro, Sisley, and others, along with jewelry and pieces of gold. With the assistance of a Parisian art dealer, the paintings had been sold in a number of countries spread all over the world.<sup>139</sup>

An old but telling example of internal thefts is the case of the Edvard Munch Museum in Oslo. Between 1961 and 1968, numerous paintings by the Norwegian master appeared on the English market. In many cases certificates were later issued from the curator in Munch Museum who was considered an expert for Munch paintings. When a painting was returned to the museum while the curator was on holiday, the deputy director recognized the painting as being part of the museum collection. He went to the police and Scotland Yard later traced thirty paintings that were sold by the curator in London (MacLeave, 1981; Middlemas, 1975).

In addition to the above variation, numerous cases of extortion involving works of art can be found. However, these consist of once-only cases of extortion, and are often merely national instead of transnational. Many art thefts are in fact so-called art-nappings. Extremely valuable art is stolen to extort money from either the owner or the insurer for the safe return of the objects. This type of theft quickly became a kind of plague in the 1960s and since then remained a recurring theme although it never again achieved the frequency it had in those years. In 1960 and 1961, a number of large-scale thefts for ransom followed one after another in France. Thereafter it quickly spread to the United Kingdom and

---

<sup>137</sup> An inventory of stolen items is available on the internet: <http://www.antiqubook.nl/gestolen> (Visited August 5th, 2005).

<sup>138</sup> 'Art theft from within museums' *Museum Security Network Report*, March 21<sup>st</sup> 2002, [www.museum-security.org](http://www.museum-security.org) (Visited August 5<sup>th</sup>, 2005).

<sup>139</sup> *IFAR Report*, Vol. 6, no. 1, January/February 1985; *IFAR Report*, Vol. 6, no. 5, July 1985.

other countries until one managed to find ways to limit the opportunities and potential profit of these thefts (Middlemas, 1975; MacLeave, 1981).

However, theft for ransom or art-napping is still an important kind of theft. After stealing three paintings by Renoir and Rembrandt in December 2001, thieves tried to extort four million Pounds from the Swedish National Museum. They failed in their attempt and were finally arrested.<sup>140</sup> Sometimes, attempts to extort museums or other institutions or individuals have been successful. In 1975, the Gallery of Modern Art in Milan was robbed of twenty-eight paintings. The thieves demanded a ransom and this demand was met by the museum. Subsequently, the museum got its paintings back but three months later another theft occurred and thirty-eight paintings were lost (Conklin, 1994). In October 1994, seven paintings by Picasso were stolen from a Zurich gallery. A Swiss man and two Italians were jailed in 1996 for the theft, but the paintings were not recovered at that time. In February of the year 2000, the theft was solved when five of the paintings were returned. According to a statement by the police and prosecutors the Picassos had been recovered with the help of an unnamed intermediary, who was rewarded by being allowed to keep two of the seven paintings.<sup>141</sup>

### 8.2.2 *Symbiotic interfaces*

#### **Collaboration**

With collaboration the links are (relatively) long-lasting and more direct as legal and illegal actors work together for the commission of the same offence.

Collaboration is only different from the reciprocity or outsourcing interface as far as the exact division of labor is concerned between thieves, smugglers, and dealers or middlemen. When two actors are working closely together, and actually act as a group or organization, outsourcing or reciprocity turns into collaboration. A recent example of this interface is the Cornelius M. case. This case involved a Belgian-based Dutch antiquities dealer that worked with a gang of gypsies who robbed French castles during the 1990s. The objects which were stolen in France were sold in Belgium and the Netherlands to dealers and middlemen who subsequently sold many objects to collectors abroad. The Cornelius M. case is just one example of many cases involving the same set-up (Leitch, 1969; Middlemas, 1975, MacLeave, 1981; Roux & Paringaux, 1999). That is, art and antiquities are stolen in French castles or museums and thereafter

---

<sup>140</sup> 'Sweden art heist suspects arrested' CNN Europe, January 4th, 2001, [www.cnn.com](http://www.cnn.com); 'Stockholm art thieves jailed' Museum Security Network Report, July 28th, 2001, [www.museum-security.org](http://www.museum-security.org) (Visited August 5th, 2005).

<sup>141</sup> *IFAR Report*, Vol. 15, no. 12, December 1994; 'Picassos recovered 5 years after Zurich gallery theft' Museum Security Network Report, February 9th 2000, [www.museum-security.org](http://www.museum-security.org) (Visited August 5th 2005).

taken to Belgium or the Netherlands to be sold. Since 1995, at least three large cases were discovered in the Netherlands alone. They will be discussed hereafter in the section that deals with the lock model.

It is sometimes difficult to distinguish empirically between the collaboration interface and other interfaces. Only with detailed information about the precise relationship between dealers or middlemen and thieves, is it possible to say whether this relationship can be understood as collaboration or as outsourcing or reciprocity. The literature on the trade in looted and smuggled antiquities shows many examples whereas the literature on art theft often provides too little information to define the relationship (Brodie & Renfrew, 2001; Brodie & Watson, 2000; Chamberlin, 1983; Conklin, 1994; MacLeave, 1981; Middlemas, 1975; Schick, 1989).

### **Reciprocity**

Reciprocity exists when there are consciously mutual benefits between the legal and illegal actors. This type includes the interface, whereby legitimate or conventional actors are the clients for goods and services offered by criminals (e.g., drugs, gambling, weapons, prostitutes).

Reciprocity aims at a relationship that falls between synergy (where one of the two parties is unaware of the illegal nature of their transaction) and outsourcing or collaboration (where both parties are not only informed but also actively engaged in the criminal activities).

Subtle differences in the relationship between actors in the art trade can make the difference between one type of interface or the other. In general, reciprocity is a rather common interface and more or less in the middle between synergy and outsourcing or collaboration, as was outlined in chapter 2. However, contrary to other types of crime, this interface will be found less often in the illegal art trade. This has to do with the unique and durable character of most art works. Because of this, and the registers of stolen art, it is not without risk for art dealers and auction houses to simply buy or accept stolen art from thieves or middlemen.<sup>142</sup> Nevertheless, there are some important exceptions here. First of all, there are numerous categories of objects that do not make it to the registers for stolen art. The reason for this can for example be the fact that the objects are lacking a sufficient description and photo, or that their owners are unable to use the services of commercial registers or Interpol. Examples are objects from museums in many poor countries, rare books, and icons. However, in market countries, like for example the Netherlands, registers like that of Interpol will also be left unused because the police organizations are not always able to send the necessary information to Interpol, for whatever reasons. Secondly, there are parts of the

---

<sup>142</sup> To be sure, this does not mean that stolen art does not find its way through large auction houses and well-known dealers. On the contrary, despite all registers, these actors turn out to be regularly handling stolen and smuggled items.

trade that are in general not hurt by the activities of any register or police agencies. This can be explained by the fact that they operate in a region or country that lacks any serious police involvement, or by the fact that the objects are usually directly sold to customers. The trade in stolen art and antiquities from France in Belgium and the Netherlands serves as an example here. Finally, many private or public owners simply do not bother to register the stolen works of art with police or private registers.

### **Outsourcing**

Outsourcing refers to a division of labor between legal and illegal actors, where one party offers specialized services to the other. It can be a one-off or a continuous relationship between a client and a provider. The client can both be a legitimate organization as well as a criminal organization or individual.

The relationship between an art thief and a dealer, fence or middleman will sometimes be a relationship of outsourcing. When a dealer or middleman actually orders a theft, one can label this situation as outsourcing. When the thief is offering his merchandise independently from the orders of the dealer, the relationship shifts to ‘reciprocity’ which will be discussed hereafter. Subtle changes in the relationship between dealer and thief can change the type of interface that covers the relationship. When a dealer works closely, and during a longer period, together with a thief or group of thieves, and they are mutually dependent on each other for merchandise and profits, the relationship can best be understood as collaboration. This collaboration between a specific group of actors may in turn cause other interfaces with new actors. When other thieves hear about the collaboration, they may conclude that the dealer involved can be an interesting figure to offer part of their own merchandise. As a result, a relationship of reciprocity can develop which in turn can change to collaboration.

In the data gathered in this study, it was sometimes hard to distinguish between outsourcing and other interfaces in concrete cases. However, the outsourcing interface has definitely a role in understanding the illicit art and antiquities trade. The literature on art theft provides numerous examples of dealers or middlemen who are involved in relationships with thieves or gangs of thieves (Fuchs, 1992; Koldehoff & Koldehoff, 2004; Leitch, 1969; Massy, 2000; Middlemas, 1975).

The above relationships do not include thefts of famous works of art in museums that are ordered by rich collectors. This often iterated explanation for major art thefts has never been backed up by any serious evidence (Koldehoff & Koldehoff, 2004; Tjihuis & Van der Wal, 2005).<sup>143</sup>

---

<sup>143</sup> An example that is sometimes mentioned is the theft of a number of paintings from the Museum of Fine Arts in Budapest in 1983. The theft was allegedly done by Italian Mafiosi,

### Co-optation

Within relationships between legal and illegal actors, the power relations might be even but can also be uneven. When there are mutual benefits but uneven power relations, the interface is called co-optation.

Within the illicit art trade, it is not easy to find many examples which could be understood as a situation of co-optation. In some cases, art dealers or thieves are involved in corrupt relationships with customs officials, police officers, museum directors, or others. However, in most of these cases one cannot conclude that these relationships are clearly characterized by an uneven balance of power. Usually, it seems to be relatively easy for smugglers and thieves to establish relationships with relevant authorities in source countries as far as relatively poor countries are concerned. Therefore, one is not dependent on particular persons or on the highest levels of government bureaucracies. Furthermore, the relatively extensive financial resources of dealers from market countries puts them at a clear advantage towards the officials in the often poorer source countries. This can even suggest that the balance of power is indeed uneven, with the foreign dealer in control. However, this will in some cases be prevented by the small but ever-present risk that some official will in fact take action against a smuggler annex dealer. Even the remotest chance of having to spend a couple of years behind bars in Thailand, Congo, or Peru will weaken his position.

The arguments against the co-optation interface are not meant to be read as an argument for the irrelevance of this interface here. The point is that for most dealers or smugglers, a situation of co-optation is unlikely to develop. However, in theory it is possible to assume the existence of a number of high-end dealers who are in fact involved in a relationship which could be characterized as co-optation. A number of examples are given in the autobiography of Michel van Rijn who was engaged in all kinds of art crimes in the past. He mentions co-optation like relationships he allegedly had with authorities in the former Soviet Union, Malta and elsewhere (Van Rijn, 1993). Although there are no independent sources to verify his story, the examples are at least colorful illustrations of the co-optation interface as it could exist in the illicit trade.<sup>144</sup>

---

acting on orders of a Greek olive oil millionaire. This Greek was arrested but later released for lack of proof. The paintings were later found in a Greek cloister. See: *IFAR Report*, Vol. 7, no. 4, June 1986.

<sup>144</sup> A number of Dutch journalists published about this ambiguous character in the art trade. See e.g. A. Schreuder (1993) 'De handel en wandel van Michel van Rijn' *NRC Handelsblad*, October 26th; E. Spaans (1994) 'Rembrandts familiekasteel; 'De duistere kanten van de kunsthandel' *NRC Handelsblad*, August 12th; R. Gollin & B. Witman (1997) 'Met scrupules kom je niet ver in deze handel' *De Volkskrant*, June 6th; L. Heyting (2000) 'Vaag gesjoemel' *NRC Handelsblad*, December 29th; B. Witman (2000) 'Smokkelaar Van Rijn tergt Scotland Yard' *De Volkskrant*, February 4th. See also Landesman (2001).

Especially in countries that are known to enforce their export laws seriously, relationships like the ones mentioned above, are likely to develop. On the contrary, countries which are either not seriously enforcing their laws, or are extremely corrupt, or both, will probably not observe these relationships developing.

### **Funding**

The funding interface involves situations where legitimate organizations provide, knowingly or not, essential financial support for the operation of criminal groups.

This interface seems to be inspired by the recent growth in importance and attention for international terrorism, although examples of this interface can be found from longer ago (see for example Tupman, 1998a, 1998b). Within the art and antiquities trade it is unlikely to find relationships like this. Occasionally, a dealer might help out a thief or receiver who is temporarily short of cash, but this is clearly different from what is meant here. In the data that were gathered for this study, no examples were found of relationships that could be understood as funding.

#### ***8.2.3 New interfaces and superfluous interfaces***

The discussion of the antithetical and symbiotic interfaces showed the relevance of the individual interfaces for understanding the illicit art and antiquities trade. A number of interfaces from the typology could be used to understand particular activities within the illicit trade. Several interfaces turned out to be superfluous and of no use for understanding the trade. Other interfaces should be adapted or added to be used in the illicit art and antiquities trade.

The discussion of this typology in this chapter showed that seven of the ten interfaces could be used to understand the relationships between actors in the illicit art trade. These seven consisted of two antithetical interfaces and five symbiotic interfaces. The antithetical interfaces are the injurious and antagonistic interfaces; the symbiotic interfaces were the outsourcing, reciprocity, collaboration, co-optation and synergy interface. Three interfaces seem superfluous as far as the illicit art trade is concerned: the predatory, parasitical and funding interface.

The analysis of the antagonistic and synergy interface showed that they can best be taken together. This may seem contradictory in general but makes sense for the illicit art and antiquities trade. This can be explained by the fact that the illicit trade is a trade embedded within a legal sector, that is the licit art and antiquities trade. Therefore, the indirect (antagonistic or synergic) relationships between different actors are far more complicated and dynamic than in typical illegal markets like for example the drug trade. It should be stressed that it is not argued here that the antagonistic and synergy interface should be analyzed

together by definition. On the contrary, they consist of two distinct types of interfaces. However, in practice, depending on the particular type of crime, they may be taken together.

The analysis of several interfaces showed some potential shortcomings of the typology to understand the legal–illegal interface in the art and antiquities trade. One important shortcoming is the fact that so-called internal thefts cannot be fully understood with the interfaces from the typology. In case of an internal theft, both victim and offender are members of the same institution and/or are connected as employer and employee. Furthermore, the connection between the two usually plays a major role in causing the theft. The proverb ‘opportunity makes a thief’ probably characterizes most thefts quite correctly. While discussing the parasitical interface, two cases were mentioned that involved ‘serial’ (internal) thieves. However, if one does not limit the analysis to serial thefts but also includes incidental ‘internal’ thefts, there are numerous cases to be mentioned. A study of fifty major thefts of paintings from museums and private collection in Europe, showed that a substantial part of the thefts were in fact internal thefts. Considering the number of items stolen, it is probably the most important type of theft (Tijhuis & Van der Wal, 2005). Due to the specific characteristics of internal thefts, and the importance for the illicit trade in general, it seems appropriate to develop an interface type which covers this relationship. This interface will be described as ‘facilitating’. The internal thefts are passively facilitated by the institutions or employers in two ways. First of all, the individual is provided with maximum information about the collection, the way it is secured and potentially its value. Secondly, many institutions or employers abstain from attempts to secure themselves against their staff members.

The facilitating interface should not be confused with another interface from Passas’ original typology. This interface, organized crimes committed by (otherwise) legal actors, differs from the facilitating interface. The facilitating interface does not aim at organized crimes committed by legal actors, but at crimes of individuals within (parts of) legal actors that are not directed by the legal actor as a whole. The legal actor as a whole, for example a particular museum or government, does not initiate the criminal activity but indirectly facilitates this activity by the opportunities it offers its staff members or sub-agencies.

The discussion of the interface typology showed not only its uses and shortcomings, but also the fact that relatively few of the cases from the empirical study in the Netherlands and elsewhere can be connected and understood with the different interfaces. Part of this fact can be explained from the lack of detailed information on the relationship between the different persons involved. Furthermore, the differences between the different types of interfaces seem very subtle and sometimes hard to see, as far as the illicit art trade is concerned. As was pointed out before, this can probably be explained by the fact that this trade consists of a licit and illicit part that is thoroughly linked. Therefore, the

differences between for example reciprocity and outsourcing are a lot smaller in this field than for example in the drug trade.

### 8.3 State conflicts and crimes related to art

The previous chapter pointed out how war, civil war, and other violent phenomena in which states can be involved, are related to the theft and destruction of works of art and antiquities. Whereas the illicit art trade is sometimes seen as merely another variation of organized crime or illegal markets, this trade thus will often be embedded in national and international conflicts. There are several ways in which art theft is related to these conflicts. These will be outlined below. Thereafter, the perspective of interfaces will be added as well as a comparison with other fields of transnational crime.

The first way in which art theft is related to war is the theft of works of art by the victorious party in a war. Instead of individuals or organized criminals, it is the state that acts as perpetrator of the crimes of theft or destruction on a large scale. Best known example here is the systematic looting campaign by Nazi Germany in the countries it occupied during World War II. In a couple of years an enormous number of works of art were either looted, confiscated, or bought from dealers, collectors, and others that were forced to sell to the Nazis. As a result of the renewed interest in this topic during the 1990s, part of the stolen works of art were returned to the original owners and the knowledge about this topic was increased substantially (Chamberlin, 1983; Muller & Schretlen, 2003; Van Rappard-Boon, 1998).<sup>145</sup> Following the German looting campaigns, the Soviets systematically plundered German museums and other collections (Akinsja & Kozlov, 1995). After the war, some Allied troops illustrated that the interest in art was not restricted to the Nazis en Soviets, despite the fact that the looting by Allied troops was far less. Although less often cited in discussions on this topic, the French looting campaigns under emperor Napoleon were at least as extensive as those coordinated from Germany during World War Two. Venice and Rome were among the places that were especially badly hit by the looting campaigns of the French (Chamberlin, 1983). The French looted so many objects that they were not able to find a new home for everything before the empire finally crumbled (Middlemas, 1975). A variation of this type of theft is the theft of art by colonial powers in the past. The British are for example known for the plunder of antiquities from Ghana and Benin (Chamberlin, 1983; Lloyd, 1964). A more recent example of plunder is the looting of museums and looting and burning of libraries in Kuwait during the occupation by Iraq in 1990-1991.

---

<sup>145</sup> This is not to say that restitution of stolen art did not take place before the late 1990s. However, the works of art restituted directly after the war and in the decades afterwards were limited and interest in them declined until the climate with respect to this topic changed significantly at the end of the 20<sup>th</sup> century.

Besides the organized plunder of art treasures of one state by another, there is another way in which art theft is connected with wars and civil wars. Often, the chaos and disruption of order in societies caused by wars or civil wars enables thieves or gangs of thieves to smuggle objects out of the country. Recently, the war in Iraq provided an example of this when the National Museum was robbed. Although the damage turned out to be less than estimated at first, it still represented a substantial loss of unique objects. Furthermore, as the media attention focused primarily on this incident, a range of other incidents occurred around the same time. Among the most important were the looting and burning of the Iraq National Library and Archives and a famous Koran Library, as well as the looting of the Mosul Museum. There was also looting and destruction of art works in the Museum of Fine Art in Baghdad, and the destruction of libraries in universities around the country. Fine art departments and institutes, as well as private art galleries were destroyed.<sup>146</sup> Furthermore, the looting of antiquities from archaeological sites went on continuously (Atwood, 2004). At the time of writing of this book, the looting still continues, according to reports by the BBC and other media.<sup>147</sup> This will be further discussed in the next chapter. With almost any revolution, war, or civil war, incidents like those mentioned before can be found.<sup>148</sup> In 1969, the Nigerian civil war led to the looting of the Oron museum in Calabar in South-East Nigeria. In 1950, two British officers who were in Seoul during the Korean War, made straight for the city's art gallery and removed the bulk of the collection of carved jewels and jade (Middlemas, 1975:152-153). The invasion of Cyprus by Turkish troops in 1974 resulted in both looting and smuggling by non-state actors as well as looting and destruction by the Turkish military (Hadjisavvas, 2001; Watson, 1998). Due to a lack of supervision in the years after the invasion, the destruction and looting could continue almost unhindered. When fighting erupted in the Somali capital of Mogadishu in 1991, one of the first casualties was the National Museum. Within weeks many of its prized exhibits, including ancient Egyptian pottery, were on sale to tourists in neighboring Kenya. In the Democratic Republic of Congo, as in Somalia, years of fighting have left many of the country's museums nearly empty.<sup>149</sup>

<sup>146</sup> MacGuire Gibson (2005) 'Cultural tragedy in Iraq: a report on the looting of museums, archives and sites' IFAR, <http://www.ifar.org/tragedy.htm> (Visited November 9th 2005).

<sup>147</sup> James Menendez (2005) 'Iraq's treasures still being looted' *BBC World Service*, June 21<sup>st</sup> (Visited, August 7<sup>th</sup> 2005); Owen Bowcott (2005) 'Archaeologists fight to save Iraqi sites' *The Guardian*, June 20<sup>th</sup>.

<sup>148</sup> As far as libraries and archives are concerned, a 1996 report by UNESCO provides hundreds of examples of institutions that were plundered, destroyed (or both) during the 20<sup>th</sup> century. Van der Hoeven, H. & J. van Albada (1996) *Lost Memory – libraries and archives destroyed in the twentieth century* (UNESCO, Paris) – *Libraries and Archives destroyed in the Twentieth Century*.

<sup>149</sup> Labi, I. & S. Robinson (2001) 'Looting Africa: Theft, illicit sales, poverty and war are conspiring to rob a continent of its rich artistic heritage' *Time Magazine Pacific*, August 6<sup>th</sup> 2001, <http://www.time.com/time/pacific/magazine/20010806/art.html>

Whereas the types of theft above were aimed at objects abroad and during times of war or civil war, a completely different type of large-scale theft occurred in East-Germany. During the 1970s and 1980s an organization was founded that combined the opportunities of white-collar crime, secret service, state control of the economy, and secrecy jurisdictions in Europe (Von Bülow, 2003:31-40). This organization, called 'Kommerzielle Koordinierung' (KoKo) (~ commercial coordination), was set up by Schalck-Golodkowski, a senior state-intelligence officer. He wrote a PhD. study about ways to earn foreign currency by imports and exports from East-Germany. The result was a range of organizations that were involved in everything from illicit trade in arms, waste, metals, and other commodities. To enable the illicit activities and to keep them out of sight from domestic and foreign observers, an intricate web of companies was used in places like Liechtenstein, Luxemburg, and Switzerland, not particularly known for their role in the global trade in raw materials. One of the organizations was aimed at the sale of works of art that were confiscated from East-German citizens and museums during the 1970s and 1980s. KoKo had developed an efficient way to confiscate art and antiquities from its citizens and institutions. First, a burglary by members of the organization, accompanied by art experts from the state intelligence agency, enabled them to make an estimate of the value of the works of art. Thereafter, the owners received a notice that they were due to pay taxes. Coincidentally the amount of taxes was equal to the value of the works of art that were subsequently seized. 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; Von Bülow, 2003).

The above variations, and the examples that were mentioned, can be understood from a perspective of interfaces. Each individual case can be labeled with one or more of the interfaces from the typology. However, the importance of these variations lies more in the way they differ from the incidents discussed before. First of all, the specific role of states in the theft and cross-border traffic of works of art. Secondly, the relationship between the illicit trade and wars and other conflicts. Finally, in connection with the second point, the parallel between the illicit art trade and other illicit trade like the illicit trade in diamonds and the illicit arms trade. Each topic will be briefly discussed here.

Within the context of the illicit trade, states are usually seen as victims. They can either be a victim because the antiquities in their soil are looted or because the works of art in their museums are stolen and taken abroad. However, as was pointed out above, states can also be the perpetrators of art crimes, like theft or vandalism, with individual collectors, dealers, or institutions abroad as their victims. Furthermore, they can be the facilitators, by negligence, of art crimes on their territories. Finally, as in the case of East-Germany, the crimes of the state can even be directed against its own citizens and museums.

---

(Visited November 9th 2005).

On an abstract level, one can point at the synergy between wars, civil wars and acts by authoritarian states like the former East-Germany on the one hand, and the illicit trade on the other hand. Although this holds especially true for the trade in illicitly excavated antiquities, it can also be observed in the trade in works of art from museums, collectors, and others.

Finally, a parallel can be drawn between the illicit art trade and some transnational crimes which were discussed before: the illicit arms trade, drug trafficking and ‘blood’ diamonds trafficking (see section 7.2.4). Apart from the extensive role of intelligence agencies during the Cold War, the interrelatedness of illicit trades and civil wars seems to have remained the same or even increased (Crefeld, 1998; Rufin, 1999; Naylor, 2001).

#### **8.4 The lock model and the interface typology: case studies from France, Italy, and the Netherlands**

In chapter 5, the so-called lock model was developed. This model simplifies the analyses of the complicated mechanisms by which transnational activities change with respect to their legal status. Illegal activities are laundered and legitimate activities become illegal. These mechanisms are found regularly with arms trafficking, financial crimes, cigarette smuggling, and trafficking of ‘conflict’ diamonds (Naylor, 1987, 2001; NIZA, 2001; Paoli, 1995; Passas, 1995; Von Bülow, 2003).

This section will describe a number of case studies from the empirical study of the illicit art trade that was done in the Netherlands, France, and Italy, as well as cases from the literature. These cases will be used to discuss how the lock model and the interface typology can be used to understand the relationships between legal and illegal.

The first case involves the Belgian-based Dutch dealer named Cornelius M. who directed the so-called ‘castle-gang’ in France.<sup>150</sup> The Cornelius M. case was analyzed at the French police (OCBC) who conducted an extensive investigation of this case. More than fifteen persons were involved in dozens of robberies of large French estates, capturing precious antiquities, paintings, timepieces, tapestries, and furniture. Many of the estates were only occupied part of the year and the burglaries usually took place when nobody was present. This partly explains why the thieves were never caught red-handed. Sometimes they burglarized estates that were occupied, but at the same time were so large that the inhabitants did not notice it.<sup>151</sup>

<sup>150</sup> Denis Meynard (2002) ‘Le cerveau du gang des châteaux écroulé’ *Le Parisien*, January 7th; A. Reerink, (2003) ‘Le gang des châteaux’ *Algemeen Dagblad*, June 21st; C. Naber (2000) ‘Recidivist uit Retie liet zigeuners zeshonderd kastelen plunderen’ *De Morgen*, December 9th.

<sup>151</sup> An example is the burglary of the estate of Josselin de Rohan, the then chairman of the Gaulistic RPR in the French Senate during the night of July 12<sup>th</sup> 1998. While De Rohan

The robberies took place from 1998 to 2000. The thieves were local gypsies and were not involved in the transport or sale of the items. For transport Cornelius M. had hired chauffeurs, including a man named Cipoletti, an Italian driver, who took the items to the Netherlands. When Cipoletti was arrested he admitted to have driven at least forty loads of antiquities to the Netherlands, and the whole scheme fell apart. In the Netherlands, Cornelius M. sold the items to a number of complicit antiquities dealers who sold the items to international customers. Centre of the trade were local markets in the border region of Belgium and the Netherlands, in the South of Limburg, a Dutch province. The trade is fuelled by lack of legislation and supervision on the art and antiquities trade in the Netherlands and Belgium, and the relative tight provisions in France.

Cornelius M. had a history of involvement in the illicit trade. In 1994 and 1996 he was arrested for theft of and receiving stolen antiquities, and was given a prison sentence. The moment he was released coincided with the first robberies of the gang in France. He now serves a fourteen-year prison sentence in France. His fifteen accomplices were given prison sentences from one to six years.<sup>152</sup>

The typology can be used to label the different relationships around Cornelius M. Collaboration with the gang, reciprocity or outsourcing with other dealers and synergy between the overall market and his activities. However, besides the different individual interfaces, it is particularly interesting how Cornelius M. acts as the link between the art and antiquities robbed by the violent gang, and the good faith purchasers abroad. Although the Netherlands and Belgium do not act as interface strictly speaking, they *de facto* play the same role. This is, among other things, caused by the fact that a central and complete registry of stolen art, a specialized police force and adequate legislation have been insufficient or lacking for years. Due to these factors, works of art that have made it across the border to Belgium and the Netherlands and have been sold there, are practically laundered. This can explain why the Netherlands, as well as Belgium, have acted as an outlet for stolen art and antiquities from France for decades. In a French study on art crimes, this topic was summarized with the well-chosen title *Le Grand bal des receleurs* which can be translated as ‘The great ball of receivers’ (Roux & Paringaux, 1999). To be sure, this book was written before the Cornelius M. case came to light. Two crucial elements have been the basis under this ball for decades. One is the favorable civil code in the Netherlands and Belgium, and the other is the fact that France has innumerable private and state collections of art and antiquities which provide a constant opportunity for art thefts.<sup>153</sup> The result

---

was watching TV to see how France won the world soccer championships, the Cornelius M. gang took his antiques. See: Berkhout, K. & J. Wevers (2005) ‘Hoe Nederlanders Frankrijk leegroven’ *NRC Handelsblad*, October 14<sup>th</sup>.

<sup>152</sup> Judgment of the Montbrison Court, File no. 02/01050, March 6<sup>th</sup> 2003.

<sup>153</sup> In theory, the EU Directive for the Restitution of illegally exported cultural goods, should erase part of this problem. In practice, this does not change the situation very much. First of all, the directive is very hard to use effectively, and secondly it will by definition be

is a persistent system in which art is stolen in France and subsequently sold to dealers in Belgium and the Netherlands. On the one hand these dealers have established shops and can use this to pass good title on objects to their customers. On the other hand, they are in practice professional receivers at the same time. Most dealers are located in remote areas, in the border region of Belgium and the Dutch province Limburg in the South of the country.

Another illustration of this system is a case of an antique dealer in the town of Echt in Limburg. He was caught in 1997 as receiver and dealer in numerous precious items from thefts from French castles. Often, the time between the theft and the sale in the Netherlands was relatively short. In a collaborative effort of the French OCBC and the local Dutch police, his merchandise was investigated and dozens of stolen objects he still had were discovered in different locations. Like Cornelius M., he was sentenced to a prison term in France.<sup>154</sup>

In March 2005, yet another Dutch dealer was sentenced in France for coordinating a range of thefts and burglaries in French churches. Simon V., a dealer from Maastricht in the South of Limburg, was sentenced in the French city of Le Havre. He received a prison sentence of five years for complicity in the burglary of twenty-eight churches in the Northern and Western part of France.<sup>155</sup> The thefts took place during the late 1990s to 2001. More than ten people, in changing combinations, took part in the thefts from churches in the country side of the French Normandy region. The set-up was the same all the time. The perpetrators tried to park their car as close as possible to the church. Thereafter, they went inside and within minutes took the objects of interest in an often rather rude way. The objects were driven to Maastricht where they were sold in the shop of Simon V. or to other dealers and auctions. An important difference between Cornelius M. and Simon V. was that the latter directly sold to well-known dealers and one major auction house in the Netherlands.

Two incidents led to the end of the spree of thefts coordinated by Simon V. First, the number-plate of a group of thieves was registered by a group of teenagers who noticed the thieves leaving a church with an object wrapped in cloth. The number-plate led to the name of a man from Maastricht. In March 2001 he was caught red-handed when he tried to burglarize a Belgian castle. Secondly, Simon V. became a suspect after a stolen antique mirror offered at the French *La Biennale des Antiquaires* was traced back to Simon V. When the police searched his shop they found many stolen objects and Simon V. is held in custody for some time. He is released on bail and some time later flees to Senegal. When he returns to the Netherlands in 2004, he is arrested and extradited to France.

---

without much effect if local authorities in Belgium or the Netherlands do not actively enforce the national and EU laws.

<sup>154</sup> 'Voor tonnen antiek terug naar Frankrijk – Verdachte handelaar uitgeleverd door justitie Roermond' *Opportuun*, no. 3, November 1999.

<sup>155</sup> 'Un néerlandais condamné à cinq ans de prison pour vols d'objets d'art' *Agence France Presse*, March 31st 2005.

Beside the case of Simon V., there are other cases in which stolen art has found its way rather easily to the middle and high end of the market, in Amsterdam and the Hague. According to Roux and Paringaux, three dealers from The Hague and Amsterdam were visited by the French and Dutch police in June 1996. One of them was a dealer in the art district around the Rijksmuseum. The police found thirty-four stolen objects in his shop. They originated from fourteen burglaries in several chateaux and one museum and were valued at five million French francs (about 1.5 million euros) (Roux & Paringaux, 1999).<sup>156</sup>

Despite the scale of the Cornelius M. and Simon V. cases, a thorough study of the literature and media reports reveals that numerous similar examples can be found – as can be expected on the circumstances mentioned above (Leitch, 1969; MacLeave, 1981; Middlemas, 1975; Roux & Paringaux, 1999). According to an estimate of the French OCBC, about 200 cases like the Cornelius M. case, albeit usually a lot smaller in scale, have been registered since the police squad was established in the mid-1970s. Furthermore, some of the cases that were discussed in the section on the interface typology can also illustrate the same mechanism. Icons that are stolen and smuggled, or just smuggled, from countries like Russia and the Baltic states, are one example. Dealers who manage to ship these icons abroad and sell them there, have effectively laundered them thanks to all factors described before, like differences in legislation, failing or non-existent systems of registration etc.

An example of such a dealer is the Russian national Sergej W.<sup>157</sup> His activities in the art trade came to an end in 1998. In that year he was caught at Schiphol airport in the Netherlands. He had come from St. Petersburg in Russia with a suitcase full of precious objects. When customs opened his suitcase they found, amongst other items, two volumes of a unique atlas dated 1710. Furthermore, they discovered 185 engravings, almost the whole graphic oeuvre of Jacques Calot, a famous seventeenth century French artist (Leerintveld, 2000; Ministry of Finance, 2000).

It soon turned out that a number of objects were stolen. Instead of an innocent collector, Sergej W. had been a dealer for a long period of time. He was stopped at customs in Amsterdam four times before during the 1990s, always with precious art and antiquities. He usually stayed in Holland for extended periods. A major part of his business was probably done in Holland due to these and other circumstances. Large cash deposits were found in a number of bank faults at several locations in Amsterdam. In his belongings, a large number of business cards were found which formed an interesting sample from the art trade. As far as could be established, Sergej W. conducted business with at least a number of (legal) art dealers and an auction house in the Netherlands. At the same time, he was supplied with merchandise in Russia. Although this might

---

<sup>156</sup> D. Mulken (1998) 'Rijswijks trio handelde in gestolen kunst' *Haagsche Courant*, January 13<sup>th</sup>.

<sup>157</sup> The name of the person meant here is altered.

have been partly legal merchandise, it was not allowed to leave Russia without permits. Furthermore, his involvement in the trade in stolen art in Russia was also proven when the police searched one of his apartments in Russia. They found 300 stolen icons stashed away. As far as could be established, Sergej W. was given a prison sentence of 9 years for this in Russia.

Besides the individual interfaces between Sergej W. and numerous actors in the art trade, he partly functioned as a lock. He combined his opportunities as individual with that of the different jurisdictions. As individual he smuggled the objects from Russia to the Netherlands and was able to funnel the illicit art into the legitimate market through his wide range of productive contacts in the art trade. The differences between the Netherlands and Russia further enabled the successful traffic: the absence of specific legislation in the Netherlands, as well as the lack of effective international registries of stolen and smuggled art, combined with the lack of efficiency in communications between law enforcement agencies across international borders.

The above cases can be partly understood as a result of several factors in the art trade (as probably in many trades). A strong eagerness to ensure interesting and profitable merchandise, as well as a certain contempt for the regulations protecting cultural heritage, provides a climate in which all kinds of illegal transactions can take place (Rijn, 1993; Hoving, 1994, 1996; Lacey, 1998; Mason, 2004).

The importance of this mechanism of laundering can hardly be overestimated. In practice, the opportunities of individuals, organizations, and jurisdictions are combined to accomplish this laundering. Through this mechanism, a profitable trade exists for thieves, fences and the dealers they work with. The reason for this is that most customers do not want to buy objects which obviously have been stolen. This indicates a difference with the trade in antiquities that will be discussed in the next chapter.

The files and other sources that were studied in the Netherlands and elsewhere, in combination with literature and media reports, showed how works of art were laundered through several jurisdictions, organizations, and individuals. The lock model can help to explain this laundering, although in practice the different variations of the model are often combined. The French data, in combination with the literature on art thefts in France, illustrated the inner workings of the *Le Grand bal des receleurs*. The trade between France, Belgium and the Netherlands is probably one of the most enduring internationally, but also least known in the Netherlands, except for those who are familiar with the trade in art and antiquities in the (relatively remote) province of Limburg in the South of the Netherlands.

Through time, these laundering processes can change due to changes in legislation, the activities of law enforcement agencies, the development of the market for specific items and other factors.

## 8.5 Conclusions

This chapter started with a number of research questions. First of all, the question as to what degree interfaces between legal and illegal actors in the illegal art trade can be empirically described with the typology. To answer this question, each interface from the typology was analyzed in the first section. The analyses showed that seven of the ten interfaces could be used to describe the relationships between actors in the illicit art trade. These seven consisted of two antithetical interfaces and five symbiotic interfaces. The antithetical interfaces are the injurious and antagonistic interfaces; the symbiotic interfaces are the outsourcing, reciprocity, collaboration, co-optation and synergy interface. Three interfaces are not found as far as this study of the illicit art trade is concerned: the predatory, parasitical, and funding interface.

On an abstract level, antagonistic or synergic interfaces develop as result of the combined efforts of all actors in both licit and illicit trade around the world. Within this global system, wars and other conflicts are integrated and are responsible for part of the supply of certain types of objects. This shows a clear parallel with other transnational trades that were discussed in previous chapters. In the next chapter this will be further analyzed as far as antiquities are concerned

Although the typology could thus be used to understand the illicit art trade, there are some significant limitations. First of all, the symbiotic interfaces do not much help to clarify the relationships between the actors involved in the illicit trade. The differences between the different interfaces are very small as far as the illicit art trade is concerned. Therefore, the typology does add less to the understanding of the illicit trade as it does in other fields of crime.

The second question was whether there are interfaces between legal and illegal that are not covered by the existing typology and how these should be labeled. It turned out that one important category of thefts, the so-called internal thefts, cannot be understood with the typology. The interface between the perpetrators of these thefts and their victims was labeled as 'facilitating'.

The third question looked at the usefulness of the lock model for the illicit art trade. A number of case studies showed the usefulness of the lock model that was developed in chapter three and four, in combination with the interface typology. The lock model can help to explain how stolen and smuggled art is laundered through a combination of specific individuals, organizations, and jurisdictions. It is through this mechanism that the illicit trade can be profitable and remains active as part of the overall trade. Furthermore, the lock model provides a tool to appreciate the important role of individuals in the illicit art and antiquities trade. In the next chapter, this model will be discussed further with respect to the illicit antiquities trade.