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# Assessing the illegal trade in cultural property from a public policy perspective

Siobhán Ní Chonail, Anaïs Reding, Lorenzo Valeri

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# Summary

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The illicit trade in cultural property, including theft, fraud, looting and trafficking, is one of the largest and most challenging criminal activities we face today. Carried out on an international scale, and involving links with the drugs and arms trades as well as terrorist organisations, the illegal trade in stolen art and antiquities is worth up to an estimated \$6 billion annually (Museum Security Network, 2010a). Although general art crime is often estimated to be the third highest grossing crime after money laundering and terrorist activities, it is tackled with only a fraction of the resources that these and other crimes are (Bazley, 2010). In addition, national and international efforts to contain the illegal trade in cultural property have not been successful and the trade continues to be a growing problem. The objective of this study was to explore the illegal trade in cultural property in depth and to identify some of the key reasons for its proliferation. In particular, we were interested in identifying the failings of existing policy and legal instruments to curtail the trade and to explore the potential for new interventions that are targeted at specific stages of the criminal process.

In order to meet this objective, we firstly carried out a comprehensive review of the literature on the topic, including a number of recent monographs as well as articles from legal, policy and art journals. While the books offered an overview of the issue, most articles adopted a clear legal or economic perspective. On the basis of this work, we mapped the supply chain in stolen cultural property, from the original supplier to the final purchaser of the stolen work. In doing so, we illustrated the greyness of the trade, which can evolve from legal to illegal and vice versa. Having clarified the structure of the supply chain, we decided to use illustrative case studies in order to apply this analytical framework to real instances of art crime. The Medici case, which took place between the 1970s and early 2000s, concerned the illegal sale of the Euphronios krater and many other antiquities to museums and private buyers throughout the world. The Beit art collection robbery, which took place in 1986,<sup>2</sup> involved the theft of eighteen paintings from Russborough House in Ireland and was considered at the time to be the second biggest art robbery ever.

Based on our analysis of the literature and our supply chain approach to the case studies, we were able to develop a number of policy recommendations that we feel represent a cogent and effective response to the continuing illegal trade in cultural property. Our key findings, which are exemplified in the case studies, are discussed in Chapters 5 and 6 and summarised below:

1. By applying a supply chain approach to the study of art crime, it is possible to identify targeted responses to the illegal trade in cultural property.

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<sup>2</sup> Paintings from the Beit collection were also stolen in 1974, 2001, and 2002, but the 1986 robbery remains the most famous and well-documented of these thefts.

2. A coordinated international effort, with coherence across national legislation and policies, is necessary to combat the illegal trade. The existing differences in national policies are frequently exploited by criminals not just to transfer and eventually legitimise stolen property, but also to escape punishment and sanction.
3. The level of security for artworks in museums, galleries and public properties has been characterised as a major contributing factor to the existing levels of theft. This issue of security must be addressed in any reasonable response to the illegal trade.
4. There is a pressing need for further research on the links between art crime and organised crime, terrorist groups and the drugs trade, which are all widely hypothesised in the literature but unsupported by concrete evidence beyond a small number of individual cases. The difficulties of establishing a robust empirical or theoretical basis for the connection between the illegal art trade and other illegal activity are in part due to the inadequacy of resources on and research into art crime more generally.
5. In order to prevent situations whereby individuals or galleries purchase stolen art in good faith, there is a need for a legal mandate that for all prospective buyers to consult a central registry of stolen art. Although a number of different databases of stolen art are in existence, there is no one central registry used by all parties in the legal art trade. By ensuring greater diligence in the maintenance and use of a central international database, the number of good faith purchases of stolen art could be reduced. This would also have the additional effect of making it more difficult for illegal traders to sell stolen works of art, making the enterprise less attractive overall.