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

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Prepared for the RAND Europe Board of Trustees

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# Preface

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The aim of this research is to explore new ways of curtailing the illegal trade in cultural property. Despite a range of legislative and policy interventions, the trade in illicit art and antiquities continues to flourish, resulting in damage to the arts, scholarship and heritage. Through an exploration of existing intervention tools, two case studies and a set of key informant interviews, this study demonstrates the existing difficulties in curtailing the market in cultural property and explores the potential for new policy interventions. More specifically, we map the supply chain for the illegal trade in cultural property and explore the failures of current policy interventions through two case studies, the Medici trading cartel and the Beit collection robberies. On this basis, we prioritise policy interventions to contain the illegal trade in cultural property according to the applicable stage of the supply chain phase (supply, transfer or demand) and the associated priority level (low, medium or high).

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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.

# Acknowledgements

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The authors would like to thank the RAND Europe Board of Trustees for their interest in this area of research and for their generous investment in this study.

We would also like to thank our colleagues at RAND Europe, particularly Dr Jonathan Grant and Hans Pung, for their support for this project, and Dr Ruth Levitt, who reviewed early drafts of this report and provided valuable suggestions for improvement.





The aim of this research is to explore new ways of curtailing the illegal trade in cultural property. Despite the existing legislative and policy interventions, the trade continues to thrive, resulting in considerable damage, physical, financial and cultural, to the arts, heritage and scholarship (Calvani, 2009). According to Julian Radcliffe, founder of the Art Loss Register, only around a fifth of stolen cultural property is recovered within twenty years. The rest is destroyed or forgotten, becomes legal property once again, or stays within the black market (Chick, 2010). As the trade has been estimated to be worth up to \$6 billion a year<sup>3</sup>, closely behind the drugs and arms trades, and the sanctions are lenient, rarely leading to prison sentences, there is little incentive for art criminals to stop (FBI, 2010). In fact, in some cases, immunity from legal punishment has been granted for returning an important work of art, as was the case recently with the Boston-based Isabella Stewart Gardner Museum's effort to recover thirteen paintings and artworks stolen in 1990 (Murphy & Saltzman, 2010). This is in stark contrast to other illegal practices, such as the drugs trade or arms smuggling, where the profits are higher but so too are the risks and prison sentences (Calvani, 2009). These characteristics could all be seen as

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<sup>3</sup> A wide range of estimates exist, all of which question the reliability of the figures (for more information, see Museum Security Network, 2010a). This figure was used to illustrate the size of the problem; it should not be assumed to be precisely accurate.

contributing factors to making the illegal trade in art and antiquities particularly attractive to those involved in organised crime.

## ***Report content***

- **Chapter One - Introduction**
- **Chapter Two - The illegal trade in cultural property**
- **Chapter Three - The Medici case**
- **Chapter Four - The Beit robbery**
- **Chapter Five - Research conclusions**
- **Chapter Six - Policy recommendations**

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In this first chapter we provide an overview of the illegal trade in cultural property: its background; the damaging effects of the trade; the tools that currently exist to curb it; and some of the reasons why it continues to be such a problem.

In Chapter 2 we characterise the links that make up the supply chain in cultural property, and explain that these are, in fact, grey: that is, unlike other criminal trades, the trade in cultural property is not inherently illegal but it can become so at any stage of the supply chain.

In Chapters 3 and 4 we apply a supply chain analytical framework to two case studies. The Medici case, which took place between the 1970s and early 2000s, mainly concerned the illegal sale of antiquities looted from archaeological sites in Italy and elsewhere in Europe. The Beit art collection robbery, which took place in 1986, involved the theft of eighteen old masters from Russborough House in Ireland and was considered at the time to be the second biggest art robbery ever. By applying a supply chain approach, we aim to highlight the complexities of the illegal trade in cultural property; to explore the various stages of the supply chain in order to identify the shortcomings of existing legal interventions; and to identify potential new policy interventions which may help to curb this growing phenomenon.

Finally, in Chapters 5 and 6, we highlight our main research conclusions and outline the key policy recommendations arising from this study.

### ***The illegal trade of art and antiquities is a global phenomenon***

- **Players:**
  1. **Amateurs**
  2. **Professional criminals**
  3. **Arts and antiquities dealers**
- **Most commonly stolen items:**
  1. **Paintings**
  2. **Sculptures and statues**
  3. **Religious items**
  4. **Antiquities**
- **Source countries:**
  1. **Developing countries**
  2. **France, Poland, Russia, Germany, Italy**
- **Market countries:**
  1. **North America**
  2. **Western Europe**

The illegal trade in cultural property is mainly the product of amateurs who steal for their private collections, professional criminals who smuggle the art and antiquities and launder the proceeds, and professional dealers who sell the objects through auction houses and museums (Warring, 2005).<sup>4</sup> Dealing in art and antiquities is considered by some to be the most effective way of laundering criminal proceeds stemming from narcotics, gambling, extortion rackets, smuggling, merchandise pirating and counterfeiting (Melillo, 2009). Those involved steal objects located in a range of countries, most of which are poor and struggle to protect their national patrimony (Brodie, 2000; Calvani, 2009), but France, Poland, Russia, Germany and Italy are also common targets (Interpol, 2009a). The economically prosperous ‘market’ countries are, in turn, mainly located in North America and Western Europe, including the United States, the United Kingdom, France, Germany and Switzerland (Calvani, 2009). Every year, thousands of objects are smuggled into these territories. Although the most commonly trafficked items according to Interpol (2009a) classification are paintings, sculptures, statues and religious items, other artefacts such as archaeological pieces, antiquities and cultural symbols are nonetheless part of illicit trade.

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<sup>4</sup> The illegal trade in cultural property is also used by criminals to launder the proceeds of their activities, as barter or collateral for a deal (Tijhuis, 2006; Bernick, 1998). Colonel Bogdanos, a US investigator, has stated that “*as we pursue leads specific to the trail of terrorists, we find antiquities*”. Using the example of Iraq, he cites: “*The Taliban are using opium to finance their activities in Afghanistan [...] Well, they don’t have opium in Iraq. What they have is an almost limitless supply of [...] antiquities. And so they’re using antiquities*” (Bogdanos, 2009). Another group involved in the illicit trade are warring parties: where there is conflict, there is often looting. Sometimes it is committed with political intent, in order to strip one an area of its culture; at other times it is for political competition; it may also be carried out for economic profit (Nemeth, 2009).



### ***The illegal trade undermines global cultural heritage and patrimony***

**The trade is damaging from aesthetic, cultural, historical, and political perspectives:**

- **Cultural property is removed from the public sphere, where it can be appreciated and used to educate the general public**
- **Cultural property is at higher risk of being damaged when traded illegally**
- **The theft of cultural property may lead to the destruction or compromise of national patrimony**
- **If cultural property is removed from its origin or context, its social or political function may be compromised**

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A number of arguments are put forth to explain why the illegal trade in cultural property is such a serious concern (Bises, 1997; Torsen, 2005):

1. It removes objects from the public sphere, thereby depriving individuals of benefiting from their aesthetic and cultural value.<sup>5</sup>
2. Cultural property is more likely to incur physical damage when it is illegally traded, which in turn can impair the associated aesthetic and cultural knowledge.
3. Cultural property may be treated inappropriately. For example, if it is an entity composed of different elements, it may be separated if more profit can be made by selling individual pieces or if the criminal lacks knowledge about the significance of the entire work.
4. It may lead to the destruction of national patrimony if too much cultural property becomes part of the illegal trade.

These arguments indicate the significance that cultural property has both for the arts and for scholarship. Art and antiquities provide insights into history and cultures, and such knowledge benefits from contextualisation: one must be able to trace an object's origins to understand fully the messages it can convey. This is the balance that measures in this sector seek to achieve: to encourage the movement of cultural property for public enjoyment and the benefit of scholarship, while also seeking to protect it (Gerstenblith, 2007).<sup>6</sup>

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<sup>5</sup> When cultural property is legally privately owned, it may still be in the public sphere when scholars are granted access or when it is displayed, or loaned to museums for display to the public, for example.

<sup>6</sup> Ironically, it is this regulation which can incentivise illegal trade, when collectors feel it is the only way to get possession of an object of their desire. It also means that criminals can profit from making cultural property accessible to collectors. As a result, the regulation of the cultural property trade is the subject of a debate that

### *Instruments addressing the illegal trade*

- **Legal instruments**
  - **International conventions**
  - **Regional and national legislations**
  - **Bilateral agreements**
- **Operational instruments**
  - **Export and provenance certificates for cultural objects**
  - **Databases**
- **Awareness-raising instruments**
  - **Codes of ethics**
  - **Posters**

Attempts to curtail the illegal trade in cultural property can be classified as legal, operational and awareness raising.

The **legal instruments** can be international, regional, bilateral or national. Their objective is variously to protect cultural heritage, restrict exports and imports, regulate the return of cultural property, or determine sanctions.<sup>7</sup>

The **operational instruments** are mostly targeted at dealers and customs officials. For example, the UNESCO<sup>8</sup> and World Customs Organization's (WCO) "Model Export Certificate for Cultural Objects" is designed to help identify and trace cultural objects without burdening exporters and customs officials (UNESCO, 2006c). Similarly, the International Council of Museums' (ICOM) "Red List" records items commonly threatened by the illicit trade in cultural property and generally protected by legislation. It is intended to help customs officials and buyers pay particular attention to those objects most at risk (ICOM, 2010). Databases, such as Interpol's "Stolen Works of Art Database" (Interpol, 2009c), have also been useful in helping to identify and return stolen property.

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can be termed "free trade vs. protectionism", or "cultural nationalism vs. cultural internationalism" (Bises, 1997). This debate is, however, beyond the scope of this report.

<sup>7</sup> Examples of legal instruments at the different levels are the international 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property; the regional 1992 European Convention on the return of cultural objects; the United States' bilateral agreement with Bolivia defining legal exports and imports; and the United Kingdom's national legislation on the protection of cultural property on loan regulations.

<sup>8</sup> UNESCO is the United Nations Educational, Scientific and Cultural Organization, created in 1945 with the aim "to contribute to peace and security by promoting collaboration among nations through education, science and culture" (UNESCO, 2006a).

Finally, **awareness-raising instruments** mostly consist of publications such as ICOM's "100 Missing Objects" Series, or Interpol's biannual poster publishing some of the most wanted works of art (Interpol, 2009d). The codes of ethics that various institutions publish would also fit into this category (see, for example, UNESCO, 1999, and ICOM, 2006).

***Despite these instruments,  
the trade is still booming***

**There is a need to enhance the the fight against the illegal trade in cultural property:**

- 1. Existing regulations are not acting as deterrents, as this criminal trade is still low risk / high profit compared to others:**
  - **Hard-to-get evidence**
  - **Relatively lenient sentences**
- 2. Modern technologies have facilitated and widened the trade:**
  - **Looting and stealing aided by radars etc.**
  - **Transporting options have diversified**
  - **Low-value items can be sold on the internet**

Despite the instruments which exist to fight the illegal trade in cultural property, it remains a huge problem. There has also recently been a drastic increase in the market value of antiquities, partly as a result of increased regulation (Calvani, 2009; Gerstenblith, 2007). The literature suggests there are two key reasons why this criminal activity continues to thrive:

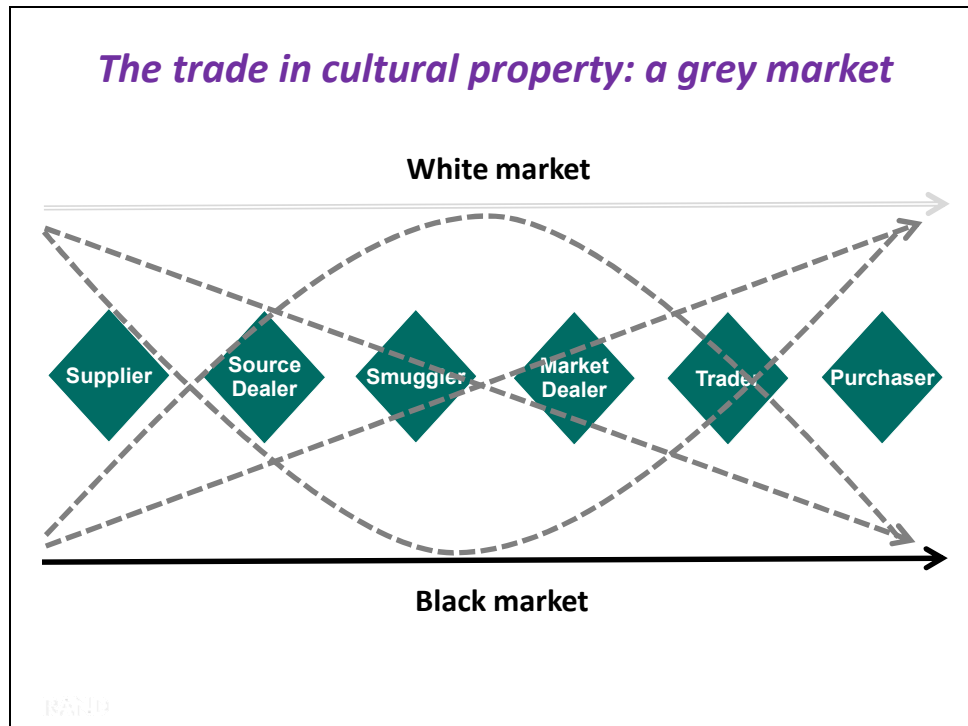
1. Existing regulations do not address the low risk associated with this trade compared with other illegal trades. In Borodkin's (1995) words: "the profits in antiquities smuggling are greater and the penalties are lighter than for dealing in comparably priced amounts of narcotics". The evidence required for prosecution is also hard to get (Alder et al., 2009; Brodie et al., 2000). Convictions are costly to obtain and sentences tend to be negligible in comparison with other crimes that are similarly profitable (Borodkin, 1995; Mackenzie, 2002).
2. Modern technologies have facilitated the trade (Charney, 2009). The progress in transport infrastructure has made it easier and faster to move goods to a desired destination. Technologies such as ground-penetrating radars and metal detectors have enhanced the capacity of looters to uncover cultural property. And the Internet has made persons around the world increasingly connected, allowing them to purchase goods virtually through web-based auction sites rather than through physical networks. Technologies have also widened the trade: items of minor commercial value were untouched by traditional auction houses but are now being sold by online sites (Charney, 2009).

According to the Fine Art Registry, the growth of the illegal in cultural property is compounded by the fact that the vast majority of property owners do not report art crime and art fraud, as well as by law enforcement's lack of resources and interest on a local level: "[this] only emboldens the art criminal to commit more and more crimes and fraud simply because he knows that little if anything will be done about it" (Franks, 2010).

In the face of this criminal activity, it is important to question what can be done to enhance the fight against it. This study attempts to answer this question by charting the supply chain involved in the illegal cultural property trade and applying it to two case studies. While the supply chain approach is widely regarded in the literature as a useful lens to analyse this topic, existing studies have not exploited it to map the gaps in policy measures to counter the illegal trade. Adopting this framework has enabled us to identify the weaknesses of existing interventions and the potential for adopting new legal and policy measures at various stages of the trading process. The remainder of this document will report on this analysis and the conclusions that may be drawn from it.



## CHAPTER 2 The illegal trade in cultural property

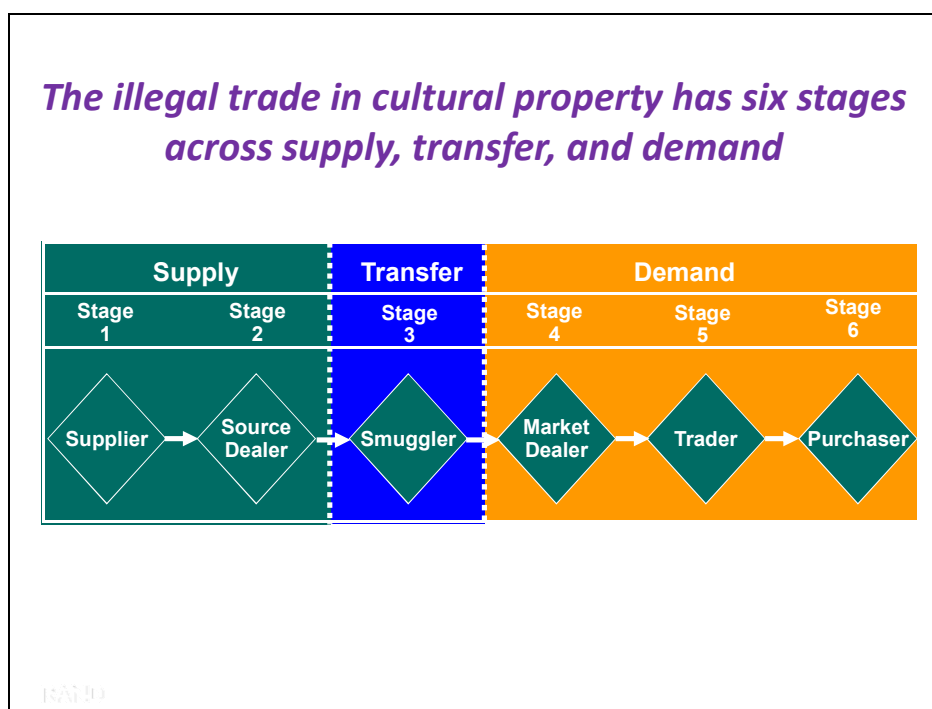


The trade in cultural property operates as a grey trade; that is, it is neither entirely legal nor illegal (Pastore, 2009). Market regulations are often inconsistent with one another, such that traders can find loopholes; cultural property is thought to be frequently laundered or blackened, although precise figures are not available.<sup>9</sup>

The trade's 'greyness' makes the process of regulation challenging. Firstly, the point of entry from one type of market to another, the so-called "lock", is difficult to pinpoint (Tijhuis, 2009). The trade's secretive culture, where information is rarely provided on an object's history or provenance, reinforces this challenge (Fincham, 2008). This culture has led the market to be denounced as "the least transparent multibillion-dollar market in the world" (Nelson, 2009). It is also encouraged by the fact that better regulation would restrict the artistic and economic wealth of the licit trade (Brodie et al., 2000). The "don't ask, don't tell" culture is sometimes also enacted for reasons of fear, if links with organised crime syndicates are suspected (Mackenzie, 2009). The illicit trade is consequently omnipresent, affecting museums, public and private collectors, legitimate owners, religious buildings, cultural institutions and archaeological sites worldwide (UNESCO, 2006b).

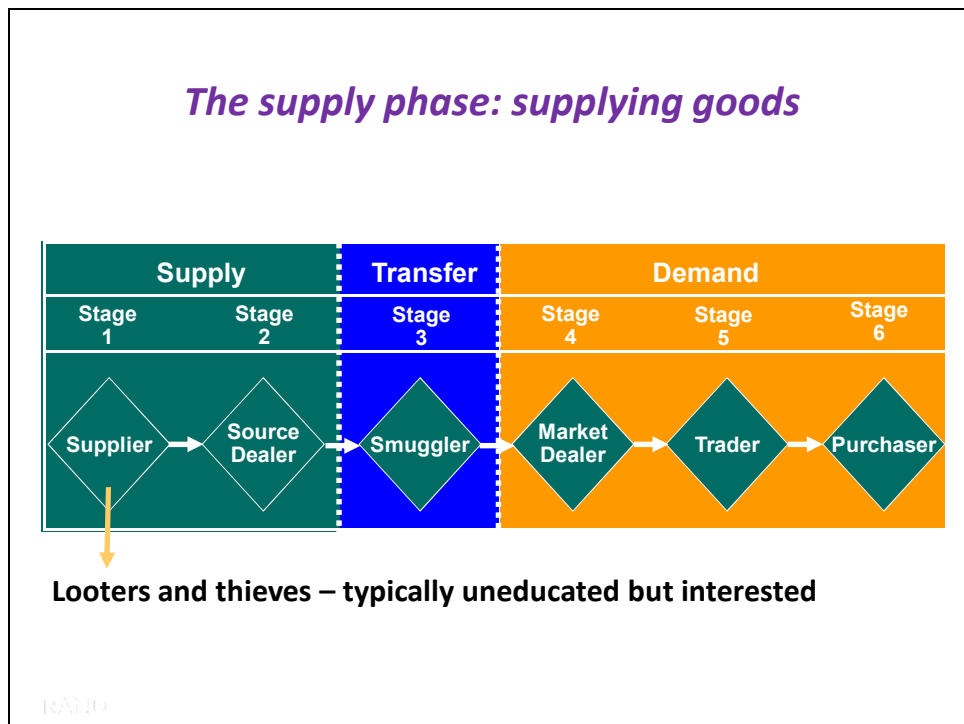
Because the trade in cultural property is grey, and items can become illegal at any point in the supply chain, it is crucial to understand every link in that chain. By adopting this approach, solutions targeting specific dimensions and stages of the process may be easier to identify (Mackenzie, 2002).

<sup>9</sup> "Laundering" is the process through which illegal artefacts enter the legal market, while "blackening" is the process through which legal artefacts enter the illegal trade.



The illegal trade in cultural property typically involves up to six stages: two for the supply of goods, one for their transfer, and three to generate demand for the goods. This chain of supply, transfer and demand will typically involve five individuals, though it may include an unlimited number of people (Tijhuis, 2009). In some exceptional cases, the trade can also entail fewer players, as occurs with commissioned thefts where only two individuals are involved (ibid.). As these smaller supply chains represent only a marginal part of the market, we will not consider them here. The six supply chain stages will now be detailed in turn.





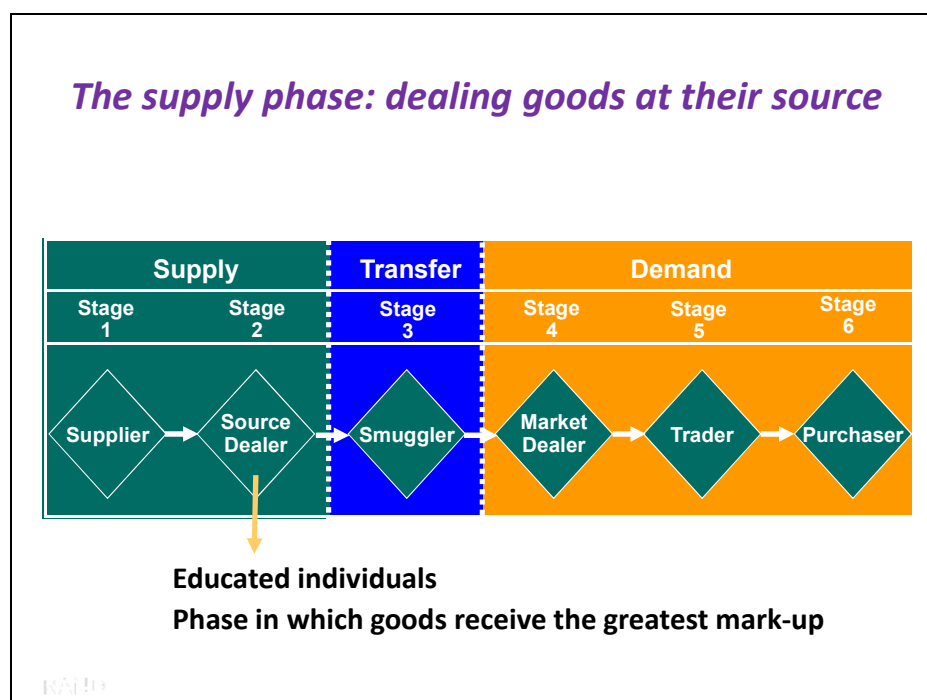
The supply phase typically involves a minimum of two players: the cultural property supplier, and the well-networked source dealer.<sup>10</sup> It can, however, involve many more dealers – a broader network of contacts may be necessary to link the supplier with a dealer who is willing and able to sell the illicit artefact.

The supplier is a looter or a thief who, despite typically being uneducated and primarily motivated by gaining a livelihood, also has a scholarly interest in the activity (Mackenzie, 2002). Typically, the looter or thief will receive less than 1 percent of the final profit on the looted or stolen item (Calvani, 2009). The profit involved in looting or stealing cultural property is strongly linked to the lack of security surrounding some art and antiquities (Tijhuis, 2009).

The supplier may blacken an item in two ways:

- By illegally acquiring it, whether or not it is then sold to an illicit source dealer
- By illegally selling it to a source dealer.

<sup>10</sup> The “source dealer” refers to the dealer on the supply side of the chain, while the “market dealer” refers to the dealer on the demand side of the chain. This is the common terminology in the literature.

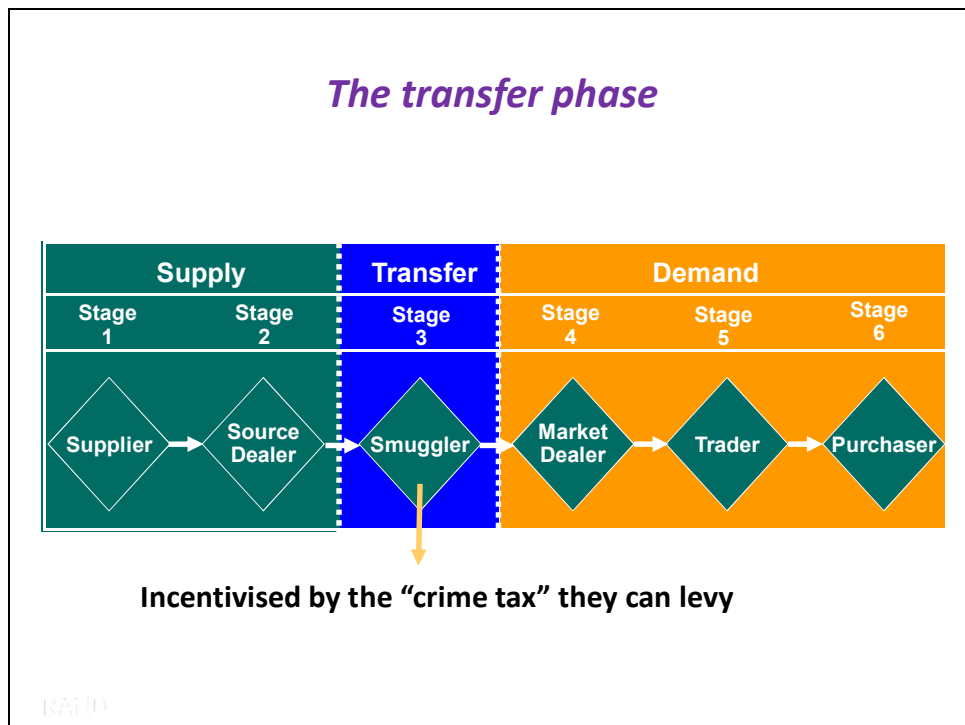


The source dealer is responsible for arranging transport of the object via a smuggler to a market dealer. Although in theory the looter or thief could also be the source dealer, in practice this is unlikely to occur for two reasons:

1. Unlike the looter or thief, the source dealer tends to be well-educated, as he or she often has to create false documents certifying authenticity and conjure a provenance and ownership story, which requires knowledge of art history or archaeology (Mackenzie, 2002; Calvani, 2009).
2. The source dealer receives the greatest mark-up on the object's final value, so there is no economic incentive to get involved in the more risky and less lucrative activity of carrying out the actual theft (Calvani, 2009; Mackenzie, 2002).

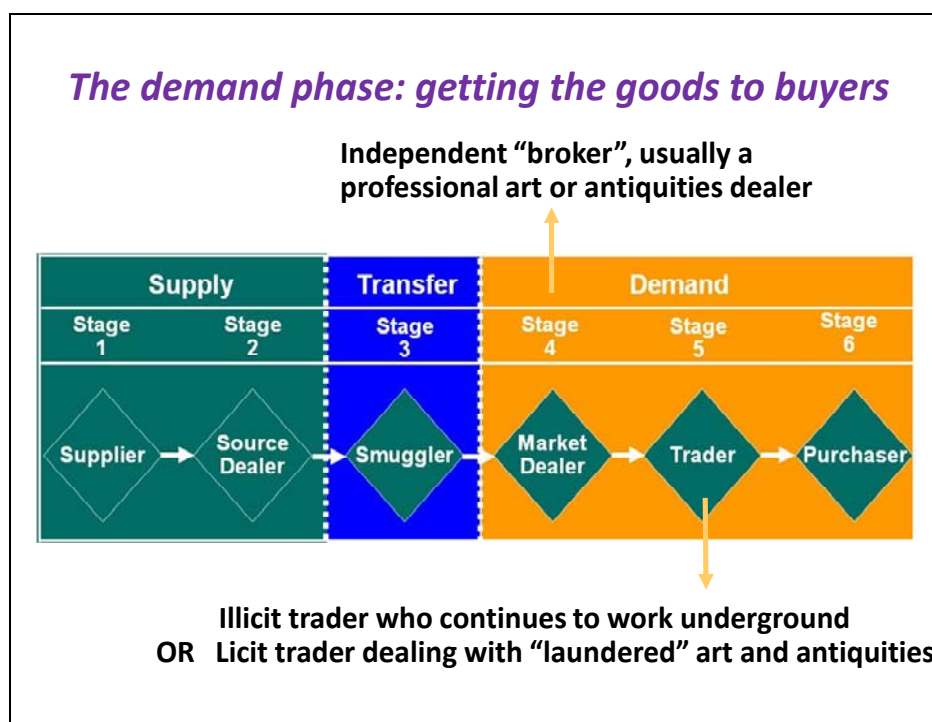
If an item is legal when it arrives into the hands of the source dealer, it can be blackened by:

- Having its identification or provenance falsified
- Being supplied to a smuggler.



Smugglers illegally transport cultural property from the source dealer to the market dealer who will, from there, find a purchaser. They are incentivised to engage in the illicit trade by the “crime tax” they can levy on the goods, since they carry a risk by transporting the object (Mackenzie, 2002). Smugglers’ activities may be domestic or international, and usually involve a large number of individuals, which can make the final supply chain complex and difficult to unravel (Calvani, 2009). When the transport is international, it will also often require bribing customs officials (Mackenzie, 2002).

Choice of destination may be influenced by the possibility of laundering the goods. For example, by moving stolen art from common law nations to civil law nations, thieves can acquire good title to a stolen artwork more easily, as bona fide buyers are favoured over original owners (Sultan, 1998). At this intermediate phase between the supply and demand of cultural property, smugglers can also blacken items by transporting them illegally (to countries where the goods are illegal, for example). This will be arranged by the source dealer.



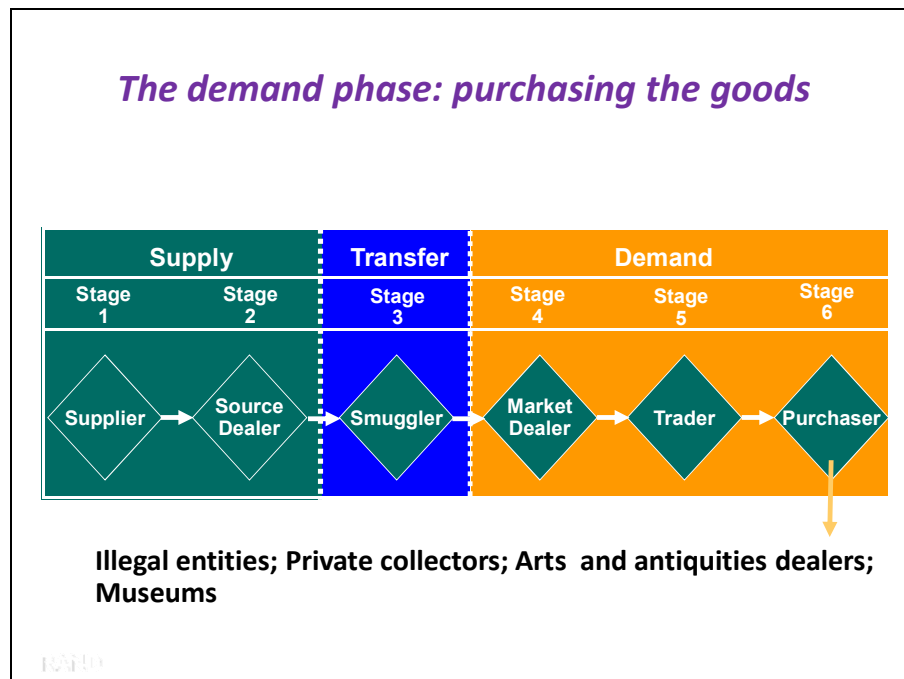
The demand for cultural property is determined by the buyers of art and antiquities, and meeting this demand implicates a minimum of one other individual: a market dealer who may or may not also be a trader in cultural property.

### **The market dealer**

The market dealer enables the trade in cultural property along with the source dealer. Together they confirm that there is a demand to meet the supply of art and antiquities, justifying the smuggling of items. The market dealer will, therefore, be well connected to source dealers, traders and often also directly to the buyers of cultural property (Mackenzie, 2002).

### **The trader**

The ultimate buyer of cultural property will satisfy his demand by turning to a trader, who might also be the market dealer. The trader is a cultural property salesperson, working either underground, if the item is intended for the black market, or in a legal art and antiquities business (Warring, 2005). Antiques shops and even auction houses have been found to be associated with the illegal trade in cultural property, both with and without their knowledge (Museum Security Network, 2010b).



Buyers of illegal cultural property are of a varied nature:

- Some may be illegal entities, such as organised crime syndicates, purchasing into the licit or illicit trade to launder the proceeds of their crime for collateral or barter (Dobovšek, 2009).
- Private collectors and art and antiquities dealers typically purchase from the legal market. The items they purchase may, however, be illicit and sold without provenance or with falsified papers. Private collectors may also purchase directly from the illegal market, if swayed by their acquisitive, aesthetic, scholarly or economic interest.
- Museums aim to deal solely with legal traders, although illicit artefacts are known to have been exhibited to the public, whether knowingly or not (Weiss, 2007). To give a recent example, Madrid's National Archaeological Museum is thought to have bought illicit vases that had passed through the hands of the famous art criminal Giacomo Medici (Isman, 2010).

The price at which these buyers acquire an item can often be more than a hundred times greater than the price at which the source dealer acquired the item from the supplier (Gerstenblith, 2007). It is also important to note that an item which is illegally purchased may become legal with time, depending on national legislation relating to so-called limitation periods (Reyhan, 2001).

The illegal trade in cultural property may thus start at the supply phase, the transfer phase, or develop criminal links in the demand phase. The items in question may also pass through the hands of multiple licit and illicit individuals. Any intervention seeking to combat the illegal trade in cultural property should therefore be informed by every stage of the supply chain.

This argument will be illustrated in the following chapters through two case studies, the Medici case and the Beit collection robbery. These case studies were chosen as they are those for which there is the most information readily and publicly available that covers the supply chain in cultural property from start to end. Thus, they fit the purposes of our study as illustrative examples of how the supply chain approach can be applied to real-life criminal activity and used to explore gaps in policy measures. They are not necessarily typical nor do they exemplify two types of illegal trade in cultural property. Therefore, our results will not necessarily be generalisable beyond the case studies, although they will be able to raise valid points to take into account in this sector.

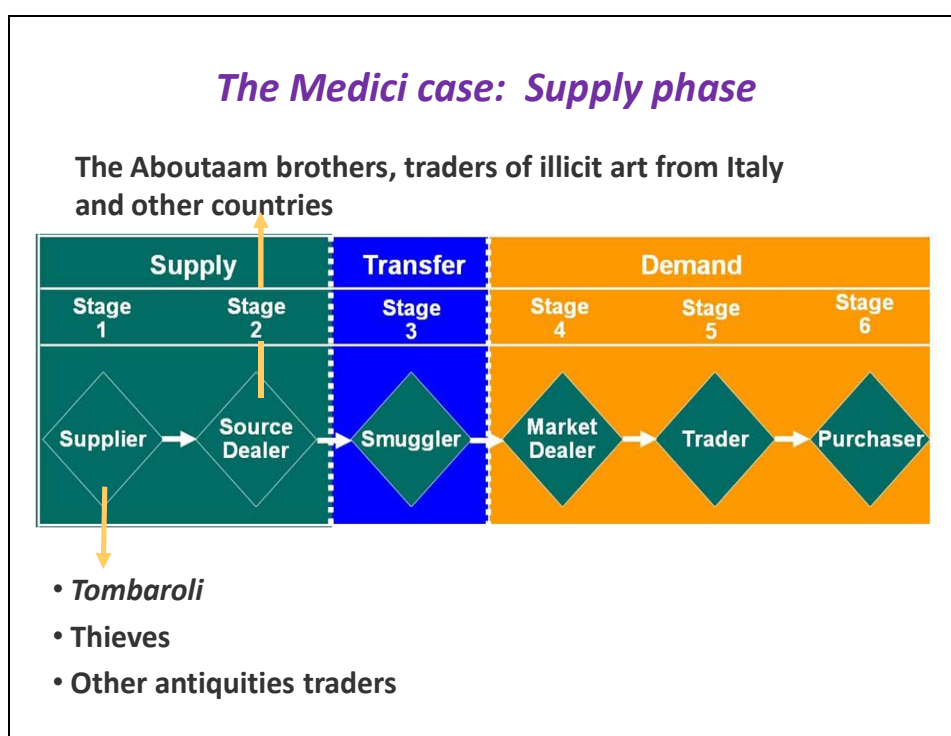
*The Medici case*

- **International illicit antiquities trading cartel managed by Giacomo Medici and operating for twenty-five years**
- **Over 90 percent of antiquities found at Medici's depots in Geneva's Port Franc were of illegal provenance**
- **Antiquities handled by Medici were sold via auction houses in the UK and to leading international museums**

The Medici case refers to one of the most important and complex cases of international trade of art and antiquities. More importantly, it is considered by national legislators around the world as the main case study for examining the global nature of this phenomenon and the difficulties in countering it. Prior to discussing the details, it should be emphasised that Giacomo Medici never acted alone. He was at the centre of an international tangle of different actors who managed the supply and international transfer of illegally obtained art and antiquities to satisfy the demands of a large array of clients, ranging from private collectors to international auction houses and museum curators. After Medici's arrest, Swiss and Italian police authorities uncovered a warehouse in Geneva's Port Franc that held more than 3,800 items, over 90 percent of which were either stolen or of unknown provenance. Among the uncovered items, they found photos of an ancient Roman marble sculpture depicting griffins eating a deer (which had been purchased by the Getty Museum), a statue of Vibia Sabina from Villa Adriana (purchased by the Boston Museum of Fine Arts), and the Euphronios krater (purchased by the Metropolitan Museum of Art). These objects (and more, sold by Medici to other museums and rich collectors) have now been returned to Italy.<sup>11</sup>

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<sup>11</sup> According to Watson & Todeschini (2007), some of these items still had markers of their sale through a major international auction house.



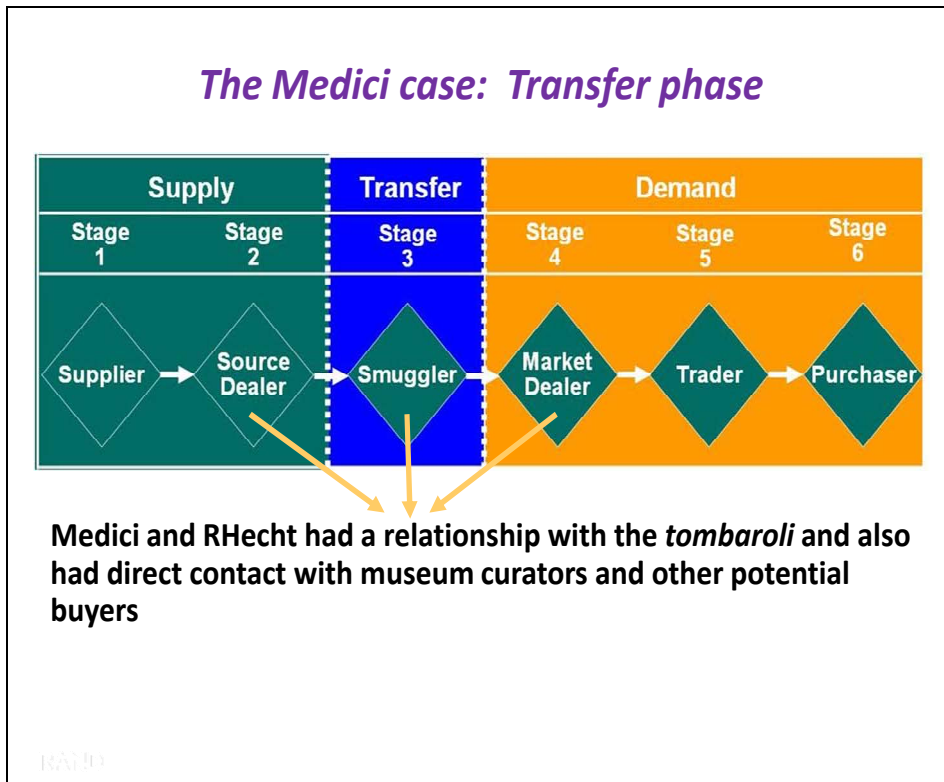
The evidence indicates that Medici had a set of three possible sources of suppliers: *tomboroli*,<sup>12</sup> thieves, and other antiquities traders. Medici had been involved in the art and antiquities trade since a young age. His parents sold these kinds of goods in Rome and Medici then developed the business both in Italy and internationally (Repubblica Italiana, 2004).

Medici and his main accomplice, Robert E. Hecht, an American antiquities dealer, sourced their trade mainly from the *tomboroli*. In 1972, the sale of the Euphronios krater to the Metropolitan Museum of Art for \$1 million provided the necessary finances to fund the expansion of their criminal partnership (Isman, 2009). Another source of supply was the indirect trade of stolen goods from private settings. For example, the enquiry into Medici's case included an analysis of sarcophagi that were sold via leading international auction houses but were initially stolen from the private residence of Alessandra de Marchi in 1986 (Repubblica Italiana, 2004).

Medici was also involved in collecting antiquities directly from other robbers or illegal traders, such as the Aboutaam brothers, whose Swiss warehouse was raided by Italian investigators in 2001, and Franco Luzzi, a Rome-based antiques dealer, who provided Medici with items stolen from Villa Adriana (Repubblica Italiana, 2004).

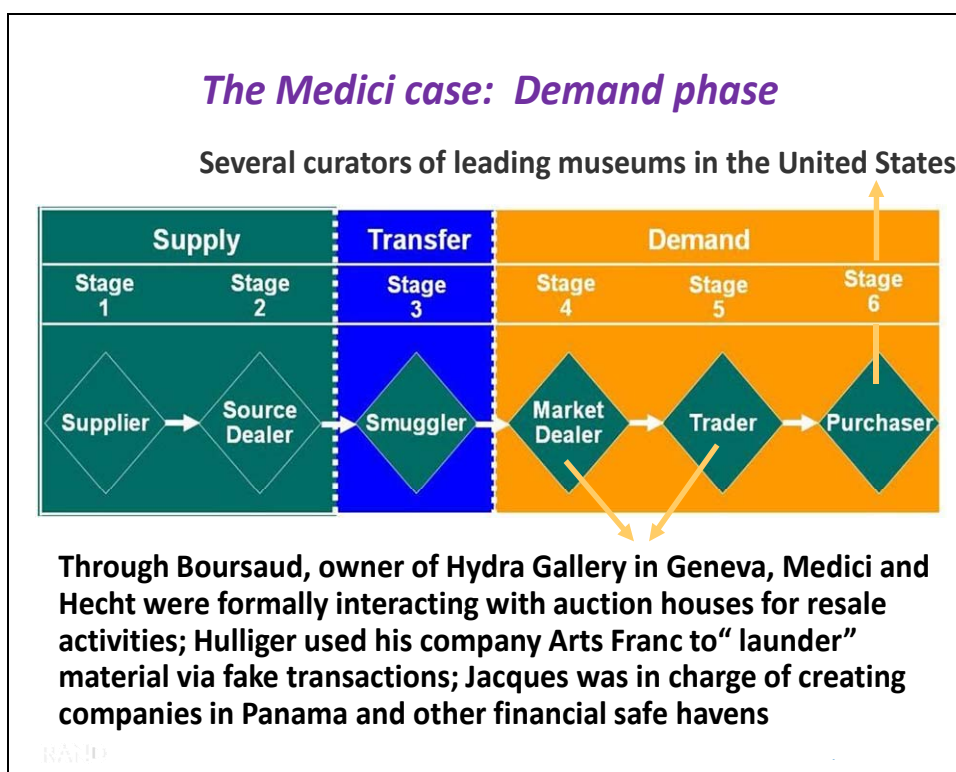
<sup>12</sup> The term *tomboroli* refers to a set of individuals who, while working in teams of three to five individuals operating primarily in Central and Southern Italy, undertake illegal digging aimed at uncovering antiquities, selling them to the highest bidder and thereby introducing them to the national and international market.





The main activity of Medici and his accomplice Hecht was to facilitate the transfer of illegally obtained art and antiquities onto the international market. This involved laundering the goods so that they could be sold easily to an array of clients. This activity was carried out using different approaches and with the assistance of other actors, such as Robin Symes and Christo Michaelidis.

As indicated in the Italian police report, Symes and Michaelidis worked closely with Medici to sell illegally obtained goods using front companies such as Xoilan Trader Inc., which was based in Panama. Fritz and Harry Bürki, other collaborators, sold goods that they knew had been acquired illegally. Similar dealings were undertaken to facilitate the sale of illegal works to international auction houses (Isman, 2009; Watson & Tedeschini, 2007).



Medici’s activities did not take place in a vacuum; they were responses to an international demand for the goods he sourced. Medici needed to use a network of market dealers and traders to sell antiquities after they had been fully laundered. Christian Boursaud, owner of the Hydra Gallery, played an important role in assisting Medici in the laundering and sale of these goods. Boursaud acted as the front face for the entire operation while at the same time assisting in complex transport operations. The evidence against Medici indicated that it was Boursaud who managed the sale of a number of important antiquities to several auction houses and museums. A similar front-facing role was played by Pierre Hulliger (Repubblica Italiana, 2004).

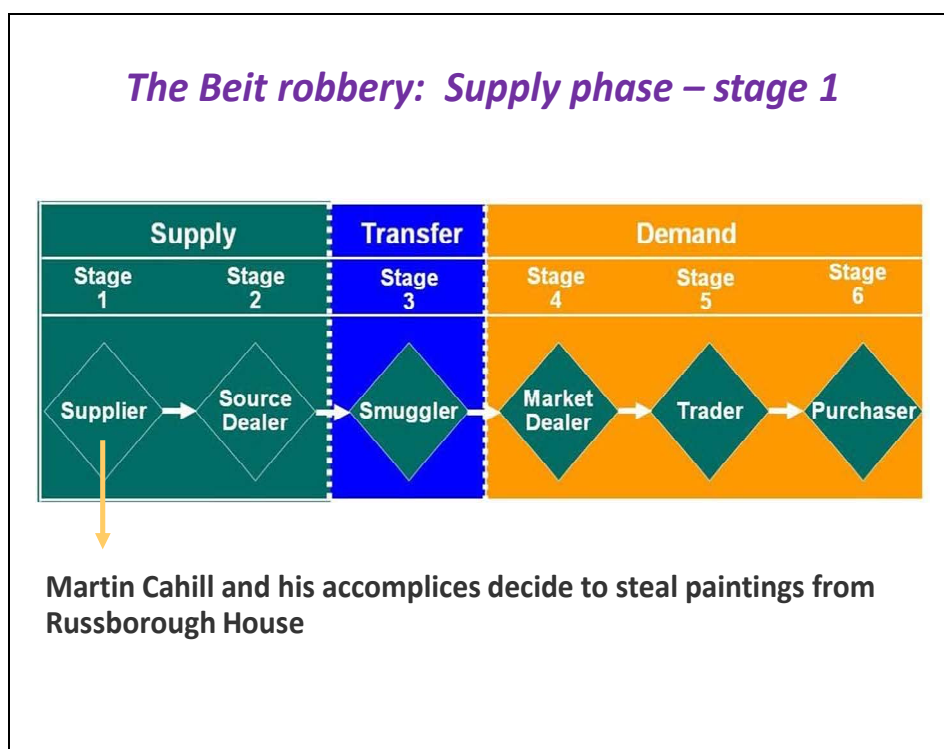
As with other international criminal trades, the links between these actors required a large set of financial flows, hence the need for strong financial management. This crucial role was eventually assigned to Henri Albert Jacques, who assisted Medici in the acquisition of several Panama-based trust companies, enabling Medici to operate legally in Switzerland.

The case brought by the Italian prosecutor revealed that Medici was able to sell to a large array of actors ranging from private collectors to museum curators and international auction houses. The evidence further indicates that would-be purchasers occasionally contacted Medici directly in order to procure a particular antiquity or work of art (Watson & Todeschini, 2007). Following his trial in 2004, Medici was sentenced to ten years imprisonment but is currently awaiting appeal.

### *The Beit robbery*

- **In May 1986 Martin Cahill and associates broke into Russborough House and stole eighteen paintings from the Beit collection**
- **This was the second in a series of four robberies of the Beit collection from 1974 to 2004**
- **The theft involved exploitation of the weak physical security of the building**
- **Has been considered one of the largest art thefts in history**
- **It is one of the most evident and reported examples linking illicit trade of art to organised crime or some form of terrorist financing**

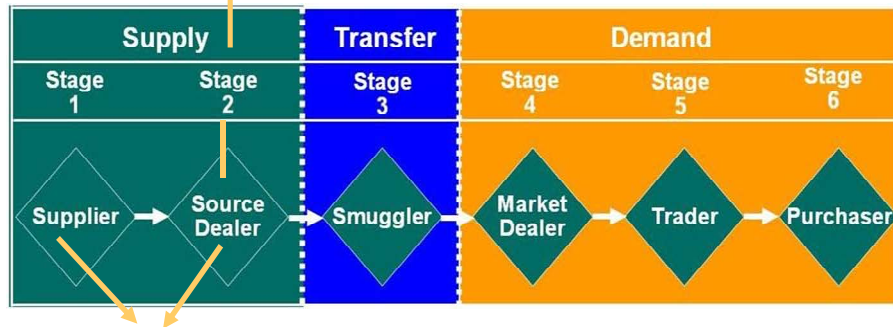
The Beit art collection robberies at Russborough House in Ireland illustrate a number of the dimensions of contemporary art crime, in particular the link between stolen art, drugs, organised crime and terrorist groups. Russborough House was first robbed in 1974 when an IRA gang led by Dr Rose Dugdale took nineteen paintings, including Vermeer's renowned *Lady Writing a Letter with her Maid* (Haupt, 2006). A ransom demand was made for the transfer of four Irish political prisoners from Britain to Belfast. However, the day after this demand was made, Dugdale was apprehended 200 miles away and found in possession of all nineteen paintings. She was sentenced to nine years in prison for her part in the crime. A second robbery of the Beit art collection took place twelve years later in 1986, masterminded by Martin Cahill, a notorious Dublin criminal. In this case, the motivation was not political, but rather common criminal behaviour that had evolved from other forms of smuggling and trafficking into the art trade. Subsequent robberies at Russborough House took place in 2001 and 2002 (Hart, 2004) but for this case study we will focus on the 1986 robbery by Cahill and his accomplices. This robbery, and its aftermath, is of particular interest as it highlights not only the connections between art crime and other illegal activities, such as terrorism and the drugs trade, but also the inability of existing international crime policy to counter contemporary art theft.



In 1952, Sir Alfred Beit moved from South Africa to Russborough House in Ireland, taking with him a valuable private art collection that included Vermeer's *Lady Writing a Letter with her Maid*. On 21 May 1986, Martin Cahill, a Dublin criminal, and a team of associates broke into Russborough House. Despite the installation of a sensitive alarm system in the house after the IRA raid twelve years previously, the gang had little difficulty entering the premises. They deliberately stepped in front of the passive infrared sensor, activating an alarm that was directly connected to a police station in nearby Blessington. Once the alarm was activated, the gang tampered with the sensor so that it would not set off the alarm a second time. They then retreated from the house and waited for the premises to be checked over by the police and Russborough's own security guard. No sign of a break-in was found and the police left. Cahill and his gang entered the premises again and, in a raid that lasted six minutes, took eighteen paintings away with them, discarding the seven least valuable pictures in a ditch ten miles away. Among the eleven they kept were the Vermeer, Goya's *Portrait of Dona Antonia Zarate* and two Metsus. The value of the entire haul has been estimated at more than £50 million (McLeave, 2003). Other paintings included *Portrait of a Monk* and *Portrait of a Man* by Rubens; Gainsborough's *Portrait of Madame Baccelli*, Guardi's *View of Grand Canal, Venice*; Vestier's *Portrait of Princess de Lambelle*, and *The Music Party* by Palamedes.

**The Beit robbery: Supply phase – stage 2**

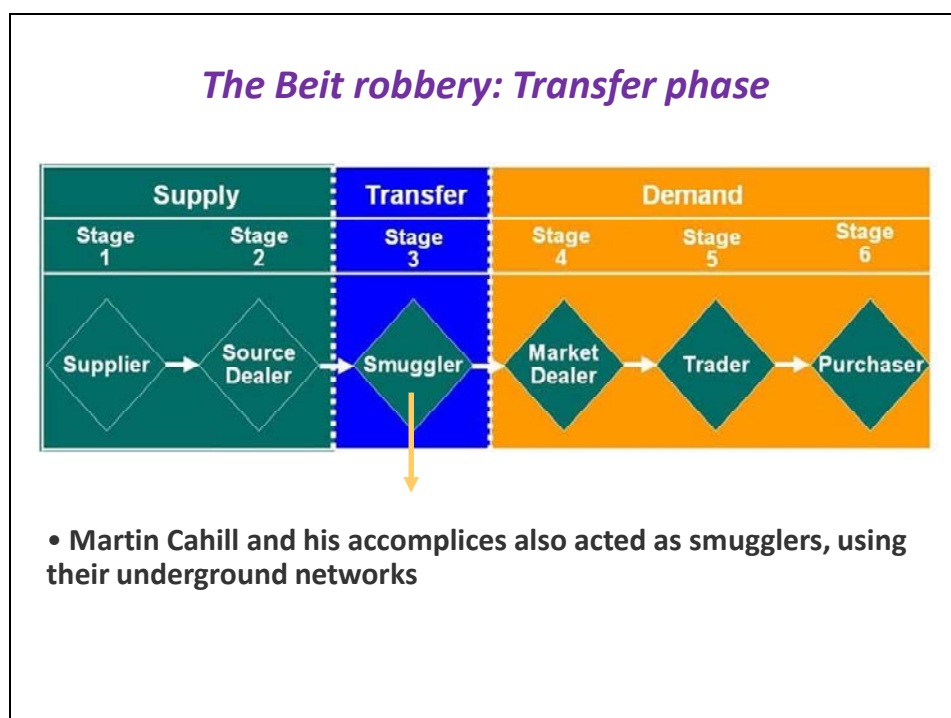
**Kees van Scoaik, a Dutch art dealer turned informant, infiltrated Dublin underworld expressing his willingness to pay £250,000 for two of the less-known paintings**



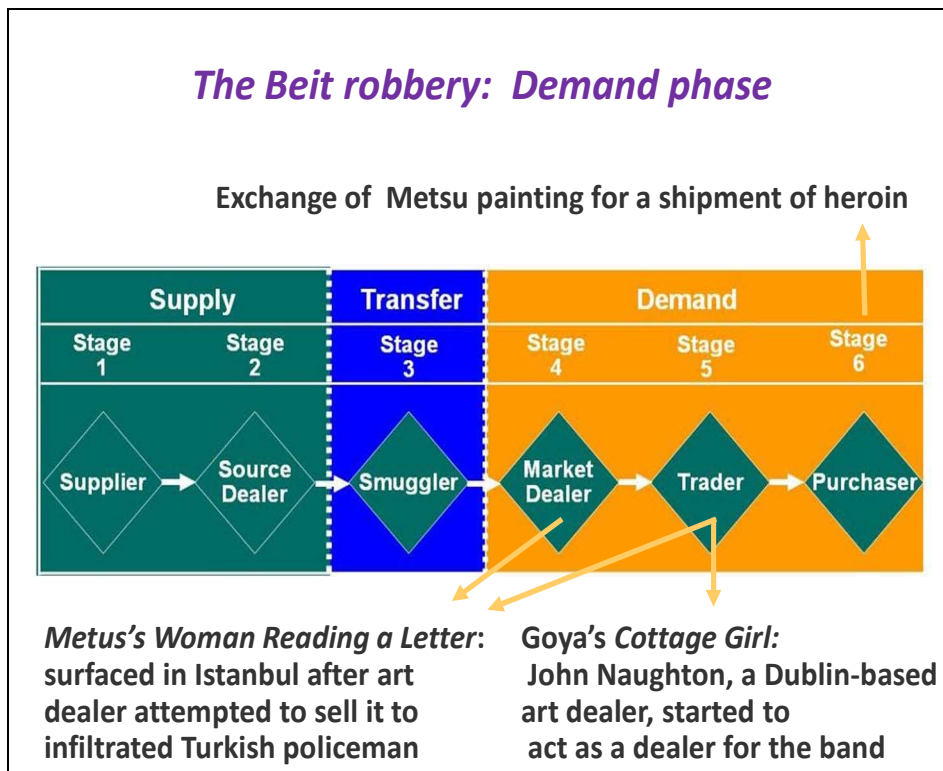
**Martin Cahill and his accomplices decide to steal paintings from Russborough House**

In an attempt to recover the stolen paintings, police used a convicted Dutch art dealer, Kees Van Scoaik, to infiltrate the criminal underworld and express his willingness to pay £250,000 for two of the less well-known paintings. A rendezvous was arranged between van Scoaik, who was accompanied by an Interpol inspector posing as an art expert, and the criminal gang. They carried with them an infrared camera, ostensibly to verify the authenticity of the paintings but which concealed a transmitter to relay signals to a nearby police ambush. The meeting, however, collapsed when a low-flying aircraft disturbed the negotiations and the Interpol inspector’s transmitter failed. In the commotion, van Scoaik fled from the police, taking with him a stolen painting worth more than £50,000 (Williams, 1995).

Three years after the theft, there was a new development when Scotland Yard arrested a Dublin man, John Naughton, who was attempting to sell thirteen pictures, some of them from the Beit raid. They included Gainsborough’s *The Cottage Girl*, a Goya, and a Metsu. These pictures were offered to a London art dealer, Trevor Henry Hallwood, who informed the police. Police arrested Naughton and, although he denied working for the IRA, detectives felt certain that he had been used by the paramilitary organisation. He received a two-year jail sentence, the judge taking account of the fact that his role was primarily that of a go-between (Hart, 2004).



Given the complexity of the 1986 Beit robbery in terms of both its international scale and the length of time the paintings were missing, it is very difficult to ascertain the precise movements of the paintings in the aftermath of the theft. Although it is probable that Cahill exploited a web of underground networks to smuggle the paintings across Europe, the precise movements of individual paintings are impossible to chart. For many years it seemed the paintings had disappeared without a trace. The authorities subsequently discovered that they had been hidden in a suburban Dublin attic before being smuggled out of Ireland to be moved among the underground network of international dealers and traders. A long-running, international police operation began, taking in London, Istanbul and Antwerp as the paintings slowly began to reappear throughout the 1990s.



As the Beit paintings were slowly recovered, a complex web of market dealers, traders, and would-be purchasers was gradually uncovered. In March 1990, Metsu's *Woman Reading a Letter* was seized in Istanbul after a man used it to tempt Arab purchasers to buy the eleven missing paintings for approximately £6 million. The "Arabs", however, were undercover Turkish agents working with the Irish police. They arrested only one man who claimed he had been offered £1000 by an Irishman to deliver a package in exchange for an undisclosed payment. In May 1990, the Turkish police in Istanbul interrupted a Scottish criminal trading the Metsu painting for a shipment of heroin.

In 1992, Gainsborough's *Portrait of Madame Baccelli*, worth at least £2 million, was recovered in a van stopped by police near Euston Station in London. In March 1993, again at Euston, the left-luggage manager discovered *The Music Party* by the Spanish painter Anthonie Palamedes in one of the lockers. A few weeks later, Rubens' *Portrait of a Monk* was found in a house in Borehamwood, Hertfordshire. Dennis Prior, the owner of the house, maintained that he had been given the painting, which he believed to be a good copy, by his brother-in-law to sell. He received a nine-month suspended sentence.

Six months after the discovery of the Palamedes and the Rubens, the Turkish police received information that the IRA was preparing to finalise a deal in Antwerp. Following months of undercover negotiations, the IRA was now willing to barter the Vermeer, Goya and two other Beit paintings for drugs, which are easier to sell. The police staged an elaborate multi-year undercover operation, in which one of their detectives posed as a collector of stolen art. In August 1993, an associate of Cahill named Niall Mulvihill arranged to meet the detective to exchange the Vermeer and Goya's *Portrait of Dona*

*Antonia Zarate* at Antwerp airport. Mulvihill was arrested along with three other men and all four paintings were recovered.

However, the Belgian *juge d'instruction* released the four men because the Belgian authorities had no jurisdiction to deal with the matter since the robberies had taken place in Ireland.

In all, sixteen of the original eighteen stolen paintings have been recovered, all from members of crime syndicates. Cahill was never charged with any crime in relation to the Beit robbery, but was murdered in what the media described as a gangland shooting in Ireland in 1994.



*Concluding observations*

- 1. A supply chain approach, from original supply to final purchase, is an effective conceptual tool that enables one to identify the different stages of the criminal process and develop targeted responses**
- 2. The study of the illegal art trade requires more research into:**
  - Recent developments in the trade, as most of the highly-cited research in this area was carried out and published in the 1990s**
  - The most effective policy responses to the trade, as most current research takes a regulatory approach to the problem**
  - The links between the illegal trade in cultural property and other illegal trades such terrorism, arms and drugs**
  - The lessons that can be drawn from the management, regulation and policing of other illegal trades**

The descriptive case studies<sup>13</sup> discussed in this report enabled us to identify a number of key issues in international art crime that play a role in the continued growth of the trade. On the basis of this analysis we can draw a number of conclusions on the scope of our study and the methodology that we applied. As indicated earlier in Chapter 2, these conclusions are not necessarily generalisable.

Firstly, mapping the case studies to the supply chain of cultural property, and exploring every link in the chain, allowed us to test the effectiveness of using a comprehensive supply chain approach for the study of the illegal trade in cultural property. We were able to identify the various players who need to be targeted by policy, for example, by highlighting the involvement of scholars and experts at the intermediary stage in the Medici case, and of terrorist organisations in the case of the Beit robbery. Secondly, the supply chain approach helped us discover the process through which these players contribute to selling cultural property to a final buyer, sometimes legitimising the item along the way. In the Medici case, the use of companies trading both on the legal and illegal markets was key, and in the Beit case, the lack of international coherence in legislation played a significant role in the failure to bring all of the criminals to justice.

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<sup>13</sup> Descriptive case studies are a methodological tool used to illustrate a particular situation or problem through a limited number of examples (Yin, 2002).

This study offers a contribution to a field of research that is limited in a number of ways:

1. The majority of the empirical literature dates back to the 1990s.
2. The majority of empirical research takes a regulatory approach to the matter, and less of a policy approach (looking, for example, at the role of training, databases, and so on).
3. Given the international nature of this kind of criminal activity, research data are difficult to obtain due to the difficulties of dealing with multiple jurisdictions, differing attitudes to what constitutes art and inconsistent approaches to keeping statistical evidence on art crime.
4. It is also hypothesised that art crime data are compromised by a lack of reporting due, for example, to the reluctance of museums and public properties to expose the vulnerability of their collections or the inadequacy of their in-house policies regarding the legitimate acquisition of cultural property.

In particular, further research is required in two key areas:

1. The links between the illegal trade in cultural property and terrorism as well as the illegal arms and drugs trades remains widely hypothesised but sparsely evidenced, with data primarily drawn from a few key incidents. The UK Ministerial Advisory Panel on the Illicit Trade in Cultural Objects (2000) noted with regard to this topic: “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. While this evidence is inevitably anecdotal, we nevertheless find it persuasive.”
2. Despite the links and similarities to other illegal trades that are the object of significantly more research, such as the drugs trade, there has been little attempt to assess the transferability of lessons from these domains into that of cultural property. More research could help address these limits to the existing literature and thereby assist in curbing the booming illegal trade in cultural property, which is detrimental to both the arts and scholarship.

*Policy conclusions*

- **International coherence is needed between national legislation and policies in order to counter what is usually an international crime, carried out across multiple jurisdictions**
- **The low level of security in museums and other institutions housing valuable works of art must be addressed in any response to the growth of this illegal trade**
- **Similarly, the lack of training and resources available to security and police units is a major contributing factor to the continued success of the illegal trade in cultural property**
- **A legal mandate is needed requiring all potential purchasers of art to consult a central registry of stolen art. This would greatly reduce the risk of good-faith purchases of stolen goods**

Taking into account that technological advances have so far increased the problem posed by the illegal trade in cultural property, as explained in Chapter 1, it is essential to address the issues the trade presents today. Our research has allowed us to identify some of the ongoing shortcomings of existing policies that attempt curtail it:

1. Greater international coherence is needed between national legislations and policies to deal with cultural property crime, as it usually takes place on an international scale and must tackled on an international level. In the Medici case, for example, suspicions and knowledge of illicit activities and related transactions were not passed on to the Italian authorities. In the Beit case, a Belgian judge was unable to convict illegal traders who were apprehended in Antwerp as the original crime had taken place in another jurisdiction.

At the moment, legislation and policies, varied and not coordinated between countries, can assist the illegal trade. At an international level, suppliers of cultural property may have to smuggle an item out of a country, but then be able to legally bring it into another, thereby being able to trade on the licit market (Mackenzie, 2002). In continental Europe, where the absence of physical borders makes for easy transport from one country to the next, there are two particular incentives for the transfer of stolen art between countries. First, by smuggling stolen art to a country where the legal power to prosecute thieves expires quickly, such as France,

the thief only has to hide the stolen property for a relatively short time according to the statute of limitations (Sultan, 1998). Secondly, by moving stolen art from common law nations to civil law nations, thieves can acquire good title to a stolen artwork more easily, as bona fide buyers are favoured over original owners (Sultan, 1998).

2. The level of security around artworks makes them a vulnerable target for thieves (Ahern and Amore, 2009). When planning and carrying out robberies, art thieves have relatively easy access to the targeted items. In the run-up to the Beit robbery, Cahill travelled to Russborough House every Sunday for two months as a paying visitor in order to explore the premises and plan the heist. There was also information on the value of each painting in the literature designed to accompany tours of the house.
3. Another matter that needs to be addressed is the issue of training and resources. The lack of effective security protecting cultural property from being stolen or looted has been asserted in the literature and is evident from our case studies. Training can also be directed at custom officials, helping them to identify falsified documents or stolen property. Similarly, the lack of resources that are available to art crime squads and investigating units, illustrated by the inability of the Irish police to acquire 'show money' in order to carry out a sting operation in the Beit case (Williams, 1995), is a major problem.
4. In order to prevent situations whereby individuals or galleries purchase stolen art in good faith, a legal mandate that all prospective buyers consult a central registry of stolen art could be helpful. As John Conklin observed in his book *Art Crime*, there are a number of different databases of stolen art in existence but no one central registry. There is also no obligation for would-be purchasers to consult such databases and their usefulness is further limited by the incomplete nature of their data.

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