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**Abstract**

Art and antiquities have been identified as assets for terrorist financing and money laundering, and their trade is, therefore, being targeted for regulation. However, there is little data on cultural property trading and even less on cultural property crime, and cultural property traders are resisting anti-money laundering (AML) regulation. This chapter presents evidence from open-source research that demonstrates the participation of organised crime networks, organised crime groups, politically motivated armed groups, and politically exposed persons in the art market. It also demonstrates the contributions of innovative assemblages of governance to generating and mobilising such evidence in order to inform and augment cultural property policing. This evidence indicates that the market is being exploited and must be regulated. However, as there is little policing to identify and stop such activity and there is ever more online activity that is even more difficult to police, the most effective form of AML action would be monitoring, investigating, and prosecuting suspect activity under existing law.

**Key words**

Cultural Property Crime, Illicit Antiquities Trade, Money Laundering, Open-Source Research, Transnational Organised Crime
Introduction

Policy discourse now regularly emphasises that antiquities are used both for financing terrorism and laundering criminal money. Legal reforms, to categorise art and antiquities as commodities at high risk of exploitation by money launderers, are being implemented or considered around the world. Yet stakeholders also recognise that there are ‘hardly any . . . data on illicit commerce’ in cultural objects or ‘instruments for measuring’ it, regardless of the participant. In terms of policing (international) cultural property crime, there is a counterproductive leaning towards easier, quicker, cheaper seizure, forfeiture, and repatriation rather than indictment, conviction, and punishment, even when shipments of cultural goods display indicators of terrorist financing. So, there continue to be comparatively few well-documented, successfully prosecuted criminal cases by which to assess the necessity and effectiveness of traditional and innovative assemblages of governance.

Indeed, there are many who advocate against the application of anti-money laundering (AML)/counter-terrorist financing (CTF) requirements on this basis. For example, the International Confederation of Art and Antique Dealers’ Associations (CINOA) uses ‘the absence of recurring evidence of terrorism financing’ through art market transactions within the European Union (EU) to argue that heavier regulation would put an ‘enormous,’ ‘disproportionate,’ and ‘unacceptable burden’ on the trade, which mostly comprises small- and medium-sized enterprises that ‘do not have the resources to fund the same compliance services’ as businesses in other sectors. Perversely, it justifies this claim precisely by

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2 For example, in the EU Fifth Money Laundering Directive (Directive 2018/843 of May 30, 2018) and the US Illicit Art and Antiquities Trafficking Prevention Bill (HR 5886–115th Congress (2017–2018)).
3 European Commission (fn Error! Bookmark not defined.) 124.
highlighting how 19% of fine arts that are auctioned in Europe change hands for USD 10,000+ and 26% that are sold around the world change hands for USD 50,000+.

The market-aligned Committee for Cultural Policy (CCP) claims success in preventing (or at least delaying) the extension of AML measures to dealers in art and antiquities in the United States. To challenge the campaign for stricter AML regulation, the CCP advances the fact that there have been ‘no convictions for pure money laundering in the art trade.’ The underlying logic would seem to suggest that, because the convicted criminals have committed two crimes instead of one, states should not try to make it more difficult for them to commit one of those two.

Encapsulating the market position, the president of the Art Dealers’ Association of America (ADAA) asserts that money laundering is ‘simply not . . . pervasive.’ Yet a British money laundering suspect told an American undercover agent that art was such a ‘profitable investment’ precisely ‘because of “money laundering”’, because it was ‘the only market that [was] unregulated.’ An American money laundering suspect told another undercover agent, ‘You don’t have to worry about it. . . . We can do it any way, any way you want. . . . No receipt, no invoice. . . . That’s the way I like to do business.’

As this chapter demonstrates, terrorist financiers (as well as other conflict financiers) and organised criminals are not only capable of exploiting the market; they are already exploiting it. Meanwhile, observers continue to suggest that ‘expertise’ is necessary to exploit the market. This claim may have limited their estimation of the threat of exploitation by terrorist financiers and organised criminals, which the European Commission judged to be ‘moderately significant’ in June 2017. For instance, the ransoming of stolen paintings was already known to have profited the terrorist network that attacked Paris in November 2015 and Brussels in March 2016.

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European Commission (fn 1) 125.

Formal partnerships and informal collaborations are emerging to overcome the obstacles to effective policing of this activity, whether by conducting due diligence checks to establish the facts of a case, producing previously unobtainable evidence that is admissible in court, monitoring previously untouchable actors who may then be investigated, tracing previously obscured networks that may then be analysed, or assessing otherwise fragmented pieces of evidence that may then inform analysis. Thus this chapter also shows how innovative assemblages of governance are making distinct contributions to policing. This chapter is particularly important in light of ongoing efforts to regulate this important sector.

Using open-source intelligence to inform policy and practice

One developing field for the gathering of intelligence to analyse risks and trends in cultural property crime, if not also for the collection of evidence to ground criminal investigations and legal proceedings, is open-source research. Such research may somewhat compensate for the dearth of well-documented criminal cases. Consequently, intelligence-led policing – and, equally importantly, evidence-led policy – may achieve greater success in the disruption of trafficking.

Open science is founded on practices of ‘open access, open data and open methods,’ on the provision of permanent, free online access to the publication, its data sets (ideally, the raw data), and its ‘methods of data collection, analysis, and visualization’ so that research is accessible, assessable, and reproducible. There may be significant constraints on the implementation of open science in criminology for the protection of sources and subjects. Notwithstanding those constraints, the fullest possible implementation is increasing the volume, complexity, and reliability of data that researchers can collect, as well as expanding the number of analysts and the range of their expertise.

To give one example of how open science works, combining techniques from digital humanities, biological anthropology, and criminology whilst collaborating across North America, Europe, and Asia-Pacific, one team has performed a scoping review of the ‘red market’ in human remains, developed methods of research into the online trade, and produced a text analysis of online communities. Therein, they have traced transnational networks from extractor to dealer to collector. To give another example, a study has found testimony from a treasure hunter that he transports his metal detector into and out of

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restrictive jurisdictions by carrying its components in different containers. In both cases, this knowledge is already being mobilised in capacity-building programmes, through which it may refine training of cultural heritage professionals and law enforcement agents and thereby increase prevention of unlicensed activity. Currently, the evidence base is so limited that it is difficult, if not impossible, to conduct a systematic review of the effectiveness of policy on cultural property crime. However, there have been foundational studies of evidence in relation to the functioning of cultural property crime and responses to it. These studies include systematic reviews of tomb robbing in Italy, interfaces between legal and illegal operators in the antiquities trade, and the effects of politics on the resolution of legal disputes over cultural property.

By exploiting the amount and accessibility of evidence on the web, open-source research is enabling quantitative and qualitative analyses that are testing received opinion, opening new avenues of research, and compiling an evidence base that will be the foundation for policy analysis. Open-source research may be key in corroborating novel studies that document new evidence for long-disputed phenomena. Thereby, it may change approaches to policing, which, for instance, long denied the possibility of theft-to-order, thus hamstringing investigations into cases of theft-to-order. Critically, then, it may contribute to risk analyses for money laundering and terrorism financing/conflict financing with art and antiquities.

The limits and possibilities can be seen in the following summary review of organised cultural property crime. Whilst even its existence remains controversial in international discussion, the functioning of collaboration between Italian mafia and ‘Russian mafia’ (or ‘Eurasian organised crime’) in crimes involving antiquities (including the trafficking of antiquities, murder, and robbery of collectors) has been documented in Russian since at least 1997. Russian mafia boss Semion Mogilevich’s handling of antiquities, which ranged from

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22 Balcells Magrans, M., Contemporary Archaeological Looting: A Criminological Analysis of Italian Tomb Robbers (PhD, City University of New York, 2018) 31–70.
trafficking of ‘stolen icons’ to ‘advance fee fraud’ that fraudulently appropriated cultural assets has been documented in English since 1998.

Practical difficulties, however, arise. Even if knowledge is, nowadays, not unidentifiable due to the language of the record, it may be inaccessible due to the geographical location of the record. Alternatively, it may be identifiable and geographically accessible, yet remain unknown due to the intellectual location of the record outside the field of cultural property crime. Nonetheless, it is becoming much more identifiable and much more accessible due to the archiving of historical documents and the publication of contemporary documents online, as well as the refinement of machine translation and the expansion of the range of languages that may be subjected to machine translation. As detailed here and elsewhere in relation to multi-commodity trafficking and money laundering by organised criminals from Eastern Europe and Latin America, open-source research can demonstrate the existence and functioning of criminal phenomena, which can then inform the activities of police and customs. Furthermore, law enforcement agencies may be aware of traffickers of cultural objects, yet only as traffickers of other commodities; law enforcement agencies are ‘increasingly regular[ly] searching for drugs and finding ‘vast’ quantities of antiquities. So, such open-source evidence can identify suspects, routes, and networks, which can then be targeted in law enforcement operations.

How innovative assemblages can facilitate traditional governance

Public investigators can often only ‘reveal’ risk that is already known to someone or another in some way or another, even if that knowledge is difficult for others to identify and access. Sometimes, they may reconstruct networks that are otherwise only visible as isolated sets of nodes. Yet when private actors monitor the market, they may be able to identify suspects and suspect goods and then present cases to law enforcement agents for forensic investigation.

Due to the different requirements and norms of police procedure and private investigation, as well as the different knowledge of police officers and cultural-historical experts, private actors may be able to identify previously unknown suspects and networks. For instance, cultural-historical experts may identify suspect goods, investigative journalists may then (justify that they) devote resources to targeting people and exposing their activities, and law enforcement agents may then (justify that they) investigate forensically. Even if such cases are shelved, fear of prosecution (or simply bad publicity) may lead to restitution of cultural property.

29 Sweeney, J., ‘Mr Bigski’s dirty money grows fat in UK Banks’ The Observer (5 December 1999).
31 With regard to known narcotics traffickers who are also antiquities traffickers, see Acar, Ö. and Kaylan, M., ‘The Hoard’ Connoisseur (July 1988) 74. With regard to the commonality of finds of antiquities in searches for narcotics, see Bowman, B.A., ‘Transnational crimes against culture: looting at archaeological sites and the “grey” market in antiquities’ (2008) 24(3) Journal of Contemporary Criminal Justice 225, 231.
One recent case clearly demonstrates the key role of private actors in monitoring the trade in (il)licit antiquities and combatting crimes against cultural property and thus the potential of greater information sharing and closer collaboration between cultural property law enforcement agents and cultural heritage workers. This case concerned the ‘bronze Buddha,’ and involved a representative of the Association for Research into Crimes Against Art (ARCA) in Italy, a representative of the India Pride Project (IPP) in Singapore, a retiree from the Archaeological Survey of India (ASI) in India, a representative of the International Council of Museums (ICOM) in France, and an anonymised expert in an undisclosed location, who cooperated with an officer of the National Police in the Netherlands and an officer of the Metropolitan Police in the United Kingdom.\(^\text{32}\)

Due to the comparative ease of laundering antiquities that have been looted from archaeological sites through the art market with false collecting histories and no contradictory paperwork, the CEO of ARCA undertook voluntary monitoring for looted antiquities at the European Fine Arts Fair in the Netherlands in 2018. There, she found a suspect object for sale that was ultimately proved to have been ‘stolen from the Nalanda Archaeological Museum’ in India in 1961.\(^\text{33}\)

ARCA and the IPP compared photographs that had been taken by ARCA with records that were provided by an ASI retiree. They identified a match and notified the head of the Art and Antiques Crime Unit in the Netherlands (and other relevant authorities and institutions). Then when the dealer from the United Kingdom revealed to the police in the Netherlands that they were handling the object for a consignor, ARCA and the IPP shared their documentation with an officer of the Art and Antiques Unit in the United Kingdom.\(^\text{34}\)

The Metropolitan Police contacted the director of programmes and partnerships for ICOM, who ‘arranged for a neutral external expert opinion,’ which reaffirmed the opinion of ARCA and the IPP.\(^\text{35}\) Then, finally, the bronze Buddha was ‘voluntarily relinquish[ed]’ by its possessor and repatriated to India.\(^\text{36}\)

Albeit that this Internet-mediated process seems encouraging, it must be borne in mind that the Internet is equally an everyday tool for criminals as it is for crime fighters.\(^\text{37}\) Much private online trading may be practically invisible to crime fighters and thus practically impossible to disrupt before laundered objects appear on the open market.

**Identified evidence of money laundering and conflict financing**

 Traditionally, it has been difficult to demonstrate concrete evidence of money launderers using art and antiquity items. Indeed, empirical research had previously found ‘very little


\(^{33}\) Ibid.

\(^{34}\) Ibid.

\(^{35}\) Ibid.

\(^{36}\) Ibid.

evidence’ of money laundering with ‘stolen works of art, or looted and smuggled antiquities.’

However, that was a product of the (rigorously) restricted research design and the sporadic evidence base. Such research can also be a tortuous and comparatively unproductive process. Thus illicit activity may be discussed yet not documented by one source and then only corroborated by the subsequent discovery of a leaked document from one other source. Nevertheless, today, exceptional political situations, such as the crises in Ukraine, can generate significant direct documentation. There is also significant direct documentation of conflict antiquities trafficking to finance warfare, espionage, oppression, or terrorism. Whether state forces and anti-state forces in Syria and Turkey (occupying), state forces in Indonesia-occupied East Timor/Timor-Leste, China-occupied Tibet, warlords in Afghanistan and Somalia, or terrorist financiers in Germany and Egypt, there has been evidence of trafficking of (or profiteering off) cultural objects to finance (or incentivise) political violence within the last 20 years.

Such open-source research also documents the peculiar utility of cultural assets as laundering assets, which is most clearly demonstrated by the antiquities-for-methamphetamine economy in the United States. It is ‘often’ impossible for law enforcement agents to seize cultural objects that have been bought with the proceeds of drug sales (or bartered for drugs) by multi-commodity dealers because there is ‘no [forensic] proof’ that they were ‘acquired illegally.’ As observed by a forensic archaeologist, ‘When you have an artifact in your hand, you might as well have a packet of cash.’

Highlighting another benefit of cultural assets, investigative journalists in North Macedonia wryly note that government ministers with

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38 For example, Tijhuis (fn Error! Bookmark not defined.) 205 – emphasis added.

39 Ibid.

40 For example, BBC Panorama, ‘An in-depth investigation of leaked documents reveals Ukrainian gangsters, their families and associates taking advantage of offshore secrecy and ineffective money laundering controls to buy luxurious property and works of art.’ Watch Tonight at 8.30pm on @BBCOne BBCPanorama (<https://twitter.com/BBCPanorama/status/988468378561064960>, 23 April 2018). This tweet indicates that investigative journalists had evidence of money laundering with art by organized criminals, yet it was cut from the broadcast programme (Gangsters’ Dirty Money Exposed, <http://www.bbc.co.uk/programmes/n3ct3v2w>). Thus that evidence was not published and archived in a way that could be identified and assessed. In this case, searches for the excised material found an alternative source of similar information.


42 For example, Taylor, A., ‘What did Yanukovych take with him when he fled his mansion? Paintings, guns and a small dog, according to new video’ The Washington Post (12 March 2014); Lindsay, I., ‘How will the Crimean crisis affect the Russian art market?’ Russian Art Dealer (<http://www.russianartdealer.com/journal/crimean-crisis-affect-russian-art-market/>), accessed 2 April 2014.


extraordinary wealth have ‘modest vehicles,’ which the public can see, ‘but expensive paintings,’ which the public cannot see.\textsuperscript{46}

As already noted, there is growing concern about the risk of money laundering in the art and antiquities market in significantly consuming market countries, such as the United States\textsuperscript{47} and the United Kingdom,\textsuperscript{48} and primarily trading market countries, such as Switzerland.\textsuperscript{49} Trade associations persist in asserting that the art market is ‘erroneously believed to be . . . a high risk sector for money laundering,’ whilst there is ‘little evidence to suggest’ that it is ‘linked to money laundering.’\textsuperscript{50} Yet due to legal research and the accumulation of other resources on the web, open-source research now identifies wide-ranging evidence to suggest that money is laundered through the art market, by organized criminals,\textsuperscript{51} by politically exposed persons (PEPs),\textsuperscript{52} and by other criminals.\textsuperscript{53} For instance, according to the indictment in a recent case involving the 1965 painting of \textit{Personnages} by Pablo Picasso, two individuals (Kyriacou and Aristodemou) met with a third individual (who happened to be an undercover FBI agent) and proposed laundering proceeds of stock manipulation deals through the purchase and sale of art. It was proposed that the \textit{Personnages} painting could be purchased for £6.7 million and then

\begin{itemize}
\item \textsuperscript{46}Scoop, ‘The six richest Minsters are worth 35 Million Euros’ \textit{Inbox} (<http://en.inbox7.mk/?p=2741>, accessed 19 November 2018).
\item \textsuperscript{48}Porter, T., ‘Criminals seeking to launder millions through art market, warn experts’ \textit{International Business Times} (25 June 2016).
\item \textsuperscript{49}Bradley, S., ‘Can the art market regulate itself against illicit activity?’ \textit{Swissinfo} (9 February 2017) (<http://www.swissinfo.ch/eng/responsible-art-can-the-art-market-regulate-itself-against-illicit-activity/42943258/>).
\item \textsuperscript{50}For example, Confédération Internationale des Négociants en Oeuvres d’Art, ‘New measures threaten to damage the art trade’ \textit{CINOA} (<http://www.cinoa.org/cinoa/perspectives?action=view&id=AWJJOnyqk4eatYdKj1>, accessed 19 March 2018).
\end{itemize}
later sold in order to ‘clean the money.’ It was Aristodemou who characterised the art trade as ‘the only market that is unregulated’ and albeit hyperbolically advertised that ‘art was a profitable investment because of “money laundering.”’

In 2018, Paul Manafort, a prominent US lobbyist, pled guilty to conspiracy through money laundering, tax fraud, and obstructing justice. In the course of those activities, he had successfully converted at least USD 1,690,160 in offshore bank accounts in Cyprus through purchases of antiques and art in the United States. Amongst other places, Manafort converted income from services for political actors in Ukraine. In that country, there is a longer history of illicit handling of cultural goods by PEPs. For instance, former prime minister Pavlo Lazarenko was convicted of money laundering in the United States in 2004, where after a lithograph by Picasso and a vase of unspecified origin were seized in 2013.

High-value transactions for cultural goods from around the world by drug smugglers, paramilitary fighters, and political associates in Latin America and participation by lower-level as well as higher-level criminals there serve to demonstrate the risk of handling criminal money in the art market more broadly. The everyday tone of discussion in Latin America also serves as an antidote to protestations of naivety in North America and Europe. Elsewhere, evidence has been presented that demonstrates the existence of multi-commodity trafficking of antiquities with drugs, wildlife, and other commodities in Belize, Guatemala, Honduras, and Mexico, which has been committed by organised crime groups, corrupt networks within state agencies, and transnational organised crime. In this chapter, evidence is presented from Colombia and Mexico that shows how members and associates of organised crime groups and paramilitary organisations have laundered money with art and antiquities.

**Colombia**

In the transatlantic narcotics trade that pivots on Colombia, different trafficking/terrorist organisations have been implicated in the handling of art since (if not the 1970s then) the 1980s, through the 1990s and the 2000s and into the 2010s. As explained by his brother,
notorious Medellín cartel boss Pablo Escobar ‘bought magnificent art . . . , antique furniture, and other very desirable items that could be sold easily for cleaned money with no questions asked’; since laundering could drain ‘as much as 50 percent or 60 percent’ of the proceeds of the drugs crime, ‘there were always people willing to do deals.’ According to his son, Escobar’s wife, María Victoria Henao Escobar, also handled fine art and ‘valuable antiques such as Chinese vases and pre-Columbian pieces made of gold and clay.’ Medellín narcotrafficker Rafael Cardona Salazar had at least one Ming porcelain vase.

As well as Cali cartel bosses Justo Pastor Perafán and Víctor Patiño Fómeque, Cali cartel trafficker Carlos Alberto Mejía had an entire ‘art collection,’ which included at least one pre-Columbian vase. A financial channel between the Cali cartel and the Liberal Party intermediary, Elizabeth Montoya de Sarria, resulted in her investing proceeds in fine art. In the same vein, narcotraffickers and paramilitaries, who are not notorious enough to have been named, have bought ‘artwork[s]’ and other cultural objects that indicate an interest in antiquities, such as ‘golden replicas of Egyptian relics and some elaborate bronze sculptures.’ This appears to have been due to ignorance rather than price, as they bought many fakes in the belief that they were masterpieces. For instance, one drug trafficker and money launderer for the Norte del Valle cartel, Luis Hernando Gómez Bustamante (‘Rasguño’), bought works that had been attributed to Rubens.

Indeed, some narcotraffickers have been ‘pathological accumulators (acumuladores patológicos)’ of cultural objects. At least at one time, narcotrafficker consumption was so great that it created a ‘speculative bubble (burbuja especulativa)’ in artworks, yet perhaps only 25% of seized works were authentic. The art has been used as an asset to secure an inheritance for the families of traffickers and has been stolen by paramilitaries in their

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63 Escobar (fn Error! Bookmark not defined.) 75.
66 Guarnizo Álvarez (fn Error! Bookmark not defined.).
69 Guarnizo Álvarez (fn Error! Bookmark not defined.).
70 Ibid.
74 Salamanca (fn Error! Bookmark not defined.).
75 Guarnizo Álvarez (fn Error! Bookmark not defined.).
campaigns against traffickers. Paramilitary leader Fidel Castaño, who ‘bartered drugs for art (cambió las drogas por el arte)’ in the United States and Israel, boasted that ‘trafficking art was more lucrative’ than trafficking drugs. Contradicting rumours of his death that had persisted since 1994, in 2004, the United States indicated that he was alive and well and ‘continuing his work as a dealer of art (continúa su trabajo como dealer de arte)’ in France or Israel. In other cases, one money launderer for drug traffickers smuggled antiquities from Colombia to Spain, whilst ‘poly-criminal’ drug traffickers laundered the proceeds of their own activity in Spain and their suppliers’ activity in Colombia through the art market.

Mexico

In the transatlantic narcotics trade that pivots on Mexico, Sinaloa cartel boss Joaquín Guzmán, ‘el Chapo’, had ‘a collection of exotic art – some of which was illegal to possess – some stolen works (una colección de arte exótico – algunos de los cuales era ilegal poseer – algunas obras robadas).’ It included ‘sculptures, works of art (escultururas, obras de arte).’ Although there are other factors, such as the functionality of the legislation and the skittishness of innocent market actors, it is notable that the flow of money into the art market reduced significantly when Mexico imposed AML measures. Further examples abound, such as jailed Beltrán Leyva cartel boss Héctor Beltrán Leyva, who momentarily operated as property developer and art dealer ‘Alonso Rivera Muñoz,’ and Beltrán Leyva’s alleged partner in crime, ‘alleged financial operator (presunto operador financier)’ Germán Goyeneche Ortega, who was a property developer and art collector who was ‘into antiquities, especially of the pre-Colombian variety.’

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76 Carreres (fn Error! Bookmark not defined.).
78 Dudley (fn Error! Bookmark not defined.).
79 Olea (fn Error! Bookmark not defined.).
80 Cawley (fn Error! Bookmark not defined.).
81 Tóth (fn Error! Bookmark not defined.).
83 MiMundo Motor (fn Error! Bookmark not defined.).
Further examples range way beyond Colombia and Mexico. Russian mafia boss Alexander Naumov (‘Naum’) had an iconic collection.\(^{\text{87}}\) In at least three massive operations against Eurasian organised crime in Spain,\(^{\text{88}}\) cultural goods were seized as proceeds of crime.\(^{\text{89}}\)

**Conclusion**

As has been shown in this chapter, the market for art and antiquities is not only vulnerable to exploitation but also already being exploited for the laundering of criminal money and the financing of political violence. Market-aligned) campaigning against restrictive regulation might appear to indicate that the market itself believes that AML regulation would significantly affect the operation of the business.

However, the market might only fear an increase in administration and be right in fearing an increase in administration without any decrease in crime. After all, the United Kingdom’s implementation of the Dealing in Cultural Objects (Offences) Act 2003 was supposed to facilitate the prosecution of dishonest dealers who knew or could be expected to believe that they were handling cultural objects that had been ‘tainted’ by illegal extraction. It faced a mixed reception, though it was approved by the British Art Market Foundation.\(^{\text{90}}\) Yet, in the end, market opinion held that the regulation was simply ‘ineffective’ and had caused ‘no change’ whatsoever beyond ‘cosmetic’ changes for a few and location changes for a very few (who might be suspected of being the very worst actors for whom even generally useless legislation constituted a threat to their businesses).\(^{\text{91}}\) The first conviction was secured 13 years after the passage of the law.\(^{\text{92}}\)

Conversely, Germany’s implementation of the Cultural Property Protection Act of 2016 established a requirement for export licences from the country of origin for import of ancient artefacts into Germany and demonstrable observation of due diligence in the handling of other high-value cultural assets.\(^{\text{93}}\) It thus faced intense market-aligned protests against the

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\(^{\text{87}}\) Maksimov (fn Error! Bookmark not defined.).


\(^{\text{90}}\) Bailey, M., ‘A new UK law to fight the illicit trade: It is now an offence to handle an object if you know that it was illegally removed from a site anywhere in the world after 2003’ The Art Newspaper (9 January 2004).


‘bureaucratic burden (Bürokratieaufwand)’ and its ‘high implementation costs.’ Yet it led to the arrest of one coin dealer and four coin collectors within a matter of months and left the market ‘alive (lebt)’ and well.

Given these divergent examples, the requirements of the law may ultimately have little practical impact when customs checks and police investigations are so limited that illegal conduct is rarely identified to enable the application of the law. This practical freedom to operate unmonitored is only expanded by the explosion of the online market and particularly the private online market that functions through private communications in online fora and social networks and encrypted communications with smartphone apps. To make a significant impact, state and civil society need to move from the law’s refinement to its enforcement.

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97 Habermalz (fn Error! Bookmark not defined.).