

Indiana Law Review

Volume 45

2012

Number 3

ARTICLES

HONOR AMONGST THIEVES: ORGANIZED CRIME AND THE ILLICIT ANTIQUITIES TRADE

KIMBERLY L. ALDERMAN*

TABLE OF CONTENTS

Introduction.	602
I. Defining Organized Crime.	604
II. Criminal Groups in the Illicit Antiquities Trade.	605
A. <i>Criminal Excavators</i>	606
1. Subsistence Diggers.	606
2. Tombaroli.	608
3. Terrorists.	609
4. Mafia and Gangs.	611
5. Methamphetamine-Fueled Diggers.	614
B. <i>Middlemen</i>	614
1. Wholesalers.	615
2. Traffickers.	616
C. <i>Retailers</i>	618
1. Dealers.	618
2. Auction Houses.	620
D. <i>Antiquities Owners</i>	622
1. Collectors.	622
2. Museums.	623
III. Lateral Cooperation Among Criminal Organizations: The Illicit Antiquities Trade as an Organized Criminal Megagroup.	624
Conclusion.	627

ABSTRACT

Government agencies, non-profits, scholars, and advocacy groups alike assert that organized crime dominates the illicit antiquities trade. The illicit antiquities trade has been linked to money laundering, extortion, the drug and arms trades, terrorism and insurgency, and even slavery. This Article considers the connection between organized crime and the illicit antiquities trade, examines known criminal subcultures and evidence of their involvement in the trade, and

* J.D., Howard University School of Law; B.A., University of Maryland at College Park; M.A., ARCA International Art Crime Program.

analyzes lateral cooperation between loosely organized criminal groups. Finally, the Article poses the broader question of whether this lateral cooperation suggests that the antiquities trade as a whole operates as an organized criminal industry.

INTRODUCTION

Government agencies,¹ non-profits,² scholars,³ and advocacy groups⁴ alike assert that organized crime fuels the illicit antiquities trade. The illicit antiquities trade has been linked to organized criminal activities including money laundering,⁵ extortion,⁶ the drug and arms trades,⁷ terrorism and insurgency,⁸ and

1. See *The FBI Art Theft Program and Its Impact on Collecting: A Report from FBI Special Agent Robert Wittman and the Editor*, AM. SOC'Y ARMS COLLECTORS BULL. 52 (91st ed. 2005) [hereinafter *FBI Report*] (“[I]llicit trafficking of cultural property is often associated with various other criminal activities, such as organized crime, money laundering, extortion, and fraud.”).

2. See *Art Crime Facts*, ASS'N FOR RES. INTO CRIMES AGAINST ART, <http://www.artcrime.info/facts.htm> (last visited June 14, 2012) [hereinafter *ARCA Website*] (“Since [1961] most art crime is perpetrated by, or on behalf of, Organized Crime, thereby fueling their other activities, including the drug and arms trades and terrorism . . . Art crime funds all organized crime enterprises, including terrorism.”).

3. See Edgar Tjihuis, *Trafficking in Stolen Art, Antiques and Cultural Property*, in ORGANIZED CRIME: FROM TRAFFICKING TO TERRORISM 223, 223 (Frank G. Shanty ed., 2008) (“One of the most diverse and international types of organized crime is the trade in stolen art and antiquities.”).

4. See Blythe Bowman, *Plunder of Antiquities: A Crime of Global Proportions*, SAVING ANTIQUITIES FOR EVERYONE (2008), <http://www.savingantiquities.org/crime.php> (“The drastic increase in the current market values of antiquities has precipitated an infiltration and monopoly of the black market by organized criminal syndicates. Plunder of ancient objects has become a thriving industry for these groups.”).

5. See *FBI Report*, *supra* note 1, at 52; see also Patrick Hunt, *International Law and the Ethics of Antiquities Trafficking*, 11 STAN. J. INT'L REL. 80, 81 (2010) (“[T]here is growing concern that antiquities smuggling is often a money laundering operation for other criminal activity like narcotics, arms, and slavery.”).

6. See *FBI Report*, *supra* note 1, at 52.

7. See *id.*; see also Hunt, *supra* note 5, at 81; *ARCA Website*, *supra* note 2; Gregory Elich, *Spoils of War: The Antiquities Trade and the Looting of Iraq*, CENTRE FOR RES. ON GLOBALISATION (Jan. 3, 2004), <http://www.globalresearch.ca/articles/ELI401A.html> (“[T]he trade in antiquities is closely intertwined with that of the drug trade.”).

While the same trafficking channels are often used to move both drugs and antiquities, actual examples of this “intertwining” are rare. See NEIL BRODIE ET AL., STEALING HISTORY: THE ILLICIT TRADE IN CULTURAL MATERIAL 18 (2000), available at http://www.mcdonald.cam.ac.uk/projects/iarc/research/illicit_trade.pdf (describing such examples, one of which was, “In January 1999, Spanish police broke up a smuggling ring that had been planning to trade stolen art and antiquities for cocaine.”).

8. Elena Becatoros, *Smuggled Antiquities Funding Iraq Extremists*, U.S. SAYS, ASSOCIATED

slavery.⁹ Art crime experts have charged that organized crime has occupied a dominant role in the illicit antiquities trade since the early 1960s.¹⁰ Despite these assertions, the connection between organized crime and the illicit antiquities trade is rarely explained or substantiated. Some have charged that the alleged connections are specious at best.¹¹

This Article analyzes the repeated assertion that organized crime and the illicit antiquities trade are inextricably linked. In Part I, the Article examines definitions of organized crime, both vernacular and criminological, and suggests a definition for use in examining the connection between organized crime and the illicit antiquities trade. In Part II, this Article examines known criminal subcultures and evidence of their involvement in the trade, applying the suggested definition of organized crime to known excavators, middlemen, retailers, and owners of illicit antiquities to determine whether the posited connection to organized crime can be substantiated.

In Part III, this Article analyzes lateral cooperation between smaller, loosely organized criminal groups, posing the question of whether the antiquities trade as a whole is an organized criminal industry. The Article concludes that there is a connection between organized crime and the illicit antiquities trade if one employs a broader, criminological definition of organized crime. The conclusion further suggests a uniform definition of organized crime for use in discussions about the illicit antiquities trade, and disclosure of that definition in order to facilitate meaningful discourse on organized crime and the illicit antiquities

PRESS (Mar. 19, 2008), <http://news.nationalgeographic.com/news/2008/03/080319-AP-iraq-insurg.html> (“Bogdanos, a New York assistant district attorney . . . said the link between extremist groups and antiquities smuggling in Iraq was ‘undeniable.’”); *see also* Hunt, *supra* note 5, at 81.

9. Hunt, *supra* note 5, at 81.

10. ARCA Website, *supra* note 2. Organized criminal groups have been charged with perpetuating up to 80% of art crime (illicit antiquities crime is considered by many to be a type of art crime). *Interview with Noah Charney*, VENTIQUATTRO (Apr. 14, 2007), available at <http://www.noahcharney.com/bio.htm> (stating that international organized crime syndicates “have a division for stealing cars, another for drug trafficking, another for art crime, functioning like a huge multinational corporation,” but concedes that no good statistics exist worldwide).

11. *See* Becatoros, *supra* note 8 (“Antonia Kimbell, an art trade manager at The Art Loss Register . . . said she had yet to see concrete evidence connecting the trade in illegal antiquities and insurgent financing.”); *see also* Jonathan Lopez, *Stealing and Dealing*, ART & ANTIQUES, Summer 2010, at 42, 42 (asking Robert K. Wittman, founder of the FBI Art Crime team, “From time to time I’ve been told that most of the world’s biggest art heists are carried out by organized crime syndicates, who then use the stolen works as collateral to finance drug deals, arms trafficking or even acts of terrorism,” to which Wittman responds, “There are a lot of people who make things up to get their names in the paper.”); Kimberly L. Alderman, *Does the Illicit Antiquities Trade Fund Terrorism?*, CULTURAL PROP. & ARCHAEOLOGY L. NEWS (Oct. 26, 2010), <http://culturalpropertylaw.wordpress.com/2010/10/26/does-the-illicit-antiquities-trade-fund-terrorism/>; Peter Tompa, *Wikileaks, Tariq Aziz, and Archaeological Amnesia*, CULTURAL PROP. OBSERVER BLOG (Oct. 26, 2010, 3:39 AM), <http://culturalpropertyobserver.blogspot.com/2010/10/wikileaks-tariq-aziz-and-archaeological.html>.

trade.

I. DEFINING ORGANIZED CRIME

There is significant dispute over whether organized crime is truly to blame for the flourishing illicit antiquities trade.¹² There are multiple meanings of the term “organized crime,”¹³ and this impedes meaningful discourse on the subject. “Organized crime” (and especially “organized criminal syndicates”¹⁴) evokes imagery of Cosa Nostra, the Japanese Yakuza, and the Irish Mob. However, criminological definitions are broader than the vernacular use of the term. This contradiction causes misunderstandings in discussions about organized crime’s role in the illicit antiquities trade.

The Federal Bureau of Investigation (FBI) defines organized crime as “any group having some manner of a formalized structure and whose primary objective is to obtain money through illegal activities.”¹⁵ This definition does not require that the activities be criminal, merely illegal; violation of domestic or international civil law would qualify as potential activities for organized criminal groups under the FBI’s definition.

Compare the definition of organized crime in the United Nations Convention Against Transnational Organized Crime: “[A] structured group of three or more persons . . . acting in concert with the aim of committing one or more serious crimes or offences . . . in order to obtain, directly or indirectly, a financial or other material benefit.”¹⁶ The Convention defines a serious crime as one with a maximum punishment of at least four years incarceration.¹⁷

The UN definition of organized crime is broader than the FBI definition in the respect that it includes antiquities crime motivated by non-monetary benefits such as ideology, whereas the FBI definition does not. Further, the FBI definition requires a level of formal organization that would exclude many of the groups currently operating within the illicit antiquities trade. Under the UN

12. See *infra* note 13; see also Mark Durney, *Art Theft and Organized Crime?*, CULTURE DEV. (June 17, 2010), http://www.cultureindevelopment.nl/News/Discussing_Looting/365/Art_Theft_and_Organized_Crime%3F.

13. See Bojan Dobovšek, *Organised Crime—Can We Unify the Definition?*, POLICING CENT. & E. EUR. (1996), available at <http://www.ncjrs.gov/policing/org323.htm> (“There is no generally accepted definition of organised crime yet, due mostly to the quick development and changing of the forms in which organised crime appears.”); see also William P. Jennings, Jr., *A Note on the Economics of Organized Crime*, 10 E. ECON. J. 315, 315 (1984) (“[T]here is no apparent consensus among researchers regarding the appropriate definition of the organized crime . . .”).

14. See Bowman, *supra* note 4.

15. *Glossary of Terms*, FED. BUREAU OF INVESTIGATION, <http://www.fbi.gov/about-us/investigate/organizedcrime/glossary> (last visited June 14, 2012) [hereinafter *FBI Glossary*].

16. United Nations Convention Against Transnational Organized Crime, G.A. Res. 55/25, art. 2(a), U.N. Doc. A/RES/55/25 (Nov. 15, 2000), available at <http://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf>.

17. *Id.* at art. 2(b).

definition, smaller, informally organized groups that incidentally participate in the illicit antiquities trade would be considered organized criminal actors. The FBI definition is broader only in the respect that it includes civil offenses as well as criminal ones.

The level of organization in the illicit antiquities trade varies. Syndicates range from “smaller organized gangs to the Sicilian and Russian mafias.”¹⁸ Depending on the breadth of the definition used, legal actors may engage in activities that amount to organized crime.¹⁹ For the purposes of this Article, and to create a broad definition of organized crime, a fusion of the FBI and UN definitions will be used:

A structured group of three or more persons, acting in concert to violate the law, whose primary objective is to obtain a financial or other material benefit.

It will be in the context of this definition that the connection between organized crime and the illicit antiquities trade will be examined.

II. CRIMINAL GROUPS IN THE ILLICIT ANTIQUITIES TRADE

There is no clear distinction between the licit and the illicit antiquities markets. Archaeological materials are traded on the same market, regardless of whether they have been tainted²⁰ by an illegal act. Ricardo J. Elia of Boston University has explained, “People think that there is an illicit and a legitimate market. In fact, it is the same.”²¹ It is worth noting that not all participants in the illegal trade are illegal actors; legal actors often participate in illegal transactions, either knowingly or unknowingly.²²

This makes identifying distinct criminal groups in the context of the illicit antiquities trade difficult. Motivation for illegal acts ranges from profit, to ideology, to neuroses. Some groups are organized for the purpose of engaging

18. Noah Charney, *Stolen Masterpieces: How Organized Crime Targets the International Art World*, CRIME REP. (Mar. 11, 2010, 5:00 AM), <http://www.thecrimereport.org/archive/stolen-masterpieces-how-organized-crime-targets-the-international-art-world>.

19. A.J.G. TIJHUIS, TRANSNATIONAL CRIME AND THE INTERFACE BETWEEN LEGAL AND ILLEGAL ACTORS 15-40 (2006).

20. See Kimberly L. Alderman, *Ethical Trade in Cultural Property: Ethics and Law in the Antiquity Auction Industry*, 14 ILSA J. INT’L & COMP. L. 549, 560 (2008) [hereinafter Alderman, *Ethical Trade*] (“A tainted item does not carry with it the appearance of having been illegally obtained or exported, so physical characteristics alone rarely reveal an object to be the fruit of past illegal acts.”).

21. Mark J. Petr, *Trading Places: Illicit Antiquities, Foreign Cultural Patrimony Laws, and the U.S. National Stolen Property Act After United States v. Schultz*, 28 HASTINGS INT’L & COMP. L. REV. 503, 504 (2005) (quoting Ricardo J. Elia, cited in Barry Meier & Martin Gottlieb, *Loot, Along the Antique Trail: An Illicit Journey Out of Egypt, Only a Few Questions Asked*, N.Y. TIMES, Feb. 23, 2004, available at <http://nytimes.com/2004/02/23/international/23ANTI.html>).

22. See TIJHUIS, *supra* note 19, at 31.

in the illegal trade, while others participate only incidentally. Organizations range in size from transnational criminal syndicates to family-run operations.

Despite the oft-repeated assertion that organized crime controls the illicit trade, there has been little scholarly treatment of the claim.²³ Following are the groups that have been identified in scholarly or popular literature that (1) have a known pattern of participation in the illegal antiquities trade, and (2) meet the definition of organized crime suggested in Part I of this Article (a structured group of three or more people, acting in concert to violate the law, in order to obtain a financial or other material benefit).

A. *Criminal Excavators*

There is wide variety in the people and groups that illegally excavate archaeological materials. Most are motivated by poverty, but in some areas, there is substantial profit to be made in plundering.²⁴ Generally, illegal excavators receive less than one percent of the final market value of their discoveries, but the proceeds are a boon to them nonetheless.²⁵

As demonstrated in this subsection, the majority of criminal excavators work in organized criminal groups as defined in the broad definition in Part I of this Article. They work in crews of three or more, often with a foreman or sponsor, and collaborate with a local middleman to pawn off their finds.²⁶ The objective of these operations is almost always financial benefit. One criminal excavator explained, “[T]here’s no alternative for me or for my men. We work to put food on the table for our families. . . . We are all unemployed”²⁷

1. *Subsistence Diggers*.—Subsistence diggers (usually called subsistence looters²⁸) are motivated by poverty to excavate archaeological materials in their local region in violation of national law.²⁹ Source nations (those from which archaeological materials most often originate) tend to be less prosperous than

23. See generally VITO ANDREA IANNIZZOTTO, *BENI CULTURALI E CRIMINALITÀ ORGANIZZATA* (2001) (an exception to this general rule, exploring the connection between culture and organized crime, available only in Italian).

24. See Lisa J. Borodkin, *The Economics of Antiquities Looting and A Proposed Legal Alternative*, 95 COLUM. L. REV. 377, 378, 406 (1995).

25. See, e.g., *id.* at 378 & n.10 (describing instances in Turkey and the United States where finders received very small amounts compared to the ultimate selling price of a marble statute and a Mimbres pot, respectively).

26. See *id.* at 378.

27. See Cristina Ruiz, *My Life as a Tombarolo*, ART NEWSPAPER No. 112, Mar. 2001, at 36, available at <http://www.museum-security.org/tombarolo.htm>.

28. This Article does not use the more common term “subsistence looter” because it implies a value judgment not helpful to the analysis herein.

29. John Alan Cohan, *An Examination of Archaeological Ethics and the Repatriation Movement Respecting Cultural Property (Part Two)*, 28 ENVIRONS ENVTL. L. & POL’Y J. 1, 8-9 (2004) (describing subsistence looters as “trapped in the abyss of poverty”); Jonathan S. Moore, *Enforcing Foreign Ownership Claims in the Antiquities Market*, 97 YALE L.J. 466, 486 (1988).

market nations (those in which archaeological materials are most often sold).³⁰ This economic disparity motivates locals to harvest untapped archaeological resources, often in agricultural off-seasons or when yields are poor.³¹ David Matsuda, a scholar who has rigorously studied subsistence digging, has estimated that ninety-seven to ninety-nine percent of illicit excavations in Central America are performed by localized subsistence diggers.³²

In Belize, subsistence diggers are called “huecheros.”³³ Huecheros sell illicitly excavated artifacts to a wholesaler, who can move them to dealers.³⁴ They call their finds “semilla,” meaning seed—planted by their ancestors to dig up and sell for money or actual corn seed.³⁵ Huecheros demonstrate how not all subsistence diggers consider themselves to be doing something illicit or criminal. Matsuda has explained, “Many of Latin America’s indigenous peoples see themselves as the legitimate heirs to both seeds and artifacts, which are conceived of as ancestors’ gifts, given to humanity by real or mythological patrons to be harvested, or excavated, as it were, by later generations.”³⁶ Matsuda interviewed 400 subsistence diggers and concluded that most of them were “refugees from civil violence and economic despair.”³⁷

Subsistence digging is also widespread in Iraq and Afghanistan.³⁸ One Afghani villager explained, “[The villagers] tried to earn as much money as possible with their finds, to put food on the table for their children. You don’t do this for fun. . . . If you’re not desperate, you never do this.”³⁹ Subsistence digging is not easy work; in the Middle East, men work in teams to dig holes straight down, and then tunnels radiating out on the horizontal plane in a star

30. Alderman, *Ethical Trade*, *supra* note 20, at 551 n.6.

31. *See, e.g.*, Aaron M. Boyce, *A Proposal to Combat the Illegal Trafficking of Pre-Columbian Artifacts*, 3 HISP. L.J. 91, 92 & n.3 (1997). David Matsuda has estimated that up to 500,000 people conduct seasonal subsistence digging in El Salvador and Guatemala, 30,000 to 50,000 in Belize, and 250,000 in the northern state of Jalisco in Mexico. David Matsuda, *The Ethics of Archaeology, Subsistence Digging, and Artifact Looting in Latin America: Point, Muted Counterpoint*, 7 INT’L J. CULTURAL PROP. 87, 91 (1998).

32. Matsuda, *supra* note 31, at 91.

33. *Id.* at 88.

34. *See id.*

35. *Id.* at 87-88.

36. *Id.* at 88.

37. *Id.* at 91 (explaining that “decades of prolonged civil violence forced subsistence farmers into unfamiliar ecosystems It is in these outback areas—with no seed crops, poor soil, and unstable weather patterns—that the abundance of uncharted archaeological ruins became a viable socioeconomic alternative to starvation”).

38. Peter Brems & Wim Van den Eynde, *Blood Antiques* (LinkTV broadcast Oct. 8, 2009), available at <http://www.journeyman.tv/?lid=59906&tmpl=transcript>; John Russell, *Looters in Iraq* (2004), available at <http://www.earlham.edu/~vanbma/20th%20century/images/1967daytwentyfour06.htm> (showing photograph of looters at Isin waving at the photographer, who is overhead in a helicopter).

39. Brems & Van den Eynde, *supra* note 38.

shape—called an underground gallery.⁴⁰ In Tepe Zargaran, a site plundered in the 1990s,⁴¹ the galleries ran at a depth of twenty feet.⁴²

Some sites in southern Iraq have been so extensively plundered that they look like “moonscapes.”⁴³ Archaeologist Maguire Gibson observed from a helicopter approximately 200 looters working in broad daylight at the site of Adab, and 200 to 300 at Isin.⁴⁴ In a 2004 photograph by John Russell, dozens of looters at Isin appear to be waving at him as he flies overhead in a helicopter.⁴⁵

2. *Tombaroli*.—In Italy, illegal excavators are called “tombaroli,”⁴⁶ and they may or may not be impoverished.⁴⁷ Tombaroli work in crews to search the Italian countryside, usually under cover of night, for ancient tombs and burial chambers.⁴⁸ Crews operate under the supervision or authority of a foreman.⁴⁹ They sometimes use “mechanical digger[s] to break into the roofs of tombs.”⁵⁰ Then, several men dig inside the chamber while a lookout watches for police, sometimes using infrared technology.⁵¹ In an anonymous interview with a journalist, one tombarolo, who had his own team, reported that each tomb yielded between \$3300 and \$5700 worth of artifacts, of which the tombarolo took sixty to seventy percent, splitting the rest among his men.⁵²

Burial tombs in Italy are often located on what is now farmland; experienced tombaroli use subtle signs such as changes in vegetation patterns to identify likely locations for these tombs.⁵³ Tombaroli may give the nearby farmers a cut

40. *Id.*

41. *Afghanistan’s Ancient Treasures a Worrying Modern-Day Trade*, NEWS INT’L (Mar. 20, 2007), <http://www.rawa.org/temp/runews/2007/03/20/afghanistan-s-ancient-treasures-a-worrying-modern-day-trade.html>.

42. Brems & Van den Eynde, *supra* note 38.

43. Elich, *supra* note 7, para. 27; Russell, *supra* note 38 (showing photograph of Iraqi sites).

44. Elich, *supra* note 7, para. 27.

45. Russell, *supra* note 38 (illustrating Russell’s 2004 photo, “Looters in Iraq”).

46. Meaning, literally, “tomb raiders” or “grave robbers.” Sue J. Park, *The Cultural Property Regime in Italy: An Industrialized Source Nation’s Difficulties in Retaining and Recovering Its Antiquities*, 23 U. PA. J. INT’L ECON. L. 931, 931 n.1 (2002).

47. Compare Ruiz, *supra* note 27 (recounting the story of a tombarolo who explained, “I’d like to have an honest job, to spend my nights in bed with my wife . . . , but there’s no alternative for me or for my men. We work to put food on the table for our families.”), with Ariel David, *Modern-Day ‘Tomb Raiders’ Feel the Heat*, ASSOCIATED PRESS, July 6, 2007, <http://www.msnbc.msn.com/id/19585643/> (telling the story of Pietro Casasanta, who “worked undisturbed in daylight with a bulldozer, posing as a construction worker . . . to dig into ancient Roman villas and unearth statues, pottery and other artifacts which he then sold for millions of dollars on the illegal antiquities market”).

48. Park, *supra* note 46, at 931.

49. Ruiz, *supra* note 27.

50. BRODIE ET AL., *supra* note 7, at 27.

51. Ruiz, *supra* note 27.

52. *Id.*

53. *Id.*

of the profits for illegal excavations, although farmers are becoming less cooperative due to fear of state seizure.⁵⁴ One tombarolo explains the tombarolo's relationship with the public and each other, "We're not like the Mafia; there is no violence, but there is a code of honour."⁵⁵

Tombaroli occasionally sell directly to local collectors, if they have the right connections and find an object they know a particular collector will like.⁵⁶ Some more seasoned tombaroli also make money by "selling" tombs, pointing less experienced tombaroli to unexcavated sites, and taking a flat fee or a cut for the tip off.⁵⁷ Like most criminal excavators, however, tombaroli usually sell to wholesalers.⁵⁸

3. *Terrorists.*—There is little in the way of concrete evidence that terrorist groups participate in the illicit antiquities trade in any capacity other than incidentally. The occasional episodes brought to light by the media serve as indicators that some connection exists, although the extent of the connection remains contested.⁵⁹

In 2005, the German secret service released that Mohammed Atta, the hijacker of the first plane to strike the World Trade Center on September 11, 2001, had attempted to sell Afghan antiques to a Göttingen professor in 1999.⁶⁰ Atta told the professor that he needed the money to purchase an aircraft.⁶¹ This is the most cited example of the connection between terrorism and the illicit antiquities trade.

In a recent interview, Amir Ganor, the Director of the Robbery Prevention Unit of the Israel Antiquities Authority, stated that some of the antiquities looters in Israel are "connected to terror," and that terrorists "use the money [earned] from the antiquities to buy weapons."⁶² He recounted a story where his unit caught a team of terrorists trying to sell an illegally excavated sarcophagus for "a lot of money."⁶³

The 2009 documentary "Blood Antiques" demonstrates how antiquities from Iraq and Afghanistan are transported to Europe (Brussels in particular) in an

54. *Id.*

55. *Id.*

56. *Id.*; see also Park, *supra* note 46, at 931.

57. Ruiz, *supra* note 27.

58. Christine L. Green, Comment, *Antiquities Trafficking in Modern Times: How Italian Skullduggery Will Affect United States Museums*, 14 VILL. SPORTS & ENT. L.J. 35, 53 (2007).

59. See Dobovšek, *supra* note 13.

60. Cristina Ruiz, *9/11 Hijacker Attempted to Sell Afghan Loot*, ART NEWSPAPER, Feb. 2010, <http://theartnewspaper.com/articles/9-11-hijacker-attempted-to-sell-Afghan-loot%20/20188>; *Todespilot Atta Wollte Terroranschläge vom 11. September 2001 Durch Illegalen Kunsthandel Finanzieren*, DER SPIEGEL, July 16, 2005, <http://www.spiegel.de/spiegel/vorab/0,1518,365376,00.html> [hereinafter DER SPIEGEL].

61. DER SPIEGEL, *supra* note 60.

62. Eti Bonn-Muller, *Amir Ganor, Director, Robbery Prevention Division*, ARCHAEOLOGY, http://www.archaeology.org/israel_antiquities_authority/ganor.html (last visited June 15, 2012).

63. *Id.*

organized fashion.⁶⁴ The documentary argues that because terrorist organizations “run the show” in the “unstable countries” where the antiquities originate, “a large part” of the estimated €5 billion⁶⁵ spent on stolen antiquities annually finances terrorism.⁶⁶ The documentary offers anecdotal evidence that the Taliban harvests antiquities in the areas under their control, using the proceeds “to finance their war.”⁶⁷

New York assistant district attorney and U.S. Marine Reserve Colonel Matthew Bogdanos has attested that “the link between terrorism and antiquities smuggling [is] undeniable.”⁶⁸ He argues that in late 2004, the Sunnis and al-Qaida in Iraq started using illicit antiquities as a source of funding, and the Shiite militias later followed suit.⁶⁹ However, he has said he is not able to release the hard data or intelligence that forms the factual basis for his assertions due to its sensitive nature.⁷⁰

64. Brems & Van den Eynde, *supra* note 38.

65. The documentary does not explain where this number comes from, but it is a commonly used figure. According to the FBI Art Theft Program, “Art and cultural property crime—which includes theft, fraud, looting, and trafficking across state and international lines—is a looming criminal enterprise with estimated losses running as high as \$6 billion annually.” *Art Theft*, FED. BUREAU INVESTIGATION, http://www.fbi.gov/about-us/investigate/vc_majorthefts/arttheft/arttheft (last visited June 15, 2012). However, INTERPOL cautions, “[I]t is very difficult to gain an exact idea of how many items of cultural property are stolen throughout the world and it is unlikely that there will ever be any accurate statistics.” *Frequently Asked Questions*, INTERPOL, <http://www.interpol.int/Crime-areas/Works-of-art/Frequently-asked-questions> (last visited June 15, 2012).

66. Brems & Van den Eynde, *supra* note 38. This echoes the sentiment expressed by art collector Arthur Brand, who commented, “The obvious link is when a hundred thousand people in the United States buy antiquities coming out of the [sic] Iraq, Iran, Lebanon and Pakistan. . . . Nine out of [ten] artifacts that come out of the Middle East are controlled by Hezbollah and Islamic Jihad.” Laura de la Torre, *Terrorists Raise Cash by Selling Antiquities*, GOV’T SECURITY NEWS, Feb. 20, 2006, <http://www.savingantiquities.org/up-content/pdf/GSNarticle.pdf>. The author conceded that “Brand’s numbers cannot be confirmed.” *Id.*

67. One Afghani trafficker reported, “The Taliban are also in this business in the areas under their control. They send pieces abroad. We’ve heard they’ve found something in Nimruz.” Brums & Van den Eynde, *supra* note 38. An Afghani villager explained, “We used to graze our cattle here until the Taliban came. The Taliban started to dig here. They worked for [forty] days and nights. They dug a tunnel, but we don’t know what they found. Everyone said something different. Some said they’d found a mummy. There were lots of [rumors], but the Taliban never let anyone near.” *Id.*

68. See *Antiquity Smuggling Finances Terror*, ASSOCIATED PRESS, Mar. 19, 2008, <http://www.heritagewatchinternational.org/km/antiquity-smuggling-finances-terror.html> [hereinafter *Antiquity Smuggling*]; ARCA Website, *supra* note 2.

69. *Antiquity Smuggling*, *supra* note 68.

70. de la Torre, *supra* note 66; see also Matthew Bogdanos, *Thieves of Baghdad: Combatting Global Traffic in Stolen Antiquities*, 31 FORDHAM INT’L L.J. 725, 730 (2008) (alleging that antiquities are the new “cash crop” for insurgents, then explaining, “We do not have hard numbers—the traffic in art for arms is still too recent a phenomenon, and some of the investigations

After 9/11, Bogdanos investigated the looting of the Iraq museum alongside agents from Immigration and Customs Enforcement (ICE).⁷¹ He has described a December 2005 raid of a terrorist bunker in northwest Iraq that yielded automatic weapons, ammunition stockpiles, infrared goggles, and uniforms alongside “30 vases, cylinder seals^[72] and statuettes that had been stolen from the Iraq Museum.”⁷³

ICE is the primary agency in the United States responsible for policing the illicit antiquities trade, and its representatives appear less convinced of the link between terrorism and antiquities. ICE Senior Special Agent James McAndrew acknowledged only the possibility of that link.⁷⁴ Antonia Kimbell at the Art Loss Register also awaits hard evidence of the connection, explaining, “We haven’t come across a direct link.”⁷⁵

4. *Mafia and Gangs.*—While the claim that organized crime controls the illicit antiquities trade evokes imagery from a James Bond story,⁷⁶ there is no known evidence that international criminal syndicates are involved in the trade.⁷⁷ However, reports of local mafias becoming involved in the illicit excavation and trafficking occasionally emerge, most often out of Eastern Europe. Although mafias and gangs are listed under criminal excavators in this Article, various local mafias have been reported to serve in three roles—as illegal excavators, wholesalers, and traffickers.

Bulgaria’s mafia, for instance, has been increasingly involved in illegal excavation and trade in recent years. In 2008, Bulgarian prime minister Sergey Stanishev alleged that Bulgaria’s mafia had a key role in trafficking “everything from sex slaves to antiquities.”⁷⁸ One news report explained: “Tens of

remain classified because of the connection to terrorists.”).

71. See de la Torre, *supra* note 66.

72. Cylinder seals are particularly valuable, retailing for up to \$500,000 with collectors. See de la Torre, *supra* note 66; Elich, *supra* note 7, para. 5 (describing seals as “[e]steemed by collectors” and “highly marketable”). Although excavators or wholesalers in source nations usually receive only a small fraction of the final retail value of an object, dealing in very valuable objects can still prove profitable. *Id.* para. 14.

73. de la Torre, *supra* note 66; see also Becatoros, *supra* note 8.

74. “I think it’s definitely possible without a doubt and probably more than likely probable,” McAndrew has explained. de la Torre, *supra* note 66.

75. Becatoros, *supra* note 8.

76. Consider SPECTRE (SPecial Executive for Counter-intelligence, Terrorism, Revenge and Extortion), the fictional global terrorist organization from the James Bond stories. See generally IAN FLEMING, THUNDERBALL (1961).

77. Some art crime experts will protest because there is evidence that international criminal syndicates are involved in the trade of stolen art. However, as to the illicit *antiquities* trade in particular, the evidence of their involvement is limited to the type described in Part II of this Article.

78. Harry de Quetteville, *Bulgaria Acts to Smash Mafia’s EU Network*, TELEGRAPH, May 6, 2008, <http://www.telegraph.co.uk/news/worldnews/europe/bulgaria/1932962/Bulgaria-acts-to-smash-mafias-EU-network.html>.

thousands of tomb raiders are systematically stripping Bulgaria. In some parts of the country, whole villages have taken up tomb-raiding and many of the digs are organised by the local mafia.”⁷⁹

Bulgaria’s Unit for Combating Organized Crime (the country’s anti-mafia police) has a department specifically assigned to address antiquities smuggling.⁸⁰ This department has conducted targeted raids to break up what are described as “antique smuggling rings.”⁸¹ Volodya Velkov, head of the Unit, has reported that there are “200 to 300 illegal treasure hunting groups in Bulgaria, digging on orders from customers and having top of the line equipment such as 3D radars at the cost of USD [\$50,000] each.”⁸² Velkov believes there are five existing channels for smuggling illicit antiquities from Bulgaria to the United States, with the main traffic moving through Austria.⁸³

This echoed a similar story that emerged from the Ukraine in 2002, when mafia groups reportedly added looting to existing drug, prostitution, and protection rackets.⁸⁴ Mafia families were reported to directly employ archaeologists “after making them an offer that they can’t refuse.”⁸⁵ Some were running night digs on sites that were being legitimately excavated during the day.⁸⁶ Reports indicated that “archaeologists employed by the mafia gangs move[d] in on promising historical sites with diggers, floodlights, and armed guards to keep out concerned academics, rival gangs, and Ukraine’s underfunded police force.”⁸⁷

The use of local mafias for illegal excavation is not limited to Eastern Europe. Russian officials have identified over forty Russian organized crime groups as dealing in stolen art and cultural property.⁸⁸ In Central America, it is estimated that one to three percent of criminal excavators are full-time artifact looters or smugglers working within “the command and control structure of Mafia-like consortiums” and interfacing with international markets.⁸⁹

Beyond formally organized national mafias and gangs, there are also

79. Malcolm Moore, *Tomb Raiders Strip Bulgaria of Its Treasures*, DAILY TELEGRAPH, Aug. 29, 2007, available at http://novinite.com/view_news.php?id=84723.

80. *Bulgaria with 50 000 Illegal Antique Collections*, SOFIA NEWS AGENCY, Nov. 6, 2010, http://novinite.com/view_news.php?id=121892 [hereinafter *Bulgaria Collections*].

81. *Bulgaria Anti-Mafia Police Break up Antique Smuggling Ring*, SOFIA NEWS AGENCY, Apr. 30, 2010, <http://mafiatoday.com/general-breaking-news/bulgaria-anti-mafia-police-break-up-antique-smuggling-ring>; *Bulgaria Collections*, *supra* note 80.

82. *Bulgaria Collections*, *supra* note 80.

83. *Id.*

84. Murdo MacLeod, *Archaeology Is New Target for Ukraine’s Mafia Gangs*, SCOTSMAN, Oct. 13, 2002, http://www.scotsman.com/news/international/archaeology_is_new_target_for_Ukraine_s_mafia_gangs_1_1377655.

85. *Id.*

86. *Id.*

87. *Id.*

88. See *FBI Report*, *supra* note 1.

89. See Matsuda, *supra* note 31, at 91.

incidents of smaller gangs operating opportunistically in the illicit trade. In the days following the U.S. entry into Baghdad in 2003, Iraq's National Museum was left with few guards, one of whom explained, "Gangs of several dozen came. Some had guns. They threatened to kill us if we did not open up."⁹⁰ The guards unlocked the doors and the mob pushed their way through, although some still chose to smash and enter through a glass window.⁹¹

Many members of the mob quickly seized furniture and electronics.⁹² Others, however, were well-dressed, "European-looking" men talking on cell phones or walkie talkies while perusing the available antiquities.⁹³ Professionals stormed in with equipment to lift heavier pieces, equipment to break into vaults, and glasscutters of a type not found in Iraq.⁹⁴ Some experts believe that unscrupulous art dealers had placed orders in advance, anticipating that the limited guard on the National Museum would inevitably fail in the crux of war.⁹⁵

Even if professional thieves were involved in the plundering of Iraq's National Museum, some artifacts were later recovered from residents who took them to prevent them falling into the hands of looters.⁹⁶ Others were recovered during raids by occupation troops and searches by customs officials.⁹⁷ Overall, however, there has been a low recovery rate of artifacts looted from the National Museum, and experts believe this supports the idea that professional thieves were involved.⁹⁸

A similar scene played out in the northern city of Mosul after the fall of the Iraqi government. The first thieves who entered the museum there appeared to be "acting on behalf of Western dealers."⁹⁹ They took only genuine pieces, ignoring replicas, and when they went through the basement library, they took only the rarest manuscripts.¹⁰⁰

The use of gangs with professional thieves to plunder collections of valuable archaeological material is not new. In 1993, for instance, an "organized gang of 300 bandits" used hand grenades to blow open the Angkor Wat conservation compound.¹⁰¹ They used a rocket launcher to blast through the main warehouse door before looting ten priceless statues inside.¹⁰²

Under the broad definition of organized crime from Part I of this Article, even loosely structured mobs and gangs would constitute organized criminal

90. Elich, *supra* note 7, para. 2.

91. *Id.*

92. *Id.* para. 3.

93. *Id.*

94. *Id.*

95. *Id.*

96. *Id.* para. 11.

97. *Id.*

98. *Id.*

99. *Id.* para. 24.

100. *Id.*

101. *Id.* para. 16.

102. *Id.*

groups because they are comprised of three or more people working in concert to violate the law and seeking a material benefit. This would be particularly true of the professionals who work with people on the outside to select antiquities that will prove most valuable and purportedly take orders from dealers and collectors in anticipation of frenzied pillaging.

5. *Methamphetamine-Fueled Diggers*.—There is a well-documented connection between methamphetamines and looting in the United States, in particular the Southwest.¹⁰³ Garry Cantley, an archaeologist with the Bureau of Indian Affairs, has acknowledged the looting-meth connection, and others even call it an epidemic.¹⁰⁴ Meth addicts illegally excavate Native American sites, including burial grounds, in order to find pottery shards and arrowheads to sell to wholesalers to finance their drug habit.¹⁰⁵

Monetary rewards are often secondary to the “twiggers”¹⁰⁶ true incentive, however; methamphetamine, like many stimulants, creates a compulsion for repetitive, focused behavior.¹⁰⁷ Meth addicts quench this thirst by artifact hunting, which is tedious, repetitive work. “It makes them the perfect, tireless looting workforce.”¹⁰⁸ Accordingly, meth addicts are the exception to the general rule that criminal excavators dig with the motivation of obtaining a financial benefit.

Although meth addicts do not necessarily organize with one another to hunt for artifacts, they are hooked into a larger system in which they can sell the artifacts to wholesalers or collectors, or trade them directly for drugs.¹⁰⁹

B. Middlemen

Those who illegally excavate most often sell to “middlemen”¹¹⁰ (sometimes

103. Nicholas Phillips, *Tweakers 'N Diggers: Looters Are Pillaging Native American Burial Grounds to Finance Their Meth Habits*, RIVERFRONT TIMES NEWS, Mar. 24, 2010, <http://www.riverfronttimes.com/2010-03-24/news/tweakers-n-diggers-looters-pillaging-native-american-burial-grounds-finance-meth-habits>.

104. Samir S. Patel, *Drugs, Guns and Dirt*, 62 *ARCHAEOLOGY*, Mar.-Apr. 2009, available at <http://www.archaeology.org/0903/etc/drugs.html>.

105. *Id.*; Phillips, *supra* note 103.

106. Patel, *supra* note 104. A combination of the slang for methamphetamine addict, “tweaker,” and digger. *Id.*

107. *Id.* (“The energizing and obsessive effects make it fun, almost pleasurable, for tweakers to do the tedious work of artifact hunting. They have the steam to wander sites and dig holes for hours, the focus to scan the ground closely, and the compulsive need to find more and more. According to those who have spoken to twiggers directly, the ability to sell artifacts seems almost secondary to the addictive thrill of discovery.”).

108. *Id.*

109. *Id.*; Phillips, *supra* note 103.

110. Bonn-Muller, *supra* note 62.

called “wholesalers”¹¹¹). Middlemen include both wholesalers and traffickers,¹¹² who are both essential to the illicit antiquities trade, although neither excavates archaeological material themselves or sells to the ultimate owners. Middlemen are, quite literally, in the middle of the distribution ladder for illicit antiquities. As a rule, criminal excavators sell plundered objects to a middleman, who arranges for the artifacts to be smuggled into a market nation, where the objects can then be sold to collectors or museums.¹¹³

Middlemen must necessarily work with both criminal excavators and retailers in order to accomplish their goals within the illicit antiquities trade. Whether these actors are participants in organized crime under the broad definition from Part I of this Article depends on whether a wholesaler buying objects from criminal excavators is viewed as working “in concert” with them. To some extent, the two are working toward different ends and have competing interests. Yet none of the criminological definitions of organized crime require a common goal—merely that the participants each have a goal, and work in concert with one another, in at least a loose structure. Middlemen satisfy these qualifications, and can thus be considered organized criminal actors.

1. *Wholesalers.*—Wholesalers are the contacts for criminal excavators. Wholesalers make much larger financial gains than do the individuals who dig up the archaeological materials.¹¹⁴ In addition to finding traffickers or dealers for

111. Green, *supra* note 58, at 53.

112. In literature on the illicit antiquities trade, the term “middleman” is generally synonymous with “wholesaler,” and falls into a different category from trafficker. These general distinctions are challenged when wholesalers employ crews of diggers or themselves engage in trafficking. Regardless of the business structure employed, wholesalers and traffickers do share the common characteristic of being in the middle of the distribution ladder for illicit antiquities. Accordingly, for the purposes of this Article and to avoid confusion, “middlemen” refers to wholesalers and traffickers generally, and the person to whom criminal excavators sell their goods is a “wholesaler.”

113. BRODIE ET AL., *supra* note 7, at 29.

114. See Kimberly L. Alderman, *Ethical Issues in Cultural Property Law Pertaining to Indigenous Peoples*, 45 IDAHO L. REV. 515, 519-20 (2009) [hereinafter Alderman, *Ethical Issues*] (“[T]he enormous revenues that are ultimately generated in the galleries or on the auction blocks do not filter back to the indigenous descendants of creator cultures. An ancient cylinder seal that fetches \$100 in a Baghdad souk may later sell for five figures in a New York gallery.”); see also BRODIE ET AL., *supra* note 7, at 13 (stating that the original finder receives less than two percent of the final price); *id.* at 14 (indicating the disproportionate allocation of profits is not limited to source nations: “[A] landowner in the United States accepted \$2,000 for a late Cretaceous Ankylosaur which was subsequently sold for \$440,000.”); Juliana V. Campagna, *War or Peace: It Is Time for the United States to Ratify the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflicts*, 17 FLA. J. INT’L L. 271, 286 (2005); Asif Efrat, *A Theory of Internationally Regulated Goods*, 32 FORDHAM INT’L L.J. 1466, 1479 (2009); Elich, *supra* note 7, para. 13 (describing how the criminal excavators of the Morgantina acroliths were paid \$1000 in 1979, and the acroliths were sold by renowned dealer Robin Symes a year later for over \$1 million); Ruiz, *supra* note 27 (wherein a tombarolo explains, “I estimate that [the middleman I work with] sells the stuff for [ten] times what he paid me. Let me put it this way: he drives a Mercedes,

the illegally excavated artifacts, wholesalers may also arrange for false bills of provenance to aid traffickers in smuggling artifacts out of the source nation or into an intermediate or market nation.¹¹⁵

Wholesalers occasionally directly employ teams of diggers to perform illegal excavations.¹¹⁶ This type of wholesaler pays his diggers salaries and supplies them with the necessary tools and equipment.¹¹⁷ This benefits workers who might dig all night and not find anything of value and who cannot independently afford expensive equipment like metal detectors.¹¹⁸ The diggers bring the loot back to the wholesaler in the morning, and the wholesaler contacts local dealers who can move the merchandise.¹¹⁹

In Italy, the wholesaler is called a *ricettatore*, meaning “receiver.”¹²⁰ Ricettatori in Italy are connected to traffickers who can move the antiquities to market nations.¹²¹ Tombaroli are paid fixed rates for certain types of objects, so they are not necessarily loyal to any particular ricettatore.¹²² One tombarolo reported that it is not to his benefit to haggle too much with a ricettatore, because the ricettatore could always anonymously report the tombarolo to police.¹²³

While tombaroli are most often the unemployed working class, ricettatori are well-educated and “part of the establishment.”¹²⁴ If an object is too big for the tombarolo to transport from the site, a ricettatore will arrange for immediate pick up.¹²⁵ On rare occasions, a tombarolo will work as a sort of middleman himself, connecting a less experienced tombarolo with the right ricettatore, and taking a ten percent cut for his efforts.¹²⁶

2. *Traffickers*.—Wholesalers either traffic illicit antiquities themselves or outsource to someone who specializes in moving illicit objects. The shared characteristic of traffickers is that they smuggle illicit antiquities—across national and international borders¹²⁷ or from remote to urban areas within the source nation.¹²⁸ Objects removed from source nations are often funneled

I drive a Fiat Panda.”).

115. Chauncey D. Steele IV, *The Morgantina Treasure: Italy's Quest for Repatriation of Looted Artifacts*, 23 SUFFOLK TRANSNAT'L L. REV. 667, 681 (2000).

116. Bonn-Muller, *supra* note 62.

117. *Id.*

118. *Id.*

119. *Id.*

120. Ruiz, *supra* note 27.

121. *Id.*

122. *Id.*

123. *Id.*

124. *Id.*

125. *Id.*

126. *Id.*

127. See Steele, *supra* note 115, at 681.

128. Aaron Kyle Briggs, *Consequences of the Met-Italy Accord for the International Restitution of Cultural Property*, 7 CHI. J. INT'L L. 623, 625 (2007) (noting too that archaeological objects are illicit when they either were illegally excavated or are being illegally exported).

through intermediary countries with lax import laws, and then legally imported into market nations.¹²⁹

In Italy, professional smugglers are called *clandestini*.¹³⁰ Like traffickers in other countries, clandestini organize the route across national borders, ascertain who to bribe and arrange for the payments, and they may even identify buyers before sending the artifacts on their way.¹³¹ Many illicit antiquities moving out of Italy leave Rome in a shipping container carrying legal goods such as car parts, food, or marble.¹³² One technique used to hide the antiquities is to place them inside a hollowed-out marble slab, and then to seal the slab with stucco.¹³³

Another technique used to smuggle illicit antiquities is to lie on the bill of lading. In 2006, for instance, officials in Pakistan reported seizing a shipping container in Karachi packed with 625 Buddhist sculptures worth over €1 million, bound for the United Arab Emirates.¹³⁴ The bill of lading listed the shipment as “furniture.”¹³⁵

The sheer amount of international cargo makes it impossible for customs agents to inspect the contents of every shipping container. The agents do open a tiny percentage, but they are looking for drugs, not stolen antiquities.¹³⁶ For those objects transported by air, traffickers use private companies such as FedEx, UPS, and DHL,¹³⁷ which are monitored even less stringently.¹³⁸

This allows traffickers to develop paths to move illicit goods out of each source nation, and to use those paths habitually. In Iraq, for instance, antiquities recovered from the harvesting of insufficiently protected museums “are driven overland either west to Jordan or north to Syria.”¹³⁹ The objects are then sent to either Beirut, Dubai, or Geneva, where papers can be obtained.¹⁴⁰ Once the objects have papers, they can then “surface,” so dealers can sell them to private collectors, sometimes through auction houses.¹⁴¹

In Afghanistan, traffickers fly illicit antiquities out of the airports at Kabul or Kandahar with the help of corrupt customs officers.¹⁴² The antiquities pass

129. Alderman, *Ethical Issues*, *supra* note 114, at 520; *see also* BRODIE ET AL., *supra* note 7, at 31-33.

130. Steele, *supra* note 115, at 680.

131. *Id.*

132. Ruiz, *supra* note 27, at 37.

133. *Id.*

134. Adil Najam, *Smuggling Historical Artifacts to Sharjah*, ALL THINGS PAKISTAN (Nov. 19, 2006), <http://pakistaniat.com/2006/11/19/smuggling-historical-artifacts-to-sharjah>.

135. Imtiaz Gul, *China to Build Nuke Plants in Pak*, TELEGRAPH, Nov. 19, 2006, http://www.telegraphindia.com/1061119/asp/foreign/story_7021846.asp.

136. Ruiz, *supra* note 27, at 38.

137. de la Torre, *supra* note 66.

138. *See* Brems & Van den Eynde, *supra* note 38.

139. *Antiquity Smuggling*, *supra* note 68.

140. *Id.*

141. *Id.*

142. Brems & Van den Eynde, *supra* note 38.

through either Bangkok, Singapore, or Dubai, and then on to Brussels.¹⁴³ After the objects slip through Belgium customs, they are then transported to warehouses near the Zavel¹⁴⁴ (Sablon Square¹⁴⁵). Dealers come into the warehouses on Saturdays to shop for fresh merchandise.¹⁴⁶

The paths of illicit antiquities and drugs most often cross at the trafficking stage, because traffickers sometimes use the same routes and means to smuggle all kinds of illegal goods.¹⁴⁷

C. Retailers

Retailers, consisting of dealers and auction houses, sell illegally excavated or exported antiquities to the public. Selling illicit antiquities to collectors or museums is often legal under the laws of the market nations where sales usually take place.¹⁴⁸ This raises an interesting question when considering whether retailers are organized criminal actors in the illicit antiquities trade. Even under the broader definition of organized criminal groups, the participants must act in concert *to violate the law*. If a dealer or auction house is selling an object they know to have been illegally exported from a source nation, but their home nation does not have a bilateral agreement to enforce the export laws of that source nation, then the transaction is legal.

Accordingly, retailers would not fall under the umbrella of organized criminal groups unless they specifically facilitate illegal transactions. Nonetheless, they play a critical role in the illicit antiquities trade, and their contribution must be acknowledged.

1. *Dealers.*—Dealers serve as intermediaries between wholesalers and purchasers of antiquities (collectors and museums). Antiquities that have been illegally excavated or exported often pass through several dealers before being sold to collectors or museums.¹⁴⁹ Some dealers own antique shops¹⁵⁰ while others work directly with specific collectors or curators to locate desired objects.¹⁵¹

The typical dealer works within a market nation, selling finds to wealthy collectors and museums. However, retailers with antique shops in source nations are just as deserving of the title “antiquities dealers,” as they serve as a public interface for the illicit antiquities trade.

143. *Id.*

144. *Id.*

145. A square in Brussels famous for its antiques market. See Myriam Jansen-Verbeke & Robert Govers, *Brussels: A Multilayered Capital City*, in CITY TOURISM: NATIONAL CAPITAL PERSPECTIVES 142, 152 (Robert Maitland & Brent W. Ritchie eds., 2009) (describing the Zaveln as an “antique cluster”).

146. Brems & Van den Eynde, *supra* note 38.

147. See BRODIE ET AL., *supra* note 7, at 16.

148. See *infra* note 170-71 and accompanying text.

149. Elich, *supra* note 7, para. 12.

150. See, e.g., Bonn-Muller, *supra* note 62.

151. See *id.*

Antique shops are mediums through which some dealers move their wares.¹⁵² There are antique shops both inside and outside of source nations. The benefit of selling illicit artifacts in source nations is that they do not have to go through a trafficker to get smuggled out of the country; tourists do the smuggling themselves.¹⁵³ The drawback is that the objects will not sell for as high a price as they would in a market nation.

Antique shops in source nations target tourists, who are often willing to slip a token of their visit in their suitcases.¹⁵⁴ These shops are numerous; there are forty-five in Israel, for instance, most located in Jerusalem.¹⁵⁵ Illegally excavated beads are for sale “by the buckets full” in Bangkok antique shops.¹⁵⁶ Bangkok is reputed as a clearinghouse for illegal antiquities from all over Indochina, including Myanmar, Vietnam, Laos, Bengal, and Cambodia.¹⁵⁷

In mainland Europe, Brussels serves as a hub for purchasing antiquities because of lax regulation of the trade.¹⁵⁸ Fifty thousand passengers and 2000 tons of freight pass through the international airport in Brussels daily,¹⁵⁹ and screening for illegal antiquities is “basically an impossible task.”¹⁶⁰ There is no law in Belgium requiring dealers to prove that an archaeological object came in through legitimate channels.¹⁶¹ Illegally excavated antiquities are on display in the front windows of antique shops in Brussels.¹⁶² Dealers are often fully aware that they are selling illegally excavated objects.¹⁶³

Most illicit antiquities dealers use the traditional channels of antique shops

152. *See, e.g., id.*

153. *See* Thomas Kean, *Asia Fights to Stem Loss of Cultural Treasures*, MYANMAR TIMES, Dec. 22, 2008, <http://www.heritagewatchinternational.org/km/asia-fights-to-stem-loss-of-cultural-treasures.html>.

154. Bonn-Muller, *supra* note 62.

155. *Id.*

156. Elich, *supra* note 7, para. 16.

157. Kean, *supra* note 153 (explaining how there is a movement toward using reproductions instead, in no small part because the antiquities are simply running out—most of Myanmar’s treasures, for instance, have already left the country).

158. Brems & Van den Eynde, *supra* note 38 (noting a Belgian government official explaining, “[illegal antiquities are] not on the top of anyone’s list”).

159. *Id.*

160. *Id.* (statement by Belgian customs officer Pol Meuleneire).

161. *Id.*

162. *Id.*

163. *Id.* (wherein a dealer says, “It’s obvious that if a piece comes from Afghanistan, it has been stolen.” When asked, “Every piece?” she responds, “Yes, of course.”). *But cf.* Susan Montoya Bryan, *Fed Crackdown Puts Tribal Artifact Dealers on Edge*, ASSOCIATED PRESS, Aug. 19, 2009, http://seattletimes.newsorce.com/html/nationworld/2009691125_apusartifactsmarket.html (describing Walter Knox, a dealer in a gallery in Scottsdale, AZ, who says every week he has to run someone out of his gallery for trying to sell him stolen pots. “I post my rules so people know I’m not going to deal with anything shady.” As a retired police officer, Knox may be the exception rather than the rule.).

and building their clientele. However, those who use less traditional means to hawk their wares are using eBay to reach a worldwide audience.¹⁶⁴ Industrious dealers may also employ “loot-to-order” services, as they did in the case of the twelfth-century Cambodian temple of Banteay Chmar.¹⁶⁵ The temple was covered in “breathtaking” bas reliefs, but has since been gutted by thieves, some of whom worked for dealers who would allow collectors to order their sculptures directly off the temple walls.¹⁶⁶ Local archaeologists describe looting in the region as being “on a virtually industrial scale.”¹⁶⁷

2. *Auction Houses.*—Auction houses and museums are both legal actors frequently credited with perpetuating the illegal antiquities trade by way of quasi-legal or illegal actions.¹⁶⁸ While auction houses may not be organized criminal actors per se, the significance of their involvement in the illicit antiquities trade as a whole cannot be overlooked.

An estimated “[t]hirty to forty percent of all the world’s antiquities pass through auction houses, making [them] the most public portion of the antiquities market.”¹⁶⁹ Yet, “studies repeatedly show that about ninety percent of antiquities auctioned through the houses are illegally excavated or exported.”¹⁷⁰ This is because even if an object has been illegally excavated or exported, it is frequently still legal to sell antiquities in a market nation.¹⁷¹

Ricardo Elia of Boston University completed a study in which he examined 1881 Apulian vases sold through the Sotheby’s saleroom from 1960 to 1997, concluding that “*not one* had a published provenance.”¹⁷² This finding suggested “every single Apulian vase sold at Sotheby’s over a 37-year period might have been illegally excavated or at least illegally exported from Italy.”¹⁷³

164. See, e.g., Patrick E. Tyler, *Museum Asks eBay to Block Some Sales*, N.Y. TIMES, Oct. 30, 2004, at B7, available at <http://www.nytimes.com/2004/10/30/arts/30trea.html>; see also Dalya Alberge, *Illicit Artefacts Sold as eBay Turns Blind Eye*, THE TIMES, Dec. 18, 2006, at 7. But see Charles Stanish, *Forging Ahead: Or, How I Learned to Stop Worrying and Love eBay*, 62 ARCHAEOLOGY, May/June 2009, available at <http://www.archaeology.org/0905/etc/insider.html> (explaining that online selling has hurt the antiquities trade because of mass production of fakes).

165. See BRODIE ET AL., *supra* note 7, at 20; Elich, *supra* note 7, para. 16.

166. Elich, *supra* note 7, para. 16.

167. *Id.*

168. See generally Alderman, *Ethical Trade*, *supra* note 20.

169. *Id.* at 561 n.67.

170. *Id.* at 560 (citing PETER WATSON, *SOTHEBY’S: THE INSIDE STORY* 304 (1997)); see also Ricardo J. Elia, *Digging Up Dirt: Antiquities Case Unearths Corruption*, WALL ST. J., June 19, 2002, <http://online.wsj.com/article/0,,SB1024442830326084200-search,00.html>; Elich, *supra* note 7, para. 12 (describing a study that estimated between sixty-five and ninety percent of antiquities sold at auction in London lacked established provenance, “a fairly reliable indication of illicit origin”).

171. See BRODIE ET AL., *supra* note 7, at 32-33 (containing a section on “the international loophole”); Alderman, *Ethical Trade*, *supra* note 20, at 559-60; Bonn-Muller, *supra* note 62.

172. BRODIE ET AL., *supra* note 7, at 27; see also Elich, *supra* note 7, para. 17.

173. BRODIE ET AL., *supra* note 7, at 27.

Aside from quasi-legal sales, it is not uncommon for plainly illicit artifacts to show up in the auction catalogue, only to be pulled just before the auction.¹⁷⁴ An Attic jar and a Greek jug listed for £2,000 and £4,000 respectively were pulled from an October 2010 auction at Bonhams after the Italian authorities filed a claim that the objects had originated with infamous trafficker Giacomo Medici.¹⁷⁵ This was despite a warning received in April 2010, when Bonhams had to pull another object after listing it because it was revealed to be Medici loot.¹⁷⁶

The antiquities at stake are not always of inconsequential value; the Sevso treasure was pulled from the Sotheby's auction block in 1990 after the documentation of provenance was determined false.¹⁷⁷ The hoard is now estimated to be worth more than \$100 million.¹⁷⁸

In the past, auction houses have been more directly involved in the illicit trade. The investigation into infamous dealer Giacomo Medici yielded documents showing that "in individual cases, regarding more valuable pieces, Sotheby's personnel had either been aware that objects sold on their premises had been illegally exported from Italy, or had themselves had a hand in the arrangements."¹⁷⁹ The carabinieri (Italian police) found that Sotheby had allowed Medici to purchase back some of his own objects in order to acquire for them an apparently legitimate provenance.¹⁸⁰

174. The Italian government has not released the photographs of the extant Medici objects to the public (or the auction houses), so the houses defend that they lack the requisite knowledge to know what objects are illicit in origin. See generally Kimberly L. Alderman, *Is Italy "Asking for It" By Refusing to Release the Medici Photographs? Three Items at Christie's Raise Questions*, CULTURAL PROP. & ARCHAEOLOGY L. NEWS (June 6, 2010), <http://culturalpropertylaw.net/2010/06/06/is-italy-asking-for-it-by-refusing-to-release-the-medici-photographs-three-items-at-christies-raise-questions>.

175. Mark Hughes, *Lots of Trouble on New Bond Street*, INDEP., Oct. 27, 2010, at 20, available at <http://www.independent.co.uk/news/uk/crime/bonhams-lots-of-trouble-on-new-bond-street-2117393.html> (reporting that "[d]ays before the auction the house received an email from an eminent academic alerting them to the questionable provenance of the lots, but it pressed ahead with the sale.").

176. *Id.*

177. See *Sesvo Treasure*, BBC (Mar. 23, 2007), http://www.bbc.co.uk/insideout/east/series11/week9_castle_ashby.shtml.

178. See *id.* (estimating the value of the collection as between £50-100 million); see also Peter Landesman, *The Curse of the Sesvo Silver*, ATL. MONTHLY, Nov. 2001, at 66, available at <http://www.theatlantic.com/magazine/archive/2001/11/the-curse-of-the-sevso-silver/2331> (estimating a worth of up to \$200 million); Alan Riding, *14 Roman Treasures, on View and Debated*, N.Y. TIMES, Oct. 25, 2006, at E1, available at <http://www.nytimes.com/2006/10/25/arts/design/25sevs.html?ref=arts&pagewanted=all> (estimating the value at more than \$187 million).

179. BRODIE ET AL., *supra* note 7, at 27.

180. *Id.* at 27; see also *id.* at 29 ("Looted antiquities then acquire a patina of legitimacy when ultimately they are sold, without provenance, by dealers and auction houses.").

In recent years, the auction houses have pledged via codes of conduct not to knowingly sell illegally exported artifacts and have established compliance departments to oversee implementation of the codes.¹⁸¹ While this is a step in the right direction, it does not necessarily prevent the listing of illicit antiquities. The auction houses rely on the provenance of objects as described by their owners, who are unlikely to be forthcoming about illicit origin.¹⁸²

D. Antiquities Owners

The two major groups of people who own antiquities are collectors and museums. While collectors and museums may not constitute organized criminal groups, even under a broad definition, no discussion about the organization of the illicit trade in antiquities is complete without consideration of their role in the trade.

Collectors and museums are most often located in market nations, where it is sometimes legal to purchase objects that have been the subject of an illicit act.¹⁸³ Even when it is illegal, they are often isolated from criminal liability. The crimes with which unscrupulous purchasers can be charged have a scienter element, requiring the state make a showing that it *knew* the objects were illicitly excavated and exported. Because collectors and museums are the “end of the line,” they are less likely to take part in a lateral structure of organized criminal activity.¹⁸⁴ Instead of committing what they know to be criminal acts, retail buyers of antiquities are more likely to not ask too many questions or turn a blind eye to questions about an object’s provenance.

1. Collectors.—Collectors of antiquities—licit or illicit—tend to be wealthy, “high society” people.¹⁸⁵ Maguire Gibson of the Oriental Institute of Chicago has explained, “[Collectors] are very, very well-connected people They are able to get a meeting with whoever [sic] they like, when they like They are very affluent people, too. One of the leading lights is a former State Department man”¹⁸⁶ The affluence of collectors allows them to pay premium prices for objects that generated only small profits for the local people who unearthed or plundered them. Their collective influence permits them to lobby for less restrictive import regulations, and to individually avoid prosecution for collecting

181. *Id.* at 28-29 (describing the code of conduct and compliance department established by Sotheby’s in the wake of the Peter Watson investigation); see generally Alderman, *Ethical Trade*, *supra* note 20.

182. Alderman, *Ethical Trade*, *supra* note 20, at 553.

183. See *supra* note 171.

184. See *infra* Part III (discussing the concept of lateral and vertical criminal structures in more detail).

185. Brems & Van den Eynde, *supra* note 38 (reporting, “This is a world of it[s] own, one that doesn’t take to being investigated. It’s a high society world. If [you] really start digging in the art world, heads of people in high places would roll. There’s also the aristocracy, some of whom also have collections, of [these] so-called ‘blood antiquities.’”).

186. Elich, *supra* note 7, para. 20.

illicit antiquities.

Collectors do not always rely on dealers to provide them with choice objects. Occasionally, the more industrious will themselves go out in search of antiquities. For example, when the Phnom Penh media reported on the discovery and looting of a site in Cambodia, collectors traveled to the nearby village and approached locals, looking to buy direct.¹⁸⁷

The archaeological community tends to criticize antiquities collectors. Archaeologist Ricardo Elia, for instance, has stated, “Collectors are the real looters . . . Without their money and their demand, there would be no market.”¹⁸⁸ Some collectors may never take part in a technically illegal transaction, since in market nations it is often legal to buy objects that have been illegally excavated or exported from a source nation. Nonetheless, collectors are an indispensable component of the antiquities trade and, consequently, the illicit antiquities trade.

Collectors do not necessarily organize with one another in a conventional model of organized crime. However, when they purchase objects that organized criminal groups have moved, they participate in a broader criminal system that has the primary purpose of trading illicit goods for monetary gain.

2. *Museums.*—Like collectors, museums are not likely to fit into any definition of organized criminal group—even a broad one. However, they too have historically participated in a system that moves illicitly excavated or exported antiquities from source to market nations.

In *The Medici Conspiracy: The Illicit Journey of Looted Antiquities, From Italy’s Tomb Raiders to the World’s Greatest Museums*, authors Peter Watson and Cecilia Todeschini describe a vast network of antiquities trafficking from Mediterranean tombs to museums in market nations.¹⁸⁹ This network operated for decades, with museum personnel turning a blind eye to issues about provenance or, in some instances, knowingly acquiring illicit objects.¹⁹⁰

In a classic example, the Metropolitan Museum of Art in New York purchased the Lydian hoard in 1969, knowing that the 363 objects were illegally excavated and exported from Turkey.¹⁹¹ Although the \$1.5 million acquisition violated Turkish law, it was legal under U.S. law, so the purchase moved

187. *Id.* para. 16.

188. *See* Hunt, *supra* note 5, at 81 (alteration in original). Consider that “the late Archaeological Commissioner of Belize stated in a personal communication with [David Matsuda] that the intensity of subsistence digging [in Belize] is inextricably linked not to auction house prices but to the success or failure of subsistence agriculture.” Matsuda, *supra* note 31, at 94.

189. *See generally* PETER WATSON & CECILIA TODESCHINI, *THE MEDICI CONSPIRACY: THE ILLICIT JOURNEY OF LOOTED ANTIQUITIES FROM ITALY’S TOMB RAIDERS TO THE WORLD’S GREATEST MUSEUMS* (2006).

190. *See generally id.*

191. BRODIE ET AL., *supra* note 7, at 10 (“The Metropolitan knew at the time of its purchase that the material had been looted and exported illegally—a junior curator had been to Turkey and visited the looted site, and had managed to identify the matching parts of a pair of sphinxes held by the museum—and did not mount a display until 1984, when the material was exhibited without provenance under the misleading title of the East Greek Treasure.”); Briggs, *supra* note 128, at 628.

forward.¹⁹² In 1993, after a prolonged lawsuit, the Metropolitan was forced to return the objects to Turkey without compensation.¹⁹³

Since the enactment of the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, museums in market nations have been subject to more regulation from laws and codes of ethics.¹⁹⁴ Neil Brodie explained, “Museum professionals welcome clear guidelines from professional organisations, especially for dealing with issues like the illicit trade, which involves negotiating legal and ethical minefields.”¹⁹⁵

There has been increasing pressure on museums to tighten acquisition and loan policies, and many museums will no longer purchase objects without documentation establishing a legitimate ownership history.¹⁹⁶ Still, museums may receive donations of unprovenanced antiquities, for acquisition or loan, which are later revealed to be illicit.¹⁹⁷ At present, museums are also more likely than they were in the past to return objects on ethical grounds even when there is no legal basis to demand repatriation.¹⁹⁸ This shows an increased focus on ethical behavior on the part of museums and a move away from literalism concerning the law.

III. LATERAL COOPERATION AMONG CRIMINAL ORGANIZATIONS: THE ILLICIT ANTIQUITIES TRADE AS AN ORGANIZED CRIMINAL MEGAGROUP

A pattern of interconnectedness emerges when examining discrete groups within the illicit antiquities trade. These groups cannot and do not function independently from one another. They are interdependent by necessity; without the wholesalers, there would be insufficient demand to keep criminal excavation profitable; without traffickers, unscrupulous dealers would not have access to illicitly excavated or exported antiquities. The manner in which the criminal groups collaborate with one another is distinctly less categorical than the organization of the groups themselves.

The interconnectedness among the criminal groups reveals a broader, organized system that comprises the illicit antiquities trade. If any of the criminal groups ceased to function—the excavators, the wholesalers, the

192. See BRODIE ET AL., *supra* note 7, at 10.

193. See *id.*

194. See *id.* at 43.

195. See *id.*

196. Briggs, *supra* note 128, at 628.

197. See BRODIE ET AL., *supra* note 7, at 47-48.

198. BRODIE ET AL., *supra* note 7, at 27 (“[I]n the spring of 1999 . . . [Medici] came to an agreement with the Italian *carabinieri* to return three fragments of a bowl made by the well-known ancient potter Euphronios. The other fragments of this bowl were in the J Paul Getty Museum in Los Angeles, and . . . the museum voluntarily returned what it possessed to Italy.”); Kimberly Alderman, *Yale Agrees to Return Machu Picchu Artifacts to Peru: Ethics-Based Repatriation Efforts Gain Steam*, CULTURAL HERITAGE & ARTS REV., Fall/Winter 2010, at 3.

traffickers, or the retailers—the illicit antiquities trade would end. Therefore, the illicit antiquities trade serves as a biosphere of sorts for smaller, discrete criminal groups.

The argument can therefore be made that the illicit antiquities trade *itself* constitutes organized crime. This does not necessarily validate the claim that organized crime “controls” the illicit antiquities trade. That claim relies on the notion of a transnational criminal enterprise larger than the antiquities market itself.

As discussed in Part II of this Article, there is no legitimate distinction between the licit and illicit antiquities trades; all antiquities are bought and sold on the same market, regardless of legality.¹⁹⁹ The antiquities market has been called a “grey market,”²⁰⁰ because there is no distinct “black market” or “white market” for antiquities. It is commonly accepted that the vast majority of the antiquities sold at auction were illegally excavated or exported.²⁰¹ For example, it is estimated that only five percent of the over 13,000 Apulian red-figure vases known to exist were excavated legally.²⁰² Therefore, there is no illicit division of the trade, because most participants deal in at least some illicitly excavated or exported material, even if unknowingly.

The auction industry is the most public portion of the antiquities market.²⁰³ The sales that take place pursuant to auctions are, to as great a degree as possible, public. If ninety percent of the antiquities that go through these public sales were illicitly excavated or exported,²⁰⁴ then it is fair to approximate that at least this percentage of undocumented, private deals are for materials with an illicit origin. The infrastructure for the antiquities market has developed amidst more pressure from the illicit trade than from the licit trade, due to sheer volume. Accordingly, many facets of the market infrastructure serve no legitimate purpose for licit traders, but do serve to benefit those who trade in illicit antiquities.

Whether or not the trade in licit antiquities could function independently of the illicit trade, it does not. The illicit trade depends upon the licit trade in order to promote an appearance of legitimacy. Collectors and dealers can present themselves as legitimate businesspeople because, at least in theory, they *could* deal exclusively in legally obtained antiquities. Dealers and collectors are perceived as “people who can speak seven languages, have university degrees and are highly intelligent.”²⁰⁵ They are just as much participants in and members of this organized criminal megagroup as are the traffickers and the crews who dig antiquities out of the ground under cover of night. Without wealthy dealers and

199. See *supra* Part II.

200. See Blythe A. Bowman, *Transnational Crimes Against Culture: Looting at Archaeological Sites and the “Grey” Market in Antiquities*, 24 J. CONTEMP. CRIM. JUST. 225, 225 (2008).

201. Elich, *supra* note 7, para. 12; *supra* Part II.C.

202. Elich, *supra* note 7, para. 17.

203. Alderman, *Ethical Trade*, *supra* note 20, at 561 & n.67.

204. See *supra* note 170 and accompanying text.

205. de la Torre, *supra* note 68, at 10 (quoting Arthur Brand, art collector).

collectors, the efforts of all the other actors would be for naught. Collectors tend to have political influence,²⁰⁶ and they tend to oppose reform of the trade because they are benefiting from its largely unregulated nature.

Meanwhile, the licit trade in antiquities uses the illicit trade for its infrastructure. The sheer volume of unprovenanced antiquities justify the highly developed infrastructure for their trade. If the market were restricted to documented legal goods (three to ten percent of the current trade, depending on who you ask), it would not be possible for as many dealers, auction houses, and museums to survive.

Accordingly, the relationship between the licit and illicit antiquities trades echo the interconnectedness and interdependence of the criminal groups discussed in Part II of this Article. These criminal groups depend on one another to keep the antiquities trade functioning; pull any rung of the ladder out—the excavators, the middlemen, the traffickers, or the retailers—and the system will not function. Similarly, the licit and illicit antiquities trades so significantly depend on one another that they are not readily distinguishable. Again, “People think that there is an illicit and a legitimate market. . . . In fact, it is the same.”²⁰⁷

If the illicit antiquities trade operates as an organized criminal industry, and the licit antiquities trade is indivisible from the illicit trade, it could be said that the antiquities trade as a whole functions as an organized criminal megagroup. Any actor who participates in the antiquities trade is contributing to the larger system that enables and perpetuates organized crime. This applies even to scrupulous participants who insist on provenance and have never handled a tainted object.

Auction houses continue to trade in antiquities because there are at least *some* licit objects on the market. There is a presumption of legitimacy, which is why proof of acceptable provenance is not required, merely suggested.²⁰⁸ Licit transactions serve as a smokescreen and set the stage for the trade in objects of illicit origin. In this way, above-board transactions are indispensable to the illicit trade in antiquities.

The discrete organized criminal groups identified in Part III of this Article operate, for the most part, within national boundaries, cooperating with organized criminal groups in other jurisdictions to move illicit goods. This cooperation points toward an organized criminal megagroup that is transnational in character. Although antiquities crime crosses national borders, law enforcement does not, making effective prosecution and prevention particularly difficult.

206. See *supra* notes 185-86 and accompanying text.

207. Barry Meier & Martin Gottlieb, *LOOT: Along the Antiquities Trail; An Illicit Journey Out of Egypt, Only a Few Questions Asked*, N.Y. TIMES, Feb. 23, 2004, <http://www.nytimes.com/2004/02/23/world/loot-along-antiquities-trail-illicit-journey-egypt-only-few-questions-asked.html?pagewanted=all&src=pm> (internal quotation marks and citations omitted).

208. This is the general, not absolute, rule. Some auction houses require paperwork establishing provenance for certain locations or types of objects. See Alderman, *Ethical Trade*, *supra* note 20, at 570.

CONCLUSION

Multiple meanings of the term “organized crime” have impeded meaningful discourse in discussions about the illicit trade in antiquities. Accordingly, the author suggests that scholars and experts strive toward a unified definition of the term as it pertains to the trade. A broader definition, akin to the one propounded in Part I of this Article, would be helpful: *a structured group of three or more people, acting in concert to violate the law, in order to obtain a financial or other material benefit*. This broader definition encompasses most known participants in the illicit antiquities trade, ranging from tombaroli to the Ukrainian mafia, to unscrupulous collectors and dealers. It also takes into account violations of criminal or civil law, inside or outside of nations in which transactions take place.

This definition is criminological in nature and designed to facilitate meaningful discourse through uniformity and transparency. Compare the vernacular concept of “organized crime,” used to increase public concern about the illicit trade.²⁰⁹ Regardless of the definition employed, increased clarity is needed in discussions about the connection between organized crime and the illicit antiquities trade. As an alternative to a unified definition, discussants should account for variation in meaning of the term “organized crime.”

Examining the actors in the illicit antiquities trade through the lens of this broad definition of organized crime reveals the interconnected relationship between those actors. Lateral cooperation of organized criminal groups in the illicit antiquities trade reveals that the trade itself is an organized criminal megagroup of sorts, transnational in character. This is the only framework through which the claim that organized crime controls the illicit antiquities trade is justified.

209. Putting the illicit antiquities trade on par with the arms trade, terrorism, and human trafficking justifies the study of the trade, and enforcement of regulations aimed at thwarting it. The groups and agencies who allege most strenuously that organized crime controls the illicit antiquities trade tend to be the same ones that depend upon public concern for funding or support.