Transnational crime and the interface between legal and illegal actors

The case of the illicit art and antiquities trade

PROEFSCHRIFT

ter verkrijging van
de graad van Doctor aan de Universiteit Leiden,
op gezag van de Rector Magnificus Dr. D.D. Breimer,
hoogleraar in de faculteit der Wiskunde en
Natuurwetenschappen en die der Geneeskunde,
volgens besluit van het College voor Promoties
te verdedigen op woensdag 6 september 2006
klokke 13.45 uur

doors

Antonius Johannes Gerhardus Tijhuis

geboren te Borculo
in 1976
Promotiecommissie

Promotores:
Prof. dr. G.J.N. Bruinsma (Universiteit Leiden)
Prof. dr. H. Elffers (Universiteit Antwerpen, België)
Prof. dr. N. Passas (Northeastern University, Boston, VS)

Referent:
Prof. T. Naylor (McGill University, Montreal, Canada)

Overige leden:
Prof. dr. H.G. van de Bunt (Erasmus Universiteit Rotterdam)
Prof. dr. R. Kroes (Universiteit van Amsterdam)
Prof. dr. U. Rosenthal (Universiteit Leiden)
Prof. dr. M.R. Rutgers (Universiteit Leiden)

Dit boek werd vervaardigd door Wolf Legal Publishers (WLP).
Een handelseditie zal bij Wolf Legal Publishers verschijnen.
# Table of contents

## Chapter 1 Introduction

1.1 Research questions 3  
1.2 Definitions and data sources 5  
1.3 Plan of the book 6  
1.4 The rise of (the study of) transnational crime in the 1990s and beyond 7  
1.5 General assumptions about transnational crime 9  
1.5.1 Transnational crime as a new phenomenon 10  
1.5.2 Large (ethnically defined) criminal organizations as typical manifestation of transnational crime 11  
1.5.3 Collaboration between transnational criminal organizations as a way to divide the criminal underworld 12  
1.5.4 Globalization as the primary cause of transnational crime 12  
1.5.5 Transnational crime as cause of criminal infiltration of legitimate businesses and governments 13

## Chapter 2 Interfaces between legal and illegal actors – from bricks to the Bahamas

2.1 Introduction 15  
2.2 Passas’ typology of interfaces 16  
  2.2.1 A definition of transnational crime 16  
  2.2.2 Legal and illegal actors 18  
  2.2.3 Enterprise crime, political crime and hybrid crime 20  
  2.2.4 Antithetical interfaces 21  
    Antagonistic relationships 22  
    Parasitical and predatory interfaces 23  
    Injurious interface 24  
  2.2.5 Symbiotic interfaces 25  
    Outsourcing 25  
    Collaboration 26  
    Co-optation 26  
    Reciprocity 27  
    (Systemic) Synergy 29  
    Funding 30  
    Legal interactions 31  
    Legal actors committing organized crimes 31  
  2.2.6 Conclusion section 2.2: the interface typology 13  
2.3 Three extentsions of the interface typology: individuals, organizations and jurisdictions as interface 33  
  2.3.1 Solo in transnational crime 34  
  2.3.2 Legitimate organizations as interface 36
### Table of Contents

#### 2.3.3 Jurisdictions as interface
2.4 Conclusions

### Chapter 3 Individuals and legitimate organizations as interface

3.1 Individuals as interface
  3.1.1 Case studies of individuals as interface
    - Monzer Al Kassar
    - Victor Bout
    - Fouad Abbas
  3.1.2 Common characteristics
  3.1.3 Brokers in transnational crime
  3.1.4 Transnational (criminal) dealers
  3.1.5 Conclusion section 3.1: individuals as interface
3.2 Legitimate organizations as interface
  3.2.1 Case studies of legitimate organizations as interface
    - International Overseas Services
    - Banco Ambrosiano
    - Nugan Hand Bank
    - Bank of Credit and Commerce International
    - The Dutch ‘Coffee Shop’
    - Noraid
    - The CIA and other intelligence agencies
  3.2.2 Legitimate organizations as interface
  3.2.3 The coffee shop model
  3.2.4 The Abrosiano model
  3.2.5 Conclusion section 3.2: legal organizations as interface

### Chapter 4 Jurisdictions and other geographically defined entities as interface

4.1 Introduction
4.2 Jurisdictions and other geographically defined entities as interface I
4.3 Tax havens, bank secrecy jurisdictions and offshore financial centres
4.4 Jurisdictions and other geographically defined entities as interface II
4.5 De facto interfaces I: the arms trade
  4.5.1 Arms supermarkets as de facto interfaces
  4.5.2 Dutch arms export policies as de facto interfaces
4.6 De facto interfaces II: corrupt networks
  4.6.1 Club 45 in Vienna
  4.6.2 Propaganda Due (P2) in Italy and South America
4.7 Conclusions
# TABLE OF CONTENTS

## Chapter 5  Order in the chaos: the lock model

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.1</td>
<td>Introduction</td>
<td>99</td>
</tr>
<tr>
<td>5.2</td>
<td>The lock model</td>
<td>99</td>
</tr>
<tr>
<td>5.3</td>
<td>The lock function of individuals</td>
<td>101</td>
</tr>
<tr>
<td>5.4</td>
<td>The lock function of legitimate organizations</td>
<td>103</td>
</tr>
<tr>
<td>5.5</td>
<td>The lock function of jurisdictions</td>
<td>105</td>
</tr>
<tr>
<td>5.6</td>
<td>Conclusions</td>
<td>108</td>
</tr>
</tbody>
</table>

## Chapter 6  The transnational illicit art and antiquities trade: research outline and data sources

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.1</td>
<td>Introduction</td>
<td>111</td>
</tr>
<tr>
<td>6.2</td>
<td>Data sources</td>
<td>112</td>
</tr>
<tr>
<td>6.2.1</td>
<td>Official sources</td>
<td>112</td>
</tr>
<tr>
<td></td>
<td>The Inspectorate of Cultural Heritage in the Netherlands</td>
<td>113</td>
</tr>
<tr>
<td></td>
<td>The art squad of the national police in France</td>
<td>114</td>
</tr>
<tr>
<td></td>
<td>New Scotland Yard and the Ministry of Culture in the United Kingdom</td>
<td>115</td>
</tr>
<tr>
<td></td>
<td>The art and antiquities unit of the Carabinieri in Italy</td>
<td>115</td>
</tr>
<tr>
<td>6.2.2</td>
<td>Interviews with experts</td>
<td>115</td>
</tr>
<tr>
<td></td>
<td>Archaeologists and museum curators</td>
<td>116</td>
</tr>
<tr>
<td></td>
<td>Art dealers</td>
<td>116</td>
</tr>
<tr>
<td></td>
<td>Other persons</td>
<td>117</td>
</tr>
<tr>
<td>6.2.3</td>
<td>Media reports, non-academic literature and specialized media</td>
<td>117</td>
</tr>
<tr>
<td></td>
<td>IFAR Journal</td>
<td>117</td>
</tr>
<tr>
<td></td>
<td>Illicit Antiquities Research Centre</td>
<td>118</td>
</tr>
<tr>
<td></td>
<td>Media reports</td>
<td>118</td>
</tr>
<tr>
<td></td>
<td>The Museum Security Network reports</td>
<td>119</td>
</tr>
<tr>
<td></td>
<td>Non-academic literature</td>
<td>119</td>
</tr>
<tr>
<td>6.3</td>
<td>Opportunities and limitations of the sources</td>
<td>119</td>
</tr>
<tr>
<td></td>
<td>Studies based on official sources</td>
<td>119</td>
</tr>
<tr>
<td></td>
<td>Studies based on the social environment of criminals</td>
<td>120</td>
</tr>
<tr>
<td></td>
<td>Studies based on media reports and studies by investigative journalists</td>
<td>121</td>
</tr>
<tr>
<td>6.4</td>
<td>Conclusions</td>
<td>122</td>
</tr>
</tbody>
</table>

## Annex 1  Defining the illicit art and antiquities trade

## Annex 2  Specialized police agencies dealing with art crimes

## Chapter 7  The illicit art and antiquities trade: an introduction

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.1</td>
<td>Introduction</td>
<td>129</td>
</tr>
<tr>
<td>7.2</td>
<td>The illicit trade</td>
<td>129</td>
</tr>
</tbody>
</table>
TABLE OF CONTENTS

7.2.1 Art theft 130
7.2.2 Fakes and forgeries 131
7.2.3 Looting and smuggling of antiquities 132
7.2.4 War, civil war and occupation 135
7.3 The extent of the illicit trade 137
7.4 The link between the illicit art and antiquities trade and other illegal markets 139
7.5 Conclusions 142

Chapter 8 Interfaces and the illicit art trade

8.1 Introduction 143
8.2 The interface typology 144
8.2.1 Antithetical interface 145
     Injurious interface 145
     Antagonistic and (systemic-) synergy interface 145
     Predatory interface 149
     Parasitical interface 150
8.2.2 Symbiotic interfaces 152
     Collaboration 152
     Reciprocity 153
     Outsourcing 154
     Co-optation 155
     Funding 156
8.2.3 New and superfluous interface 156
8.3 States conflict and crimes related to art 158
8.4 The lock model and the interface typology: case studies from France, Italy and the Netherlands 161
8.5 Conclusions 166

Chapter 9 Interfaces and the illicit antiquities trade

9.1 Introduction 167
9.2 The interface typology 168
9.2.1 Antithetical interfaces 169
     Injurious interface 169
     Antagonistic and (systemic-) synergy interface 173
     Facilitating interface 177
     Predatory and parasitical interface 178
9.2.2 Symbiotic interfaces 179
     Reciprocity 179
     Outsourcing 181
     Collaboration 181
     Co-optation 182
     Funding 183
TABLE OF CONTENTS

9.3  State conflicts and crimes related to antiquities  183
9.4  The lock model and the interface typology – case studies from Italy and the Netherlands  185
9.5  Conclusions  190

Chapter 10 Conclusions

10.1  Introduction  193
10.2  A typology of interfaces  194
   10.2.1 Antithetical interfaces  194
   10.2.2 Symbiotic interfaces  195
10.3  Individuals, legitimate organizations and jurisdictions as Interface  197
   10.3.1 Individuals as interface  197
   10.3.2 Legitimate organizations as interface  198
   10.3.3 Jurisdictions as interface  198
10.4  The lock model  199
10.5  The illicit art and antiquities trade  199
   10.5.1 The interface typology and the illicit art and antiquities Trade  200
   10.5.2 The lock model and the illicit art and antiquities trade  201
   10.5.3 Other topics related to the art and antiquities trade  204
10.6  Recommendations for future studies on transnational crime and the interfaces between legal and illegal actors  205
   10.6.1 Studies of transnational crime and interfaces  205
   10.6.2 Studies of the illicit art and antiquities trade  207
10.7  Recommendations for public policies  208
   10.7.1 Public policies in general  208
   10.7.2 Public policies with respect to the illicit art and antiquities trade  210

Bibliography  213

Samenvatting (summary in Dutch)  229
Acknowledgements  233
CV  234