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Private 'Rescue'-by-Purchase of Stolen Cultural Goods: The Material and Social Consequences and the Complicity of Europe and North America

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Abstract

'Rescue' has long provided a justification for the handling of illicit cultural goods, yet the specific consequences of this practice have not been systematically documented. This paper draws on historic, recent and still-emerging cases around the world to assess the resurgent argument that looted antiquities and stolen artefacts should be rescued through purchases made by private collectors. It shows that the practice is promoted by politically exposed persons, who use it for money laundering and reputation laundering; that proceeds from the practice may be received by transnational organised crime groups; and that its social and political acceptability is exploited to facilitate fraud and embezzlement.

While many of these cases demonstrate complicity on the part of elites and authorities within the societies that are victimised, they are emblematic of the global structure of this enterprise. They also reaffirm the complicity of markets and authorities in the Global North/West in illicit flows of cultural assets that are exceptionally harmful to societies in the Global South/East.

Keywords

Corruption; cultural property crime; illicit antiquities; money laundering; organised crime; reputation laundering.

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Review

'Rescue' has long provided a justification for the extraction and/or collection of antiquities (Boardman 2006; Brodie 2007; for a review of centuries of self-justifications by collectors, see Thompson 2015). In 1972, for example, the possessor of the largest private collection in Thailand—who was supported and echoed by another collector, Princess Viphavadi Rangsit—objected to a ban on trading in Ban Chiang pottery, arguing that he had a 'duty to save it from being pilfered by foreigners' (*Bangkok World*, 1 July 1972, as cited in Byrne 2016, 348). Likewise, seeking to make 'multi-directional attempts at selling' (Gershkovich 2005, 93), illicit collectors in Ukraine have claimed to 'rescue' antiquities by keeping the exclusively local material (e.g., Trypillia culture) within Ukraine's borders while exporting the transterritorial material (e.g., Scythian, Greek and Roman cultures). Similar perceptions and practices can be seen everywhere from the Philippines (Byrne 2016) to Cyprus (Karageorghis 1999), where looting and smuggling have been linked to organised crime and conflict financing (Hardy 2014a). Such arguments do reach and influence opinion-leaders (see, e.g., Takhov 2020). As shown by the social media discussion accompanying *Morgenbladet* (2020), they also reach and influence members of the public.

These arguments are sometimes made by members or allies of victimised communities. For example, according to Estrin (2018), Samaritan historian and community elder Benyamim 'Benny' Tsedaka believed that 'plunder ensured [the] preservation' of Samaritan manuscripts, as 'collectors and climate-controlled libraries' were better able to protect fragile objects than his financially constrained, politically vulnerable minority. Regardless, at least one such case appeared to involve corruption, if not profiteering through the exploitation of political power. In this case, the 'thieves' frontman' was 'a retired Palestinian police officer' living in Jordan; the intermediary who interacted with the criminals was a confidant of Yasser Arafat, the president of the Palestinian National Authority, and Arafat himself was the intermediary who interacted with the victims. According to Tsedaka (as paraphrased in Estrin 2018), Arafat—who controlled the territory where the victimised community lived—'appeared to be more interested in negotiating over the ransom than seeking the manuscripts' return'.

Such arguments have made a resurgence in the wake of the crises that have struck West Asia and North Africa since 2011. One collector and lobbyist for dealers of ancient coins in the United States, Peter Tompa (2014) queried, 'better burned [than] smuggled?' Likewise, metal detectorist John Howland (cited in Barford 2014) suggested that looted antiquities should be characterised as 'rescued antiquities' and that it was better for antiquities to be looted than left at risk of acquisition by the Islamic State. Similarly, an anonymous antiquities collector (cited in Barford 2014) in the United Kingdom claimed that antiquities from Syria and Iraq *were* being 'rescu[ed]' by collectors and imported to 'safety' somewhere 'in the West'. As historic war damage and recent terrorist attacks demonstrate to those who make and others who accept this argument, 'the West' is not safe either.

Some advocates of rescue positively advertise its effects, particularly concerning sites that are under threat from the Islamic State of Iraq and Syria (ISIS). Based on the false belief that ISIS itself is 'simply destroying the objects ... not selling them', antiquities dealer and collector Tom Swope (2015) argued that 'the moral and right position to take is to purchase everything we can, and hope to encourage looting' (see also Swope 2016; cf. Giglio and al-Awad 2015 and Faucon, Kantchev and MacDonald 2017 for testimony that ISIS is itself looting and selling antiquities). An anonymous collector of ancient coins in the United States commented on Swope's blog to agree, arguing that 'closing our doors to incoming material is also akin to allowing the destruction to occur' (Swope 2015). Ominously, this collector claimed to be 'trying to find a solution' (Swope 2015).

Rescue practices persist. For example, ISIS has been accused of 'advertising' its iconoclasm to elicit purchases of the products of its looting (Economist 2015). One unidentified 'dealer' even claimed that Israel had 'approved his purchase of ancient Hebrew inscriptions whatever their provenance' (Economist 2015). Likewise, since 2011, the humanitarian organisation Amaliah (2016) has been 'rescuing ... valuable [Jewish] artifacts like Torahs' and other relics 'from Syria'. According to its website, Amaliah (2016) seeks

'to preserve these ancient artifacts by bringing them to the United States for safe keeping. One day, it will be safe to return the[m]'

There is extensive literature regarding the general effects of negligent and criminal collecting (i.e., smuggling, which feeds the international market, and looting, which feeds both the international market and internal ones). Prior studies have investigated the material and intellectual consequences like the destruction of knowledge through looting and misdirection of science through the incorporation of forgeries into bodies of evidence (Chippindale and Gill 2000; Gill and Chippindale 1993; Muscarella 2001; Nørskov 2002). They have also considered social consequences like the incentivisation of corruption (Hardy 2019a); interference with the rule of law, as the law may not be enforced so that diplomatic relations are not harmed (Keenan 2005; Hardy 2019a); and the degradation of sources of cultural and socio-economic resilience for indigenous and other vulnerable communities in authoritarian states (Keenan 2005). All such activity ultimately involves funding crime and receiving the proceeds of crime.

The defence of rescue is designed precisely to excuse these harms as morally acceptable by-products. It echoes customary international law and the common moral law of necessity, which accept the commission of a lesser crime when it is 'the only way' to end or prevent a greater crime (see, e.g., International Law Commission 2008 [2001], Art. 25a). At the same time, this defence typically downplays any association with serious crime (beyond cultural property crime itself), including organised crime, corruption (excluding petty bribery) and money laundering. As such, the specific consequences of rescue-by-purchase must be documented and the likelihood of involvement in greater crime must be assessed so that evidence-based policy decisions can be made.

Following in the footsteps of previous analyses (Brodie 2005; Hardy 2014a; 2014b; 2015a; 2015b; Thompson 2015), this paper presents recent and still-emerging cases of rescue-by-purchase. In the aftermath of the interlinked destruction and interpersonal violence that have plagued places from Ukraine to Iraq, Yemen and Mali, it assesses the resurgent argument that private collectors should rescue cultural objects by purchasing them.

This paper contributes to understanding the material and social consequences of private collecting of stolen cultural property by addressing the persistent risks of establishing moral and legal mechanisms for legalising criminal assets. It also extends theoretical and empirical discussions concerning cultural property crime and policy by reviewing key cases. The evidence demonstrates the risks of financing organised crime, with evidence from Guatemala and Iran. It demonstrates the risks of incentivising serious corruption and financing transnational organised crime, with evidence from China. It demonstrates the risks of creating markets for exploitative fraud, with evidence from the United States. Finally, it demonstrates the risks of incentivising serious corruption while also facilitating reputation laundering, with evidence from Bulgaria and Angola.

The evidence indicates that the market exploits people in vulnerable communities who feel morally compelled to participate to recover stolen assets, including those stolen in the course of hate crimes, war crimes and crimes against humanity. Certain criminals exploit the social acceptability or legal facilitation of rescue-by-purchase to defraud buyers. Likewise, some buyers enter the market or expand their positions within it so that they can exploit social acceptability and legal facilitation to acquire and—either officially or in practice—legalise dirty cultural assets. Meanwhile, politically exposed persons exploit the market to launder both money and reputations.

Further, the crimes that supply markets for rescued antiquities in the Global North/West may fund criminal organisations and undermine the rule of law, particularly in the Global South/East. Perversely, these processes often undermine efforts to prevent the dismantling and dispersal of cultural assets. This suggests that—to reduce both financial crime and cultural property crime—states should end their toleration or facilitation of rescue-by-purchase.

Potential Financing of Organised Crime in Guatemala

Between the mid-1960s and the mid-2010s, businessman Fernando Paiz built a collection of around 3500 illicit antiquities, which he now manages through the Ruta Maya Foundation and displays in museums across Guatemala. His heritage work has been characterised as demonstrating a concern for sustainable development through heritage tourism and a commitment to both the Mayan community and Guatemalan society. By contrast, Paiz's heritage work has also been characterised as 'propaganda' in support of collaboration between big business and government, particularly in light of the proposed incorporation of the public collection of the National Museum of Archaeology and Ethnology into the private Maya Museum of America and the potential displacement of a legally protected craft market for the establishment of the private museum (Gutiérrez and Aguirre 2015).

When asked what he would do if he was told that he could not host the public collection, Paiz smiled and said that he had 'a problem [*un problema*]: "no" [was] a word that [was] a little difficult for [him] to understand [*"no" es una palabra que a mí me cuesta un poco entender*]' (quoted in Rodríguez 2015). The consequences of this activity are difficult to address, as Paiz has previously threatened to sue archaeologists for defamation for asserting that he 'promote[d] looting [*promovía el saqueo*]' (Rodríguez 2015).

Despite this, as paraphrased by Vance (2014), Paiz has publicly recognised that he is at least 'marginally feeding the illicit trade'. According to Paiz (2014) himself, his collection comprises looted antiquities and he has 'smuggled' some of his rescued objects back into Guatemala. Paiz (2014) flatly refuses to 'pay the duties' for (re-)import; instead, at least in the past, he has 'got the Ministry of Culture to run them through customs for [him] and they avoided the law and... [they] did not pay the duties'. Further, while Paiz 'has renounced buying looted Maya art' within Guatemala, he still 'buys' some 'looted artifacts' in foreign countries (Paiz, paraphrased in Vance 2014).

It is not clear if Paiz changed his practices before or after an investigation into 'collectors who protect [antiquities], but encourage looting [*coleccionistas que protegen, pero alientan el saqueo*]' . The investigation highlighted that 'purchase as [well as] sale of archaeological goods [*tanto la compra como la venta de bienes arqueológicos*]' within Guatemala is an imprisonable offence under Article 332 C of the Penal Code (Escalón 2012). As observed by foundation director Sofía Paredes—who had never bought anything within the country—people can be prosecuted for buying, for 'making an illegal transfer or trafficking [*haciendo un traslado ilegal o traficando*]', 'if they catch you in flagrante [*Si lo cachan in fraganti*]' (quoted in Escalón 2012).

Through its acceptance of—and collaboration in—this activity, the Guatemalan state has facilitated the handling of stolen goods by Paiz and others who bought and/or sold collections of looted antiquities. The state's process for registering private collections enables collectors to officially legalise looted antiquities by declaring the fact of their possession without declaring the means of their acquisition.

Market demand, in Guatemala and elsewhere, is met by a range of suppliers, from poverty-stricken 'subsistence diggers' who experience 'desperation' (according to anthropologist David Matsuda, paraphrased in Vance 2014) to violent criminals. This latter group includes 'armed looters', who have murdered at least one archaeologist (Gutchen 1982, 289). Looters of antiquities often collaborate with producers of narcotics to identify looting targets and with traffickers of narcotics to smuggle goods to international markets (see Matsuda 1998a, who interviewed 400 subsistence diggers in Central America; Matsuda 1998b; Matsuda, paraphrased by Vance 2014). Other open-source evidence concerning these international markets—from law enforcement operations; official documentation; archaeological, ethnographic and legal research; and investigative journalism—demonstrates the involvement of transnational organised crime and the participation of other multi-commodity traffickers in Guatemala and elsewhere in Latin America, including Belize, Colombia, Honduras and Mexico (Hardy 2019b; 2020).

Inevitably, then, these practices also concern the market countries, like Spain, to which both antiquities and narcotics are trafficked.

While previous reviews have judged claims that narcotrafficking organisations are involved in looting and trafficking of antiquities to be 'most[ly]... speculative at best' (Yates 2014, 23), investigative journalists have since documented instances in relation to Guatemala. These include the armed robbery of paintings from a church by members of the Valle del Sol gang to supply an order by a powerful narcotrafficker (Juárez and Melini, 2015; López, 2016) and the armed robbery of 300 pieces of cultural property—including artefacts, icons and paintings—from a cultural foundation, 13 pieces of which were recovered (alongside others) in a raid on a Hezbollah-linked member of the Norte del Valle cartel (Hidalgo, 2016; López, 2016). It was not known whether the recovered assets had been concealed as assets for sale, assets for money laundering or collateral for purchases of other illicit commodities. Journalists have also inferred the protection racketeering of antiquities looters by drug cartels from the protection racketeering of other criminals in their territories (López, 2016). In some cases, according to Paredes (quoted in Escalón 2012), looting and trafficking involves a range of public servants: 'the military, archaeologists, diplomats, local authorities [and] the police [*militares, arqueólogos, diplomáticos, autoridades locales, en especial los alcaldes de Petén, policías*]'.

So, rescue-by-purchase for Guatemala may not only underwrite the illicit trade in antiquities, but also have other effects. Although this may not be the case for any of the antiquities that have been purchased by Paiz or his donors, rescue-by-purchase potentially augments the revenue of corrupt officials and organised criminals.

Potential Financing of Organised Crime in Iran

On its website, the Barakat Gallery in the United Kingdom states that Fayez Barakat 'made purchases' of 'artifacts from plundered tombs' in Hebron, Palestine in 1967 and 'has undertaken a duty to preserve the past' (Larue n.d.). Barakat has 'save[d]... exquisite artistic statements', not necessarily in the *form*, yet specifically in the *context* of 'precious ancient objects' that are sometimes destroyed 'by simple villagers who feared fines for possession of such items or perhaps confiscation' of their land (Larue n.d.). Even selfless efforts like this can result in involvement in very negative events.

For instance, while there is no indication that the Barakat Gallery knew that a collection of distinctive objects had been 'illicitly excavated' and 'illegally exported' from Iran between 2000 and 2004, it was forced to recognise Iran's ownership of the antiquities in 2007 and 2008 (Chechi, Contel and Renold 2011; Tehran Times 2011). By the time that Iran first asked—then sued and later appealed—for the return of those objects, the discovery of Jiroft through the recent looting of the site and its surroundings by 'thousands' of people (Payvand 2004)—and thus the absence of a market of pieces that had been excavated and exported before those acts became licensed activities—had been prominently documented (e.g., Covington 2004; Lawler 2003a, 2003b; Payvand 2004). Looting may have begun as early as the 1980s (Muscarella 2001), but that still would not have generated a legal supply chain.

This is another case that demonstrates the participation of narcotraffickers in the looting and trafficking of antiquities. According to archaeologist Yousef Majidzadeh, cited by Lawler (2003b), officials did not immediately intervene to end the 'unbelievable destruction' of the archaeological site by 'desperate' villagers, 'since the peasants were poor because of [a long] drought' and the officials 'thought that it was one way for them to get some money'. Following this, 'organized pillaging' was conducted by family cooperatives that coordinated yet did not collaborate with each other (Payvand 2004). According to the director of the Iranian Cultural Heritage Organization, Seyyed Mohammed Beheshti (quoted in Lawler 2003b), this economic and cultural disaster was exploited by 'drug smugglers', who expanded their operations to incorporate 'lucrative antiquities trafficking' and 'organiz[ed] targeted looting', in which they 'forc[ed] villagers to do the illicit excavations'. It appeared that at least some of the looted antiquities were channelled to the international market through a corrupt officer of the ICHO (Lawler 2003b). Considering

this, it is possible that some purchases for rescue may have inadvertently contributed to a revenue stream for organised criminals who exploited forced labour.

Corruption in China and Global Transnational Organised Crime

In China, 'patriotic buybacks and donations' show that collectors are loyal and useful to the state, as the rescuers finance it and realise its wishes (Fiskesjö 2010). As long as it is convenient for the state, such purchases may secure protection for the rescuers.

The targets of these rescuers include blood antiquities that were plundered and collected by the British and French armed forces (Tythacott 2015) and conflict antiquities that were auctioned to pay the officers, soldiers and bereaved families of those armed forces (Bowlby 2015). Curator Ma Baoping explained that the Poly Art Museum in Beijing had freed three such 'hostages' at Christie's and Sotheby's auctions in Hong Kong (cited in Cuno 2008, 99). The Poly Group's chairman, Shan Yihe characterised the activity as 'rescue' (Shan 2001, cited in Cuno 2008, 100).

Subsequently, the conviction of senior members of the Rathkeale Rovers—a transnational organised crime group in Europe that appeared to be collaborating with another group in China—indicated that self-perceived patriots were financing theft-to-order to repatriate looted antiquities to China, albeit to their own private (and illicit) collections (Meyer 2015; Peachey 2016). From 2010 to 2015, they targeted museums, galleries and private collections in Sweden, Norway, the United Kingdom and France because those sites contain antiquities that were plundered during the Second Opium War (1856–1860) and the Boxer Rebellion (1899–1901). Indeed, after being robbed twice, KODE in Bergen arranged to deliver its loot from 1860 to Peking University (Meyer 2015). There is forensic evidence that at least one case within this program of 'contract robbery' was conducted on 'orders from the Chinese triads' (European Observatory of Crimes and Security 2020). Again, then, it is clear that rescue-by-purchase augments the revenue of organised crime groups—in this case, across two continents. By bonding the business elite with the state apparatus through the commission and permission of transnational crime, it also undermines the rule of law.

Fraud and Embezzlement in the United States

For years, the 'Jewish Indiana Jones', Rabbi Menachem Youlus, advertised that he saved Torahs in various fashions: pillaging the Nazi concentration camp of Bergen-Belsen; digging up cemeteries in and around the extermination camps Auschwitz-Birkenau and Majdanek; digging up a Holocaust mass grave in Ukraine; buying manuscripts that had been confiscated from prisoners by a guard at Auschwitz-Birkenau, taken from Jewish communities by a KGB general in Russia or plundered from abandoned properties by soldiers in Iraq; and bribing local community representatives. Supposedly, Youlus then smuggled his finds to Jewish communities in the United States in return for fees for conservation and restoration (al-Tikriti 2010; Commentator 2012; Kay 2007; Prince 2007; Wexler and Lunden 2010; 2012).

As the chairperson of the Jewish community of Bielsko-Biała, Dorota Wiewióra insisted: 'No-one would sell' a recovered Torah. 'It's not ethical' (quoted in Wexler and Lunden 2010). Regardless, many people were willing to pay a premium price for what they believed to be looted manuscripts. These collectors either bought the manuscripts from Youlus or paid a fee to him or his charitable foundation, Save a Torah, for conservation and restoration. Charging thousands or tens of thousands of dollars per transaction, Youlus and Save a Torah ultimately made more than a million dollars.

One of the recipients of a Torah allegedly recovered from Bergen-Belsen, Rabbi Leila Gal Berner, stated that its preservation meant that the 'community [had not] die[d] when Hitler tried to kill it' (quoted in Wexler and Lunden 2010). The great-grandchild of a Majdanek survivor who was alive at the time of the Torah's recovery explained that it was an act of '[self-]reparation' (Commentator 2012). Echoing stories of the Nazi destruction of 'degenerate art', Youlus told his clients that the Auschwitz-Birkenau camp guard

had advertised a Torah on eBay for \$17,000 but threatened that, 'if nobody bought it within two weeks', he 'would burn it and post pictures on the Internet' (Southern Jewish Life 2012).

In fact, Youlus had been buying Torahs on the market and then 'fabricat[ing] a story to match [the] donor's familial Holocaust story' and redirecting donations to himself (Commentator 2012; Jaffe 2013). Youlus ultimately pled guilty to fraud (Gearty and Connor 2012).

Fraud and embezzlement are everyday features of the illicit trade in antiquities; however, they are particularly troublesome in acts of rescue. This is because rescue excuses otherwise intolerable acts; it tricks affected communities and sympathetic communities into participating in the illicit economy. The participation of these parties is especially concerning because it demonstrates the reckless complicity of individuals and institutions in the Global North/West in the handling of cultural property that they believe has been illegally extracted from crisis zones in the Global South/East.

Corruption, Laundering of Illicit Assets and Reputational Artwashing by Politically Exposed Persons in Bulgaria

Vasil Bozhkov and other Politically Exposed Persons in Bulgaria

In Bulgaria, organised criminals have 'a corrupting influence' on 'government, parliament and [the] judiciary', as well as all other institutions; they 'donate to all the major political parties' and otherwise 'buy their way into the corridors of power' 'with some success' (United States Embassy in Bulgaria 2005a, see Campbell 2013 for extensive evidence in relation to antiquities trafficking). By 1985, alleged mafioso Vasil Krumov Bozhkov (or Bojkov) was already known to the Communist state security service for providing illegal gambling services (Todorov 2020). He was a 'close associate' of Ilya Pavlov (Dimitrov 2009, 22), with whom he 'co-found[ed]... a gambling and casino company' (Radio Free Europe/Radio Liberty 2020). Pavlov ran Multiart (later, Multigroup), a privatised successor to a Communist state trafficking service, which specialised in cultural property (Ganev 2007; Glennly 2009 [2008]).

In leaked discussions between American diplomats about actors and factors in the 'nexus [of politics] with organized crime' (United States Embassy in Bulgaria 2005a), Bozhkov was described as an 'influential businessman', a 'reputed organized crime figure' (United States Embassy in Bulgaria 2003) and 'Bulgaria's most infamous gangster ... reportedly active in money laundering, privatization fraud, intimidation, extortion, racketeering, and illegal antique dealing' (United States Embassy in Bulgaria 2009). He was 'known' to be 'link[ed]' to organised criminals, 'many former government officials' (United States Embassy in Bulgaria 2009) and 'many high-level politicians' (according to Thierry Cretin, then Director of Investigations and Operations for the European Anti-Fraud Office, as cited in United States Embassy in Bulgaria 2008). He was also known to have 'funded' the 'extreme nationalist' party, Attack (Ataka), 'as well as other parties, in the final stage of [an election] campaign' (according to undisclosed sources cited in United States Embassy in Bulgaria 2005b).

One of Bozhkov's ostensibly legal businesses, Nove Holding, allegedly constituted one of Bulgaria's 'five largest organized crime groups', which 'generally operate[d] with impunity' (United States Embassy in Bulgaria 2006). In sum, these discussions suggested that, '[i]f Bulgaria [brought] down Bozhkov, that would be progress' (United States Embassy in Bulgaria 2009).

Artwashing of reputations of politically exposed persons in Bulgaria

Instead, seemingly largely in the late 2000s, 'with "the blessings of the state" [с "благословията на държавата"]' (Epitsentr 2020), Bozhkov built up a private collection of around 3000 antiquities (Albertson 2020). At its peak, his collection had an estimated value of between 100 million and 200 million euros, or even more (Bakalov 2011). It contained an unknown number of additional artworks, including at least 20 paintings (Bulgarian News Agency 2020b). 'Many [много]' prominent people 'praised [хвалят]' him, because he had 'saved [спасил]' the objects 'from export to foreign countries [изнасяне в чужбина]'

(Bakalov 2011). This method of achieving a perception of culture and patriotism has been called 'artwashing [артпиране]' (Dichev 2020).

Since establishing his collection, Bozhkov's reputation has been burnished by his very own Thrace Foundation, which is dedicated to the cultural heritage of Bulgaria and other places in the ancient world. According to Ivan Marazov, a member of the foundation, adviser to Bozhkov and history professor (paraphrased in Bulgarian News Agency 2020b), Bozhkov's antiquities are 'unparalleled in museum' collections. This may have been because, as Marazov implied and Bozhkov stated (cited in Bulgarian News Agency 2020b), they were extracted by 'treasure hunters'; as such, they could not have been excavated by archaeologists and preserved in museums.

As cited in Bakalov (2011), Bozhkov previously stated that he 'buy[s] from people who buy from treasure-hunters [Купувам от хора, които купуват от иманяри]'. Newspapers have also published reports—derived from press releases—that Bozhkov '[bought] antiquities from rich collectors in foreign countries [купува антиките си от богати колекционери в чужбина]' (Bakalov 2011). Despite this, there has been no evidence published that Bozhkov has attempted to rescue antiquities by purchase. Bakalov (2011) called Bozhkov's statement concerning the sources of his collection a 'short and clear confession [Кратко и ясно самопризнание]'. Put another way, those 'national treasures [were] looted by treasure hunters and then sold to Vasil Bozhkov [национални ценности, оградени от иманяри и продадени после на Васил Божков]' (Bakalov 2011).

According to other collectors, Bozhkov often 'bought the annual "production" of treasure-hunters [изкупувал годишната "продукция" на иманярите]', which were then transferred through 'strange auctions [странни аукциони]' abroad and 'returned as "bought" again in Bulgaria [връщала като "закупена" отново в България]' (Epitsentr 2020). According to the treasure-hunters, 'everything [всичко]' that was 'more valuable [по-ценно]' was 'bought by Vasil Bozhkov's people [изкупувано от хора на Васил Божков]'—he had a 'monopoly ... total control over this activity [монопол ... тотален контрол над тази дейност]' (Pintev 2020). One of Bozhkov's people was recently arrested as a member of a 'criminal group [престъпната група]' who 'organised their meetings with treasure-hunters [организираща е срещите им с иманяри]' (BTV 2020). The "Bozhkov" effect [ефектът "Божков"] dictates that 'once there is a large buyer, there will be brigades that break [ground] and deliver [goods] [Щом има голям купувач, ще има и бригади, които разбиват и доставят]' (Bakalov 2011). (Bakalov 2011).

The Political Economy of Cultural Property

Bozhkov has been accused of collaborating with state prosecutor Kamen Mihov to facilitate the movement of one of his suppliers, antiquities dealer Ali Aboutaam, who had been convicted in absentia of smuggling of antiquities from Egypt (according to private investigator Arthur Brand; see also Kostadinov 2009). Aboutaam's family business, Phoenix Ancient Art, has since been investigated by the United States, France, Belgium and Switzerland 'for potentially trading in looted antiquities'. Three of the four investigations related to antiquities that had 'allegedly [been] looted by ISIS' (originally reported by Faucon and Kantchev 2017; paraphrased in Hicham Aboutaam v Dow Jones [2019] NY Slip Op 30747, in which the Supreme Court of the State of New York judged that the original reporting was substantially accurate and legally reasonable and dismissed Hicham Aboutaam's action for libel and defamation by implication).

At least until recently, Bozhkov and Mihov were perceived to be 'above the law' in Bulgaria (according to Brand 2009; Kostadinov 2009) and Bozhkov had been described as 'untouchable [недосегаем]' (Bakalov 2011) or 'untouchable by law [недосегаем за закона]' (Epitsentr 2020). Similarly, Aboutaam has been described as 'protect[ed]' internationally by the United States Department of Homeland Security (according to Brand 2009; Kostadinov 2009). Now, Bulgaria is attempting to take Bozhkov down.

Rule of Law

Bozhkov's activities were seemingly allowed to continue until 2015, when his private museum was investigated as part of Europol's Operation Aureus (Trad 2015a; 2015b). Since then, Bozhkov has been charged in absentia in Bulgaria for leadership of an organised crime group, tax evasion, extortion, coercion, blackmail, attempted bribery of an official and incitement to commit malfeasance in office (Albertson 2020; Bulgarian News Agency 2020a; 2020b); arrested in the United Arab Emirates (Radio Free Europe/Radio Liberty 2020); released; and declared a target of investigations into 'murder [убийства]' and 'rape [изнасилвания]' (Vesti 2020).

Based on comments made by Prosecutor-General Ivan Geshev (quoted in Bulgarian News Agency 2020a), the investigation of Bozhkov appears to be emblematic of the process of ending the 'criminal Transition' from communist dictatorship to the intended democracy with rule of law. Geshev highlighted the inconclusive yet 'suspicious [съмнително]' fact that 'the people who [had] to control antiquities on behalf of the [communist] state were appointed to the foundation [хората които трябвало да контролират антиките от страна на държавата, били назначени в частната фондация]' (paraphrased in Dichev 2020). Both Marazov and the Thrace Foundation's executive director, Kiril Hristoskov, had previously worked for the Committee for State Security.

Hristoskov had been the head of antiquities for State Security. In that role, he had participated in unspecified deals where illicit antiquities were 'redeemed [откупили]'—bought and recovered—'[in] the interests of the state ... with the permission of the relevant authorities [интересите на държавата ... с разрешение на съответните органи]'. He was also familiar with the operations of the state trafficking service Kintex, as he implicitly confirmed when he mocked the logically 'ridiculous [смешно]' characterisation of a state-directed operation as 'smuggling [контрабанда]' on the grounds that 'they were just doing their job, which they had to do [Те просто си вършеха работата, която е трябвало да вършат]' (Hristoskov and Velikova 2008). He 'did not want to comment [не желая да коментирам]' on 'how he became acquainted with the richest Bulgarian [Как се запознахте с най-богатия българин]' and had been 'invite[d] to work for him [покани да работите за него]', except to reassure the public that it was in a 'very normal way [съвсем нормален начин]' (Hristoskov and Velikova 2008).

In this case, unsubstantiated rescue-by-purchase may have augmented the revenue of organised criminals, subsidised the corruption of state actors, laundered the money from other criminal enterprises and laundered the reputations of both the non-state actors who directed these processes and the state actors who permitted them.

Corruption, laundering of illicit assets and artwashing of reputations of politically exposed persons in Angola

Repatriation of Cultural Assets

In 2018, the Congolese businessman and art collector Sindika Dokolo opined, 'thank God [the artefacts] were stolen' from the Dundo Museum during the Angolan civil war of 1975–2002—'the museum was completely destroyed ... had the artwork been in there, it would have been destroyed' (Dokolo and Cosgrove 2018). It is not known whether the thieves were opportunistic criminals, organised criminals or armed actors; however, the theft appears to have been professional. Much of the documentation was stolen along with much of the collection, sabotaging subsequent efforts to assess the provenance of objects on the market (Agência Angola Press 2016).

Through the Sindika Dokolo Foundation in Angola, which is tax-exempt and partly publicly-funded as a 'public utility [*utilidade pública*]' (Luamba 2020), Dokolo has identified a number of stolen cultural goods and instructed the possessors to 'sell him the work for the price at which it was acquired or face a lawsuit for theft' (as paraphrased in Minder 2015). In this way, he has purchased and repatriated around 60 of the

6000 plundered Tchokwe artefacts (Coelho 2018; Minder 2015). He has bought artworks from multiple private collections in Europe and at least one dealer in an unspecified location (Forrest 2016; Toesland and Culliford 2016). Dokolo even found that he himself had unwittingly bought loot (Coelho 2018).

The source of Dokolo's wealth has since come into question; therefore, so too has the validity of his assets. His cultural heritage activism has been characterised as potential 'artwashing', particularly in light of the different news coverage of and business response to allegations about him and allegations about his wife (Collier and Moorman 2020a). He has even been characterised as 'the man the art world protects [*l'homme que le monde de l'art protège*]' (Collier and Moorman 2020b).

Extraction of Economic Assets

South African conceptual artist Kendell Geers has decried an alleged 'smear campaign' that 'question[ed] the origins of [Dokolo's] wealth' as 'racist'. He found it a 'classic case of European Colonial racism to question African money, as if all African money is dirty and all European money clean' (Dokolo and Geers 2018). That said, Dokolo's father, Augustin Dokolo Sanu, was a banking boss and art collector during the kleptocratic regime of his 'close friend' (Gastrow 2019, 87), the Zairian military dictator Mobutu Sese Seko (Minder, 2015). He was implicated in 'large-scale fraud [*fraude à large échelle*]', plus 'plunder [*pillage*]', 'diversion [*détourner*]' and 'pumping [*pomper*]' of money from public savings 'in the direction of a multitude of companies in his holding [that had] only his children ... [who were] minors ... [as] partners [*en direction d'une multitude de sociétés de son holding n'ayant que ses enfants... mineurs comme... associés*]' (Soft International 2006). According to independent auditor Mupepe Lebo, cited in Davis (2007), unidentified children engaged in "'mafia-like" activity' to preserve those assets.

Dokolo is married to Angolan businesswoman Isabel dos Santos, the daughter of Angola's former unelected president José Eduardo dos Santos. As president, he paid a consultancy under Marc Francelet—who had been convicted of dealing in stolen art (New York Times 1979)—to supervise the establishment of a public health service by a company under art dealer Yves Bouvier, who has since been accused of fraud, tax evasion and money laundering (Ventures Africa 2020; Voice of Angola 2018). Bouvier allegedly also created 'a front company to suck money from Angola [*é uma empresa de fachada para sugar o dinheiro de Angola*]' for General Francisco Higinio Lopes Carneiro, who was a regional governor and government minister under dos Santos and has likewise been accused of abuse of power, embezzlement and money laundering (according to an anonymous source, cited in Voice of Angola 2018).

Ongoing Investigation

At this stage, neither dos Santos nor Dokolo has been convicted of any crime. They have denied all allegations and dos Santos is pursuing legal action against journalists for allegedly 'defamatory reports' on the grounds that they are 'inaccurate', 'misleading and untrue' (Esau 2020). Notably, some of the materials in the filings appear to be fraudulent messages and forged documents from a scam artist who pretended to be dos Santos (Dawkins, 2020). Still, it is necessary to recognise that—at the time of writing—dos Santos has been charged with a range of economic crimes, including 'money laundering, influence peddling, harmful management' (i.e., mismanagement of funds) and 'forgery of documents' (Hansrod 2020); Dokolo has been identified as a criminal suspect in a case (Freedberg et al. 2020); the Provincial Court of Luanda has ruled that Dokolo was involved in 'fraudulent' business dealings (Fitzgibbon 2020b); and some of their assets have been temporarily frozen (Deutsche Welle 2019), while other assets have been permanently confiscated (Fitzgibbon 2020b).

According to the Platform to Protect Whistleblowers in Africa, there is concerning evidence of 'financial crimes' (Esau 2020). In the opinion of academic Nuno Álvaro Dala (cited in Luamba 2020), the Sindika Dokolo Foundation has been an instrument of 'money laundering [*branqueamento de capitais*]', 'diversion of money [*desvio de dinheiros*]' and 'the practice of nepotism and influence peddling [*prática de nepotismo e tráfico de influencias*]' . According to Álvaro, it has 'effectively functioned as an extension of the mafia [i.e.,

shadow state] that ... devastated the country [*efetivamente funcionou como uma extensão da máfia que ... devastou o país*]'.

Discussion: Laundering of Illicit Assets, Artwashing of Reputations and the Complicity of Europe and North America

Amnesty

Over the course of decades, a range of states have experimented with amnesties on loot in attempts to recuperate antiquities that have been hidden in private collections and to prevent them from disappearing into the international market. Under such policies, illicit objects have been registered and legalised by states then returned to or purchased from private collectors. These experiments have generated some data on archaeology and the history of collecting (Rodrigues 2009); nonetheless, the loss of knowledge through unscientific collection practices has been 'incalculable' (Rodrigues 2009, 107).

Additionally, rescue from the market *creates* a market for exploitation. For instance, at least one collector organised industrial-scale looting during the 1973 amnesty in Cyprus, while over a thousand non-collectors became collectors in hopes of exploiting the opportunity to accrue legalised assets (Hadjisavvas 2001; Hardy 2014a; 2014b). Similar procedural abuses took place in Australia between 1993 and 1994, wherein people 'collect[ed] protected relics and declar[ed] them under the amnesty to "legalise" their collections' (Rodrigues 2009, 100).

Rescue from the market also creates a market for exploitative fraud. Various societies and communities have been threatened and tricked into 'rescuing' antiquities by buying them, as in the case of Menachem Youlus.

Indicating the potential influences of personal, political and economic considerations on cultural policy, some have suggested that the amnesty in Bulgaria was designed to legalise Bozhkov's collection (Dichev 2020). Whether rescue-by-purchase on the part of private collectors is a corrupt practice or a sincere policy, it enables and encourages people with political and economic power to increase their influence and assets. It does this while continuing to police and punish the people who extract and supply those assets. Its toleration or facilitation by the state must, as such, also be assessed as a matter of the rule of law.

The Extraordinary Costs of Ordinary Policing

The consequences of rescue, particularly in terms of the rule of law, reflect and should inform practices in ordinary policing as well. In an operation that was conceived as the 'recovery' of stolen goods using 'buyback', the government of Romania channelled hundreds of thousands of euros of public money to private collectors in Switzerland and the United States in exchange for gold adornments and the identities of the sellers (Curry 2015; Musteață 2014).

The investigation showed that the state had reimbursed collectors whose purchases had profited the 'Serbian cartel [*Cartelul sârb*]' of smugglers (Guță 2018), 'organised gangs of illegal treasure hunters' (Constantinescu et al. 2010, 1028) and corrupt officials who took bribes for logging permits that disguised the looters' activities. No collectors were prosecuted and most of the convicted suspects were acquitted after appeal on the basis of the statute of limitations (Marica 2018).

Artwashing

As observed by historians Delinda Collier and Marissa Moorman, 'no one' (until then) had 'raised the implications for Dokolo's art collecting and art restitution campaign' (Collier and Moorman 2020a). If the accusations were borne out, the implications would be serious. On top of general questions about the practice of rescue-by-purchase, cases like that of Dokolo raise specific questions about the nature of efforts to repatriate cultural property by politically exposed persons (PEPs) and the very status of repatriated cultural objects that were rescued through purchase.

If PEPs like these handled dirty money, did they invest embezzled funds in the repatriation of looted art? Did their suppliers observe due diligence and will they be prosecuted for handling the proceeds of crime? What is the status of the rescued antiquities? And, depending on the jurisdiction of the offence and the legislation of that territory, will the rescued antiquities—the criminal assets—be forced to 'return' to the market country or 'allowed' to remain in the country from which they were originally looted? In such a situation, the victimised society might be dependent upon the political interests of the state in which the perpetrator operates. The answers to these questions will not only be instructive for understanding of illicit markets in cultural goods. They will also consolidate—or undermine—novel approaches to the recovery of stolen cultural property.

Such cases reflect and should inform practices in ordinary cultural work as well. Take the case of the Ukrainian Museum, which exhibited sculptures and icons that had been 'rescued from destruction'—ethnocidal 'annihilation'—by the Soviet Union and 'preserved in private collections' (Ukrainian Museum 2006). One of the contributors was President Viktor Yushchenko, a 'well-known ... collector' of antiquities, most of which were looted (Gershkovych 2011, 14). Another contributor, Ihor Hryniv, was a political ally of Yushchenko, and later became notorious for unexplained wealth (Prentice 2016).

While there was no indication that any of the exhibited artworks were stolen goods, it is possible that some were assets from the investment of unexplained wealth. Either way, by bonding the political elite with the cultural community, such activity risks artwashing the reputations of PEPs, whether they possess (other) illicit antiquities or unexplained wealth.

Complicity

These cases—concerning Guatemala, Iran, China, the United States, Bulgaria, Angola and more—demonstrate the risks of financing organised crime; facilitating money laundering and reputation laundering or artwashing; and underwriting the illicit market. In regards to the laundering of financial assets from Angola, economist Jason Rosario Braganza (cited in Fitzgibbon 2020a) has observed that 'it is not "corrupt Africa" but instead complicit "Europe and North America" that drive the willful undermining of domestic laws and regulations'. This is as true of the flow of cultural goods that were stolen from Angola during the civil war as it is for the flow of apparently dirty money that was seemingly used to buy those assets back. Responses to these cases will demonstrate the seriousness with which Europe and North America approach financial crime *and* cultural property crime. It will be necessary for Europe and North America to combat both historic and contemporary cultural property crime to properly address financial crime and the social and economic issues (e.g., the politics of the past and the political economy of the present) that may prove key to cultural diplomacy and social relations within and between dangerously divided societies.

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