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The COVID-19 Pandemic Surge of Art and Cultural Property Smuggling

By: *Julia Vastano*



The disruptive ramifications of the COVID-19 pandemic are ubiquitous. Therefore, a historiography of the period following March 2020 would not only be superfluous but unnecessarily depressing. It is needless to say that modern life was upended.

During the height of the pandemic, there was an increase in property theft.[1] Considerable changes to the rules and regulations of daily life led to increased opportunities for thieves.[2] Global economic distress and high unemployment rates motivated thievery.[3] This logic applies to car break-ins, commercial property thefts, and the theft and smuggling of artwork, and other valuable cultural property.[4]

By the end of the first year of the pandemic, 854,742 cultural property objects were seized by Interpol.[5] These objects included numismatic items,[6] paintings, sculptures, archeological items, and library materials.[7] In addition, the rate of illicit excavations sharply increased, specifically in Africa, the Americas, Asia, and the South Pacific.[8] The Director of INTERPOL's Works of Art unit concluded that this increase was because "[a]s countries implemented travel restrictions and other restrictive measures, criminals were forced to find other ways to steal, illegally excavate and smuggle cultural property." [9]

Though not at the same increased rate,[10] thieves also targeted museums during the pandemic.[11] While museums worldwide shut their doors amidst lockdowns, more opportunities for high-stakes burglary presented themselves. The Singer Laren Museum in the Netherlands was famously a victim of such a crime. In the early morning hours of March 30, 2020, a glass door was shattered with a sledgehammer,[12] and a prized Vincent van Gogh painting, *The Parsonage Garden at Nuenen in Spring*, went missing. [13]

Smuggling and art theft are some of the most lucrative criminal enterprises,[14] which further motivated these cultural property crimes as people struggled to survive during the COVID-19 outbreak economically. The Antiquities Trafficking and Heritage Anthropology Research Project (“ATHAR Project”)[15] found that in 2020 some half a million individuals were participating in black market antiquities sales through Facebook.[16] Due to an ATHAR Project initiative, Facebook and Instagram adopted a new policy, supporting UNESCO’s recommendation, to prohibit the trade of cultural property on its platform.[17] However, other platforms, such as WhatsApp and eBay, are also being used to trade illicit property.[18] While the pandemic surged, so did art crimes.

The international community has traditionally relied on the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (“the Convention”) to address art and cultural property theft. The Convention provides a framework for the measures to prohibit the import, export, and transfer of such property. These protective measures have historically been effective and have raised global awareness about the issue. Further, these policies and practices have been improved and adapted to address new challenges since their inception.[19] For instance, UNESCO has created an online database of national cultural heritage laws that serves government and research purposes.[20] The COVID-19 pandemic coincided with the 50th anniversary of the Convention, and in light of this, many called for renewed policies concerning cultural property theft.

In response, in June 2020, UNESCO hosted a virtual conference that examined the impact of the pandemic on trafficking and strengthened measures against it.[21] Experts, heritage institutions, and universities suggested technological and policy solutions. Suggested fixes included the use of new technology to monitor looted goods online, advocacy for more community vigilance, and stricter sanctions for sellers and buyers who do not appropriately research the provenance of cultural objects.[22] Since June 2020, the international community has since tightened its restrictions on the looting and sale of cultural property. For instance, for the first time, a court in the United States has issued a lifetime ban on purchasing antiquities for a known bad faith purchaser.[23]

At the same time as the June 2020 UNESCO conference, Interpol debuted stolen artworks and cultural property app ID-Art.[24] This app intends to help law enforcement and potential collectors identify stolen art. In its trial period, the app helped to identify stolen art in Spain and Italy.[25] A similar app is being developed at the Fraunhofer Institute for Computer Graphics Research in Darmstadt, Germany. The app, known as KIKU, uses machine learning to identify objects in photographs and ascertain whether or not they have been looted or illegally excavated.[26]

Renewing global attention to the protection of cultural property amidst the COVID-19 pandemic will hopefully depress the rising rates of illicit excavations, smuggling, and theft. While many hope for a halt of the trade and the restitution of art and other stolen cultural property, the outlook on such justice is bleak. Thus, it is necessary to better protect significant cultural artifacts with stricter international policy against the purchasers of such goods.

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[1] David S. Abrams, *Crime in the Time of Covid*, EconoFact (Mar. 30, 2021), <https://econofact.org/crime-in-the-time-of-covid> [<https://perma.cc/TZ3J-DTWT>].

[2] Kathryn Klokker, *Van Gough, Van Gough-ing, Van Gone: Dutch Art Theft and COVID-19*, 25 *Art Antiquity & L.* 349 (2020).

[3] Abrams, *supra* note 1.

[4] Klokker, *supra* note 2.

[5] Int’l Crim. Police Org., *Assessing Crimes Against Cultural Property 2020: Survey of INTERPOL Member Countries* (2020).

[6] 15 U.S.C. § 2106(3) (defines numismatic items as coins, money or commemorative medals).

[7] *Cultural Property Crime Thrives Throughout the Pandemic Says New INTERPOL Survey*, Int’l Crim. Police Org (Oct. 18, 2021), <https://www.interpol.int/en/News-and-Events/News/2021/Cultural-property-crime-thrives-throughout-pandemic-says-new-INTERPOL-survey> [<https://perma.cc/C4E3-Z6ZM>].

- [8] *Id.* (noting that marked increases in illicit excavations were observed in Africa [32%], the Americas [187%] and, especially, the Asia and South Pacific [3,812%] compared to 2019).
- [9] Angelica Villa, *Illegal Excavations of Cultural Property Surged During Pandemic: Interpol Survey*, ARTnews (Oct. 20, 2021), <https://www.artnews.com/art-news/news/interpol-art-crime-survey-2021-illegal-excavations-1234607580/> [<https://perma.cc/JV8Y-NFHL>].
- [10] *Id.*
- [11] Klokker, *supra* note 2.
- [12] Claire Selvin, *Video Footage Shows How Thieves Used Sledgehammer to Steal Noted Van Gogh Painting*, ARTnews (Apr. 23, 2020), <https://www.artnews.com/art-news/news/van-gogh-theft-singer-laren-video-1202684608/> [<https://perma.cc/MTC2-BCDG>].
- [13] Alex Greenberger, *Prized Van Gogh Painting Stolen from Dutch Museum Closed Because of Coronavirus*, ARTnews (Mar. 30, 2020), <https://www.artnews.com/art-news/news/vincent-van-gogh-painting-stolen-singer-laren-1202682545/> [<https://perma.cc/7KHC-W7XA>].
- [14] Kris Hollington, *After Drugs and Guns, Art Theft is the Biggest Criminal Enterprise in the World*, Newsweek (July 22, 2014, 10:09 AM), <https://www.newsweek.com/2014/07/18/after-drugs-and-guns-art-theft-biggest-criminal-enterprise-world-260386.html> [<https://perma.cc/3EPQ-Q2QX>].
- [15] *About the Athar Project*, Athar Project, <http://atharproject.org/> [<https://perma.cc/X6NM-AZVW>] (last visited Feb. 20, 2022).
- [16] *Looting of Cultural Heritage is as Old as Humanity Itself*, The Star (Nov. 10, 2020), <https://www.thestar.com.my/lifestyle/culture/2020/11/10/looting-of-cultural-heritage-is-as-old-as-humanity-itself> [<https://perma.cc/PU5J-EFAM>].
- [17] *Illegal Excavations and Online Trade of Cultural Property Looted in the Midst of COVID-19*, U.N. Educ., Sci, and Cultural Org. (June 27, 2020), <https://en.unesco.org/news/illegal-excavations-and-online-trade-cultural-property-looted-midst-covid-19> [<https://perma.cc/95MM-B9GX>].
- [18] *Looting of Cultural Heritage is as Old as Humanity Itself*, *supra* note 16.
- [19] *Taking Stock, Moving Forward -- 50 Years of Combating Illicit Trafficking of Cultural Property*, U.N. Educ., Sci, and Cultural Org. (June 19, 2020), <https://en.unesco.org/news/taking-stock-moving-forward-50-years-combating-illicit-trafficking-cultural-property> [<https://perma.cc/7PAH-FPN9>].
- [20] *List of National Cultural Heritage Laws*, U.N. Educ., Sci, and Cultural Org., <https://en.unesco.org/cultnatlaws/list> [<https://perma.cc/28AE-U3H8>] (last visited Feb. 20, 2022).
- [21] *Taking Stock, Moving Forward -- 50 Years of Combating Illicit Trafficking of Cultural Property*, *supra*, note 19.
- [22] *Id.*
- [23] Tessa Solomon, *Michael Steinhardt, Billionaire Antiquities Collector, Surrenders 180 Looted Objects*, ARTnews (Dec. 7, 2020), (<https://www.artnews.com/art-news/news/michael-steinhardt-surrenders-looted-artifacts-1234612558/>) [<https://perma.cc/8XYU-AL8A>].
- [24] Catherine Hickley, *Interpol Launches App to Identify Stolen Art--- and it has Already been used to Discover Loot*, Art Newspaper (June 15, 2021) <https://www.theartnewspaper.com/2021/06/15/interpol-launches-app-to-identify-stolen-artand-it-has-already-been-used-to-discover-loot> [<https://perma.cc/7KKM-5RYJ>].
- [25] *Id.*
- [26] *Id.*