

The logo consists of a square with a vertical gradient from magenta at the top to dark purple at the bottom. The letters 'RPC' are centered in the lower half of the square in a white, bold, sans-serif font.

RPC

Theft and money laundering in the art market

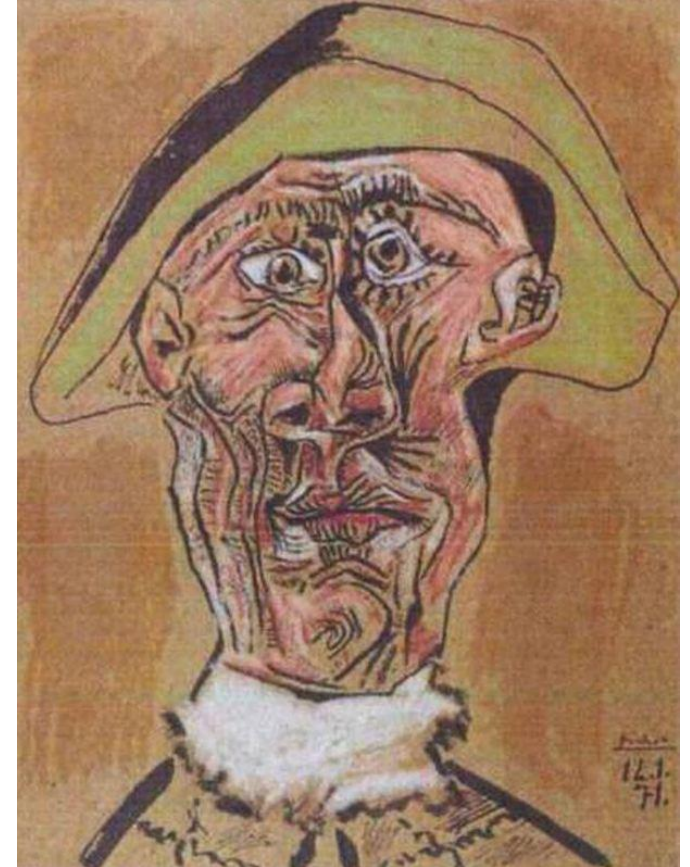
Presentation to the Fraud Lawyers Association

Davina Given

27 March 2019

Art theft: the advantages of portability

- Traditional theft
 - S1, Theft Act 1968, etc
- War plunder
 - 1815 restitution of works seized by Napoleon
 - 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict
 - Cultural Property (Armed Conflicts) Act 2017
- Nazi looting 1933-1945
 - Washington Principles 1999
 - Spoliation Advisory Panel
 - US HEAR Act



Stolen art: the disadvantages of uniqueness

- Locating stolen art
 - Private art recovery specialists
 - Art & Antiquities Squad / other police organisations
- Buying stolen art
 - Art Loss Register
 - The Medici papers
 - Ss 3 and 4, Limitation Act 1980
 - Conflicts of laws: *lex situs* vs *lex loci actus*
 - *De facto* bans on sale / export
 - Sevso silver



Dutch art detective Arthur Brand. Photo: Niklas Halle'n/AFP/Getty Images.

Antiquities: a special case

- 1970 UNESCO Convention
- Additional offences
 - Dealing in Cultural Objects (Offences) Act 2003
 - Iraq (United Nations Sanctions) Order 2003
 - Export Control (Syria Sanctions) Order 2013
- Draft EU Regulation on the introduction and the import of cultural goods
- US approach



Money laundering

- 4MLD / Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017
 - "high value dealer" if payment in cash \geq EUR 10,000
- 5MLD in force January 2020 – cash criterion removed
 - Art fairs
 - Dealers as agent or principal
 - Auctioneers: when to perform CDD and on whom?
 - Resources required
 - Treasury approved guidance?
- US legislation?



Nimrud, Northwest Palace, barrel bombs arranged in front of relief panels (still image from video released by ISIL on April 11, 2015)

Q&A

Theft and money laundering in the art market

The logo consists of a square with a vertical gradient from magenta at the top to dark purple at the bottom. The letters 'RPC' are centered in the lower half of the square in a white, bold, sans-serif font.

RPC