



United Nations  
Educational, Scientific and  
Cultural Organization



Convention for the fight  
against the illicit trafficking  
of cultural property

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**Fourth Session of the Subsidiary Committee of the Meeting of States Parties to the  
Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and  
Transfer of Ownership of Cultural Property**

**(UNESCO, Paris, 1970)**

**Fourth session**  
**Paris, UNESCO Headquarters, Room II**  
**26-28 September 2016**

**Provisional agenda item 10: Online Sales of Cultural Objects**

This document presents an analysis of online sales of cultural objects and the measures that can be brought to prevent the illegal trade of these artefacts, in accordance with Decision 3.SC. 7 of the Subsidiary Committee adopted at its Third Session

**Decision required**: Paragraph 29

1. The Subsidiary Committee, by its Decision 3 SC 7 which was adopted at its third session in September 2015, decided online sales of cultural property, particularly trafficked one, to be one of the priority topics at its 4<sup>th</sup> ordinary session.
2. The Secretariat requested the renowned expert Dr Neil Brodie, who conducted numerous studies on this very issue, to further inform the Committee on the extent of trafficked cultural property sold online as well as to share recommendations on measures to be taken at the national and international level to effectively reduce online sales of trafficked cultural property.

#### **A) Overview of E-commerce and Cybercrime**

3. According to the definition set by United Nations Conference on Trade and Development (UNCTAD), e-commerce covers purchases and sales conducted over computer networks, such as the Internet, by using various devices. It involves goods and services sold either domestically or transnationally. It mainly refers to commercial transactions among businesses (B2B), between businesses and consumers (B2C) and among customers (C2C). Payment and delivery may be handled online or offline.
4. At the moment, two types of e-commerce modalities are generally applicable to online sales of cultural objects. When a corporate body, with the purpose of doing business, puts a cultural object on sale online, the modality applied here is 'businesses to customer' (B2C). Dr Neil Brodie describes this type of e-commerce as involving<sup>1</sup>:
  - Internet auctions: companies offering material for online auction;
  - Internet dealers: more traditionally established art market businesses which are selling directly to the public via virtual galleries.
5. Customer to customer (C2C) markets provides innovative ways for customers to interact with one another. While traditional markets require business to customer relations where a customer purchases a product and/or service from a business, in customer to customer markets, the business facilitates an environment where customers can sell goods and/or services to one another. This generally involves electronic transactions between consumers via a third party. For example, an individual at an online auction puts an item for sale and other individuals submit bids to purchase it. In this instance, the third party generally charges a flat fee or commission on the sale. Such online platforms are considered to be intermediaries. **Their liability on the products offered depends on national legislation and whether they own, possess or hold the artefact offered on sale.** This type of e-commerce corresponds to Internet platform providers such as eBay and Craigslist.
6. Some intergovernmental organizations such as the United Nations<sup>2</sup> and the Organization for Economic Co-operation and Development (OECD)<sup>3</sup> have established guidelines on the protection of consumer rights or dispute resolution for cross-border electronic commerce transactions. Additionally, UNCTAD published the

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<sup>1</sup> Brodie, N. (2015), '[The Internet Market in Antiquities](#)', in F. Desmarais ed. Countering Illicit Traffic in Cultural Goods: The Global Challenge of Protecting the World's Heritage (Paris: ICOM).

<sup>2</sup> [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/RES/70/1&Lang=E](http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E)

<sup>3</sup> <https://www.oecd.org/sti/consumer/ECommerce-Recommendation-2016.pdf>

Information Economy Report on Unlocking the Potential of E-commerce for Developing Countries in 2015<sup>4</sup> in line with sustainable development goals.

7. The rapid growth of e-commerce has also translated in an increase in online sales of illicitly exported or stolen cultural objects which needs urgent action by States to address this issue.
8. Considering that illicit trafficking of cultural artefacts, including online sales, may constitute a crime, it is also important to recall the Convention on Cybercrime. This Convention was drafted under the auspices of the Council of Europe and today counts 49 States Parties, including six<sup>5</sup> which are not members of this regional organization. This Convention calls for its Parties to cooperate on online copyright infringements, computer-related fraud, child pornography and violations of network security. The Convention does not itself criminalize cybercrime or establish an international court. It puts in place, however, a system for dealing with a global problem that would be impossible for individual States to fight alone. None of the articles of the Convention directly relates to illicit sales of cultural artefacts, nonetheless States Parties to the aforementioned Convention may wish to consider introducing this crime into their implementing national legislation.

#### **B) International Tools Concerning Prevention of Illegal Online Sales of Cultural Objects**

9. There are three legally non-binding international tools available that highlight the increasing problem of online sales:
  - International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking in Cultural Property and Other Related Offences
  - Operational Guidelines for the Implementation of the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property
  - Basic Actions concerning Cultural Objects being offered for Sale over the Internet
- a) **Operational Guidelines for the Implementation of the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property:** the Operational Guidelines of the UNESCO 1970 Convention (hereafter referred to as the Operational Guidelines) aim to strengthen and facilitate the implementation of the Convention to minimize risks related to disputes over the interpretation of the Convention as well as to litigation, and thus to contribute towards international understanding. Building on past experience and improved shared understandings, the Operational Guidelines are intended to assist States Parties in implementing the provisions of the Convention, by building good practices set by States Parties to enhance its effective implementation, and also by identifying ways and means to further achieve the goals of the Convention through strengthened international cooperation.
  - Guideline 2: (...) Moreover, worrisome trends, such as the proliferation of pillage and clandestine excavations of archaeological and paleontological sites and

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<sup>4</sup> [http://unctad.org/en/PublicationsLibrary/ier2015\\_en.pdf](http://unctad.org/en/PublicationsLibrary/ier2015_en.pdf)

<sup>5</sup> Australia, Canada, Dominican Republic, Israel, Japan, Mauritius, Panama, Sri Lanka, United States

related sales on Internet, are posing further challenges to the protection of cultural heritage (...)

- Guideline 68: At the time of the drafting of the 1970 Convention, Internet was not a channel for sales. The exponential growth of the use of the Internet to sell or traffic cultural objects which are stolen, clandestinely excavated from archaeological sites, or illegally exported or imported cultural objects, is a matter of serious concern and constitutes a major threat to cultural heritage.
- Guideline 69: (...). National authorities are encouraged to marshal the support of all Internet providers and promote the supervision by the public (specialists or other individuals interested in particular cultures) to be vigilant concerning Internet offers and to inform the administration when it appears that an object of national heritage not previously known is being offered on a website or when an object of foreign heritage origin is offered with a local address. Such notifications should be examined immediately by the cultural administration; if necessary, using experts (from universities, museums, libraries and other institutions) to verify the nature and importance of the item(s) being offered. In all the above-mentioned efforts, special attention should be given to the screening of Internet auctions. When the evidence justifies it, the national authorities should undertake prosecutions and enforce all appropriate provisions of the 1970 Convention and national legislation.
- Guideline 70: Following a recommendation adopted by the third annual meeting of the INTERPOL Expert Group on Stolen Cultural Property (7-8 March 2006, INTERPOL General Secretariat), INTERPOL, UNESCO and ICOM have developed a list of Basic Actions to counter the Increasing Illicit Sale of Cultural Objects through the Internet. States Parties are encouraged to incorporate the Basic Actions as a tool within their national context. The Basic Actions currently developed are presented in Annex 3. There is a need to consider ways and means to keep improving the Basic Actions, in order to ensure the effective implementation of the Convention, in coordination with the ICPRCP, or exploring other ways to contribute to countering the illicit sale of cultural property through the Internet.

10. This set of Guidelines highlight the importance of monitoring online sales to identify illicit artefacts for sale. As is the case for physical sales or exports, it is not easy for a foreign expert to ascertain whether an artefact is protected by the national law of the country of origin. States could establish a regular monitoring mechanism solely for this purpose.

b) **Basic Actions concerning Cultural Objects being offered for Sale over the Internet**: In February 2009, participants to the Sixth Meeting of the Interpol Expert Group on Stolen Cultural Property acknowledged the use of the Internet for the illicit sale of cultural property and recommended national authorities to continue their efforts to fight against the illicit transfer of cultural property through the Internet, and to establish specific agreements with the main Internet platforms.

11. A study by INTERPOL on the use of the Internet in the sales of cultural goods underlined the huge difficulties authorities face in this field. These difficulties are also mentioned in a document drafted by UNESCO, in close collaboration with INTERPOL and ICOM, aimed at providing advice to its Member States on "[Basic Actions concerning Cultural Objects being offered for Sale over the Internet](#)" (in annex).

12. Basic actions include encouraging Internet sales platforms to place a disclaimer on their sites and disclose all pertinent information regarding suspicious sales to relevant authorities. Member States are also invited to create a central authority responsible for the protection of cultural property, responsible for permanently checking and monitoring sales of cultural objects via the Internet. This authority would also keep records of the results of these checks along with all registered information. Each nation would be responsible for creating its own legal measures for tracking and seizing illicit objects and ensuring their return to their rightful owners.

c) **International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking in Cultural Property and Other Related Offences:** this tool was adopted by the UN General Assembly on 18 December 2014 (A/RES/69/196). The Guidelines represent a useful framework to guide Member States in the development and strengthening of their criminal justice policies, strategies, legislation and cooperation mechanisms in the area of protection against trafficking in cultural property and other related offences.

a. Guideline 3: States should consider:

(...)

(d) Introducing mechanisms to enable the reporting of suspicious dealings or sales on the Internet;

b. Guideline 8: States should encourage, as appropriate, Internet providers and web-based auctioneers and vendors to cooperate in preventing trafficking in cultural property, including through the adoption of specific codes of conduct.

Guideline 10: States should consider creating and implementing monitoring measures for the market of cultural property, including for the Internet

d) **Further, Recommendation 2 of the “Evaluation of UNESCO’s Standard-setting Work of the Culture Sector Part II – 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property”<sup>6</sup> (Evaluation Report)** stipulates the need to review national legislation to ensure compliance with all the obligations under the 1970 Convention. Issues to be looked at include, but are not limited to, the definition of cultural property for the purpose of the 1970 Convention, classification and inventorying of cultural property, regulations for the trade of cultural property (including those relating to dealers and online sales), export and import controls, and procedures facilitating restitution claims.

e) **The indicative guidelines, which were adopted by the High-level Meeting on the implementation of UN Security Council Resolution 2199 at the international level**, on 1 April 2015, also includes the necessity of bringing private companies (e.g. auction houses), Internet service providers and online marketplace operators’ attention to the illegal nature of trade of cultural objects originating from Iraq and Syria<sup>7</sup>.

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<sup>6</sup> <http://unesdoc.unesco.org/images/0022/002269/226931E.pdf>

<sup>7</sup> <http://unesdoc.unesco.org/images/0023/002329/232934e.pdf>

- f) Finally, the 2011-2015 Evaluation Report on the implementation of the convention includes information on how States Parties monitor online sales of cultural property, which have been recognized as a “very serious and growing problem.” Among the good practices highlighted in these reports, the following can be mentioned:
- a. Estonia reported that there is an agreement between National Heritage Board and an Internet platform, www.osta.ee, a popular C2C website. The platform discloses all necessary information on the goods for sale and details on the buyers and sellers upon request by the National Heritage Board;
  - b. In France the OCBC uses an interface built by eBay to search for stolen goods and artefacts. France also developed a specific institution for monitoring public auctions more generally: the “Conseil des ventes volontaires de meubles aux enchères publiques”. It has published a code of ethics for auction houses, which contains provisions on the verification of the provenance of objects for sale;
  - c. Germany, likewise, reached an agreement with eBay in 2008 that disallowed the sale of cultural property on the site without proof of origin;
  - d. Poland has an agreement with the largest Internet auction site in its country to facilitate the identification of illicitly excavated relics;
  - e. Switzerland and eBay have an agreement according to which eBay would no longer offer for sale within Switzerland antiquities that do not have proof of legality issued by competent authorities in Switzerland and other countries. This restriction applies, in particular, to cultural property that has been designated pursuant to a bilateral agreement<sup>8</sup>;
  - f. In United Kingdom, the British Museum and the Museums, Libraries, and Archives Council also signed a Memorandum of Understanding with eBay in 2006 to monitor the site’s auctions.

### **C) Challenges**

#### a) Domestic Online Sales

13. Given the fact that Internet is not limited to a country or region, a customer can purchase goods or services anywhere in the world, traditional “destination” or “source” countries’ definitions are not necessarily applicable. The following should be considered:

- Is it legal to sell the artefact?
- Is it legal to ship the artefact out of country?

14. If sale or export restrictions concerning the cultural objects are clearly defined in the national legislation, they are also applicable to illegal online sales. There are, however, some points that will need to be further clarified by policy makers. For example, while monitoring an Internet platform, a national expert may identify an artefact for sale which cannot be exported out of the country. The seller, however, advertises worldwide shipping.

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<sup>8</sup>[http://www.swissinfo.ch/eng/travel/eBay\\_to\\_limit\\_sale\\_of\\_cultural\\_artefacts.html?siteSect=414&sid=11379715&Key=1256106582000&ty=nd](http://www.swissinfo.ch/eng/travel/eBay_to_limit_sale_of_cultural_artefacts.html?siteSect=414&sid=11379715&Key=1256106582000&ty=nd).



15. If the seller puts the cultural object on sale on a C2C trading website, and despite the fact that the national legislation of the country (where the object is located at the time of sale) includes export restriction, the rapid nature of e-commerce may result in the object being sold before the authorities have enough time to investigate. Often C2C websites impose time limits to complete the sale: for example, on eBay, the seller is requested to send the object within 7 days once the payment is cleared<sup>9</sup>. Looking at the example above, the seller “ships within 3 days after receiving cleared payment.” This short period is not sufficient to apply and receive an export certificate for the item. Hence, the Subsidiary Committee may wish to invite Member States to enter into bilateral agreements with Internet platforms to strengthen cooperation against illegal sales of cultural objects.

b) Sales from Foreign Countries

16. When an illicitly exported cultural object is offered for sale on a website based in a foreign country, the steps which need to be followed are not different from the ones for claiming the return of the artefacts in a traditional auction house or antique shop. For more detailed information, please see the working document “Standard action plan for the return and restitution of culturally objects illegally on sale on the market” (C70/16/4.SC/15).

17. Professor Mackenzie, Victoria University of Wellington, New Zealand, describes the intermixed nature of artefacts on sale as follows: “the model of the antiquities market as a grey market captures the reality that flows of licit and illicit objects are intermixed and therefore that rather than being a market characterised by a “clean” public trade and a “dirty” private or “underground” trade, the supposedly clean public trade in antiquities is tainted “grey” by the circulation therein of illicit antiquities”<sup>10</sup>. Considering that, unless the object in question is known and can be proven to be stolen, the requesting party needs to be able to request further information to the seller to guarantee the legitimacy of the object. Since this process requires time, monitoring of online catalogues should be carried out in a timely manner by the national authorities, in order to ensure enough time for withdrawal of the object from sale when necessary.

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<sup>9</sup><https://community.ebay.com/t5/Archive-Policies-User-Agreement/How-long-does-an-eBay-seller-have-to-ship-an-item-to-the-eBay/qaq-p/11561421>

<sup>10</sup> Mackenzie, S. (2011), ‘The Market as Criminal and Criminals in the Market: Reducing Opportunities for Organised Crime in the International Antiquities Market’, in S. Manacorda and D. Chappell (eds.), *Crime in the Art and Antiquities World: Illegal Trafficking in Cultural Property* (New York: Springer).

18. Good practice: the 1970 Secretariat, as requested by the States Parties, monitors online sales whenever possible. Since the Third Ordinary Session of the Subsidiary Committee, nearly 10 sales have been reported to relevant Permanent Delegations. Two of these alerts resulted in the return of some of the artefacts on sale, to their countries of origin (Egypt and India). The following examples highlight the importance of monitoring online auctions and international cooperation to mitigate online sales of illegally exported cultural artefacts.

India - United States of America: Special agents from the U.S. Immigration and Customs Enforcement's (ICE) Homeland Security Investigations (HSI), in conjunction with the Manhattan District Attorney's Office, seized two stolen Indian statues, believed to be from the 8th and 10th centuries A.D. The artefacts were recovered from an auction house in New York City and are the result of an international investigation led by HSI and the Manhattan District Attorney's Office, with assistance from the government of India and Interpol<sup>11</sup>.

Egypt - France: Further examinations carried out upon Egyptian embassy's request (in France) for the return of an Egyptian statue offered on sale online by an auction house in France. Experts confirmed that the artefact belongs to the Sakkara archaeological site along with other artefacts that have been declared as stolen by the Egyptian Ministry of Antiquities. It was agreed to return the artefacts to Egypt in July 2016<sup>12</sup>.

19. Disclaimer: eBay USA have included a disclaimer concerning the sale of cultural objects encouraging sellers to include provenance information of the artefacts and an official document that clearly shows that export and import of the artefact is permitted. It also encourages referring to ICOM Red Lists to identify categories of cultural objects most vulnerable to illicit trafficking. The disclaimer also stipulates that the artefact should be authentic.

#### ▼ Antiquities

We consider antiquities to be items of cultural significance and can come from anywhere in the world.

 <b>Restricted</b>	Listings for antiquities have to meet the following criteria: <ul style="list-style-type: none"><li>• Items have to be authentic.</li><li>• Sellers have to include the provenance or ownership history of the object and, if available, either a photo or a scanned image of an official document that clearly shows both the item's country of origin and the legal details of the sale (it has to be approved for import or export).</li></ul>
 <b>Not allowed</b>	<ul style="list-style-type: none"><li>• Looted or stolen goods. The <b>International Council of Museums' Red Lists</b> identify categories of cultural goods most vulnerable to illicit traffic.</li></ul>

<sup>11</sup><https://www.ice.gov/news/releases/ice-recovers-stolen-indian-artifacts-major-auction-house-ahead-asia-week-new-york>

<sup>12</sup><http://allafrica.com/stories/201606301179.html>

c) Social Media

20. Recently, several cases reported the use of social media for illegal sales of cultural objects. Dr Sam Hardy, American University of Rome, Italy indicated in his study presented at UNESCO Headquarters on 30 March 2016 on the occasion of the art-market roundtable, that:

“Nonetheless, there is a market for every commodity and a venue for every market, including archaeological human remains. Bioarchaeologist Damien Huffer and digital archaeologist Shawn Graham have identified ‘a whole “community” of buyers and sellers of remains on the social media platform Instagram, who operate so freely that they publicly list their full names, phone numbers and online trading account details; there were 9,517 posts about the trade on Instagram in December 2015 alone”

21. In 2015 it was reported by Thierry Grandin that looters use Facebook accounts to sell illicitly acquired Syrian artefacts.



22. Given the growing use of social media for illegal online sales, the Subsidiary Committee may wish to request the Secretariat to invite representatives from major social media organizations to its meetings in order to raise-awareness, establish cooperation and determine concrete actions to be undertaken in the fight against illicit trafficking of cultural property.

d) Authenticity

23. Dr Brodie highlights that most websites offer ‘certificates of authenticity’ in order to appear to guarantee the authenticity of the object as well as to protect the customer against fraud. He argues that these certificates only offer a refund if an acquired object turns out to be fake. In other words, these certificates are not based on an expert report of authenticity. If the buyer were to pay for an expert opinion or scientific analysis, the buyer would only be entitled to the refund and not the cost of the analysis: “*There is no incentive for a customer to pay for the necessary examination, and therefore little legal or financial risk to a merchant knowingly or unknowingly selling fakes*”<sup>13</sup>.

<sup>13</sup> Brodie, N. (2015), ‘The Internet Market in Antiquities’, in F. Desmarais ed. *Countering Illicit Traffic in Cultural Goods: The Global Challenge of Protecting the World’s Heritage* (Paris: ICOM).

24. Prof Stanish<sup>14</sup>, University of California, United States of America, identified three types of cultural objects offered on C2C platforms: 30% of objects are fakes or replica souvenirs and only 5% real objects. He describes the third type, which represent 65% of objects of sale as “ambiguous objects”. These objects need further examination before determining their authenticity<sup>15</sup>.

e) Online support material

25. In addition to illegal online sales issue, use of Internet by “treasure hunters” to share ‘tips’ to locate graves to dig-up or guides on how to open sarcophaguses, represents another important problem that require attention from policy makers. A search in English on YouTube with the key words “how to find a treasure” yields almost 4 million results.

26. Monitoring online auctions, identifying illegally exported ones and strengthening efforts to return cultural objects, undoubtedly, compose a massive part of the necessary steps to be taken. It should be, however, remembered that illegal excavated objects are the most illegally exported (compared to stolen objects). In this regard, preventive measures and raising awareness in relation to online sales are urgently necessary.

**D) Possible steps to encounter the challenges**

27. Encouraging C2C operators to raise awareness among their clients, both sellers and buyers, on the issue of illicit trafficking of cultural property, is a feasible counter measure and should be welcomed by these operators. A checklist and/or short guide on key considerations, including on provenance and due diligence, to be taken prior to the sale of a cultural object could be sent via email to the seller.

28. Similarly, a successful bid from a buyer would also trigger the automated dispatch of a checklist and/or short guide on key considerations for the buyer to take before completing the purchase. The aim would not only be to inform buyers and sellers on legal aspects involved in cultural property trade and reduce the risks of illegal sales, but also to facilitate the work of the authorities prosecuting those involved in illegal transactions of cultural property, as they cannot claim ignorance of the rules and regulations.

29. Taking into account the above-mentioned analysis, information and proposals, the Subsidiary Committee may wish to adopt the following decision:

**DRAFT DECISION 4.SC/10**

*The Subsidiary Committee,*

1. Having examined Document C70/16/4.SC/10,

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<sup>14</sup> Charles Stanish, Director of the Cotsen Institute of Archaeology at the University of California at Los Angeles, <http://archive.archaeology.org/0905/etc/insider.html>

<sup>15</sup> Kreder, J., Nintrup, J., (2014), ‘Antiquity Meets The Modern Age: Ebay’s Potential Criminal Liability For Counterfeit And Stolen International Antiquity Sales’, Journal of Law, Technology & the Internet · Vol. 5

2. Decides that the monitoring of online sales should be done on a regular basis by States Parties and should include national and regional sites, in addition to international sites;
3. Requests the Secretariat to strengthen the cooperation with all actors involved in online sales of cultural objects, including representatives of auction houses who provide online sale services, representatives of Internet platforms as well as social media platforms;
4. Also requests the Secretariat to establish new partnerships with relevant international organizations involved in monitoring and reporting on e-commerce, such as OECD and UNCTAD, and invite their representatives to participate in its next session;
5. Invites the Secretariat to organize an expert group meeting involving the art-market professionals who provide online sales, Internet service providers and social media representatives and present its outcomes at its next session;
6. Reminds the States Parties that fighting against illicit trafficking starts with preventive measures and awareness-raising initiatives, including the internet;
7. Invites States Parties to produce videos in their own language(s) to raise awareness on the risks of online sales, and keep the Secretariat informed about such practices,
8. Encourages States Parties to examine and make use of all the relevant documents such as the Operational Guidelines of 1970 Convention, mentioned in this document in order to better implement them and seek possibilities of integrating cultural property component into the e-commerce or cybercrime related documents while implementing them at the national level;
9. Calls upon Internet platforms, Internet dealers and Internet auction houses to use a checklist which will, automatically be sent to the seller when they place a cultural object for sale; this check list should include questions about provenance and necessary documents for export.

## ANNEX 1

### Basic Actions concerning Cultural Objects being offered for Sale over the Internet



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As cultural property is a unique testimony to the culture and identity of a people and an irreplaceable asset for its future, INTERPOL, UNESCO and ICOM are concerned by the ongoing increase of illicit trafficking in such property. In particular, as recently confirmed by an INTERPOL survey carried out in 56 Member States, it has been internationally recognized that the illicit trade in cultural objects via the Internet is a very serious and growing problem, both for countries of "origin" (where the theft has occurred) and destination countries.

It is well known that the significance, provenance and authenticity of the cultural objects offered for sale on the Internet vary considerably. Some have historical, artistic or cultural value, others do not; their origin can be legal or illicit, and some are genuine, while others are forgeries. Most countries do not have the means to review all Internet sales nor to investigate all offers of a suspicious nature. However, all countries should attempt to respond to the illicit trade in cultural objects via the Internet by taking the appropriate measures.

These issues were discussed at the third annual meeting of the *INTERPOL Expert Group on Stolen Cultural Property* held at the INTERPOL General Secretariat on 7 and 8 March 2006.

The participants agreed that monitoring the Internet poses a number of challenges due to:

- (a) the sheer volume and diversity of items offered for sale;
- (b) the variety of venues or platforms for the sale of cultural objects on the Internet;
- (c) missing information that hinders proper identification of objects;
- (d) the limited reaction time available owing to short bidding periods during a sale;

- (e) the legal position of the companies, entities or individuals serving as platforms for the trade in cultural objects over the Internet;
- (f) the complex issues related to jurisdiction concerning these sales; and
- (g) the fact that the objects sold are often located in a country different from that of the Internet platform.

Following a recommendation adopted by this meeting, INTERPOL, UNESCO and ICOM have therefore developed the subsequent list of **Basic Actions to counter the Increasing Illicit Sale of Cultural Objects through the Internet**<sup>16</sup>.

The Member States of INTERPOL and UNESCO and the States with ICOM National Committees are invited to:

1. Strongly encourage Internet sales platforms to post the following disclaimer on all their cultural objects sales pages:

*"With regard to cultural objects proposed for sale, and before buying them, buyers are advised to: i) check and request a verification of the licit provenance of the object, including documents providing evidence of legal export (and possibly import) of the object likely to have been imported; ii) request evidence of the seller's legal title. In case of doubt, check primarily with the national authorities of the country of origin and INTERPOL, and possibly with UNESCO or ICOM"*

2. Request Internet platforms to disclose relevant information to law enforcement agencies and to cooperate with them on investigations of suspicious sales offers of cultural objects;
3. Establish a central authority (within national police forces or other), which is also responsible for the protection of cultural properties, in charge of permanently checking and monitoring sales of cultural objects via the Internet;
4. Cooperate with national and foreign police forces and INTERPOL as well as the responsible authorities of other States concerned, in order to:
  - (a) Insure that any theft and/or any illegal appropriation of cultural objects be reported to INTERPOL National Central Bureau, in order to enable relevant information to be posted on the INTERPOL Stolen Works of Art Database;
  - (b) Make information available about theft and/or any illegal appropriation of cultural objects, as well as about any subsequent sale of such cultural objects, from or to national territories, using the Internet;
  - (c) Facilitate rapid identification of cultural objects by:
    - i) ensuring updated inventories with photographs of cultural objects, or at least their description, for example through the Object ID standard<sup>17</sup>;

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<sup>16</sup> The above-mentioned Basic Actions are neither "Recommendations", nor "Declarations, Charters and similar standard-setting instruments" adopted by the General Conference of UNESCO, nor "Resolutions" adopted by the General Assembly of Interpol.

- ii) maintaining a list of recommended experts;
  - (d) Use all the tools at their disposal to conduct checks of suspicious cultural property, in particular the INTERPOL Stolen Works of Art Database and the corresponding INTERPOL DVD;
  - (e) Track and prosecute criminal activities related to the sale of cultural objects on the Internet and inform the INTERPOL General Secretariat of major investigations involving several countries.
5. Maintain statistics and register information on the checks conducted concerning the sale of cultural objects via the Internet, the vendors in question and the results obtained;
  6. Establish legal measures to immediately seize cultural objects in case of a reasonable doubt concerning their licit provenance;
  7. Assure the return of seized objects of illicit provenance to their rightful owners.

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<sup>17</sup> The Object ID, which is an international standard for describing art, antiques, and antiquities, as well as a version with supplementary information (endorsed by ICOM, Getty and UNESCO), are available on the ICOM website (<http://icom.museum/object-id>).