

The Art of the Internet

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THE ART OF THE INTERNET

A study of illegal online trading in cultural goods

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PREFACE

In 2004, a conference on 'Illegal Trade, Fighting Illicit Traffic in Cultural Goods within the European Union' was held in Rotterdam as part of the Netherlands' presidency of the European Union (EU). During this conference, it was stressed that Internet trade in cultural goods was a significant new development. This observation was emphasised once again in 2007 when a survey carried out by Interpol showed that in the respondents' opinion the illegal trade of cultural goods on the Internet was on the increase.

On a national level, the Minister of Justice ordered an investigation into antique and art trade within the framework of the 'Organised Crime Prevention Programme'. It emerged from this investigation that Internet auctions were gaining ground compared to 'normal auctions'. A lack of relevant facts and figures meant that the extent to which this was the case remained unclear. Moreover, this investigation did not clarify the precise role of the Internet within the *illegal* trade, nor how buyers and sellers go about using the Internet to trade. This lack of information prompted the Ministry of Education, Culture and Science to commission research into trade in cultural goods on the Internet, with a focus on the nature and scale of illegal trade.

This research describes lawful and illegal trade in cultural goods on the Internet. We would like to thank the supervisory committee for their cooperation and input in this research: Wim Westerveld (Department for Cultural Heritage), Marja van Heese (Cultural Heritage Inspectorate), Jan Lely (Ministry of Security and Justice), Jos van Hecke (National Police Services Agency (KLPD)), Martin Finkelnberg (National Police Services Agency (KLPD)), Pieter ter Keurs (Dutch National Museum of Antiquities (Rijksmuseum van Oudheden)), Jop Ubbens (Christie's Amsterdam), Jan de Groot (Ministry of Finance), Ton Wagemans (representing eBay, Marktplaats, Speurders and 2dehands.nl), Jan Petri (Ministry of

Security and Justice) and Flora van Regteren Altena (Department for Cultural Heritage). We would also like to thank all those whose support and cooperation of this research gave us greater insight into the trade in cultural goods on the Internet.

The research team,

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*'Leiden – Stolen art from Iraq is currently in the Dutch National Museum of Antiquities (Rijksmuseum voor Oudheden, RMO). These objects will be returned to Iraq, but for one month they will be on display in Leiden. The exposition 'Return to Iraq' will be opened on Thursday evening during the New Year reception in the antiquities museum. The exhibition comprises 69 objects that were handed over to the police and the Cultural Heritage Inspectorate to be returned to their rightful owners in Iraq. A selection of these will be on show. Art theft goes back down the ages, according to Pieter ter Keurs, head of the Collections and Research Department at the RMO. In the past it was mainly the victors who sent home priceless objects after battle. This pillage was seen as reward for officers and the ranks, but also as a way to enhance the glory of the troops back home. "But times have changed", says Ter Keurs. "These days the Internet plays an important role in the stolen art trade. It's not unusual to find objects on offer on Internet sites such as Marktplaats."'*¹ This claim finds support in the fact that all the objects from Iraq referred to in this newspaper article were on offer in galleries on the Internet.

1.1 DEVELOPMENTS AND RESEARCH

In 2004, a conference on 'Illegal Trade, Fighting Illicit Traffic in Cultural Goods within the European Union' was held in Rotterdam as part of the Netherlands' presidency of the European Union (EU). Alongside the authorities for cultural institutions, customs and the police from member states, Europol, Interpol, UNESCO, UNIDROIT and members of the European Commission participated. The objective was to develop a coordinated approach to the illicit export and illegal trade in cultural goods at EU level.² At the time, it was emphasised that

1 *Leidsch Dagblad*, January 13, 2010.

2 1970 UNESCO Convention (p. 82) describes which cultural goods are referred to as 'Cultural property'. The definition applies to all objects, on religious or secular grounds, that are of importance for archaeology, prehistory, history, literature, art or science and which belong to one of the categories specifically listed in article 1 of the convention. Objects that belong to these categories include collections of flora and fauna, objects from excavations (both legal and illegal) and paintings. In the UNIDROIT Convention (p. 83) cultural goods are understood to be those that are of importance for archaeology, prehistory, history, literature, art or science and which belong to one of the categories specifically listed in the appendix to the convention. Examples of these categories include articles of furniture more than one hundred years old or musical instruments, stamps, manuscripts and coins.

‘Internet trading is not an alternative to the regular trade, although it is a significant new development’.³

In 2007, the international investigation agency, Interpol, carried out a survey in 56 countries which showed that respondents felt that illegal trade in cultural goods on the Internet was on the increase. As a result of this survey, UNESCO, ICOM (International Council of Museums) and Interpol together put in place a number of basic measures designed to prevent illegal trade in cultural goods on the Internet.⁴ Examples of these measures include: putting information on websites where cultural goods are sold, cooperation between national police forces and Interpol, establishing a central institution to monitor illegal trade in cultural goods and setting up a database in which stolen goods are registered.

On a national level, the Minister of Justice commissioned Intraval Research and Consultancy to carry out an investigation into the antiques and art trade within the framework of the ‘Crime Prevention Programme’. Their investigation report, entitled *Schone kunsten* (*Pure Art*), detailed how vulnerable the art and antique trade is to organised crime (Bieleman, Van der Stoep & Naayer, 2007). One section of this report is dedicated to trade in art on the Internet. While it reports how Internet auctions are gaining ground from ‘regular auctions’, the extent of this encroachment remained unclear. Moreover, the precise role of the Internet within the *illegal* trade, as well as how buyers and sellers go about using the Internet to trade, were not known. In their policy reaction to the report that the Ministers of Education, Culture and Science and, Justice, Internal Affairs and the State Secretary for Finance sent to parliament on August 14, 2008,⁵ the ministers stipulated that the nature and extent of the illegal trade in art are still unclear given that this trade takes place at a global level thanks, in part, to the Internet.

3 Illegal Trade, Fighting illicit traffic in cultural goods within the European Union. Research Report, 2004.

4 See <http://portal.unesco.org/culture/fr/files/21559/11836509429MesuresTraficIlliciteEn.pdf/MesuresTraficIlliciteEn.pdf>.

5 Ministry of Justice (2008) Research report *Schone kunsten* [Pure Art].

1.2 NATURE AND EXTENT OF INTERNET TRADE IN CULTURAL GOODS UNCLEAR

In summary, Bieleman et al. (2007) claim that trade via Internet sites is playing an increasing role in the international art business. According to them, the precise nature and extent of illegal trade via the Internet in the Netherlands remains unclear and obscure because hard figures are not available. By 2007, those controlling large auction and advertising sites in the Netherlands had little insight into the number of art and antique objects that were offered and traded on their sites. Also, in 2007 factual information relating to stolen or missing goods was limited, which severely restricts any mapping of illegal trade in these items (Bieleman et al., 2007).

That insights into the role of the Internet are limited is not unusual. Shortage of information into illegal activities on the Internet is common in many areas, such as cybercrime victimisation among private individuals and businesses, as well as perpetrators of e-fraud, organised crime and child pornography (Leukfeldt, Domenie & Stol, 2010). It is only quite recently that research into these areas has been conducted so that this shortage of knowledge can be addressed.

1.3 RESEARCH OBJECTIVES AND QUESTIONS

The Ministry of Education, Culture and Science requires more insight into the trade in art and antiques on the Internet, in particular the nature and extent of illegal trade in cultural goods. Conducting research into this phenomenon is a primary and essential requirement for deciding whether measures to prevent such illegal activities are needed.

In essence, the research presented here focuses on describing and understanding regular and illegal trade in cultural goods via the Internet, and detailing vulnerable areas that trading partners can and are taking advantage of.

The research comprises two parts:

- charting the phenomenon of illegal trade in cultural goods on the Internet;
- sketching the measures to be put in place to prevent illegal trade and promote security.

In the first section, we outline the sector (nature and scale) and the background of this sector in relation to the Internet (focussing in more detail on the legal aspects, vulnerable areas and risks). In the second section, we discuss existing

measures designed to prevent illegal activities and to promote security. We formulated the following research questions to address these issues:

A Outline of the sector (nature and scale)

- A1. What is the current state of affairs with regard to trade in cultural goods via the Internet, in terms of nature and scale?
- A2. To what extent is the trade in cultural goods through the Internet illegal? What is the proportion of illegal versus legal trade in terms of scale and what kinds of cultural goods are involved?
- A3. To what extent do individuals use the Internet as a means to sell cultural goods illegally?

B Background: legality, vulnerable areas and risks

- B1. What are the vulnerable areas and risks involved in the trade in cultural goods on the Internet? What is the nature of these risks, to what extent do they manifest themselves and in which parts of this sector are the greatest risks located?
- B2. To what extent do businesses have relationships with existing criminal networks, both nationally and internationally?

C Measures to prevent illegal activities and to promote security

- C1. To what extent can measures put forward as ‘basic actions’⁶ for the field and for government, contribute to a reduction in illegal trade on the Internet? Besides basic measures, what other measures can be identified? What does the sector think of these measures?
- C2. What supervisory and enforcement instruments are used by the government within the trade in cultural goods sector, including trade that takes place on the Internet?
- C3. What measures to combat illegal trade in cultural goods, including trade that takes place on the Internet, have already been put in place by Internet auctioneers and traders?
- C4. What opportunities do existing legal instruments offer regarding import/smuggling of illegally imported and/or exported cultural goods that have been traded using the Internet? What developments have taken place in this regard since the publication of the report *Schone kunsten* [Pure Art] in 2007?

6 See <http://portal.unesco.org/culture/fr/files/21559/11836509429MesuresTraficIlliciteEn.pdf/MesuresTraficIlliciteEn.pdf>.

This research comprises literature and documentation study, interviews with key informants, an Internet search and a media analysis. Below we detail the research methodology used. First we will discuss the research demarcation and concept definition.

2.1

RESEARCH DEMARCATION

Figure 2.1 illustrates the research demarcation, showing that a distinction was made between movable heritage, immovable heritage and intangible heritage. There is also a distinction between legally protected heritage and heritage that is not legally protected. Art and antiques can be either protected or unprotected movable heritage. The term that encompasses all heritage, whether protected by law or not, is cultural heritage.

Figure 2.1 Research demarcation

Cultural heritage		
	Heritage that is not protected under the law	Legally protected heritage
	Art and antiques	
Movable heritage	In cases of theft/misappropriation: <ul style="list-style-type: none">• Criminal Code	Cultural heritage protected under the law <ul style="list-style-type: none">• UNESCO 1970, UNIDROIT 1995• State laws and the ICOM Red List based on these laws
Immovable heritage	In cases of theft/misappropriation: <ul style="list-style-type: none">• Criminal Code	<ul style="list-style-type: none">• Monuments and historical buildings• Provincial monuments• Municipal monuments• Archaeological monuments• Archaeological excavations
Intangible heritage	No legal protection framework in the Netherlands as yet	

We will be discussing art and antiques both with reference to movable heritage that is protected by law and movable heritage that is not protected by law. This research, however, focuses in particular on legally protected cultural goods on offer on the Internet, in short, cultural goods (indicated in the dark grey area in the figure). In this research we will consistently refer to illegal trade in cultural goods because, while the cultural goods being traded are not necessarily illegal, the trade in these goods may well be. During the Internet search we looked for cultural goods in the categories art and antiques on the advertisements and auction sites because cultural goods can be found in these categories. By 'illegal' we mean trade in cultural goods that is forbidden according to state and international laws, or that is bound by regulations that have subsequently not been adhered to.

2.2 LITERATURE AND DOCUMENTATION RESEARCH

In the literature and documentation research, we have made an inventory of research carried out in the past into trade in cultural goods, both in the real and virtual world. This research discusses what is known in the literature about the nature and scale of illegal trade in cultural goods and the role that the Internet plays in this trade. The objective of the literature and documentation research included gaining insight into regulations and measures that have been put in place so far to curb illegal activities and to reduce the risks entailed in illegal trade in cultural goods.

2.3 INTERVIEWS WITH KEY INFORMANTS

When it comes to trade in cultural goods, trading companies, galleries, auctioneers and advertising sites, or those firms behind these sites, all play an important role as links between sellers and buyers. Several regulatory institutions are also involved in the trade in cultural goods, including investigation departments. All these different parties are involved in a variety of ways in the online trade in cultural goods; they view the phenomenon from various perspectives and are knowledgeable about diverse aspects of the trade. We interviewed representatives from all of these parties so that we could form an adequate impression of the current state of affairs regarding this particular form of online trade.

We approached a total of 52 experts for interviews. Interviews were held with 26 respondents (see Appendix 1);⁷ 26 of the experts we approached either did not respond to our request or refused to participate. The non-response concerns almost exclusively auctioneers and/or dealers.⁸ All the trading sites that we approached spoke to us.

2.4 INTERNET SEARCH

To investigate the situation in the Netherlands, we carried out an Internet search. Firstly we made an inventory of websites (including auction and advertisement sites) that offered art and antiques. This gave us a general idea of the Internet market so that we could outline where and which objects were being traded. While this does not elucidate the illegal trade, it does give an impression of how the market is structured: are there one or two sites that offer all the objects? Or are the objects on offer spread out over dozens of different sites?

On Monday, May 31, 2010, we searched for sites that may be offering cultural goods using www.google.nl.⁹ For this we used the following key words: '(veiling* OR verkoop*) AND (online OR internet)' [translated: '(auction* OR sale*) AND (online OR internet)']. We deliberately cast our net wide, and did not refer to words such as 'cultural goods' or 'antique', so that the search would reveal as many auction and sale sites as possible. We then focussed on auction and advertisement sites among the results. Apart from direct hits (those in which the sale or auction sites were mentioned directly in the results), we also found several indirect hits that referred to auction and advertisement sites. In several cases there were references to so-called start pages (normally a page about a given subject containing links to relevant websites). We also looked at the sites mentioned on these start pages.

7 We communicated by letter with several foreign respondents about the research questions (see Appendix 5).

8 In the interviews that we held we discussed this finding, focussing in particular on the possible reasons for not wanting to cooperate. Several respondents presumed that the trade is not interested in 'being researched' because of the significant black market circuit that is involved. Through a trade organisation we sent the more than 50 affiliated members a short self-completion questionnaire. One person responded.

9 Initially we did not search for art and antiques but for cultural goods instead. The first part of the Internet search proved that these goods are always to be found in the art and antiques (or similar) categories.

Apart from creating a general impression of what is on offer on the Internet in terms of art and antiques, the aim of the Internet search was also to chart illegal supply and its underlying processes. We used the first part of the Internet search as an initial demarcation. Our inventory of auction and advertisement sites offering art and antiques revealed that most of these goods are offered on a limited number of websites.¹⁰ We would like to clarify once again that we are talking about the supply of art and antiques in its entirety and not about cultural goods that may or may not be the subject of illegal trade. We found nine Dutch *auction sites* offering art and antiques. Sixty-seven percent of all goods on offer in the category art and antiques on auction sites can be found on eBay the Netherlands. Besides this, we found 130 Dutch *advertisement sites* offering art and antiques. The largest supplier of these objects, Marktplaats, contains 70% of in total 14,373 advertisements. We concentrated our research on these two suppliers. The research demarcation (see Section 2.1) is thus operationalised by looking at trading sites that offer goods in the category art and antiques.

We made a second demarcation by compiling a list of goods by category and then searching for them. This list was put together on the basis of information we gleaned from interviews with experts, the International Council of Museum's 'Red List' (ICOM: <http://icom.museum>) and the list of cultural goods from European member states for which export licenses are required (Ministry of Education, Culture and Science, 2010). Trading the goods on this list is not permitted as a general rule, or only under certain conditions¹¹ (for example with an export licence). The objects concerned come from specific areas and belong to or are specific categories of cultural goods, namely:

- Iraq;
- Africa;
- Peru: pre-Columbian period;
- archaeological objects;
- pictures and paintings: icons;
- ecclesiastical art.

¹⁰ See Appendix 3 for a comprehensive list of all the websites we investigated.

¹¹ Whether the trade that we found is actually illegal or not remains unclear. For example: Object x was imported into the Netherlands in 1925 and it is lawful to trade it. Trading that same object is illegal if it was imported only in 2010. Apart from this, it could also be a forgery, in which case the grounds for prosecution would be completely different.

We used the lists that we compiled to decide which characteristics the goods had to have to be considered illegal (for instance: originating from a certain region or above a certain value). We then drew up a list of key words.¹² The goods that we found and that had certain relevant characteristics were recorded. We also made a note of the asking prices and looked at other cultural goods that the same advertiser had on offer. To illustrate some of the objects, photographs are included in this report.

The search is limited in that it does not give a comprehensive picture of all the possible places on the Internet where cultural goods could possibly be found, or of all the various kinds of cultural goods. This is because we restricted our search to what was on offer from the two largest auction and advertisement sites, and we only looked for a limited range of goods. The trouble with exploratory research into a phenomenon that one suspects exists (in this case: illegal trade in cultural goods on the Internet) is that the research can prove that the phenomenon in question does exist, but not that it does not exist, anywhere. We restricted ourselves in this way because this was the first exploratory investigation into trade in cultural goods within the Dutch context. The assumption is that if there is large-scale illegal trade in cultural goods, then it should be reflected on the websites where most trade takes place. We presume that there are grounds for this assumption because even child pornography was exchanged in a fairly public way when the Internet reached the general public (in the '90s) and it was simple for researchers to trace before it was rigorously suppressed (Stol, 2004; Stol, Kaspersen, Kerstens, Leukfeldt & Lodder, 2008b). The findings of this initial exploratory research will help the reader to decide whether follow-up research into illegal trade in cultural goods is necessary, for example into illegal trade that takes place via smaller or less well known sites.

The Internet search carried out as part of this research gives an impression of the types of goods per category that are on offer, the asking prices of these goods, the number of people with these goods on offer and how they offer them (one advertisement or hundreds of cultural goods on offer). We do not know with certainty whether the goods on offer are illegal. The researchers are not specialists in art and antiques or cultural goods and are therefore not in a position to judge whether trade in certain objects is illegal or not. Specialists find this difficult too. An expert on the supervisory committee for this research consulted three curators and presented them with material we had found on the Internet

12 The search terms that we used for the specific categories are mentioned in the relevant paragraphs.

(see also Section 4.1.2, under Iraq). A recurring element in their reactions was that in many cases it is 'difficult to see' precisely what the object is.

2.5 MEDIA ANALYSIS

An intern from the Cybersafety Lectorate at the NHL University conducted the media analysis from February to July 2010. The objective of the media analysis was two-fold. The first goal was to analyse messages about illegal trade in cultural goods and antiques taking place on the Internet so that an idea of the nature and scale of this trade could be gained. Therefore not only messages about specific cases were studied but also statements from experts about trade using the Internet. The second aim of the media analysis was to compile an inventory of experts and research in this field.

We used the Lexis-Nexis News Portal for the media analysis, which is a database containing bulletins from all Dutch newspapers and several other international newspapers. All Dutch newspapers were searched for the period 1999 to 2010. A search key consisting of three parts was used to find bulletins. The first part of the search key consisted of terms indicating the type of trade (for example illegal, fake, stolen), the second part included terms referring to goods (for example art, cultural, antique, icon) and in the third part terms had to do with the Internet (for example Internet, online, Internet market). We refer you to the Slofstra's research for the complete list (Slofstra, 2010).

Museums lend objects for exhibitions, traders trade objects and collectors collect them. Cultural goods cross borders on a daily basis, but not necessarily legally: they can be stolen and traded illegally. The scale of the illegal trade in cultural goods has grown over recent decades and now has an international character. One of the reasons for this is the growth of the Internet (Lane, Bromley, Hicks & Mahoney, 2008). Before we discuss the role of the Internet in the trade in cultural goods, we will look at the illegal trade in these goods in general (Section 3.1). Which objects are traded illegally, on what scale and who is involved in this business? After this general examination we will sketch the contours of the Internet business (Section 3.2). We will follow this with a discussion on what can be said about this trade of cultural goods on the Internet, both legal and illegal, based on the literature, interviews with respondents and the media analysis (Sections 3.3, 3.4 and 3.5). This chapter will conclude with a summary (Section 3.6).

3.1

ILLEGAL TRADE IN CULTURAL GOODS IN GENERAL

People are inclined to think that theft of cultural goods involves priceless objects. In media reports, the experts point to the difficulties that the thieves are likely to encounter when it comes to art theft. The phrase ‘according to experts, it is not possible to trade these works of art’ can be found in virtually every report (Tijhuis & Van der Wal, 2005). However, illegal trade in cultural goods is not restricted to objects belonging to the highest price category; objects of limited value are also traded illegally. In the paragraphs that follow we will examine the nature and scale of the illegal trade in cultural goods based on the literature, as well as the parties involved in this trade.

Nature and scale

Cultural goods come under threat not only from natural causes, such as erosion and floods, agricultural activities and urban spread, but also from people that plunder them for commercial interests (Posner, 2006). Mac Ginty (2004) also

points to the consequences of poor socio-economic conditions. In these circumstances, cultural goods are excavated illegally and sold by the population so that they can provide for basic necessities of life (food and shelter). Brodie, Doole and Watson (2000) indicated that this illegal trade is characterised by a large amount of material from Asia and Africa. They also point out that the indications are that interest in ethnographic material and religious objects, such as icons and objects from European churches, and paleontological material, is on the increase. Moreover, according to Brodie et al. (2000), increasingly crude methods are being used to excavate these objects, such as bulldozers and dynamite. Even though these methods damage the objects, often this does not impact on their value in the eyes of the western world (Lane et al., 2008).

Various studies focus on the extent to which plundering of cultural goods is taking place. As far back as 1981, Bator claimed that while everyone knows that illegal trade is taking place, no one has any idea about the quantities and turnover involved. Back then, and to this day, there is talk of a large dark number: there is no clarity about the amounts of money involved in illegal trade in cultural goods, and estimates vary from hundreds of millions to a few billion dollars (Brodie et al., 2000; Atwood, 2004; Gage, 2005; Posner, 2006; Lane et al., 2008).

Previous studies show that plundering is taking place at various places around the world such as Mexico, Guatemala, Cambodia and Colombia, although Italy and France are also mentioned as countries in which cultural goods are illegally excavated and traded (Gutchen, 1983; Russell, 1997; Ali & Coningham, 1998; Fernandez Cacho & Sanjuan, 2000; Alva, 2001; Bedaux & Rowlands, 2001). Despite this, Brodie et al. (2000) claim that this illegal trade is a one-way street: objects come from Third World countries and go to the developed countries, from the poor to the rich.

For some countries, there is a lot of information to be found in the literature about the extent to which their cultural heritage has been plundered. Iraq is an example. On August 6, 1990 a law was passed prohibiting the export of objects without the permission of the authorities or the rightful owner or if it is against Iraqi law. Importing goods from Iraq is forbidden worldwide on the basis of a UN resolution, and trading in Iraqi cultural goods is not permitted. Goods that fall into this category include those of archaeological, historical, cultural, religious or scientific value, as well as objects that belong to public collections held in Iraqi museums, archives or part of the permanent collections of libraries. Under Dutch law, they are considered to be economic offences or misdemeanours (Van Heese & Meijer, 2007).

After the end of the first Gulf War (1991), around 3,000 artefacts and about 500 manuscripts were removed from museums between 1991 and 1994. No more than 54 of these 3,500 items have been found (Symposium 1994). When the United States armies invaded in 2003, the National Museum in Bagdad was plundered: more than 13,000 objects disappeared, of which 4,000 were found in 2004 (Bogdanos, 2003; Brodie & Renfrew, 2005). In the interim many archaeological sites in Iraq have been badly damaged by illegal excavators. For instance, between 30 and 50% of Isin – an area in Iraq – has been destroyed by illegal excavations (UNESCO, 2003). It is not possible to estimate the extent of this theft in terms of the number of objects stolen (Van Heese, 2010). Feerozi and Tarzi (2004) claim that Afghanistan has suffered the same plight as Iraq. This is in line with the claim of Brodie et al. (2000) that illegal trade in cultural goods becomes evident during war or times of unrest.

Intermezzo – Preventing acts of plunder during armed conflict

During the First and Second World Wars, it became obvious that cultural goods were inadequately protected during times of conflict. This was the immediate cause of the *Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict*, drawn up in 1954. In broad terms this convention determines that parties who are preparing for war must take measures to protect cultural heritage (Article 3). Parties to the convention are obligated to protect their cultural goods (for instance by not exposing them to enemy fire), not to target cultural goods unless there is a military imperative to do so, and to protect cultural goods against destruction and theft (Article 4). An additional protocol in the convention obligates occupiers to prevent cultural goods from being removed from the area under occupation. In 1999, a second additional protocol was added in which, among other things, obligations were laid down in greater detail. (Source: Posner, 2006)

All of this shows that plundering of cultural goods is happening, in various parts of the world and on a grand scale. From case studies it is evident that there is high demand as well as supply of (illegal) cultural goods (see Alva, 2001, among others). A significant part of the price paid by the west ends up in the pockets of middlemen; they buy cultural goods cheaply and sell them on to the West for several times the amount that they paid for them (Brodie et al., 2000; Van Beurden, 2001). Such pieces appear in private collections as well as – be it by design or not – in well-respected museums such as the Cleveland Museum of Arts, the Houston Museum of Fine Arts and the Brooklyn Museum (Coggins, 1969; Greenfield, 1995; Nooyens, 2003; Brodie & Renfrew, 2005; Posner, 2006; Lane et al., 2008). Auction houses, at least in the past, have a role to

play: 65 to 90% of items on offer in catalogues are of unknown provenance¹³ (Brodie et al., 2000).

Intermezzo – Concealing the status of illegal material

'Illegal objects can change hands several times without provenance before they pass to an institution or private collection, by which time the details of their illegal origin are lost or wiped out. Once the object appears in a publication as part of a scientific treatment or in an exhibition catalogue, or even in a sales catalogue, the object is given a new, respectable label, one as an object of scientific value or importance. Their illegal origins are gradually forgotten. This is how illegal material is white washed, through sale and publication in Europe and North America.' (Nooyens, 2003: 47)

The parties involved

The literature identifies many different actors who are involved in smuggling of cultural goods. Sometimes they are people who are busy putting together a private collection, such as western diplomats who export cultural goods in the diplomatic post, or development aid people who buy up these cultural goods and take them home to their own countries. In some cases they try to earn huge sums of money from their illicit gains (Van Beurden, 2001). Military personnel also appear to be involved in this illegal trade (Van Beurden, 2001; Lafont, 2004). Van Beurden (2001) mentions antique dealers, exhibitors, auction houses, insurance companies and art assessors as those involved, but which roles they play are not clear. Finally, Bator (1981) refers to museum officials as well as local and international traders. As far as individual actors are concerned, due to their diversity it is safe to say that they do not form one, clear-cut problem area of their own.

Alongside private individuals, criminal groups are also involved in the smuggling of cultural goods. Van Heese (2010) describes gangs that plunder archaeological sites and Van Beurden (2001) mentions organised trade as such. Besides the more organised activities, there are smaller circuits of traders active in the West. These traders are in contact with people in poorer and unstable countries (Van Beurden, 2001).

13 Provenance concerns the history of the property and/or ownership of an object, which in some cases is backed up by documentation and registration.

Intermezzo – Bulgaria frustrates the smuggling of 18,000 art objects

‘Bulgarian customs have foiled the smuggling of no less than 18,000 art objects that were on their way to the United States, the Ministry of Internal Affairs in Sofia announced. These antique objects were hidden in a train heading for Vienna. Among the valuables were Roman and Byzantine coins, pictures, ceramic lamps, crucifixes, jewels, tiaras and arrowheads. They were concealed among milk and juice packaging. Three Bulgarians have been arrested.’ (Source: *Brabants Dagblad*, November 22, 2006)

3.2 THE RISE OF INTERNET TRADE

Large sums of money are involved in e-commerce, i.e. the commercial sale of goods to customers via the Internet. Ever since trade on the Internet started, the volume of e-commerce, measured in year on year turnover, has grown; in the United States turnover reached 45 billion dollars in 2002, which was an increase of 27% compared to the previous year (Bajari & Hortascu, 2002). Since then this trend has continued unabated: by 2008 turnover in the e-commerce sector reached an estimated 166 billion dollars, which translates into an increase of 21.6%¹⁴ compared to 2007. The same emerges if we look at turnover that companies in the Netherlands have realised through sales via the Internet. In 2006, this turnover amounted to €3.6 billion (Favier & Bouquet, 2006); in 2008 this figure rose to €4.85 billion (an increase of 35%) and for 2009 the assumption is that turnover reached about €6 billion, which is an increase of 24% in comparison to the previous year.¹⁵

Very little is known about the volume of Internet trade between private individuals via websites. Looking at several active users – not all registered users are active – on one of the largest auction sites in the world (eBay), it appears that growth in Internet trade via websites was enormous, in any event up until 2006. Based on financial reports that were published in early 2007, it emerged that eBay had almost 82 million active users by the end of 2006, which is an increase of 14% compared to 2005. According to their financial report, the number of active users rose to 90 million by 2009, which is an increase of 9% compared to 2006. This means that the increase in active users levelled after 2006. Growth at the start of the 21st century is also characterised by an explosive increase in the number of goods available on auction sites. In 2002 more than 632 million ob-

14 See www.justecommerce.nl/2008/05/omzet-grootste-amerikaanse-webwinkels-gegroeid/.

15 See www.thuiswinkel.org/Consumenten/nieuws_publicaties.aspx?id=13622&nieuwsjaar=2009&subnavid=1.

jects were offered on eBay, which is equal to an increase of 51% compared to the previous year (Bajari & Hortascu, 2002). There are no indications in the literature and financial reports about how many objects were offered on eBay in 2009. However, eBay's 2009 financial report does state that the increase in transactions accelerated in the third quarter of 2009.

Intermezzo – The history of eBay

Internet site, eBay, is one of the largest auction sites offering new or second hand goods on the Internet. The site was set up in 1995, with a view to getting buyers and sellers together onto one Internet platform, and has since grown to become the world's largest market place. At the beginning of the 21st century, eBay conducted several take-overs, including the French iBazar in 2001, followed a year later by the online payment system PayPal. In 2004, advertisement site Marktplaats.nl was incorporated for €225 million (see <http://ebay.about.com>).

Three explanations for this growth in trade using the Internet are given in the literature. The first of these concerns the costs that accompany trade using the Internet. Lucking-Reiley (2000) claims that both buyer and seller benefit cost-wise using the web, one of the reasons being that fees for such trade, if they exist at all, are much lower than they are for physical auctions (Lucking-Reiley, 2000). Another explanation claims that people enjoy trading on the Internet (Bajari & Hortascu, 2002; Peters & Bodkin, 2007) and that for many people the Internet is accessible (Zijdemann, 2003). In fact, anyone who has access to the Internet is a potential buyer or seller (Pinker, Seidmann & Vakrat, 2003; Zijdemann, 2003).

Trust plays an important role in purchasing on the Internet. Internet is a means of bringing together the buyer and the seller without them actually seeing each other and assessing the quality of the article on offer (Lucking-Reiley, 2000). This applies in particular to international trade on eBay, in the United States and in several large countries. Dutch 'market places' advise people to trade in person; no one knows to what extent this advice is heeded. Several websites have set up a rating system to help buyers when judging the reliability and trustworthiness of sellers. This system is based on the quality of the goods on offer, quality of service and handling of the transaction. Buyers can rate the seller accordingly (Robinson & Halle, 2002; Zijdemann, 2003).

3.3 INTERNET AND TRADE IN CULTURAL GOODS IN THE LITERATURE

Part of the literature about illegal trade in cultural goods was published before the Internet era or before the Internet took on its status as a mass medium (see among others Coggins, 1969; Bator, 1981; Daulte, Lalive, Palmer & Siehr, 1993; Brent, 1996). More recently authors have been pointing to the role that the Internet could conceivably play in illegal trade. Brodie et al. (2000) mention not only postal order catalogues as a new way in which illegal trade is taking place but also Internet auctions, both of which are virtually impossible to monitor (Brodie et al., 2000). Van Beurden (2001) also briefly mentions the potential role that the Internet has: one of the advantages that selling items via the Internet has is that goods can be delivered directly to individuals and that public auctions can be avoided. This publication also expresses the fear that illegal trade via the Internet will increase. More recent publications (Bieleman et al., 2007), too, indicate that the Internet can potentially play a role. In these publications, however, it is mainly speculation about the role the Internet may play in the illegal trade in cultural goods. In other words, not much scientific research (as opposed to speculation) into the role that the Internet may have in the trade in cultural goods has so far been conducted. In the paragraphs that follow, we will be discussing the main findings of research that has been carried out thus far.

There is little to be found in the literature about the nature and scale of trade on the Internet in cultural goods. What is discussed in the literature is that objects are sold via auction houses that offer the goods online, and target individuals via websites. Turnover at Sotheby's Art Auction House for articles sold via the Internet over a period of just under two years came to more than 100 million dollars.¹⁶ This house offered some objects exclusively online for a short period of time. Turnover at eBay in the category art, antique and collector's items was over 1 billion dollars in 2002 (Kazumori & McMillan, 2005).

Korsell et al. (2006) looked at how many objects were offered on eBay in the categories art and antiques. It emerged that in that year a total of 252,000 objects were offered for sale in the antiques category and 360,000 in the art category. Buyers from all over the world can bid for the objects: objects are not intended for national markets only (Korsell et al., 2006). It is important to note that these figures only reflect the number of products per category and say nothing about their legal status.

16 Sotheby's has since stopped offering objects exclusively online. Buyers can, however, view and participate in real life auctions objects on the Internet (Kazumori & McMillan, 2005).

From a similar investigation into the supply of objects in these categories on well-known advertisement and auction sites in the Netherlands that we carried out in March 2010 as part of this research, it emerged that the supply of items in the art and antique categories has grown enormously in comparison to the volume of objects mentioned in the *Pure art* (2007) report. In the antique category the indications are that the increase of articles on offer has grown by around 100% and the increase in articles on offer in the same period for the art category by almost 350%, particularly on eBay (see Appendix 2). The online trade in these objects based on the volumes of objects on offer – just like online trade in general – seems to be growing. We would once again like to emphasise that not all of these transactions necessarily involve illegal trade in cultural goods. What is discussed in the literature is that when buying art, antique and cultural goods via auction and advertisement sites it is generally even more important for the buyers to scrutinise the quality, authenticity, legality and value of the goods on offer (Kazumori & McMillan, 2005).¹⁷

Intermezzo – Trading art on an auction site: genuine or fake

A Dutch art collector made one of the highest bids ever to be placed on an Internet auction at the end of last month. Rob Keereweer (43), director of software house Digis in Houten, made the 94th and final bid via eBay on a signed abstract canvas, dated 1952, by the American artist Richard Diebenkorn (1922 to 1993). In 1998 at Sotheby's New York a similar Diebenkorn from the same period fetched more than 5.6 million dollars. Buyer and seller have agreed to engage an expert from Sotheby's or Christie's. If the canvas is genuine, then Keereweer is the new owner. If it is a fake, then the seller will withdraw the mainly green and orange painting. He did not put it on sale as a Diebenkorn. (Source: *NRC Handelsblad*, May 10, 2000)

Molenaar and Mol (2000) describe the Internet as the sellers' business card. They claim that valuable objects are not actually sold on the Internet; they are only put on show there. Potential buyers who find items on the Internet can then ask the trader for a viewing. The same process applies to photographic prints, films and negatives. Molenaar and Mol (2002) go on to claim that Dutch traders and private individuals offer thousands of archaeological objects for sale on the Internet. This trade focuses mainly on the North American and, to a lesser extent, on the Japanese and Australian markets. The Internet plays a facilitating role in this; the customer base is easier to access thanks to the Internet and it is on

¹⁷ The reader should be aware that these figures were mentioned in somewhat dated publications.

a global scale. Molenaar and Mol (2002) make no mention of the legal status of cultural goods on offer on the Internet.

In a recent report from the Italian Ministry of Cultural Heritage and Activities (2010) the role of the Internet comes to the fore in relation to the trade in ancient coins. Ancient coins are a priority for the Italian Carabinieri because of the interest that they attract, but also because of the difficulties the Carabinieri encounter trying to control the trade in these coins, for instance on websites not all of which are specialised in the field (see also Korsell et al., 2006). In 2009, the Carabinieri reclaimed a total of almost 31,000 coins (Ministry of Cultural Heritage and Activities, 2010). The report is not clear about how many of these coins were offered on the Internet. What is clear is that in 2008 and 2009 some 42,000 objects were taken from the Internet. Most of the objects that were confiscated with the help of Internet surveillance were coins (numismatic objects 20,000), books and archives (8,200) and archaeological objects (3,200).

Recent literature states that there appears to be an exponential increase in the trade in cultural goods taking place via the Internet (Ministry of Cultural Heritage and Activities, 2010; Nistri, 2010). This claim seems to be confirmed by recent research carried out by Brodie (2010) into the trade in cultural goods from Iraq. Since 2003 the sale of Iraqi cultural goods hardly ever takes place at public auctions any longer according to Brodie (2010). These objects are, however, sold openly on the Internet, and have been since 2003. In 2006 at least 55 websites in one day were found that traded in these goods. Two hundred and fifteen objects were on offer on 23 of the sites that were looked at more closely. These volumes may not seem large, but they do not have to be: on several sites it is explicitly mentioned that not all objects on sale are shown. By September 2008, the number of websites offering Iraqi goods had risen to 72 and the number of objects on offer to 474. The author does not mention specific websites (Brodie, 2010). See Table 3.1 for an overview.

Table 3.1 Number of Iraqi objects on offer on the Internet in December 2006 and September 2008

	December 2006	September 2008
Number of websites that offer Iraqi cultural goods online	55	72
Number of websites that offer cylinder seals/cuneiforms online	23	32
Number of cylinder seals on offer	78	142
Number of cuneiforms	147	332
Total number of objects on offer	225	474

Source: Brodie (2010)

According to the Carabinieri, more than three quarters (78%) of those involved in illegal trade in cultural goods via the Internet are professionals and/or traders. There is no evidence to suggest that organised, Mafia related criminals are involved, although the network that has developed in the sector has lent the trade a certain level of organisation in which everyone fulfils their role (Brodie, 2010; Mackenzie, 2010; Nistri, 2010). That there is a suggestion of an international component is evidenced by the fact that the Carabinieri have found illegally traded objects from Italy on international advertisement and auction sites some of which were Dutch websites (Ministry of Cultural Heritage and Activities, 2010).

3.4

INTERNET AND TRADE IN CULTURAL GOODS ACCORDING TO RESPONDENTS

To throw light on the phenomenon, we spoke to 26 people who know about the trade in cultural goods from different aspects and can look at the subject from various points of view. Trading houses, galleries and auction and advertisement sites and/or the companies behind these sites act as an important link between the buyer and the seller. Alongside these are the various authorities that are involved in regulating trade in cultural goods, for example the various police departments (national forces and Interpol) and the Public Prosecution Services. Some of the issues that were raised during these interviews included vulnerable areas and risks, and measures taken to combat illegal trade and promote security. The interviews also gave us an impression of the sector. In the sections below we will discuss vulnerable areas and risks and our impression of the sector. Measures to combat illegal trade and to promote security will be discussed in Chapter 5.

Impression of the sector: nature and scale

It emerged during the interviews that trade on the Internet consists of two components: sale of goods by businesses to private individuals using their own sites (e-commerce) and sale by private individuals through websites (auction and advertisement sites). Respondents also mentioned Internet forums and closed communities as places where trade takes place.

Many of the respondents felt that it is not possible to make reliable estimates of the extent of illegal trade in cultural goods in general, nor on the Internet in particular, because of the large dark number involved. First of all, this is a direct consequence of the fact that many of those giving individuals the option of selling their goods on the Internet do not have expert knowledge about cultural goods in general, nor do they know anything about illegal trade in cultural

goods specifically. For this reason, illegal trade in cultural goods is often not monitored, goods that have been traded illegally may well slip past unnoticed and information about the nature and scale of objects traded on the Internet is virtually non-existent. Having said that, during an interview a staff member from an advertisement site claimed that adverts in the categories art and antique account for 3% of the total number of advertisements placed, making this kind of trade limited compared to trade in other kinds of goods.

Secondly, the dark number is a consequence of the way advertisement sites operate. These sites bring buyers and sellers into contact with one another; after this there is no oversight of transactions that take place between the parties; respondents can therefore not be expected to estimate the turnover for the categories art and antiques on advertisement sites. eBay does have access to transactions between buyers and sellers: sellers have to pay a fee to the auction site, depending on the value of the transaction.¹⁸

From the interviews it became evident that the police do not have insight into the number of objects offered on the Internet. The word 'Internet' occurred about 400 times on a database containing details of about 2,800 stolen objects; this was mainly because the word Internet was mentioned in police reports without having anything to do with the way the objects were traded.¹⁹ A number of these cases were classified as fraudulent because the objects paid for were not delivered; none of these cases involved online trade in cultural goods. The conclusion is that the Internet had no significant role to play in the cases contained in this database. Respondents from the advertisement sites confirmed this. They indicated that the police make a few enquiries per week to get additional information about people who place adverts. However, virtually none of these cases involve people who are offering art and antiques. Enquiries generally have to do with fraud, for example iPods that are offered but not produced upon payment. Another observation, based on messages on an Internet forum, was that there are other government institutions, apart from the police force, which also do not always have insights into the trade in art and antiques on the Internet.

18 On Marktplaats this applies to certain goods (goods traded commercially and cars) but not to goods listed in the category antiques and art.

19 Examples of this would be, for instance, the phrase 'Internet report' used when someone reports a theft using the Internet, or when someone mentions that they looked on the Internet for an item that had been stolen but were not successful.

Intermezzo – Trade taking place out of sight of the tax department and the Chamber of Commerce

‘Since September I’ve been operating a reasonably good business on eBay. My turnover has increased to about €950 a week and fortunately it’s growing every week. I trade in antiques with clients outside the Netherlands and luckily I have hardly any competition. I am afraid that if I have to start charging tax on my auctions, I’ll price myself out of the market compared to the competition. They’re not registered with the Chamber of Commerce either.’
(Source: *Internetforum*, August 2010)

Despite the lack of knowledge about illegal trade in cultural goods in general and on the Internet in particular, one of the respondents claimed that the role of the Internet in the trade in cultural goods has grown in recent years. The assumption is that this is because the Internet makes communication much faster and easier, and because it is difficult for the investigating bodies to determine whether an object is illegal or not. This was confirmed by another respondent who stated that it is often an impossible task to decide whether an object is illegal or not on the basis of photos. This is the case for various types of objects, including items from Iraq.

One of the respondents told us that goods offered online are mainly ‘tourist art’ and/or souvenirs: i.e., objects that are traded but are not counted as cultural goods. Objects like these are made for tourists and make up 85% of all objects on offer. According to this respondent, only a small part of the remaining 15% of goods offered online could be considered to be cultural goods that it is illegal to trade. Trade on the Internet according to this respondent is therefore not a big problem. Other respondents pointed out that information about cultural goods offered online is deliberately incorrect and search terms that may point to the illegal status of the goods are avoided by the people offering them.

It is unclear to what extent traders that are active online generate their income through trade on the Internet. According to respondents, it is mostly the ‘rats and mice’ of the trade, objects from ‘the lower categories’, such as coins and cultural heritage goods, for example clay tablets from Mesopotamia, that get traded on auction and advertisement sites. They also mentioned objects that have been turned away from auction houses because they were without provenance. As one respondent put it: ‘If you have a good business at the right price you don’t work through Marktplaats. That’s for bargain hunters.’ This concurs with the opinions of several respondents. They claim that valuable cultural goods are not traded on auction and advertisement sites – it is done through personal contact and after inspection of the goods – but that objects from the lower end of the

market are on offer. More expensive goods are introduced to circuit through Amsterdam's antique and art district, the Spiegelkwartier. Occasionally items that stand out from the rest in terms of value can be found on the Internet. However, objects that appear openly on auction and advertisement sites are generally speaking the same goods that are sold openly in the 'real world' too. Whether these goods are being offered illegally remains unclear. There are, however, indications that some of this trade may have to do with fencing: thieves offering private individuals stolen goods of low value on the Internet. Fraud also takes place on these sites. One of the respondents who knows the industry well intimated that he has often come across low value objects that are offered for high prices on the Internet – complete with fake certificates, which is also the case with fakes and replicas. Another respondent reported that many of the objects on offer are fakes. Investigations to assess whether the object is really as old as is claimed are rarely carried out because of the costs involved.

Intermezzo – Nature and scale of the trade according to a trader active on the Internet

During one of the interviews, a trader that is very active on the Internet is mentioned. Analysis of this trader's registered sales shows that he has sold 130 objects to 56 customers during the past month. In most cases (80%) there is no information about the nature of the goods. Of the other 20% whose nature is known, most are objects from ancient Rome (77%). It is not possible to determine whether these are cultural goods on offer illegally. The customers are all, bar one, from Europe, in particular from Great Britain. Although customers from Italy represent one eighth of the total customer base, they order more than a quarter of the objects sold. The value is known for just under a quarter of the transactions (23%). The amounts mentioned are invariably small: the average value of the transactions (a transaction may consist of more than one object) amounts to €54, the average value of items sold is €21. If we multiply the average item value with the total number of items sold ($n = 130$), we get a total monthly turnover of about €2,700. If we multiply the average transaction value by the total number of transactions ($n = 56$) we get a monthly turnover of about €3,000.

The respondents raised the question of what other goods a trader may be selling besides what he offers on the Internet. It may well be that traders only put a small portion of their wares on the website. The traders will offer higher value objects, that may or may not be illegal, once contact has been made with buyers via the website. Respondents mentioned that the trader or auctioneer's site should be seen as a kind of business card, or window, and that as such the Internet fulfils a function mainly as a 'point of contact', one that is used to expand

the market. These assumptions are confirmed in an interview with an auctioneer. This respondent reported that he has more international customers thanks to the Internet; these are people that do not bother going to auctions for small objects but would rather bid through the Internet based on pictures they see in online catalogues. They do this by completing a bid form on which they indicate the maximum price they are prepared to pay for an object. Whether the bid is high enough will be revealed during the auction; so in fact a real-time auction never takes place.

During the interviews with respondents we were told that a lot of people who find things with metal detectors mention what they have found on Internet forums. During a conversation with one of these people it emerged that this is not necessarily done with trade in mind. On Internet forums where like-minded people are active, this is how people get status: by showing their collection of objects that they have found (their treasure); this is generally the main motivation for these people to put their objects on the Internet. This does not, however, mean that trade, illegal or otherwise, will not take place at a later stage, for example if someone wants to sell their collection. It is possible that the sale may take place via Internet forums or that goods are sold to contacts that were made on Internet forums.

The respondents had limited knowledge about the role played by closed communities in the trade in cultural goods, and they were also divided in their opinions. One said that they had yet to come across this phenomenon, another said that there is definitely trade or that it is not beyond the realms of probability. In many cases, however, respondents are not able to produce solid information and their answers appear to be based on their own assumptions or on information that they have from hearsay. Moreover, it then begs the question of whether the trade is illegal, or whether these closed communities work as a medium so that they can communicate with each other easily, quickly and in a protected environment. In brief, several respondents assume that closed communities exist that trade in cultural goods and they can imagine how it works, but they do not have hard evidence for this. A member of the FBI who may have known more about the subject at case level did not respond to our request for information.

It is noticeable in our conversations with respondents that many of them doubt the capacity of this sector and those that trade in it to clean up their act. Several respondents report that the industry, through traders, carried out an active lobbying campaign against the ratification of the UNESCO Convention that the Netherlands signed in 2009. One of the respondents described a trader that to this day gets away with reprehensible deals as 'a particularly shady character'.

Another thing that emerged was that not all auction houses are the same. One respondent told us that an auction house recently auctioned objects that may well have been illegal because their origin and provenance were either unknown or difficult to demonstrate. Some auction houses are less strict about this than others, or so we heard from respondents. Very little can be done about this if these auction houses are not members of the Federation of Valuers, Brokers and Auctioneers in movable goods. Another respondent said the following to illustrate that the industry is limited in its ability to keep its operations clean:

'A few days before an exhibition a flyer went round – I was sent it anonymously – in which it was explicitly mentioned that the Art Loss Register would be there. The text literally said the following: "If you have goods that you would like to put on show for which the origin is unclear, don't bring them. This year the Art Loss Register will be there."' (Source: interview)

That this inability to keep the trade clean is not only evident at exhibitions and auctions but also on the Internet, becomes apparent from an analysis of Internet sales, according to a respondent. This respondent claimed that analysis shows that commercial traders are involved in the sale of ancient coins.

3.5 MEDIA ANALYSIS

The media analysis was supplementary, and not part of the research itself. An intern of the Cybersafety Lectorate of the NHL University carried out this analysis (see Section 2.5). A short description of the results of the media analysis follows. We refer those who would like to know more about the study to the internship report (Slofstra, 2010).

In total, 183 articles were found. These articles were perused to determine whether they were in fact about illegal trade in art and antiques via the Internet. Of these, 124 articles remained²⁰ and they can be divided into three categories: (1) trade in forgeries using the Internet, (2) fencing of art and antiques via the Internet and (3) tackling illegal trade by the police. Some articles belonged to more than one category, for instance because they were about forged paintings on offer on the Internet and then in the same article they discuss the police force's approach to the problem. We discuss these subjects below.

²⁰ Sometimes the same article is mentioned in more than one newspaper, for example when newspapers publish a press release verbatim. This analysis, however, concerns 124 separate reports.

3.5.1 *Trade in forgeries using the Internet*

Of the 124 articles, 75 discuss the trade in forged art via the Internet. On October 31, 2003 most regional newspapers carried articles about the enormous amount of forged art on the web. Ricardo.nl²¹ is mentioned as an example: newspaper articles – citing an expert – claim that a forger is offering fake Karel Appels and Corneilles for sale on this site. The newspaper *NRC Handelsblad* of March 21, 2008 reports that seven people were picked up in the United States and convicted of large-scale forgery and sale of fake paintings on the Internet.

Diebenkorn

Early 2000 several newspapers report that a Dutchman bought a painting on eBay for 300,000 guilders (around \$210,000).²² It emerged that the seller drove the price up by bidding against himself using another name. Not only that, the painting was apparently a forgery. According to a press release from the GNP (General Netherlands Press Bureau), the seller, and two accomplices, were accused of fraud through forging and selling paintings on the Internet.

Herman Brood

After Herman Brood died on July 11, 2001, the newspaper *De Volkskrant* and *Het Parool* reported that forgeries of his paintings had started to surface. Other newspapers picked up on the story. Herman Brood's widow and manager claim that there is an organisation behind the forgeries that were being offered on the web (including on Marktplaats). On August 8, 2006 the *Algemeen Dagblad* reports that 'fresh loaves' ('brood' means 'bread' in Dutch) still fetch good prices. Herman Brood's manager announces that 99% of Herman Brood paintings for sale on the Internet are fakes.

3.5.2 *Fencing of art and antiques*

Fencing of art and antiques via the web is the topic in 53 of the 124 articles. The first reports appear in September 1999 and concern a group of Spaniards who were offering stolen art on the Internet.²³ In the *NRC Handelsblad* of April 25, 2005 another article appeared about a Spanish gang that traded on flea markets and via the web. Other examples include reports in the newspapers *De Telegraaf*

21 This is a site that no longer exists but is linked to www.marktnet.nl. This site was included in the general part of the Internet search.

22 *De Volkskrant*, May 11, 2000; *Trouw*, May 11, 2000; *Algemeen Dagblad*, May 11, 2000; May 12, 2000.

23 ANP press release, September 15, 1999.

and in the *Dagblad van het Noorden* and the media in general. The first carried a story on October 18, 2007 about an art thief from Zoetermeer who spent many years stealing art from galleries only to sell it on the Internet once he was sure no one was looking for it any longer. The *Dagblad van het Noorden* reported in March 2008 that an art thief was arrested after he had put his stolen wares up for sale on Marktplaats. Early in 2010 the media reported on a case in Italy involving a member of a museum's staff offering 1,500 historical documents for sale on the web.²⁴ The sale came to light because stamps from the museum were visible on the photographs of the objects.

Iraq

In April 2003, the newspapers *Trouw* and *Het Parool* report that there is a run on cultural goods from Iraq.²⁵ During the war in Iraq, a lot of cultural goods fell into the hands of traders who were selling them on, in some cases on the web. On July 9, 2009, for instance, several newspapers reported that 69 pieces of Iraqi cultural objects, including a tichel originating from Nebuchadnezzar's palace, were to be handed back to Iraq by the then Minister for Education, Culture and Science, Ronald Plasterk. On January 13, 2010 the *Dagblad van het Noorden*, among others, reported that illegal excavating of Iraqi cultural goods was ongoing. The article makes no mention of whether these articles are traded on the web or not.

3.5.3 *The tackling of illegal trade in cultural goods by the police*

A total of four out of the 124 articles were about the police force tackling the illegal trade in art and antiques. On August 15, 2000, the *Algemeen Dagblad* reported that illegal trade in art is running wild. The arrival of the Internet has opened up a new channel for traders, according to this report. Across the media (including regional media) on May 18, 2005, it is reported that the best thing you can do if your art is stolen is look for it on the Internet because that is where stolen art is on offer. The articles claim that while the police manage to apprehend a fencer once in a while, the vast majority of them gets away with it.

²⁴ In the *Reformatarisch Dagblad*, January 30, 2010 among others.

²⁵ On April 15 in *Trouw* and on April 24 in *Het Parool*.

3.6 SUMMARY

The Internet has become an integral part of our lives. We use the web to find information, to stay in touch with one another and to come into contact with people who share the same interests and hobbies. The turnover of companies that offer goods to private individuals on the web, or offer individuals the opportunity to sell their goods on the web, is still growing. The volume of goods on advertisement sites worldwide and the number of active users are also still increasing annually, albeit not at the same rate as at the beginning of the 21st century.

Based on a study of the literature, the indications are that the extent to which cultural goods are offered on the web is growing. What portion of this activity is illegal, however, is not known. It is clear, though, that generally speaking, i.e., outside the Internet, there is a lively illegal trade in cultural goods going on; many archaeological sites have been damaged by illegal excavations, and the trade in cultural goods worldwide is a billion dollar industry.

The discussion in the literature about the role of the Internet in the illegal trade in cultural goods is limited. A few authors speculate about the role that the Internet may play, and there are a few reports with indicative figures about this activity. It is difficult to monitor trade on the web. Because these objects are offered on the Internet, the assumption is that an international community of buyers exists, from countries like the United States, Australia and Japan among others.

The respondents were all familiar with the fact that cultural goods are traded on the Internet, and they often mentioned one or more traders that use this medium to sell objects. However, the respondents could not state with any certainty whether this trade involves the illegal offering of cultural goods or not, nor to what extent it happens if it does. They are of the opinion that there is a significant dark number involved here, which makes it impossible to estimate the extent of illegal trade in cultural goods in general. The Internet factor serves to complicated the issue, according to respondents: transactions can take place very quickly on the web and the volume of goods on offer can barely be monitored thanks to the speed at which this trading takes place. Moreover, it is extremely difficult, on the basis of the information that is available on the web, to assess whether objects are legal or not. The respondents all agreed about the nature of the objects: objects that are offered openly are generally of limited value. It remains unclear whether there is a closed community where cultural goods are traded, legally or illegally. While respondents suspect that such a community exists, they have no hard evidence to support these suspicions.

The media analysis showed that, in the period from 1999 to 2010, a total of 124 articles reported on the illegal trade in art and antiques on the web. More than half of them (60%) were about forgeries, for example about Herman Brood's works, and a little less than half (43%) were about fencing of art and antiques. Finally, a few articles reported on the tackling of illegal trade by the police. The gist of these articles was that while the police do apprehend people, most of the sellers that are guilty of illegal trade in art and antiques via the web get away with it.

Trade in art and antiques takes place through various channels: on markets, through antique dealers and auctions. The Internet, too, plays a role in the buying and selling of these goods, yet it remains unclear how big this role is and to what extent the Internet facilitates illegal trade in cultural goods (Korsell et al., 2006; Bieleman et al., 2007). An Internet search was conducted to gain insight into the situation in the Netherlands. For the methodological justification of this Internet search we refer you to Chapter 2 in which we also discuss the demarcation of the research (see Section 2.1). In the sections below we discuss the findings of the Internet search.

4.1 INTERNET SEARCH

There is a difference between auction sites and advertisement sites. Auction sites are websites where goods are put on offer so that visitors to the site can bid for them. The auction ends at a stipulated time and the bidder who has placed the highest bid at that point in time gets the goods. Generally speaking, the sale is then finalised (also in legal terms).²⁶ Advertisement sites, on the other hand, are like notice boards in a supermarket where you can pin notices about things you want to get rid of. People with goods to sell can put adverts describing what it is they want to sell and their contact details on these advertisement sites. Potential buyers can then either bid for the goods or contact the seller directly. The actual sales procedure takes place outside the advertisement site.

4.1.1 *Offers of art and antiques on auction and advertisement sites in the Netherlands*

As far as we know, there is no overview of all auction and advertisement sites registered in the Netherlands. There is also no official information about the

²⁶ Conditions can vary per auction site.

quantities of advertisements and products sold on these sites. For this reason, the first part of the research comprised compiling a list of the art and antiques that are on offer on Dutch auction and advertisement sites. To complement the search that Bieleman et al. (2007) carried out,²⁷ we first made a list of all auction and advertisement sites that offer art and antiques. We then looked at the nature and scale of the goods on offer on these sites.

The first part of the search was done so that we could make an overview of how many Dutch auction and advertisement sites trade in art and antiques and what the nature and scale is of what is on offer on these sites. The results of this were used in the second part, the search for illegal trade in cultural goods. This part of the search focuses on the two Dutch auction and advertisement sites that offer the most art and antiques.

Auction sites

Three types of auction sites are identified in the literature (Korsell et al., 2006):

1. *Conventional online auctions* are very similar to classic auctions. The auction house decides when the auction starts and what the opening price is. Products that are on offer through this kind of auction can often be seen physically on viewing days.
2. *Monitored online auctions* also resemble classic auctions. Auctions of this kind are monitored by the auction house but auctions can be added on an ongoing basis.
3. During *autonomous online auctions* the website only acts as a means of bringing buyers and sellers together.

The Internet search revealed that a distinction can be made between auction sites that concentrate specifically on the auctioning of art and antiques and auction sites on which art and antiques are two of many categories. In the Netherlands we found a total of nine auction sites on which art and antiques are on offer (Table 4.1). Five of these sites concentrate specifically on art and antiques, the other four sites offer a wide range of other goods. The objects on offer can generally be divided into two main categories: art and antiques, which are then divided into several subcategories (for example: icons, African paintings and ancient objects) (see Appendix 2). Most of the Dutch auction sites (seven) are categorised as 'conventional online auctions' (Table 4.1). The range on offer on these sites is fairly limited in comparison to other sites that we found: only goods in

27 In the Netherlands, Bieleman et al. (2007) investigated the supply of art and antiques on four Dutch auction and advertisement sites: Marktplaats, eBay the Netherlands, Speurders and Zehands.

the category art were on offer and all in all there were 194 objects. There were two auction sites in the category 'monitored online auctions'. In total 4,550 goods were on offer on these two sites, of these 4,090 in the antique category and 460 in the art category. Finally, one of the auction sites belongs to the category 'monitored online auctions', namely eBay.nl. This auction site contains the most items: the total number of items on offer in the category art and antiques amounted to 464,624, of which 244,370 in the category antique and 220,254 in the category art. This is the range of goods on offer internationally and it is what appears after a search on the Dutch version of eBay. In this way, eBay accounts for 98.9% of a total of 469,368 advertisements. If the person searching asks for objects in the Netherlands only, then 9,629 objects remain. In this case, eBay the Netherlands accounts for 67% of the 14,373 advertisements.

Table 4.1 Art and antiques on offer on Dutch auction sites

	Type of site	On offer		
	Type of auction	Only art/ antiques	Antiques	Art
www.worldonauction.com/nl	1	Yes	0	82
www.stores.shop.ebay.nl/museumveiling ²⁸	1	Yes	0	14
www.veilingenvankunst.nl	1	Yes	0	68
www.webveilingen.nl	1	No	0	24
www.boulandveilingen.nl	1	No	0	3
www.vdh-auctions.nl	1	No	0	3
www.kunstveiling.nl	2	Yes	0	68
www.qoop.nl	2	No	4,090	392
www.ebay.nl ²⁹	3	No	244,370	220,254
Total			248,460	220,908

²⁸ This is a special section on eBay.nl. In this section, museum pieces are auctioned, including 'BKR' art from the Netherlands Institute for Cultural Heritage (Instituut Collectie Nederland, per 1/1/2011 the Netherlands Cultural Heritage Agency). The type of auction and the kinds of goods on offer cannot be compared to the rest of what is on offer on eBay, which is why we have mentioned this site separately. (The 'BKR' (Beeldende Kunstenaars Regeling) [Scheme to provide additional opportunities for employment in the visual arts] is a government subsidised scheme that supports artists by buying their art and keeping it in the institute's collection for onward sale.)

²⁹ This site was analyzed on March 10, 2010 in preparation for this research. We looked at the international supply that is offered on the Dutch section of the site. Visitors to the site can also choose a setting that searches the Dutch section only, where the total number of adverts within the art and antiques category came to 9,629.

Advertisement sites

As we mentioned previously, advertisement sites on the Internet are like old-fashioned notice boards that you find in supermarkets and classified ads in the newspapers. Similar to auction sites, there are advertisement sites that focus on cultural goods and those that also offer other goods. There are also numerous online artist's galleries that offer their own work and work of other artists. We will not be taking these sites into account.

We found a total of 114 advertisement sites in the Netherlands that offer art and antiques. Generally speaking these sites have an antiques and art category,³⁰ which is then divided into several subcategories (for example: icons, African paintings and ancient objects) (see Appendix 2). The range of objects on offer on these sites varies. Table 4.2 shows six advertisement sites that contained most of the advertisements in the above categories. Together these sites accounted for 210,343 advertisements in the category antique and 56,017 in the category art. The largest of the sites, Marktplaats, had respectively 146,978 and 36,871 advertisements. That is 69.8% of a total of 266,360 advertisements.

Incidentally, these figures do not relate to the individual goods. Sellers are free to offer their goods on more than one advertisement site, goods can be registered in various categories on the same site and sellers can use more than one name to put their goods on the sites. It is not possible to tell how often this happens.

Table 4.2 Offers of art and antiques on advertisement sites

Offers of art and antiques on advertisement sites		
	Antiques	Art
Marktplaats	146,978	36,871
Marktplaza	29,229	5,042
Tweedehands	13,951	5,071
Speurders	12,222	2,729
Marktnet	5,438	4,243
Kapaza	2,525	2,061
Total	210,343	56,017

The volume of art and antiques offered on the other sites is limited. We analysed the goods on offer that form a sample of 24 advertisement sites. On one site there were 1,110 advertisements in the category art and antiques, on four sites there

30 Either 'antiques and art' or 'antiques, art and ...'.

were between 100 and 1,000, on fifteen sites there were less than 100 and on four sites there were no advertisements in these categories at all.

Summary

There are numerous auction and advertisement sites in the Netherlands. As noted, we found nine auction sites and 114 advertisement sites on which art and antiques are on offer (for an overview, see Appendix 3). For both kinds of sites, one site dominates as the site with the most goods: for auction sites, it is eBay; for advertisement sites, it is Marktplaats. eBay has 98.5% of the 325,294 advertisements. Based on what is on offer in the Netherlands only, eBay has 67% of the 14,373 advertisements. For advertisement sites, Marktplaats has 69.8% of the 266,360 advertisements. This means that the overall selection of goods in the categories art and antiques is not widely spread. There are only a few sites where most of the goods are on offer.

It also emerged during the search that most sites offer a wide range of goods besides art and antiques; there are no sites that focus specifically on these goods. There are, however, several online galleries where artists sell their own works. We did not include these sites in our analysis. There are auction sites that specialise in art and antiques. Only a very limited range of products are offered on these sites: 0.07% of the total number of objects on the auction sites³¹ (including international auctions on the Dutch part of eBay) and 1.6% of Dutch auctions.³²

4.1.2 The illegal supply of cultural goods on the Internet

The second part of the Internet search investigates the supply of cultural goods on the Internet that may have been traded illegally. In the literature we found one study that attempted to chart the illegal trade in cultural goods on the Internet; this research investigated whether objects on a list of stolen works of art compiled by the Danish police were offered on an advertisement site. None of these objects were found (Korsell et al., 2006).

All things considered, it is not possible for us to base anything on the results of previous research. One of the limitations we are faced with is that it is difficult to demarcate and prioritise. It is not possible to search for all the various categories and cultural objects that exist on all the websites to be found on the Internet. For this reason we concentrated on eBay and Marktplaats, the two

31 232 of a total of 325,294 of objects on offer on international auction sites.

32 232 of a total of 14,373 of objects on offer on Dutch auction sites.

auction and advertisement sites that house most antique and art objects (see Section 4.1.1). This search is therefore strongly exploratory in character and we would like to emphasise that it is not exhaustive. See Chapter 2 for the methodological justification for this part of the Internet search.



4.1.2.1 *Iraq*

The search for goods originating in Iraq was broad in its set up. Using the ICOM’s Red List and interviews with experts, we compiled a list of keywords to search for goods originating in Iraq. The keywords that we used to search for illegal objects on offer on Marktplaats and eBay in the Netherlands were the Dutch equivalents of: Iraq, Mesopotamia, Sumeria, Assyria, Babylonia, Persia, Nimrud, Ashur, Hatra, Samarra and Nineveh. Specific goods that are traded illegally are: clay tablets, cylinder seals and goods with cuneiform scripts. We included the Dutch equivalents of these terms in our search.

Marktplaats








We compiled search terms using the areas and object names listed above.³³ Using these search keys, we looked in the titles and advertisements listed under the art and antiques category.³⁴ By using this method, we hoped to find not only specific goods, but also all the goods from the areas where suspect objects originate. Our search produced 58 objects, not all of which were suspect. For example, 27 adverts were offering Persian carpets for sale. In total, we came across nine suspect objects from Iraq (see Figure 4.1) that were offered by nine different sellers.

Figure 4.1 Objects originating from Iraq offered on Marktplaats

Description*	Price	Photograph
Arabic knife/dagger in copper sheath	€20	
Short bronze sword with decorations and blood groove Approx. 1300 – 1200 B.C. Middle Bronze age. Originating from: Luristan, a province of the former Persian Empire (Iran).	Bids	

33 On Friday, September 17, 2010 we searched in the category antiques and art among all the adverts using the key words ‘Irak OR Mesopotamië OR Sumerië OR Assyrië OR Babylonië OR Perzië OR Nimrud OR Ashur OR Hatra OR Samarra OR Niniveh OR kleitablet [clay tablet] OR spijkerschrift [cuneiform script] OR cilinderzegel [cylinder seal]’.

34 There were a total of 183,849 adverts in this category.

Description*	Price	Photograph
Storage pot from the Amlash Valley (formerly Persia)	Bids	
Pot from the Amlash Valley	Bids	
Antique copper pot from Asia	Bids	
Fertility statue from Syria	Bids	
Hexagonal Persian pitcher	Bids	
Polychrome vase Persia (around 1900)	€20	
Persian tile	Bids	

* The Dutch versions of these texts were taken verbatim from the advertisements.

We investigated the advertisers and it appeared that they do not offer a lot of goods at the same time. As a rule, they offer between five and ten items. Their supply varies from antique goods to modern implements. Two of the nine advertisement sites offered other suspicious items:

- one seller: thirteen Roman artefacts;
- one seller: ten archaeological objects including from Syria and Egypt.

A member of the supervisory board presented the objects shown in Figure 4.1 to a curator who specialised in the Near East. He was asked to give his opinion about the nature of the objects. This expert curator was also unable to give a definitive opinion:

1. Arab dagger: touristic;
2. Bronze sword: a good sample, but not rare;
3. Storage pot from Amlash Valley: could be old, difficult to tell;
4. Antique copper pot: not clear;
5. Fertility statue: if it is genuine, it is valuable;
6. Hexagonal pitcher: recent (19th century?), probably merchandise and not very important;
7. Polychrome vase: recent (19th century?), probably merchandise and not very important;
8. Persian tile: could be old.

*eBay the Netherlands*³⁵

We used the same search key that we used for our search on Marktplaats. We did not find any objects from Iraq that may have been illegal although two maps from Persia were on offer. They were from 1885 and 1906 and cost €17.50 and €12.50 respectively. They are on offer on a so-called eBay-store, which has 4,036 objects on eBay.³⁶ This online store sells mainly antique books, engravings and maps.

Summary

We found in total nine objects that according to the advertisers came from Iraq or from other areas where objects originate illegally.³⁷ All these goods were on offer on Marktplaats and were offered by various sellers (Table 4.3). Two of the goods are priced: €20, while the other seven invite bids and no prices are

35 On Monday, October 18, 2010 we searched in the category antiques and art among all the adverts using the key words 'Irak OR Mesopotamië OR Sumerië OR Assyrië OR Babylonië OR Perzië OR Nimrud OR Ashur OR Hatra OR Samarra OR Niniveh OR kleitablet [clay tablet] OR spijkerschrift [cuneiform script] OR cilinderzegel [cylinder seal]'.

36 See <http://stores.ebay.nl/Antique-prints-and-maps>.

37 Mesopotamia, Sumeria, Assyria, Babylonia, Perzia, Nimrud, Ashur, Hatra, Samarra and Niniveh.

indicated. While the sellers do offer other goods as well, none of these are potentially illegal goods from Iraq.

For the rest, we found two sellers who offered goods that may have been traded illegally. The goods involved are archaeological objects from Rome and Syria. On eBay, we did not find any potentially illegal goods from Iraq. We did, however, find an advertiser, eBay-store,³⁸ that had 4,036 objects on offer on eBay. This online store sells mainly antique books, engravings and maps.

Table 4.3 Goods from Iraq and sellers of Iraqi goods.

	Goods found	Advertisers found
Marktplaats	9	9
eBay The Netherlands	0	0
Total	9	9

4.1.2.2 Africa

The search for objects from Africa that are on offer illegally focused on specific goods, namely Nok terracotta statues and Esie stone statues. Both of these types of objects are on the ICOM red list. Nok terracotta statues come from the Bauchi plateau in north and central Nigeria and in the region around Katsina and Sokoto (north-west Nigeria). The statues are either of heads or figures, generally of people, but sometimes also of animals. The size of the statues vary. Sometimes heads are life size, while statues of whole figures are only 10 cm long. The statues are made of unrefined clay that contains lots of small stones.³⁹

Esie stone statues come from the city of Esie in south central Nigeria. The statues are realistic renditions of men and women, often seated on stools and sometimes kneeling. The figures are sometimes depicted playing musical instruments, holding machetes or with their hands on their knees. Another characteristic is that the depictions of the hairstyles are rendered very accurately in the soft stone.⁴⁰

Marktplaats

We did not find any Nok terracotta statues on Marktplaats. Our search for

38 See <http://stores.ebay.nl/Antique-prints-and-maps>.

39 For a detailed description we refer you to ICOM's Red List (<http://icom.museum>).

40 For a detailed description we refer you to ICOM's Red List (<http://icom.museum>).

these statues resulted in 203 advertisements,⁴¹ but none of these adverts were for actual Nok terracotta statues. A lot of the advertisements were for 'ordinary' terracotta (for example: 'Look at my other pots and terracotta objects').

For this reason we looked specifically for terracotta and Nok statues from the Bauchi Plateau, from north and central Nigeria and from the regions around Katsina and Sokoto in north west Nigeria.⁴² This produced 24 adverts although none of the objects had the characteristics of Nok terracotta statues. Lastly we searched using the keyword 'Nok'. This did not produce any relevant objects.

We also failed to find any Esie statues on Marktplaats. We searched three times, using a combination of statue, stone and the term 'Esie'. Searching using the term 'Esie' alone also did not produce advertisements for Esie statues.⁴³ A broader search for stone statues from Africa resulted in 37 adverts⁴⁴ but none of the objects on offer had Esie statue characteristics.

eBay the Netherlands

We used the same search terms to search on eBay⁴⁵ as we had to search on Marktplaats. We carried out a broad search for the terms 'Nok' and 'Esie'. We found no adverts offering Nok terracotta or Esie stone statues.⁴⁶

41 On Wednesday, September 22, 2010 we searched in the category antiques and art among all the adverts using the key words 'Nok OR terracotta OR Bauchi OR Katsina OR Sokoto OR Nigeria'.

42 On Wednesday, September 22, 2010 we searched in the category antiques and art among all the adverts using the key words 'Terracotta AND (Bauchi OR Katsina OR Sokoto OR Nigeria)': 0 results. We also looked for '(Nok OR Bauchi OR Katsina OR Sokoto OR Nigeria) -hout* [-wood] -masker [-mask]': 24 results.

43 On Wednesday, September 22, 2010 we searched in the category antiques and art among all the adverts using the key words '(Standbeeld [statue] OR Beeld [sculpture]) AND steen [stone] AND Esie'.

44 On Wednesday, September 22, 2010 we searched in the category antiques and art among all the adverts using the key words '(Standbeeld [statue] OR Beeld [sculpture]) AND steen [stone] AND (Afrika)'.

45 For Nok terracotta statues we searched on Monday, October 18 in the category art, antiques and design among all the adverts in the Netherlands using the key words 'Nok OR terracotta OR Bauchi OR Katsina OR Sokoto OR Nigeria', 'Terracotta AND (Bauchi OR Katsina OR Sokoto OR Nigeria)' en '(Nok OR Bauchi OR Katsina OR Sokoto OR Nigeria) -hout* [-wood] -masker [-mask]'. On Wednesday, September 22, 2010 we searched in the category antiques and art among all the adverts using the key words '(Standbeeld [statue] OR Beeld [sculpture]) AND steen [stone] AND Esie' and '(Standbeeld [statue] OR Beeld [sculpture]) AND steen [stone] AND (Afrika)'.

46 We also used these search terms on eBay international. There we found two Nok terracotta statues on offer in England in an eBay store that deals in African objects: <http://www.auctiva.com/stores/viewstore2.aspx?id=643312&styleid=68&siteid=0>.

Summary

We did not find any Nok terracotta or Esie stone statues on either Marktplaats or eBay the Netherlands.⁴⁷

4.1.2.3 Peru


While this search focussed in particular on ceramics from the pre-Columbian period,⁴⁸ we carried out a broad search for objects that are on offer and originate from Peru or from the pre-Columbian era.

Marktplaats⁴⁹

Our search⁵⁰ produced 28 objects in total that were offered by 14 sellers (Figure 4.2). One of the sellers accounted for almost half of the objects on offer with their 13 adverts. Another seller had three adverts. Virtually all the other sellers (12) had an object from Peru or from the pre-Columbian period for sale. Most of the advertisers had several advertisements (up to 880), but none of these were potentially illegal objects that appeared on the list that we had compiled. One seller, who also offered artefacts from the Roman times, was an exception.

More than half of the objects (17 out of 28) were priced. Sellers who have more than one object on sale tended to price their objects. Four objects had noticeably high prices: their objects cost between €1,800 and €4,500. This is way more than the asking price for the 23 other items which range between €15 and €40.

Figure 4.2 Objects found on Marktplaats originating from Peru or the pre-Columbian period









Description*	Price	Photograph
Archaeological objects pre-Columbian Chimu Mask, Peru, Maya, Inca Chimu Silver and Copper Death Masks 850-1470 A.D	€ 1,995	
Archaeological grave inscription		










47 We also used these search terms on eBay international. There we found two Nok terracotta statues on offer in England in an eBay store that deals in African objects: <http://www.auctiva.com/stores/viewstore2.aspx?id=643312&styleid=68&siteid=0>.







48 See <http://archives.icom.museum/redlist/Peru/en/category-03.html>.




49 In total in the category art and antiques (where cultural goods are on offer) there were 183,849 adverts.

50 On Wednesday, September 22, 2010 we searched in the category antiques and art among all the adverts using the key words 'pre-columbian OR pre-colombiaan* OR pre-columbiaan* OR precolumbian OR precolombiaan* OR precolumbiaan OR Peru'.

Description*	Price	Photograph
Moche Gold Human Head Mask. This Pre-Columbian Tumbaga Gold Funerary Mask is from the Moche culture. Lambayeque Valley Peru. Ca. 100 BC-600 AD. Measurements: 12x12cm. Ca. 1-2 mm thick. Weight: 23 gram	€4,500	
Moche gold owl mask. This pre-Columbian Tumbaga gold funerary mask is from the Moche culture. Lambayeque Valley Peru. Moche culture. Lambayeque Valley Peru. Approx. 100 BC-600 AD. Measurements: 12x12cm. Approx. 1-2 mm thick. Weight: 26 grams.	€4,500	
Statue from the middle formative period (approx. 600-300 BC) Mexico Olmeken culture. Measurements: 38 cm. tall. This statue is in good condition. Assessment report available.		
Bird statue from Peru	€15	
Large pot from Mexico. Depicts a god. Is in perfect condition. 23 cm in length.	€22.50	
Beautiful undamaged three legged cooking pot or grape. Used to cook on open fire or on hot stones. Old Indian tradition in Peru	€17.50	-
Clay cooking pot pre-Columbian	€17.50	
Jar pre-Columbian	€15	
Image of an idol pre-Columbian Made presumably in Mexico. Is in good condition. 34cm in height.	€40	

Description*	Price	Photograph
2 clay pots pre-Columbian	€35	
Pot or urn pre-Columbian Comes from an ancient culture in the neighbourhood of Trujillo in the north west of the country. The pot is intact, no cracks. Once sold in an antique shop in Essen, Belgium.	€40	
2 plates pre-Columbian From Indians from Shipibo, Peru.	€25	
Jar pre-Columbian painted jar with two spouts joined by a bridge. From Nazca, Peru.	€20	
Bowl with pre-Columbian decorations. Earthenware bowl with lid from Peru, Ica region.	€20	
Statue of a trumpeter, Peru pre-Columbian earthenware.	€20	
Pot pre-Columbian three-legged grape.	€35	
Earthenware statues from Peru.	Bids	
Pre-Columbian huacos from Peru.	Bids	

Description*	Price	Photograph
Peruvian earthenware sacrificial bull 130 advertisements. Mainly religious and antique objects.	Bids	
Wooden mask from Peru.		
Authentic pre-Columbian large earthenware statues from the Chancay culture from Peru approx. 800-1200 AD. Pre-Inca civilisation. Height 34 cm and quite heavy. This is a so-called Cuchimilco statue of a standing male figure with outspread arms and a headband. The right leg and the left hand were broken off and repaired professionally. Comes from a private collection in Denmark. Obtained from a reputable auction house in the USA and legally imported into the Netherlands.	Bids	
Earthenware pot from Peru. Height 11cm.	Bids	
Pre-Columbian polychrome burial statue of an Inca woman. Archaeological object from Peru (from the 60's). 14cm in height. Base 7.5 cm. Originates from a private collection.	Bids	
Archaeological jar Peru 32 cm in height	Reserved	


Description*	Price	Photograph
Earthenware vase. 22 centimetres in height.	Bids	
Erotic statue, pre-Colombian.	€25	
Peru candlestick with face. Handmade.	Bids	

* The Dutch versions of these texts were taken verbatim from the advertisements.

*eBay the Netherlands*⁵¹

The search on eBay the Netherlands⁵² resulted in nineteen advertisements. We found one object that may be on the market illegally (Figure 4.3): a pre-Columbian terracotta mask. This item is not on offer on auction but can be bought directly for a fixed price (€21.90) on the eBay shop.⁵³ This shop has 1,643 objects for sale on eBay and is offering mainly archaeological objects.⁵⁴

Figure 4.3 Objects found on eBay the Netherlands originating from Peru or from the pre-Columbian period

Description *	Price	Photograph
Pre-Columbian terracotta head. About 2.5 cm.	€21.90	

* The Dutch versions of these texts were taken verbatim from the advertisements.

There are no goods on offer from the pre-Columbian period in the remaining eighteen advertisements that we found in the e-Bay store, mentioned above, that sells goods from Iraq.⁵⁵ This store has 4,036 objects on eBay and sells mainly antique books, engravings and maps.

51 In total in the category art and antiques (where cultural goods are on offer) there were 9,629 adverts.

52 On Monday, October 18, 2010 we searched in the category antiques and art among all the adverts using the key words 'pre-columbian OR pre-colombiaan* OR pre-columbiaan* OR pre-columbian OR precolombiaan* OR precolumbiaan OR Peru'.

53 See <http://stores.ebay.nl/stormbroek-antiquities>.

54 This will be discussed in the section about archaeological objects.

55 See <http://stores.ebay.nl/Antique-prints-and-maps>.

Summary

We found a total of 29 objects that were on sale by 15 sellers, and could potentially be illegal (Table 4.4). Of these, 28 objects were on sale on Marktplaats and one on eBay the Netherlands.

Almost all of the sellers (12) had an object on offer from Peru stemming from the pre-Columbian era. One seller accounted for almost half of the objects on sale, through 13 advertisements. Most of the advertisers had several advertisements (up to 880) but these were generally speaking not objects from the pre-Columbian era on offer illegally. There were two exceptions to this: on Marktplaats, one seller offered six artefacts from ancient Rome and the seller on eBay sells exclusively archaeological objects.⁵⁶

Four objects were noteworthy in terms of their prices. They were on offer for between €1,800 and €4,500, which is much more expensive than the other 13 objects with asking prices between €15 and €40.

Table 4.4 Numbers of goods found and sellers of goods from Peru

	Quantities of goods found	Number of advertisers
Marktplaats	28	14
eBay The Netherlands	1	1
Total	29	15

4.1.2.4 *Ancient objects*

Archaeological objects are found in excavations and finds on land and at the bottom of the sea, from archaeological locations or from archaeological collections. These objects have no particular value threshold but must be more than a century old. Experts from the Cultural Heritage Inspectorate note that it is primarily unique archaeological finds that are important. Shards of earthenware are often found during excavations, but it is clay, glass and metal objects that are still in one piece that are of interest. We divided our search into the different periods from which archaeological objects originate: prehistoric, Roman period and the Middle Ages.

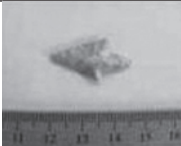




⁵⁶ This advertiser is discussed in Section 4.1.2.4.

*Prehistory (Marktplaats)*⁵⁷

Specific objects from this period include flint stone tools, knives, axes, slicing tools, spear and arrow heads, metal tools, weapons, jewellery and coins, and clay beakers, pots, dishes, bowls and statues.


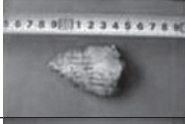
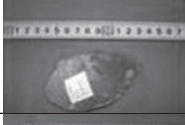
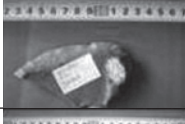


Our search for objects from the prehistoric period⁵⁸ resulted in 24 advertisements. Of these, 18 had actual objects for sale (other adverts were for books about the prehistoric period, for instance). The 18 objects that may be on offer illegally are shown in Figure 4.4.

Figure 4.4 Archaeological objects found on Marktplaats originating from the prehistoric era

Description*	Price	Photograph
arrow points (5)	Bids	
axes (4)	Bids	
blades	Bids	
jaw of a cave bear	Bids	
Archaeology late Neolithic Bronze Age axe around 2500 BC, museum quality, proto-historic origin. France, 450 gm, L:12cm, B:4/6,5cm, thickness: 1 cm.	Bids	

57 In total in the category art and antiques (where cultural goods are on offer) there were 183,849 adverts.

58 On Wednesday, September 22, 2010 we searched in the category antiques and art among all the adverts using the key words 'Prehistorie OR steentijd [Stone Age] OR brons tijd [Bronze Age] OR ijzertijd [Iron Age]'.

Description*	Price	Photograph
—	Bids	
—	Bids	
—	Bids	
—	Bids	
—	Bids	
—	Bids	

* The Dutch versions of these texts were taken verbatim from the advertisements.






These 18 objects were offered by five sellers, three of which had more than one object and two who had one object from the prehistoric period:

- One of the sellers offered nine prehistoric objects. All in all, this seller had 20 items on sale, of which 19 were archaeological (for example, an earthenware bead necklace from Mali and a Roman glass bracelet and goblet).
- One of the sellers offered six objects from the prehistoric era. This seller had a total of seven archaeological objects on sale (i.e., an additional advert with an artefact that was not from the prehistoric period).
- One seller offered five objects from the prehistoric period. All in all, this seller had 13 objects on sale. There were no archaeological objects on offer in the remaining adverts.
- Two sellers both offered objects from the prehistoric period. One of them had a total of 109 advertisements in which there were only coins on offer from the 20th century. The other seller had a total of 11 adverts, all of which offered archaeological objects.

*Roman period (Marktplaats)*⁵⁹



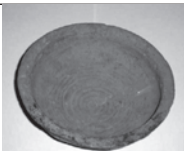

A search using the term 'Roman*' found 392 adverts.⁶⁰ Of these, 148 may involve goods on offer illegally (Figure 4.5). Below we give examples of the goods we found.




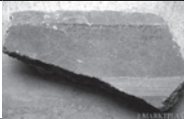

Figure 4.5 Archaeological goods found on Marktplaats originating from the Roman period

Description*	Price	Photograph
Bronze Roman statue of Minerva/Athena	€4,500	
Funerary statue from Roman tomb	€600	
Lot archaeological objects Middle ages/Roman period	€10	
Roman bell	Bids	
Roman artefacts	Bids	
4x Roman oil lamp	Bids	

59 In total in the category art and antiques (where cultural goods are on offer) there were 183,849 adverts.

60 On Wednesday, September 22, 2010 we searched in the category antiques and art among all the adverts using the key word 'Romeins*' [Roman].

Description*	Price	Photograph
1x Roman oil lamp	Bids	
Bronze sheep	Bids	
Roman figure of Gladiator	Bids	
2x Roman cross	Bids	
4x Roman plate	Bids	
10x arrow heads	Bids	
Iron object	Bids	
Bronze pan	Bids	
Roman voting stick	Bids	
Celtic money	Bids	
6x Unknown objects	Bids	
Earthenware	Bids	
4x bronze coins	Bids	
17 pieces of jewellery (hair clip, 6x rings and 3x bracelet, 1x glass bracelet, chain, gold chain, pendant, 2x medallions, hair pin)	Bids	
1x Roman dish	Bids	
Jar	Bids	
Amphora	Bids	
6x earthenware objects (2x bowl, plate, dish, jar, small dish)	Bids	
11x earthenware objects: storage pot, amphora, 2x pitchers, 2x jars, 3x dishes, vase, drinking beaker	Bids	
7x earthenware shards	Bids	
Roman bowl	Bids	
Roman copper coins	Bids	
Roman ring	Bids	
27 Fibula	Bids	

Description*	Price	Photograph
115	Bids	
Glass bottle	Bids	
2x glass vases	Bids	
2x Roman coins	Bids	
2x Roman lead weights	Bids	
Roman nail	Bids	
Roman handle	Bids	
2x Roman vase	Bids	
Oil lamp made of stone	Bids	
Bronze Roman water pitcher	Bids	
Various archaeological objects	Bids	
Roman lock	Bids	
Roman key	Bids	
Roman glass pot	Bids	
Roman buckle	Bids	
Roman stamp	Bids	
2x Terracotta vase	Bids	
5x Roman bronze statues	Bids	
Roman bronze handle	Bids	
Roman fresco	Bids	
Bronze dish	Bids	
Fragment of a Roman gravestone	Bids	
2x Roman dice	Bids	

* The Dutch versions of these texts were taken verbatim from the advertisements.

We found 148 items that were possibly on offer illegally. These goods were on offer by 34 sellers that placed 320 adverts for archaeological goods. The reason we found more adverts here is because not all of them state from which period the items originate. The majority of the adverts (59%) are from four sellers (they have 30, 35, 60 and 64 adverts respectively). For the rest, there are four sellers who have between ten and twenty adverts, and seven that have between six and ten adverts. Around half of the sellers (16) have no more than five adverts.

Most of the sellers also offer 'normal' items such as antique furniture and books. There are two sellers that offer other items, besides archaeological objects, that may be on offer illegally:

- One of the advertisers has expensive objects on offer: a total of ten adverts, one of which is a Roman item: a bronze statue of Minerva/Athena for €4,500. This seller is also offering a pre-Columbian death mask.⁶¹ Several of the adverts state that the items come from art collections or were exported from Peru to Spain in the 1960's.
- There is also a seller who has 25 adverts; of these, five concern artefacts from the Roman period. This seller also has three pre-Columbian artefacts and three puppet heads from Burma, dating from around 1850.

*Archaeological objects (Marktplaats)*⁶²

Here we are talking specifically about earthenware items (bellarmine), crockery (including majolica plates and Asiatic porcelain), pitchers and jars, Greek pottery, metal jewellery and weapons, and glassware. Carrying out a broad search using the term 'middeleeuw*' (Dutch for 'Middle Ages') resulted in 216 advertisements.⁶³ Evidently there is an overlap with objects from ancient Rome. This is because the advertisers put words like 'Roman/Middle Ages spearhead' in the description. For this reason we looked for adverts that did not contain the word 'Roman'. This produced 176 adverts,⁶⁴ in which 26 objects may be on offer unlawfully. These are shown in Figure 4.6.







61 We also found this object during our search for goods from the pre-Columbian period, see Section 4.1.2.3.









62 In total in the category art and antiques (where cultural goods are on offer) there were 183,849 adverts.




63 On Wednesday, September 22, 2010 we searched in the category antiques and art among all the adverts using the key word 'middeleeuw* [Middle Ages]'.

64 On Wednesday, September 22, 2010 we searched in the category antiques and art among all the adverts using the key word "middeleeuw* -Romeins*" [Middle Ages - Roman].

Figure 4.6 Archaeological objects found on Marktplaats and dating from the Middle Ages

Description*	Price	Photograph
Slipware pottery: 3	€50 – 55	
Jug	€ 35	
Hand bell	On request	
Knotted candlestick	On request	
Bronze steel pan	On request	
Bronze lamp	Bids	
Bronze bell	Bids	
Bronze candlestick	Bids	

Description*	Price	Photograph
Copper candlestick	Bids	
Buckles (one hundred in one advertisement)	Bids	
Horse bell (ditto)	Bids	
2x Lots archaeological objects from Roman period and Middle Ages	Bids	
Horse shoes	Bids	
Lead coin	Bids	
Sheet lead	Bids	
Lead toys	Bids	
Oven baked red clay objects	Bids	
Coins	Bids	
Earthenware shards from the Middle Ages	Bids	
Tiles	Bids	
Fibula	Bids	

Description*	Price	Photograph
Sword	Bids	
Pilgrim's insignia	Bids	
Bellarmino	Bids	
Tin flute	Bids	

* The Dutch versions of these texts were taken verbatim from the advertisements.

We found 26 items that may be on offer unlawfully by 14 sellers. We noted the following regarding these adverts:

- One of the advertisers had two adverts with a link to an advert on eBay in which archaeological goods from various eras are on offer, on a large scale.⁶⁵
- One of the advertisers had 37 adverts for archaeological objects, but he is also actively looking for other archaeological objects on the Internet, and he mentions this in ten adverts.

We inspected all the sites to see if they offered other archaeological objects. Fourteen of the sellers had a total of 319 adverts for archaeological objects. The reason we found more adverts here is because not all of them state from which period the items originate.

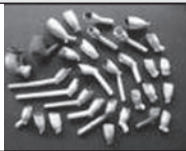



As was the case in the adverts for archaeological items from the Roman period, we found that the majority of the adverts were placed by a few sellers. One of the sellers had 87 adverts and one had 55. Other than those, there were four that had between 30 and 40 adverts (30, 36, 37 and 40 respectively) and there was one seller who placed 16 adverts. Finally, there were seven sellers with no more than six adverts.

⁶⁵ More information about sellers on eBay follows later in this section.

*Specific archaeological objects (Marktplaats)*⁶⁶


Alongside the general search, we also carried out a search for particular objects that were suggested by the Cultural Heritage Inspectorate.⁶⁷ The aim here was to see whether these objects are on offer. We only searched to see if we could find these items and did not check to see what else these advertisers had on offer. The items we found are shown in Figure 4.7.

Figure 4.7 Specific archaeological objects on Marktplaats

Description*	Price	Photograph
Pipe head: 13 archaeological objects	Bids	
Pilgrim's insignia: 8	Bids	
Bellarmino: 39 adverts (1 advertiser with 7 adverts and 1 with 5)	Bids	
Jacoba jug: 2	Bids	

⁶⁶ In total in the category art and antiques (where cultural goods are on offer) there were 183,849 adverts.

⁶⁷ On Wednesday, September 22, 2010 we searched for the following objects using the descriptions given to us by the Cultural Heritage Inspectorate. These items belong to the category art and antiques. The Dutch equivalents (following in the brackets) of the following words were used: 'pipe head', 'pilgrim's insignia', 'bellarmino', 'Jacoba jug', 'ointment jar*', 'fibula', 'triens', 'terra sigillata', 'sarcophog*', and 'cannon'. (Dutch words: 'pijpenkop', 'pelgrimsinsigne', 'baardmankruik', 'jacobakan', 'zalfpot*', 'fibula', 'triens', 'terra sigillata', 'sarcofaag*' en 'kanon'.)

Description*	Price	Photograph
Ointment pot: 9	Bids	
Fibula: 30	Bids	
Triens: 0		
terra sigillata: 0		
sarcophagus: 0		
cannon: 0		

* The Dutch versions of these texts were taken verbatim from the advertisements.

*eBay the Netherlands*⁶⁸

eBay has a separate category (Archaeology) for archaeological objects. On the Dutch section of eBay, there are 637 objects in this category and on eBay world-wide there are 1,342 objects on offer. Table 4.5 gives an overview of the various categories and the number of adverts.

As we did for Marktplaats, we divided the objects into the periods from which they originate: the prehistoric era (260 objects), ancient Roman (121 objects) and the Middle Ages (32 objects). eBay also has a category for objects from the 16th and 17th centuries and there are also categories for items from specific locations, such as Greece and China (see Table 4.5).

Table 4.5 Objects in the archaeology category on offer on eBay the Netherlands

Category	Auction	Fixed price
Stone Age	1	257
Bronze and Iron Age	-	2
Roman period	19	102
Middle Ages	1	31
16 th and 17 th century	12	105
Other archaeology	-	65
Egypt	-	15
China	-	15
Celtic	-	6
Greece	-	6
Total	33	604

⁶⁸ In total in the category art and antiques (where cultural goods are on offer) there were 9,629 adverts.

*Prehistoric (eBay the Netherlands)*⁶⁹



All in all, there are 260 items from the prehistoric period (Stone Age, Bronze Age, Iron Age). Virtually all these goods (259) are offered by one advertiser: spearheads (127), tools (120) and hand axes (12). The spearheads cost €12, the tools between €3.50 and €21 and the axes €30.60. This commercial trader⁷⁰ had 816 objects on offer on eBay the Netherlands.⁷¹

The other commercial trader had one lot of 25 Sahara arrowheads for sale. The lot was on auction for a reserved price of €1.50. This seller had six more adverts in which arrowheads were on offer, but they were in a different category, for example the Middle Ages.

*Roman Period (eBay the Netherlands)*⁷²

There were a total of 121 objects on offer from the Roman period. As was the case on Marktplaats, we found that eBay the Netherlands had a wide variety of objects. We will not describe all 121 of them here, but will instead restrict ourselves to describing the objects advertised for €100 or more (see Figure 4.8).

Figure 4.8 Objects from the Roman period on offer on eBay the Netherlands for €100 or more









Description*	Price	Photograph
Roman bronze jug with panther handle Very rare roman bronze jug with handle in the form of a panther, Roman, c.1st – 3rd Century AD. (the official export seal, with the national emblem of Italy, is still attached)	€1,100	
40151 Thracian curved shortsword sica 300 BC Material: iron with a nice brown patina Period: Iron age, Thracian / Date: 4th -3rd century BC Region of origin: European / Size: 44 cm Provenance: from an old European, Dutch collection	€750	

69 In total in the category art and antiques (where cultural goods are on offer) there were 9,629 adverts.

70 On eBay, there are private and commercial traders. Sellers can register themselves as commercial traders if they operate as a company selling the objects or if the seller frequently sells large volumes of goods.

71 Take note that we are not referring to an eBay shop such as those in Section 4.1.3. Nevertheless, it could well be the same seller.

72 In total in the category art and antiques (where cultural goods are on offer) there were 9,629 adverts.

Description*	Price	Photograph
<i>This is a beautiful bronze statue of a dancer with fantastic patina the statue measures 6,3cm and the stand measures 2,1cm approximately 1 – 4 century A.D.</i>	579	
Material: gilded bronze period: 100-400 AD Fibula is intact. The needle can be moved, which is as it should be. Length 8.1 cm.	€499.99	
40154 Thracian curved shortsword sica 300 BC Material: iron with a nice brown patina Period: Iron age, Thracian, Date: 4th -3rd century BC Region of origin: European, Size: 44 cm Provenance: from an old greek/roman GOLD PENDANT with deco- €399.99 ration of small gold granules, four gold bunches and five garnets. culture/land: Greek/Roman. Date: 3-rd/4-th century AD. measurements/weight: 35mm / 6,8gr.	€500	
Perfect condition, Roman silver lion, very rare! free shipping	€399.99	
Delicate radiate headed frankish / saxon SILVER BOW BROOCH. €269.99 D-shaped headplate bears three lobed extensions. Remains of gilding. culture/land: Frankish / Saxon date: 5-th/6-th century AD. measurements/weight: 63mm / 7,7gr.		
Very nice SILVER ANCHOR FIBULA. €299.99 Used for parades or ceremonial purpose. Found on the Balkans. Very rare!!! culture/land: Roman. Date: 2-nd/3-rd century AD. measurements/weight: length 66mm..height 40mm.weight 65,9gr.		
39550 Six Roman bronze dolphins, 23 cm long Imperial Roman military 6 bronze dolphins. Material: bronze with a green brown patina. Culture: Imperial roman Region of origin: European Date: 1st to 3rd Century AD. Length ranges from 12 to 23 cm	€225	
This is a beautiful Roman Bracelet. The bracelet is made of bronze and measures 6,4 cm. Approximately 1 – 4 century A.D.	€149	

* These texts were taken verbatim from the advertisements.

Most of the objects we found (109 i.e., 90.8%) were offered by commercial traders, the remaining 12 by private individuals. Table 4.6 gives an overview of the commercial traders, the number of archaeological objects from the Roman period that they are offering and a description of what else is on offer by these sellers.



Table 4.6 Commercial traders of archaeological objects from the Roman period (RP) on eBay the Netherlands

Name of commercial trader	RP ⁷³	Total ⁷⁴	Type on offer
Verzamelservice Stormbroek	78	816	Antiques, coins, archaeological objects, camera accessories
Discover the History	10	48	Archaeological objects
Sylvester.ekaterina	7	86	Archaeological objects
Klunder Antiquity & Antiques	7	84	Antiques and archaeological objects
Drayer Art & Antiques	5	6	Archaeological objects
Sahara Arrowheads	1	7	Archaeological objects
Wemkes Treasure	1	28	Archaeological objects

Archaeological objects from the Middle Ages eBay the Netherlands⁷⁵

There were a total of 32 objects from the Middle Ages on offer. As was the case on Marktplaats, we found that eBay the Netherlands had a wide variety of objects. We will not describe all 32 of them here, but will instead restrict ourselves to describing the objects advertised for €100 or more (see Figure 4.9).

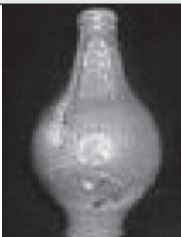



Figure 4.9 Objects found on eBay the Netherlands from the Middle Ages on offer for €100 or more

Description*	Price	Photograph
description: Very rare and large Anglo-Saxon SAUCER BROOCH . Bronze, gilded and with decoration in Borrestyle. Very rare and superb example of these large Saxon brooches!!! culture/land: Anglo-Saxon. date: 6 th /7 th century AD. measurements/weight: 39mm / 16,9gr	€799,99	
39549 European Early medieval bronze bowl 600 AD European Early medieval bronze bowl, traces of silvering, foot is loose Material: Bronze with a green / brown patina. Culture: Early medieval period. Region of origin: European. Date: 600 to 700 AD. Size: diameter 20 cm	€250	

⁷³ Number of archaeological objects from the Roman period on offer.

⁷⁴ Total number of adverts by that seller.

⁷⁵ In total in the category art and antiques (where cultural goods are on offer) there were 9,629 adverts.

Description*	Price	Photograph
<p>Exceptionally beautiful bellarmine from around the 17th century. €250 NO RESTORATIONS! NO GLUE!</p> <p>This is from a Dutch find. Exceptionally beautiful bellarmine and a beautiful bearded man face with a 'dog' medallion on the stomach. The jug is about 23.5 cm in height and about 38 cm in circumference.</p>		
<p>Medieval key, but when you see the loop the key can also be Viking INTAKT „NO RESTORATIE ! Long :8,7 CM</p>	€179.99	
<p>This is a beautiful bronze Viking fibula This amazing fibula has 3 shell pendants The fibula measures approximately 8cm x 4cm</p>	€179	
<p>39551 Early medieval enculpion Cross 900 AD European Early medieval bronze enculpion Cross Material: Bronze with a green / brown patina. Culture: Early medieval period. Region of origin: European Date: 8th to 10th Century AD. Size: 8x5 cm</p>	€120	

* These texts were taken verbatim from the advertisements.

Virtually all the objects (31 of the 32) were offered by commercial traders. Table 4.10 gives an overview of the commercial traders, the number of archaeological objects from the Middle Ages that they are offering and a description of what else is on offer by these sellers.

Figure 4.10 Commercial traders of archaeological objects from the Middle Ages (MA) on eBay the Netherlands

Name of commercial trader	MA ⁷⁶	Total ⁷⁷	Type on offer
Sylvester.ekaterina	16	86	Archaeological objects
Verzamelservice Stormbroek	11	816	Antique and archaeological objects
Sahara Arrowheads	1	7	Archaeological objects
Discover the History	1	48	Archaeological objects
Drayer Art & Antiques	1	6	Archaeological objects
Old Style Store	1	10	Archaeological objects

Specific archaeological objects (eBay the Netherlands)⁷⁸

Alongside the general search, we also carried out a search for particular objects that were suggested by the Cultural Heritage Inspectorate.⁷⁹ The aim here was to see whether these objects are on offer. We only searched to see if we could find these items and did not check to see what else these advertisers had on offer. The items we found are shown in Figure 4.11.

Summary

We searched for objects from specific periods: prehistory, Roman period and the Middle Ages. The objects and sellers that we found are shown in Table 4.7. On Marktplaats we found that artefacts from the Roman period in particular were readily available (148). Archaeological objects from the Middle Ages (26) and the prehistoric era (18) were also on offer. Most of these objects are from soil finds and vary broadly in character, from Roman period oil lamps to spearheads from the prehistoric period. The auction site, eBay the Netherlands, has a separate category, Archaeology, for archaeological objects. On this site, there were 260 prehistoric archaeological objects on offer, 121 from the Roman period and 32 from the Middle Ages.


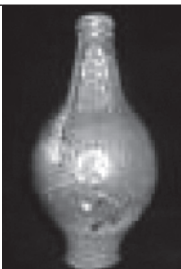



76 Number of archaeological objects from the Middle Ages on offer.

77 Total number of adverts by that seller.

78 In total in the category art and antiques (where cultural goods are on offer) there were 9,629 adverts.

79 On Wednesday, September 22, 2010 we searched for the following objects using the descriptions given to us by the Cultural Heritage Inspectorate. These items belong to the category art and antiques. The Dutch equivalents (following in the brackets) of the following words were used: 'pipe head', 'pilgrim's insignia', 'bellarmine', 'Jacoba jug', 'ointment jar*', 'fibula', 'triens', 'terra sigillata', 'sarcophog*', and 'cannon'. (Dutch words used: 'pijpenkop', 'pelgrimsinsigne', 'baarmankruik', 'jacobakan', 'zalfpot*', 'fibula', 'triens', 'terra sigillata', 'sarcofaag*' en 'kanon'.)

Figure 4.11 Specific archaeological objects on eBay the Netherlands

Description*	Price	Photograph
Pipe head: 1 (one lot with all kinds of archaeological objects)	Bids, minimum €1	
Pilgrim's insignia: 0	-	-
Bellarmino: 1	250	
Jacoba jug	-	-
Ointment pot: 1	€15	
Fibula: 362	€1 – €800	
Triens: 0	-	-
Terra sigillata: 4	-	
Sarcophagus: 0	-	-
Cannon: 0	-	-
Shipwreck: 0	-	-

* The Dutch versions of these texts were taken verbatim from the advertisements.

Table 4.7 Number of goods on offer and sellers of archaeological objects

	Prehistory		Roman period		Middle Ages	
	Goods	Sellers	Goods	Sellers	Goods	Sellers
Marktplaats	18	5	148	34	26	14
eBay the Netherlands	260	2	121	7	32	6
Total	278	7	269	41	58	20

On Marktplaats, prices are not generally mentioned, bids are invited instead. There were two objects that cost more than €100 that were potentially being traded illegally; this is indicative of the types of goods but does not say anything about whether they are legal or not. On eBay, there are generally prices for the objects on offer, and only a few of them were above €100, none of which were from the prehistoric era. The prices for these objects were all between €1.50 and €30.60. Eleven of the 121 objects from the Roman period that could be being offered for sale illegally (9.1%) cost more than €100. The corresponding figure for objects from the Middle Ages was 18.8% (six of the 32 items).

Several of the advertisers on Marktplaats had more than one advert for archaeological objects. Advertisers offered mainly goods from ancient Rome and the Middle Ages. We investigated what other goods these advertisers had on offer:

- Five sellers offered the 18 objects from the prehistoric period. Three sellers had various objects from this period (nine, six and five), and two sellers had one object from this period.
- The 148 items from the Roman period were offered by 34 sellers. In total, these 34 sellers had 320 adverts for archaeological objects. The majority of these adverts (59%) were, however, offered by four sellers (respectively 30, 35, 60 and 64 adverts). Almost half (16) of the sellers had no more than five adverts.
- The 26 goods from the Middle Ages were offered by 14 sellers. These sellers had a total of 319 adverts for archaeological objects. As was the case with sellers offering archaeological items from the Roman period, the majority of these adverts were placed by two sellers: one had 87 adverts and one had 55.

On eBay, we found mostly commercial traders offering items:

- All 260 items from the prehistoric era were offered by commercial traders, one of whom had 259 of the 260 objects on offer.
- More than 90% of the objects from the Roman period were offered by seven commercial traders. One of them sold the majority of the items: 78 out of 121 (64.5%).

- Virtually all the items from the Middle Ages (96.9%) were offered by commercial traders (31 of the 32). There were six commercial traders in total. Two of them account for 84.4% of the objects (one had 50% and the other 34.4%).

4.1.2.5 *Pictures and paintings: icons*

Icons are included in Category 3: pictures and paintings (Cultural Heritage Inspectorate, 2009). A painting is an independent work of art comprising a base layer, primer, paint and varnish. Paintings consist of several layers of paint; this is what distinguishes them from drawings, aquarelles, pastels or gouache. According to the report from the Cultural Heritage Inspectorate that contains background information about protected cultural goods, an icon is a religious illustration painted on a wooden panel (Cultural Heritage Inspectorate, 2009). One of the characteristics is the widespread use of gold as a background.

Not all icons are on offer illegally. Beside the value threshold of €150,000, the icon must be at least 50 years old and in the possession of its creator in order to be eligible for an export licence for export beyond the EU. Icons are stolen and smuggled out of their country of origin. According to the Cultural Heritage Inspectorate, this smuggling concerns icons from Russia and Cyprus mainly, but also from Greece, Turkey and Egypt. We therefore focussed our search on icons from these regions. Assessing icons requires specialist knowledge. According to the Cultural Heritage Inspectorate, their value, age and authenticity is mainly determined by the way the panel is made and the paint has been applied, the brush strokes, use of colour and theme.

*Marktplaats*⁸⁰

We found a total of 24 icons that originated from Russia and Cyprus⁸¹ according to the advertisers (Figure 4.12). More than half (13) of the advertisers had one icon for sale, one had two icons, one had three and one had six. These sellers all had other adverts, but we did not find any items that may have been offered illegally. Many of the other items on offer were religious objects.

⁸⁰ In total in the category art and antiques (where cultural goods are on offer) there were 183,849 adverts.

⁸¹ The search that we carried out on Wednesday September 22, 2010 using the Dutch equivalent of '(icon OR icons) AND Cyprus' did not produce any adverts. The search using the Dutch equivalent key words '(icon OR icons) AND Russia' produced 24 objects.

Figure 4.12 Ten of the 24 icons found



Most of the objects (20 of the 24) invite bids. The asking price for the other objects varied: €10, €85, €225 and €950. These prices are nowhere near the value threshold of €150,000 that applies to these goods.

*eBay the Netherlands*⁸²

We also searched on eBay the Netherlands for icons from Cyprus and Russia, but we did not find any. A broader search of eBay the Netherlands produced three icons, of which two were lead glass. On eBay international, we found nine icons originating from Cyprus or Russia. All of these icons were offered by one seller. The objects were not on auction but could be bought for fixed prices between €79.49 and €84.79. This seller was on a German eBay store⁸³ that was selling a total of 90 objects, ranging from books to art objects.

Summary

We searched for icons with a value threshold of €150,000, which we did not find. We did however find a total of 24 icons originating from Cyprus or Russia. All of these icons were on offer on Marktplaats (Table 4.8). For most of the icons, bids were invited (20 of the 24). The asking price for the other objects varied: €10, €85, €225 and €950. Half of the advertisers had one icon on sale, none of them offered objects that were relevant to our Internet search. One icon dated from the 19th century, another from the 19th or the beginning of the 20th century. The ages of the other icons were unknown.

⁸² In total in the category art and antiques (where cultural goods are on offer) there were 9,629 adverts.

⁸³ See <http://stores.ebay.nl/engelundanderes>.

Table 4.8 Number of goods on offer and sellers of icons from Russia and Cyprus

	Number of goods found	Number of advertisers
Marktplaats	24	16
eBay the Netherlands	0	0
Total	24	16

4.1.2.6 Ecclesiastical objects

These objects are included in Category 15 of Council Regulation (EC) No. 116/2009 (any other antique items not included in Categories 1 to 14) from the list of cultural goods originating from European member countries for which an export licence is required. The value threshold for these items is €50,000 and they have to be more than 50 years old. Specific objects are: beakers, goblets, crowns, ciboria, tabernacles, chasubles, altar retables, receptacles for the Eucharist and relic shrines.

Marktplaats⁸⁴

The objects in this category have a value threshold of €50,000, so we searched for objects with a minimum value of €50,000.⁸⁵ We did not find any objects that met this criterion. We then searched for objects costing less than €50,000 or those with no asking price (for instance, those inviting bids or 'for reasonable offers').⁸⁶ This resulted in 1,294 adverts, which shows that ecclesiastical and religious objects actually are on offer, but that they do not reach the value threshold.

We limited the search to objects put forward by the Cultural Heritage Inspectorate, within the category Antiques and Art.⁸⁷ The objects that we found are shown in Figure 4.13.






⁸⁴ In total in the category art and antiques (where cultural goods are on offer) there were 183,849 adverts.

⁸⁵ On Friday, October 15, 2010 we searched in the category antiques and art among all the adverts using the key words 'kerk* [church] OR religieus [religious]' for objects worth at least.

⁸⁶ On Friday, October 15, 2010 we searched in the category antiques and art among all the adverts using the key words 'kerk* [church] OR religieus [religious]' for objects worth at least.

⁸⁷ The individual items are in Figure 4.13. We looked under the category art and antiques for the following items: 'goblet', 'ciboria', 'tabernacle', 'chasubles', 'altar retable', 'relic', 'crown', 'beaker', 'Eucharist receptacle' and 'goblets'. The Dutch equivalents actually used were: 'kelk', 'ciborie', 'tabernakel', 'kazuifel', 'retabel', 'reliëk', 'kroon', 'drinkbeker', 'avondmaalbeker' and 'bokaal'.

Figure 4.13 Specific goods in the category Ecclesiastical objects on Marktplaats

Description*	Quantity	Price	Photograph
Chalices	4	Bids	
Ciboria	2	On request	
Tabernacles	1	€150	
Chasubles	5	Bids	
Altar retables	1	€2,200	
Relic shrines	0	-	-
Crowns	0	-	-
Beakers	0	-	-
Eucharist receptacles	0	-	-
Goblets	0	-	-

* The Dutch versions of these texts were taken verbatim from the advertisements.

We found a total of 13 objects. This does not mean, however, that these objects are on offer illegally. The tabernacle and retable cost much less than the €50,000 threshold (respectively €150 and €2,200). There were no asking prices for the remaining objects. It is difficult to establish whether the objects are older than 50 years. The two ciboria date from the beginning of the 20th century and the

tabernacle was made in the 15th century, according to the advertisers. There are no mentions of how old the other objects were.

These 13 objects were offered by 8 sellers, most of whom deal in religious objects (five of the eight). The number of religious objects on offer and all the items offered by the sellers are shown in Table 4.9.


Table 4.9 Sellers offering religious objects on Marktplaats

	Number of specifically religious objects from this Internet search per seller	Total number of objects per seller	Type of objects on offer by that seller
Seller 1	5	26	Only religious items
Seller 2	2	7	Only religious items
Seller 3	1	77	Only religious items
Seller 4	1	93	Only religious items
Seller 5	1	142	Only religious items
Seller 6	1	34	Wide range
Seller 7	1	72	Wide range
Seller 8	1	1,251	Wide range

*eBay the Netherlands*⁸⁸

We searched eBay the Netherlands in the category art, antique and design for specific objects that fall within the category ecclesiastical objects (Figure 4.14).

Figure 4.14 Specific goods in the category ecclesiastical art on eBay the Netherlands

Description*	Number	Price	Photograph
Ciboria Ein Ciborie aus Frankreich. Silber Cup. Filigran und mit 6 emaille Verzierungen, 3 ovale Verzierungen, emaille, St Josef, Maria und Jesus. Diese Ciborie ist von Atelier Leon Gourmond in Frankreich. Ciborie ist von 1879.	1	€1,350.00	
Goblets	0	–	
Chasubles	0	–	
Tabernacle	0	–	

88 In total in the category art and antiques (where cultural goods are on offer) there were 9,629 adverts.

Description*	Number	Price	Photograph
Altar retables	0	–	–
Relic shrines	0	–	–
Crowns	0	–	–
Beakers	0	–	–
Eucharist receptacles	0	–	–
Goblets	0	–	–

* The German versions of the text was taken verbatim from the advertisement.

On eBay, we found one object in the categories we looked for, a ciborium. It was on offer in a German advert that was targeting the Dutch section of eBay. This ciborium did not reach the €50,000 value threshold but dates from 1879, according to the advertiser, and as such does meet the age criterion. The object was offered by a commercial trader who had a total of 63 religious articles on offer.

Summary

We looked specifically for ecclesiastical objects. Table 4.10 gives the number of goods and sellers trading these types of goods on Marktplaats and eBay the Netherlands.

Table 4.10 Number of goods and sellers ecclesiastical objects

	Number of items found	Number of advertisers
Marktplaats ⁸⁹	13	8
eBay the Netherlands	1	1
Total	14	9

4.2 CONCLUSION ILLEGAL TRADING IN CULTURAL GOODS ON THE INTERNET

In this section we will report our main findings. For the conclusions by category, we refer you to the sections in which they are discussed.

We looked for specific goods from specific areas and historic periods. The trade in goods that we found, while not necessarily illegal, have the potential to be so. We cannot assess the legal status of these items by looking at them on a computer screen, nor can we judge whether they are genuine or not. We looked for

⁸⁹ In total in the category art and antiques (where cultural goods are on offer) there were 183,849 adverts.

objects from Iraq, Africa and Peru and for certain archaeological objects, icons and ecclesiastical items. In Table 4.11 we indicate how many items we found and how many advertisers were involved.

Table 4.11 Number of goods and sellers

	Number goods Marktplaats ⁹⁰	Number sellers Marktplaats	Number goods eBay the Netherlands ⁹⁰	Number sellers eBay the Netherlands
Iraq	9	9	0	0
Africa (Nok terracotta and Esie statues)	0	0	0	0
Peru (pre-Columbian era)	28	14	1	1
Archaeological prehistoric	18	5	260	2
Archaeological Roman period	148	34	121	7
Archaeological Middle Ages	26	14	32	6
Icons from Russia and Cyprus	24	16	0	0
Ecclesiastical art	13	8	1	1

Table 4.11 shows that the quantity of goods differs by category. It was only specific objects from Africa that we did not find on Marktplaats and eBay the Netherlands. Relatively speaking, we found far more archaeological objects than we did any of the other categories that we searched for (605).

Most of the objects on Marktplaats are not priced; instead they invite bids. We assume that these are low value objects in general. This has not been ascertained beyond doubt, however the asking prices for other objects of this nature are generally under €50. On eBay the Netherlands, there are asking prices, and these are invariably relatively low. Given the low prices of some of these objects, it is conceivable that these are mass produced fakes.

⁹⁰ In total in the category art and antiques (where cultural goods are on offer) there were 9,629 adverts.

Those selling goods on Marktplaats are private individuals as a rule. While we did not make a point of recording it, we did not notice any 'big traders' with hundreds of objects in the same category. Those selling on eBay the Netherlands are virtually all commercial traders. These so-called eBay stores are specialist purveyors of certain goods, for example archaeological or religious objects.

Given these findings, it is safe to assume that illegal trade in cultural goods on the Internet occurs, but we can only make an educated guess about its scale and extent. What appears to be illegal trade in cultural goods may well be unlawful, but the goods may be fake, souvenirs made for tourists, or the trade may be legal because the goods do not meet the requirements that would render it unlawful. It is difficult to judge these goods from the information on the website that has been provided by the sellers, even for experts. One way of gaining better insights into this subject would be to carry out follow-up research involving investigations in cases that warrant it, on the basis of information produced by an Internet search.

This chapter is about the supervision and enforcement in the field of the protection of art and antiques in general, and cultural goods in particular (see Section 2.1 for the demarcation of the concepts ‘art and antiques’ and ‘cultural goods’). The report *Pure Art (Schone kunsten)* (Bieleman et al., 2007), and the policy reaction to this report, both detail the laws and regulations, the legal instruments and the actors involved. In the sections that follow we provide an update on the relevant developments that have taken place since 2007. We will discuss the following topics: existing laws and regulations (Section 5.1), basic actions to combat illegal traffic in cultural goods via the Internet (Section 5.2), the actors involved and the tasks they perform (Section 5.3) and the voids in the system (Section 5.4). The chapter ends with a summary (Section 5.5).

5.1 EXISTING LAWS AND REGULATIONS

Appendix 4 contains an overview of the existing laws and regulations concerning the illegal traffic in cultural goods at international, European and national (Dutch) level. A lot of this legalisation was discussed at length in the report mentioned earlier, *Pure Art* (Bieleman et al., 2007). In this section we will focus on developments that have taken place in the laws and regulations since 2007. The implementation of the 1970 UNESCO Convention into Dutch law will be central to this discussion.

The long run up to the UNESCO Convention

In 1970 the *UNESCO Convention on the means of prohibiting and preventing the illicit import, export and transfer of ownership of cultural property* was drafted.⁹¹ Thirty-nine years later the Netherlands ratified the convention. The reasons for this long run up are mainly legal in nature. Initially the ratification was hindered by objections under civil law because the treaty required changes in civil law,

91 See http://portal.unesco.org/en/ev.php-URL_ID=13039&URL_DO=DO_TOPIC&URL_SECTION=201.html.

specifically with regards to those buying in good faith. These buyers did not get adequate compensation and protection under this act.⁹² On March 15, 1993 the Council of the European Union implemented Council Directive 93/7/EEC. This directive regulates the return of cultural goods that have been illegally removed from a member state. The draft of the 1995 UNIDROIT Convention (International Institute for the Unification of Private Law) was used as a source when this directive was drafted. The convention states that owners of illegally acquired cultural goods are obligated to hand them over, even if they were bought in good faith. The owner is, however, entitled to compensation provided they can prove that they were sufficiently cautious when they bought the object. When the directive was implemented in Dutch law, the protection of parties acting in good faith was lost⁹³ and legal obstacles were removed so that they could become party to the convention.

Before the UNESCO Convention was ratified, on June 29, 1996, the Kingdom of the Netherlands signed but did not ratify the UNIDROIT Convention 'on stolen or illegally exported cultural objects' that was drawn up in 1995.⁹⁴ A consequence of this was that the ratification of the UNESCO Convention was no longer an issue at that time. The consequences of the ratification of the UNIDROIT Convention proved, however, to be more radical than the consequences that the ratification of the UNESCO Convention would have been because of the legal amendments that had to be implemented in private law. The State Secretary for Education, Culture and Science, and the Minister of Justice at the time concluded therefore that the ratification of the UNIDROIT Convention would have too great an impact on legislation and regular trade. Firstly, the scale of the definition for cultural goods was too wide because, as opposed to the UNESCO Convention, the cultural goods did not necessarily have to be designated as important by the contracting states. Secondly, the burden of proof on the buyer in good faith would be too heavy given that these buyers were not fully entitled to compensation or rights of retention, as they were under the Dutch Civil Code. Finally, the limitation term of 50 years would place too much of a burden on trade.⁹⁵ On July 19, 2004, the State Secretary and the Minister of Justice presented

92 Senate, parliamentary year 2008-2009, 31 255 and 31 256 (R 1836), E.

93 Explanatory memorandum/Approval of the agreement reached on November 14, 1970 in Paris concerning the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (Trb. 1972, 50).

94 The difference between signing and ratifying is that ratification brings with it far reaching and legal obligations. When governments sign treaties, they attempt to act within the bounds of the treaty, whereas after ratification the laws need to be tested and, if necessary changed, so that they are in line with the ratified treaty.

95 Letter from the State Secretary for Education, Culture and Science and from the Minister of Justice to the President of the House of Parliament, The Hague, July 19, 2004.

their findings to the Lower House. Their advice was to ratify the UNESCO Convention mainly because it is more in line with Dutch legislation and because more countries are signatories to this convention than the UNIDROIT Convention.⁹⁶

Ratification of the 1970 UNESCO Convention and the consequences in practice

The Netherlands ratified the UNESCO Convention in 2009. This treaty regulates the repatriation of cultural goods that have been removed from the territory of signatory states by illicit import, export or transfer of ownership. In article 1d, cultural goods are described as 'property which, on religious or secular grounds, is specifically designated by each State as being of importance for archaeology, prehistory, history, literature, art or science and as such is of vital importance to its cultural heritage and which belongs to one of the categories listed in article 1 of the Convention'.⁹⁷

The convention puts its State Parties under various obligations, including the creation of a national service that is sufficiently equipped to contribute to the drafting of laws and regulations, compiling and maintaining a list of important cultural goods, the monitoring of archaeological excavations and giving publicity to the disappearance of cultural goods.⁹⁸ Governments must also ensure that licences are issued for the export of cultural goods.⁹⁹ In the Netherlands, the *Erfgoedinspectie* (Cultural Heritage Inspectorate) is responsible for this. Finally, measures have to be put in place to repatriate illicitly exported goods to other member states and to prevent museums from purchasing illegally traded cultural goods.

According to the State Secretary for Justice, the fact that the Netherlands is an important country for the transit of cultural goods was one of the reasons for ratifying the convention. Also the Netherlands was threatening to become an attractive country where 'less scrupulous dealers in art, antiques, ethnographic works, and similar objects, for which the origin is illegal or dubious, could put these objects on offer. In this way the Netherlands runs the very real risk of becoming a free haven for traffic in illegally exported or stolen cultural goods from elsewhere'.¹⁰⁰ The 1970 UNESCO Convention on the Illicit Import, Export and

96 Letter from the State Secretary for Education, Culture and Science and from the Minister of Justice to the President of the House of Parliament, The Hague, July 19, 2004.

97 1970 UNESCO Convention on the Illicit Import, Export and Transfer of Ownership of Cultural Property (Implementation) Act, 2009.

98 1970 UNESCO Convention, article 5.

99 1970 UNESCO Convention, article 6.

100 Senate [Eerste Kamer], parliamentary year 2008-2009, 31 255 and 31 256 (R1836), E, p. 4.

Transfer of Ownership of Cultural Property (Implementation) Act was implemented within the Dutch legal system on July 1, 2009. This treaty provides the legal tools required to combat illegal traffic. The extent to which this actually happens depends on the attention the institutions involved pay to illegal trade in cultural goods. In Section 5.3 we will discuss at length the role that these institutions play.

5.2 BASIC ACTIONS AGAINST THE ILLEGAL TRAFFIC THROUGH THE INTERNET¹⁰¹

In March 2006, Interpol, UNESCO and ICOM carried out a survey in 56 countries that showed that respondents believe that illegal trade in cultural goods through the Internet is on the increase.¹⁰² These organisations argue that this problem is growing both for the countries of origin (where the goods are being stolen) and the countries where these objects are traded. The participants to the Interpol Expert Group on Stolen Cultural Property, held on March 7 and 8, 2006, concluded that monitoring activities on the web is a complex task which they divided into seven problem areas:

1. the sheer volume and diversity of items offered for sale;
2. the variety of venues or platforms for the sale of cultural objects on the Internet;
3. missing information that hinders proper identification of objects;
4. the limited reaction time available owing to short bidding periods during a sale;
5. the legal position of the companies, entities or individuals serving as platforms for the trade in cultural objects over the Internet;
6. the complex issues related to jurisdiction concerning these sales; and
7. the fact that the objects sold are often located in a country different from that of the Internet platform.¹⁰³

These problems are both practical and legal in nature. The biggest practical problem, according to the Expert Group, is the volume and diversity of objects on offer and the wide range of locations where they are to be found. The limited information available hinders the ability to identify objects. Legal problems surface along with the ambiguous legal status of the Internet platforms, which is made more complicated by their transnational character. UNESCO, Interpol

101 The basic actions against illegal trade on the Internet are given in Appendix 2.

102 The survey is only referred to, there is no report available.

103 See <http://portal.unesco.org/culture/fr/files/21559/11836509429MesuresTraficIlliciteEn.pdf/MesuresTraficIlliciteEn.pdf>.

and ICOM presented seven 'basic actions'¹⁰⁴ to combat the potential increase in illegal traffic in cultural goods on the Internet.

These practical measures create obligations for both the website owners and authorities responsible for monitoring and enforcing the convention. Basic action 1, for instance, recommends including a disclaimer on sales and trading sites that specifically focuses on the trade in cultural goods. Interviews showed that the owners of these sites are very well aware that stolen or illegal goods can be offered for sale on their sites. For this reason, they point out to their customers the risks and dangers that attend the purchase of certain goods on the Internet. By placing information on their sites, traders can work together with the authorities. Marktplaats, for example, cooperates with the General Inspection Service (GIS) which has indicated on Marktplaats what customers should pay attention to when they buy, for example, exotic animals or animal products. There are however no such tips or information about cultural goods.

Basic action 2 addresses the cooperation between Internet platforms and investigation departments regarding investigations into illegal trade of cultural goods. Advertisement sites, including Marktplaats, give information to the police for specific investigations into theft and fencing, or fraud. They also pass on information that they get from their users to the Justice department, the police or other law enforcement agencies, such as the GIS, if an offence has been committed. This is hardly ever the case with cultural goods – it became evident during the interviews – because they are hardly ever tipped off about suspicious adverts concerning cultural goods.

Basic actions 3 to 5 are about measures that can be undertaken by law enforcement and protection agencies. Authorities should be set up to permanently and systematically monitor illegal trade in cultural goods (Basic action 3) and statistics need to be kept about searches that have been carried out (Basic action 5). Basic action number 4 is related to the activities of the National Police Intelligence Service (IPOL) of the National Police Services Agency (NPSA) that functions as a coordinating authority for information and exchange of expertise between the Netherlands and foreign police forces (see Section 5.3.1). Basic action 6 states that legal measures must be taken to ensure that objects can be confiscated should their origin be unclear. These objects must then be returned to the rightful owner (Basic action 7).

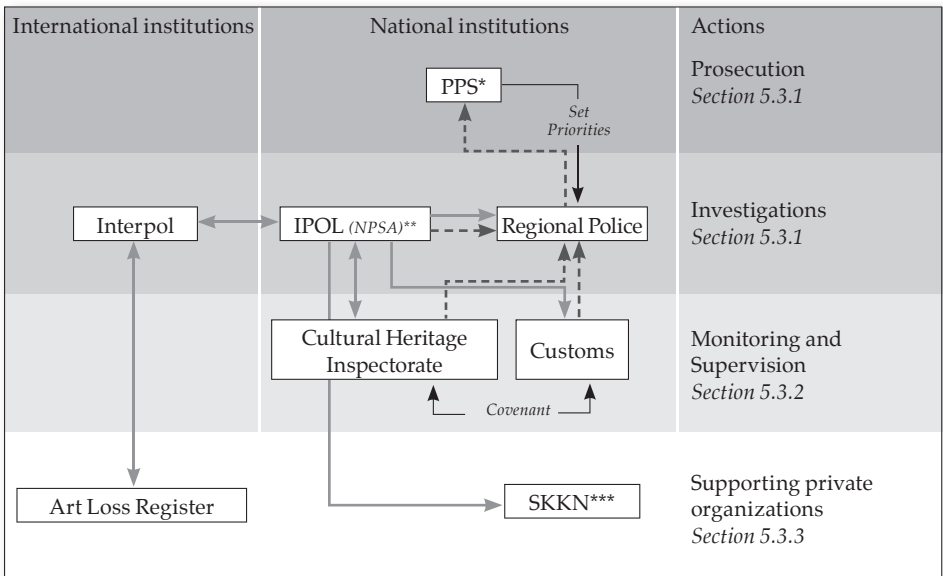
104 See Appendix 2.

5.3 ACTORS

There are various actors involved in monitoring and enforcement in general and implementing basic actions in particular. For this reason it is important to establish what their tasks and authority comprise so that shortcomings can be charted. In the paragraphs below, we elaborate on these actors and their role in relation to the illegal trading of cultural goods.

Figure 5.1 shows a number of the national and international actors involved. The lines that connect them reflect how they are related. The figure shows that IPOL's Art and Antiques Crime Team plays an important role in disseminating information. The dotted lines show reports to the police of offences committed and/or case flows. These lines connect institutions that can hand cases over to the regional police who have the authority to initiate investigations. In the subsections we discuss the various levels (prosecuting and investigating, monitoring and supervision, and support) and the actors concerned. Prosecuting and investigations are discussed together in one subsection since they are closely connected.

Figure 5.1 Diagram of relevant actors



→ = Information flow -> = Report and/or case flow

* Public Prosecution Service
** National Police Service Agency
*** The Foundation for Ecclesiastical Art and Artefacts the Netherlands (SKKN)

5.3.1 *Investigations and prosecutions*

NPSA: The police and the Department of International Police Information (IPOL)

IPOL of the NPSA performs a supporting task. Since 2008, this service has functioned as the international information interchange between the Netherlands and foreign police forces as well as the point of contact for the trade. IPOL also gathers, analyses and disseminates information about stolen or illegally traded art and antiques. It manages a special databank for this. Police reports are entered on this database once the file has been read and it has been established that art or antiques are involved. There are currently¹⁰⁵ about 2,800 cases in the database, of which more than half were registered in 2009 and 2010. Most of the objects concerned are paintings and sculptures. Stolen objects for which documentation and/or photos are available are entered into the Edison Art and Antiques databank. This database has been operational since February 2010 and contains more than 100 cases.¹⁰⁶ IPOL uses the checklist of the Getty Institute in the United States, the so-called Object ID,¹⁰⁷ to describe characteristics of objects. In total there are more than 500 objects registered in the Edison Art and Antiques databank. All objects originate from the Netherlands because Interpol's database registers objects from abroad.

In the *Pure Art* report (Bieleman et al., 2007) the conclusion, based on a preventative analysis of art and antiques trade, is that there are several bottlenecks in the investigations into the illegal trade in art and antiques. From discussions with respondents it emerged that some of these bottlenecks existed in 2010 as well. For example, the illegal trading of art and antiques is still low on the police force's list of priorities. The respondents felt that the current social climate contributes to this. It would be difficult for the police to convince citizens of the need to put their resources behind tracing stolen art and antiques or illegal trade when other, more important matters, are left unattended. Also, local police forces struggle with the shortage of expertise in the fields of art and antiques. This emerged in research carried out by Godthelp (2009) who claims that a lack of expertise and low priority have negative consequences for dealing with the issues and lead to inefficient cooperation between institutions such as the Cultural Heritage Inspectorate and Customs (Godthelp, 2009).

¹⁰⁵ On October 1, 2010.

¹⁰⁶ If the case involves more than one item, for example if it is part of a collection, then more than one object will be registered.

¹⁰⁷ See http://www.getty.edu/conservation/publications/newsletters/13_1/news1_1.html.

The overview of relevant actors shows that there are various information channels to and from IPOL through which they get information as well as disseminate it. The executive authority lies with the regional forces, however, and not with IPOL. Another reason that the police hardly pay attention to the illegal trade in art and antiques is because little is known about the volumes involved in these cases given that the police do not use a specific police crime code and there is no uniform police record definition.¹⁰⁸

In her study, Godthelp (2009) looked at the number of art theft cases in the Amsterdam-Amstelland region between 2006 and 2008. Her results showed that they accounted for 0.014% of all the police cases in the region. Cases involving the Internet only occurred very occasionally in the police registration system. Even though art theft is not the same as illegal trade in cultural goods, these figures do give an indication of the number of cultural goods in related cases. Gerrit den Uyl, chairman of the strategic policy group Property Crime of the Dutch police force, responded to these figures in the police magazine, *Blauw*.¹⁰⁹ He indicated that art related crime is given the attention it deserves at the moment, on the basis of these figures. This means that an increase in the capacity assigned to deal with this problem is not to be expected in the near future.

Public Prosecution Service

The Board of Procurators-General determines the national investigation and prosecution policies at the Public Prosecution Service. From the interviews it became clear that illegal trade in art and antiques in the broader sense has little or no priority at the Prosecution Service. The gravity of this illegal trade and its impact on society does not count for much compared to crimes such as assault and rape. This is also reflected in the limited number of art and antiques related cases that get brought to court.¹¹⁰ Moreover, most of these cases are about theft and not illegal trade. The Internet does not play a significant role here. Several respondents said that it is important that a public prosecutor with affinity for art and antiques should be appointed given that such a person would be more likely to instigate prosecution procedures if cases are presented. Other respondents felt that appointing a special prosecutor would be unnecessary, for example because there is too much specialisation at the Public Prosecution Service as it is.

108 Cases in which art and antiques play a role are recorded in the police records as theft and fencing.

109 *Politievakblad Blauw*, 6, 11 September 2010: 17.

110 Various search attempts on rechtspraak.nl also failed to produce relevant results.

Support in investigations: Interpol

The general-secretariat of Interpol centralises and disseminates internationally relevant information about theft and trade in art and antiques. Since 1947, the Works of Art unit has been analysing theft and trade routes, and providing the 188 member states with information about these cases. Interpol uses the I-24/7 communication system for this, a system that all member states are connected to. In 2009, they sent 12.5 million bulletins to member states across the world. The system also offers access to various databases, including one for stolen works of art.

In 1995, Interpol started setting up a special database for stolen works of art. Since August 17, 2009, this database can be accessed online through a secure website. At the moment this website contains about 35,000 objects from 123 different member states. Using a standard form, member states can enter stolen objects into the databank based on a so-called 'object ID' protocol.¹¹¹ Using this protocol, the main features of the object are described so that identification is made easier. The database offers those who have access to it the opportunity to check whether an object is stolen before purchasing it.¹¹² Since the database went online, approximately 1,800 rights of access have been approved for 74 countries. Those who have access to the database include cultural institutions, museums, lawyers, insurance companies, commercial traders and private collectors.

On the basis of the recommendations from the international conference on illegal trade in Iraqi and Afghan cultural goods in 2003, Interpol also opened an abridged database for the public. All have access to an overview on their website that shows Iraqi and Afghan goods, as well as recently stolen, recovered and unclaimed objects (see Table 5.1).

Table 5.1 Overview of stolen objects on public Interpol website

Country of origin	N
Afghanistan	683
Iraq	2,710
Objects	N
Recently stolen	169
Recovered	355
Unclaimed (owner unknown)	181

111 See <http://archives.icom.museum/object-id/>.

112 See www.interpol.int/public/ICPO/PressReleases/PR2009/PR200978.asp.

5.3.2 *Monitoring and supervising services*

Customs

To combat illegal trade in cultural goods, the Ministry of Education, Culture and Science (Cultural Heritage Inspectorate), and the Ministry of Finance (Customs) drafted a framework agreement, that was re-ratified in 2007, concerning the collaboration for the monitoring of cross-border traffic in cultural goods. This collaboration includes exchanging information, education and training, and cooperating during specific operations.

The Dutch Customs Department is a monitoring body that has tasks and authority in areas of security, health, the economy and environment.¹¹³ Since January 1, 1993 Customs were given the task, under the banner of the economy, to protect cultural goods. Customs operate on the basis of Council Regulation (EC) 116/2009 on the export of cultural goods. This regulation states that certain goods can only be exported once they have an export licence issued by the Cultural Heritage Inspectorate. These goods are determined on the basis of their age and value.

Customs use two levels of enforcement: generic and specific. At a generic level, every customs control aims at upholding the law. This means that at each Customs inspection that is carried out, they check for illegal trade in cultural goods. At a specific level, they use a risk analysis that was set up partly in collaboration with the Cultural Heritage Inspectorate. For this they monitor transport channels, vulnerable countries and where necessary at exhibitions and markets organised in the Netherlands.¹¹⁴

Within Customs, there are contact people and/or specialists to whom customs officials can turn if they have questions about the nature of cultural goods that they have found. They are sent on courses to keep their knowledge up to date and to increase their chances of spotting cultural goods that are being traded illegally. Experts are trained in conjunction with the Cultural Heritage Inspectorate. Cases that Customs mainly have to contend with concern the illegal export of objects. But these are objects that are generally intended for exhibitions, for example, and not trade. One of the respondents claimed that even a museum, which regularly sends objects abroad for exhibitions, is not aware that these ob-

¹¹³ The tasks and authority are laid down the Customs Act.

¹¹⁴ See the Framework agreement concerning the collaboration between the Ministry of Education, Culture and Science and the Ministry of Finance regarding the supervision of import and export of cultural goods, December 14, 2009.

jects require an export licence. While cases like these do involve breaches of the regulations and export of cultural goods, the intention is not to trade the goods as such.

Several respondents emphasised that, in addition to illegal import and export in the luggage of travellers, more attention should be paid to parcels sent by post. Cultural goods that are traded illegally are not necessarily large (cylinder seals being a case in point) and can easily be sent by post. This traffic, however, is virtually impossible to monitor due to the enormous volumes of parcels entering the Netherlands. Moreover, the people abroad who send these packages can easily enclose documentation that deliberately misinforms the reader about the contents.

The Cultural Heritage Inspectorate

The Cultural Heritage Inspectorate falls under the Ministry of Education, Culture and Science and has a supervisory role in the care and management of cultural heritage. The Cultural Heritage Inspectorate is responsible for overseeing the import and export of legally protected objects. Besides this, they also advise the ministry in terms of laws and regulations.

The Cultural Heritage Inspectorate issues permits for exports of cultural goods above a certain age and value threshold – in accordance with Council Regulation 116/2009 – to countries outside the European Union. On the basis of international conventions and directives, alongside the export of objects the Cultural Heritage Inspectorate also oversees the import of protected cultural goods from abroad. The countries concerned here are, like the Netherlands, signatories to the 1954 and 1970 UNESCO Conventions, or Council Directive 93/7/EEC.

5.3.3 Private parties

International: Art Loss Register (ALR)

The ALR manages the largest private database of stolen art and antiques in the world. Shareholders of this organisation include auction houses and insurance companies. The ALR was established in London in 1991, after which offices were opened in Cologne, New York, Paris, Delhi and Amsterdam. The Amsterdam office has since been closed and a significant part of the ALR's activities have been moved to India.

The ALR's primary tasks are the registration of stolen goods, conducting searches (on the Internet)¹¹⁵ and the exchange of information about traders, individuals and investigatory authorities (Interpol). For a fee, the ALR will conduct searches at the request of external parties.¹¹⁶ Other traders, private individuals and insurance companies, among others, use this facility to check whether certain goods are registered as stolen or missing.

National: The Foundation for Ecclesiastical Art and Artefacts the Netherlands (Stichting Kerkelijk Kunstbezit Nederland (SKKN))

The SKKN gives advice about the management and registration of art and cultural property in churches, monasteries and convents in the Netherlands. Their remit encompasses objects such as Bibles, silver objects, porcelain, paintings, statues and lead glass windows. The SKKN currently has a digital database where more than 100,000 objects are registered. One of the SKKN's primary activities is to support churches, monasteries and convents with the management of their collections by inter alia advising them on the practical issues of management and security. Churches, convents and monasteries are vulnerable targets for theft. The SKKN advises them how certain objects can be conserved and secured without detracting from the public character of the church.

The SKKN also registers theft of ecclesiastical heritage. If objects are stolen from churches, convents or monasteries, the SKKN is told about it by the police, the national church insurance company or the media. After a theft, their staff are proactive in alerting traders and auction houses in the vicinity so that they know who to get in touch with if stolen objects are offered to them.

The SKKN site also has a section for theft where people can post information about thefts that have been committed and where photographs of stolen objects can be shown. According to one respondent, the SKKN website has been instrumental in the recovery of stolen goods in five cases. However, these objects were offered for sale not on the Internet but in the regular trade, which is where most stolen objects end up according to the respondent.

115 Three people are active on a fulltime basis in searches on the Internet for missing or stolen goods. The ALR has not published figures about these search activities.

116 For €550, the ALR offers an annual subscription (25 searches). There is also an option of conducting one search for €50.

5.4 GAPS

Laws and regulations, and the assumptions that they are based on, appear to suffice in the prevention of illegal trade in cultural goods on the Internet, in as much as it occurs. During the interviews, we discussed the laws and regulations at length with the respondents and they are considered to be adequate. It is, however, evident that there are gaps in the enforcement and supervision of these laws. We will discuss these gaps and loopholes in the following paragraphs.

Gaps in the enforcement chain

The legal framework evidently offers sufficient opportunity to tackle illegal trade in cultural goods. Impediments, however, exist in the teamwork between the partners assigned to uphold the laws and the priority given to it by the Public Prosecution Service, and by extension the police. If the basic principles for keeping the enforcement net closed are not upheld (Customs controls, supervision by the Cultural Heritage Inspectorate, investigations by the police and prosecutions by the Prosecution Service), then tackling the problem will not be effective. The Cultural Heritage Inspectorate and Customs are already working together; the missing link in this chain is the police who should be playing the most important role overall because of the powers of investigation that they have. Closing the enforcement chain would be an important step in making the tackling of illegal trade more effective.

Gaps among the actors involved

The police are confronted with a list of priorities on the instruction of the Board of the Procurator General. Higher priority is given to violent crime and other offences in the more 'serious' categories. For this reason, art and antiques related cases are not taken up, or at least to a lesser extent. In the first place this is because of the limited capacity of regional forces that prefer to use their personnel as efficiently as possible and for cases that have the highest priority. Secondly, regional forces are confronted by a shortage of expertise in art and antiques. Several respondents mentioned this as an important obstacle to the effective tackling of cases. Finally, the nature and scale of the reports to do with art and antiques are not clear because there is no specific police crime code nor uniform definition for this kind of crime.

Inadequate information in the police system also causes problems for IPOL, the organization that charts trends and developments. Using a national crime code, IPOL should be able to generate an overview of all the relevant cases using the Blueview information system. At present, a lot of search keys are needed for this because each police officer enters cases according to their own insights. This

also has consequences for the international cooperation between IPOL and Interpol because Interpol is dependant to a large degree on the information that IPOL can generate and supply. IPOL manages a special databank for the registration and documentation of stolen art and antiques in the Netherlands. Other information that IPOL uses is available via Interpol. A flaw that the databank has is that it only registers stolen art and antiques, just like the ALR's databank. Objects that have been exported unlawfully and that are protected by the 1970 UNESCO Convention are not always registered in this database. This is partly a consequence of the fact that there is no photographic or documentary evidence for cultural goods that have been illegally excavated. These objects are therefore also not missed by anyone or reported as stolen.

Shortcomings in the basic actions against illegal trade in cultural goods using the Internet
Basic actions 1 and 2 focus on the websites offering cultural goods. Basic action 1 states that websites should include an information text that specifically focuses on cultural goods, something which is lacking up until now on Dutch websites. Basic action 2 requests websites to exchange relevant information and work together with government agencies. Marktplaats keeps in contact with various inspection services, such as the Netherlands Authority for Financial Markets and the General Inspection Service. These services have tips on their websites about the things that buyers and sellers should look out for when they buy exotic animals or animal products. Similar information about cultural goods has, however, been lacking so far. To make buyers on these platforms more aware of the issues, the Cultural Heritage Inspectorate should preferably give information and tips to Internet users through Marktplaats.¹¹⁷

Basic actions 3 to 5 focus on actions that the investigation and law enforcement agencies ought to undertake. They state that an institution should be set up that is permanent and that systematically scans the Internet, monitoring illegal trade in cultural goods (Basic action 3), and that statistical records should be kept about search projects that have been undertaken on the Internet (Basic action 5). To this day there is no institute in the Netherlands that carries out these tasks systematically. While IPOL does carry out cyber investigations, they do not have a systematic modus operandi for this, their capacity to do so being completely inadequate. The question is whether it is necessary for each country to establish their own agency to carry out these tasks. The Internet is accessible all over the world, after all. Located at a central point, an international agency could carry out this task. The Art Loss Register is a case in point: their Internet surveillance service is situated in India.

¹¹⁷ Talks on this issue are underway.

The absence of measures that have actually been implemented seems to have something to do with the regulations. Respondents from advertisement sites found them unclear and there is a shortage of knowledge about the legalities of cultural goods on offer on websites. In the words of a respondent from an online trading site:

'We don't pay any attention to cultural goods. We do have a list of indigenous and protected animals that cannot be sold on the website. This is monitored by volunteers. I've never seen a list of cultural goods. If there was such a thing I would certainly put it on the site.'

The above does not mention the fact that those offering the goods are the ones responsible in the first place for what is on offer. During the interviews it emerged that advertisement sites can block adverts if they are tipped off that they are for things that are prohibited (child pornography, for instance). Adverts are screened randomly and on the basis of key words; if it is evident that they are in contravention of the regulations, then they are removed and are no longer visible to visitors. In addition to this, users that place unlawful adverts can have their e-mail and IP addresses blocked, although this hardly ever happens in practice. The question is how effective this is: it is easy to get an e-mail address through various free offers and blocking an IP address is an easy hurdle to get around, with a little bit of know-how or simply by going to an Internet café.

The fact that advertisement sites have failed up until now to put specific measures in place to prevent the illegal trade in cultural goods may have to do with more than just unclear laws and regulations – i.e., what objects are involved exactly? – and a shortage of expertise on the subject. It may have to do with the fact that advertisement sites are hardly ever confronted with cases in practice. The respondent from the advertisement sites claimed that of all the tips that they receive annually (tips usually have to do with double adverts, wrongly categorised adverts or adverts that contravene the regulations), only one was in the art and antiques category. In relation to the total number of tips that come in (70,000 per week), this is negligible. This respondent also had never had an enquiry from the police on the subject.

Intermezzo – Lack of clarity surrounding the role of organised crime

When it comes to valuable works of art (Picasso, Rembrandt), there was consensus among the respondents: their relationship with the Internet and/or auction and advertisement sites is negligible. This is not to say that illegal practices have nothing to do with these valuable works of art. Several respondents claimed that there is a link between organised crime and illegal

trade in valuable art. The role that organised crime plays is not always clear. One respondent claimed that valuable paintings are stolen on commission in the Dutch market, while another respondent stated categorically that this was not the case and that the owners of the 'stolen' paintings do it for the insurance money or that the paintings are then used as collateral for drug deals. Another respondent pointed out how sensitive the art trade is to money laundering; now that changing money is not longer such an issue – thanks to the arrival of the Euro – a lot of money can be laundered and the trade in art is useful for this because the prices people are prepared to pay for art can vary enormously. It should be noted that the role of the Netherlands in this context is presumably not big: the Netherlands is a small trader in comparison to, for example, Germany, England and France. This is partly to do with the fact that historically the Dutch have not attached importance to art, as opposed to the other countries just mentioned. According to respondents, there are perhaps twenty serious collectors in the Netherlands, compared to between 3,000 and 4,000 in Germany.

Other shortfalls

Most of the objects registered in ALR's database have been stolen from private individuals and have an average value of €2,000.¹¹⁸ Some of the respondents had the feeling, however, that there are only high value objects on the ALR register and their assumption is that the objects that they trade will not be on this database. Because of this, and because of the fee that the ALR charges for searches, traders are not inclined to consult this database.

5.5

SUMMARY

The 1970 UNESCO Convention on the Illicit Import, Export and Transfer of Ownership of Cultural Property (Implementation) Act came into effect in Dutch law on July 1, 2009. This act offers more legal tools to tackle illegal trade in general. UNESCO, Interpol and ICOM presented 'basic actions'¹¹⁹ that focus specifically on combating the illegal trade in cultural goods on the web. There are various actors involved in the supervision and enforcement in general and implementing the basic actions specifically. In this chapter we explored the tasks and authority of these actors and charted the shortfalls, loopholes and gaps.

¹¹⁸ See www.artloss.com.

¹¹⁹ See Appendix 2.

The laws and regulations that we analyzed, and the principles that underlie these, appear to be adequate to combat the illegal trade in cultural goods. What we found, however, were the usual gaps in enforcement and supervision. The problem is located in the cooperation between the authorities enforcing the laws and the fact that this subject is given little or no priority by the police and the Public Prosecution Service. Moreover, the nature and scale of cases reported involving art and antiques is not clear because the police do not have a specific crime code and no uniform record definition for this crime. If a national crime code were used then IPOL would be able to generate an overview of the relevant cases using the national Blueview information system.

Authorities responsible for monitoring and supervising these measures are Customs and the Cultural Heritage Inspectorate. To prevent the illegal trade in cultural goods on an international level, the Ministry of Education, Culture and Science (Cultural Heritage Inspectorate) and the Ministry of Finance (Customs) signed a framework agreement concerning the collaboration for the monitoring of cross-border traffic in cultural goods. The objective is to tackle illegal trade and to return goods that have been confiscated to their rightful owner, although this does not happen often, according to the respondents.

The Cultural Heritage Inspectorate of the Ministry of Education, Culture and Science has a supervisory role in the preservation and management of cultural heritage. They issue the requisite licences for the export of certain protected objects beyond the EU borders. On the basis of international treaties and directives, the Cultural Heritage Inspectorate also oversees the import, as well as the export, of protected cultural goods from countries, like the Netherlands, that are signatories to the 1970 UNESCO Convention, for instance.

The basic actions put in place by UNESCO to prevent the illegal trade in cultural goods on the web are hardly carried out in the Netherlands. Basic actions 1 and 2 focus on websites that offer cultural goods. Basic action 1 proposes that websites should include information that focuses specifically on cultural goods. So far, this has not happened on Dutch websites. Basic action 2 recommends that Internet sites exchange information and work together with government authorities. Unlike other inspection services, such as the Authority for Financial Markets and the General Inspection Service, the Cultural Heritage Inspectorate does not work together with Dutch advertisement sites; this may change in the future, talks are underway. Basic actions 3 and 5 imply that there should be a service that permanently and systematically scans the Internet for illegal trade in cultural goods (Basic action 3) and that statistics should be kept about relevant searches that have been carried out on the web (Basic action 5).

To date there is no institution in the Netherlands that carries out these tasks systematically. It seems that this is because of the complex laws and regulations and a lack of expertise about possible illegal activities on websites that offer cultural goods. The fact that advertisement sites have failed up until now to put specific measures in place to prevent the illegal trade in cultural goods may have to do with more than just unclear laws and regulations – i.e., what objects are involved exactly? – and a shortage of expertise on the subject. It may have to do with the fact that advertisement sites are hardly ever confronted with possible illegal trade in cultural goods.

In this final chapter we present the conclusions of our study of ‘illegal trade in cultural goods on the Internet’. The research comprised two parts. The first part addresses the question of the nature and scale of the phenomenon. The second part concerns the legal aspects, monitoring and enforcement, and vulnerable aspects of this. These subjects will be dealt with in this order in the sections below. Before this, we will give a short evaluation of our research, focusing on the sources we consulted and the scale of our findings.

6.1 THE RESEARCH EVALUATED

This study into illegal trade in cultural goods on the Internet is exploratory and descriptive in nature. There is hardly any research available on the subject that could function as a reference point. For this reason, we decided to consult various sources. We conducted a study of the literature to get insights into the nature and scale of the illegal trade in cultural goods in general and on the Internet in particular. We also used the literature to find out about existing legislation and the actors involved.

We interviewed 26 respondents to supplement and further explore the results of the literature study. We strove to recruit experts from various disciplines. The non-response from the regular trade was noticeable. This may have resulted in certain areas of expertise being under exposed and the question arises as to why there was such a non-response. Based on the assumption that the bona fide trade would benefit from research into illegal practices in their industry, we expected cooperation to be more forthcoming. Several respondents in this study were of the opinion that this sector does not stand to benefit from more openness because of the size of its black market. We could not verify this claim during this study. That would require further research.

Alongside the literature study and the interviews, we also carried out an extensive cyber study to determine the extent of the illegal trade in cultural goods

on the Internet. During this study we looked at the two largest sites that sell cultural goods: Marktplaats and eBay. Using various search terms, derived from a variety of sources, we investigated whether cultural goods are offered in the Dutch setting, and if so, which ones, how many and at what price.

We searched specifically for cultural goods in which trade is potentially illegal (see Section 2.1 for more information about the demarcation of the research). An important condition of these results is to bear in mind that even for experts it is virtually impossible to determine on a computer whether the goods on offer are actually those in which trade is forbidden. Sometimes the age of the object or its place of origin could influence its legal status. Age and origin, however, are not easy to determine by sight alone; the object could just as easily be a fake. We know that fraud is the most prevalent kind of cyber crime (Leukfeldt et al., 2010; Hesseling, 2010), and there are no reasons to assume that trade in cultural goods would be immune from this. A separate study would be required to determine per object or category whether they were forgeries.

6.2 SCALE AND NATURE OF CULTURAL GOODS, LEGAL OR OTHERWISE, OFFERED ON THE WEB

The subject of this exploratory research has two separate aspects that are interlinked: illegal trade in cultural goods and the Internet. Starting with the latter: trade on the web is on the increase, a growing number of people are using the Internet to buy and sell goods. Auction site eBay has about 90 million users. Trading on the web is cheap and accessible for anyone who has an Internet connection. Art and antiques are also traded on the web, for instance via online auction houses and websites that target private individuals. The volume of goods in the category art and antiques together has more than doubled since 2007 (Bieleman et al., 2007).

According to the literature, the illegal trade in cultural goods occurs frequently in countries such as Iraq, Mexico and Greece, as well as on the Asian and African continents. In these cases, the trade is in cultural goods (such as icons, paleontological and archaeological material and manuscripts) that are exported unlawfully and then traded in western countries.

These developments – an increase in Internet trade and the large volume of trade in cultural goods – do not, however, lead to the conclusion that there has also been a significant increase in the illegal trade in cultural goods on the web. Firstly, there is no base measurement to which we can compare the current situ-

ation. In the second place, while cultural goods may be offered illegally on the Internet, it is not to the extent that is sometimes assumed by those in the field. A general scan of the stolen objects as administered by the police leads to the conclusion that the Internet does not play a role in the buying and selling of these objects.

The Internet search on Marktplaats and eBay revealed cultural goods that are possibly on offer illegally. We found a total of 681 objects on both sites together that may be the subject of illegal trade; whether these objects are actually illegally traded cannot, however, be established with any certainty, not even by experts. On both sites there are roughly 200,000 advertisements in the category art and antiques, and this category accounts for about 3% of all advertisements on Marktplaats.

The cultural goods found on the Internet that are most likely to have been traded illegally are ancient objects from the prehistoric times (arrow heads, axes) and the Roman period (buckles, earthenware, coins). While prices were not always mentioned in the adverts, most of the goods in this category belonged to the low price range (an arrow head costs €1.50, for example). Occasionally more expensive goods are offered on the web, but even then the price is limited to a few hundred Euros. The most expensive object that we found in this category, a bronze statue of a goddess, cost €4,500. There was a difference in the kind of sellers on Marktplaats as opposed to eBay. The latter has mainly business traders who offer a range of ancient goods. The assumption is that they have international trading links because the volume of goods they offer exceeds the volume of goods found by chance in the soil. Those offering goods on Marktplaats are mainly individuals offering their own archaeological objects, alongside other things they offer. We did not investigate where the goods other than cultural goods come from and which trading partners are involved in this trade.

While we did find goods from Iraq and Peru, there were only very few. Bar one or two exceptions, the goods generally cost less than €50 each. There were no results for the search for Nok terracotta and Esie stone statues from Africa (both on ICOM's red list) on Dutch sites. We also did not find ecclesiastical art valued at more than €50,000. We did find other ecclesiastical art and icons from Cyprus and Russia. Prices for these varied between €10 and €2,200.

The results from the Internet coincided broadly speaking with the findings of the interviews with respondents. The common denominator in the interviews was that, if the Internet does play a role in illegal trade in cultural goods, it is restricted to 'small change'. Its limited economic value need not reflect its cul-

tural, scientific and/or archaeological value. Several of the respondents said that the Internet acts as a shop window. Once contact has been made between sellers and buyers, valuable goods, be they legal or illegal, may then change hands. We did not find any evidence to support this assumption during this study. What is clear though is that sellers now have a much wider and transnational customer base thanks to the Internet.

Goods of any significant value that have been acquired unlawfully do not find their way onto the web very often. The respondents mentioned several reasons for this. In the first place, there is a very real chance that someone will recognise that as illegal practice, not surprising given how many millions of people are on the web. Whoever puts the goods on offer will quickly be discovered. The second reason is linked to this. Those selling valuable goods (that are unlawfully on offer) are looking for buyers that can appreciate their value and are prepared to pay the price. Marktplaats and eBay are not suited to this purpose. The third reason is that potential buyers of valuable objects want to be able to examine them, for authenticity, for instance, or damage. An issue that was raised often was that cultural goods are frequently fakes. Recognising forgeries requires expertise and investigation, and it is virtually impossible to assess authenticity on a computer screen. All of this does not negate the possibility that valuable cultural goods could be traded illegally on the web.

We found no indications in the literature for the existence of an 'underground digital' network that trades cultural goods, some of which may be valuable; nor did the respondents mention such a network.

There is no reason to assume that the rising trend in trade on the web will diminish in the years to come. Nor will the illegal trade in cultural goods in general slow down given how much is on offer and the demand for it. The question of whether illegal trade in cultural goods will accelerate or slow down, in as much as it takes place on the web, is partly dependent of the effectiveness of the monitoring and enforcement of the regulations.

6.3

REGULATIONS, MONITORING, ENFORCEMENT AND VULNERABLE AREAS

The 1970 UNESCO Convention, ratified in 2009, is an important basis for monitoring and law enforcement, for the Netherlands and the other signatory states. This convention regulates the repatriation of cultural goods that have been unlawfully exported; it also obligates the signatory states to undertake measures, one of which is to publicise the disappearance of cultural goods. The so-called

basic actions drawn up by UNESCO, Interpol and ICOM to combat illegal trade in cultural goods on the web are relevant to our research. These basic actions lay down obligations for exploiters of websites (to include an informational text on their sites) and for the monitoring and law enforcement agencies tasked with returning illegally traded goods to their rightful owners and setting up an agency that systematically scans the web for unlawful activities to do with cultural goods.

The respondent stated that current legislation is adequate in principle. That is to say that there are no loopholes in the law that would hinder adequate monitoring and enforcement. But laws are not enough. Various weak areas in the monitoring and enforcement chain as a whole surfaced during the interviews.

Respondents frequently cited the fact that knowledge about cultural goods is virtually non-existent, both among the general public and the government organisations. They are referring here to knowledge about what is and what is not prohibited, especially with regard to archaeological goods. Some respondents were under the impression that sellers of such goods often do not realise that trade in earthenware statues from Iraq is prohibited. People want genuine cultural goods and they pay relatively little for them. In the minds of the buyers themselves, they are not doing anything wrong, so say the respondents. Those involved in advertisement sites are equally ignorant of the laws that are in force. Through the interviews with their representatives, we had a closer look at the topic 'illegal trade in cultural goods'. Apart from a willingness to draw attention to the subject on their websites, they also mentioned the complexity of the legal aspects and that unscrupulous traders can easily commit fraud as barriers to addressing illegal trade. The staff working at the sites do not have the expertise to screen advertisements for unlawful content. This cannot be held against them given that even experts cannot always tell with any certainty whether certain objects may or may not be traded, as we ourselves noticed during our research.

Expertise is located largely within the field itself. They should lead the way in preventing illegal practices, according to the respondents. Apart from a few exceptions, this is hardly the case. The will and ability to keep the industry clean is undeveloped as yet (see the remarks about non-response in Section 6.1). We were unable to ascertain why it was that the industry decided not to take part in this research. The industry could take on a role to monitor itself and inform the public and other parties involved. The Dutch version of the television programme 'Antiques Road Show' [*Tussen kunst en kitsch*] illustrates this point. Experts comment on the objects that are shown but do not comment on their potentially illegal origins (or perhaps these reservations are not broadcast). Incidentally, as noted, ex-

perts from the field will also be hard pressed to establish whether objects offered on the web, on the basis of a photograph on a computer, can be traded or not.

The shortage of adequate expertise and capacity at the monitoring and enforcement agencies such as Customs and the police, and the Public Prosecution Service as the final link in the law enforcement chain, is a vulnerable area in the fight against illegal trading of cultural goods. The law enforcement branch is made up of many sectors, each with its own specific requirements regarding expertise and the number of civil servants with the relevant background are few and far between.

Few cases of illegal trading are taken to court because these cases are considered to be too complicated. In the interviews respondents discussed a case in which the illegally traded Iraqi statues had to be repatriated on the request of the police, which is where the case ended. The number of criminal proceedings involving cultural goods (directly or indirectly) is negligible.

On an international level, Interpol and the Art Loss Register (ALR) register stolen art and antiques. At national level, the police and IPOL are responsible for this (their database is being developed). Traders can check with the ALR whether an object has been stolen or not. Apart from the issue of whether this is sufficient to halt the trade in stolen art and antiques, the question arises of whether this register could also apply to the illegal trade in cultural goods on the web. The answer to this question is no, as yet. The objects being traded are presumably not stolen and are of low economic value. In the basic actions (3 to 5, see Chapter 5), they discuss using an agency that should permanently and systematically scan the web for illegal trade in cultural goods and that statistics should be kept about cyber searches that have been carried out. This is not happening, not even the agencies mentioned are doing it; their registration systems are not intended for this.

During our Internet search, we traced a relatively small number of goods that may have been on offer unlawfully. At various stages we have emphasised that they may well have been forgeries or goods that are permitted for trade. Of the goods that we found on offer on the web, we cannot tell what is genuine and legal, what is genuine and illegal and what is fake. Our Internet search may have thrown some light on the illegal channel of cultural goods, but also on the trade in fake goods (copies, souvenirs and so on). As noted, in order to establish this properly, further research is required in which goods that are potentially illegal are the subject of further investigation so that their status can be definitively established.

An overview of the shortcomings that have been mentioned so far may give the impression that there is occasion for reproach. The findings about the shortfalls in knowledge, the lack of both cooperation and low priority afforded the issues suggest that investigating the illegal trade in cultural goods would be much more effective if the institutions involved would tackle it more rigorously and take it more seriously. Without stating that the agencies mentioned could not have done better, it must be said that the problem is inherent in the object under scrutiny – cultural goods. People that are involved in this trade should be able to tell the difference between goods that are liable for confiscation and those that are not. Objects need to be identifiable, but for laypersons and even experts it is not always easy to determine exactly what the status of certain goods is. This is particularly pertinent for cultural goods from illegal excavations which have no serial numbers, no chips, no reliable passport and cannot be identified using a simple chemical test. Those with criminal intent, including forgers, have in all of this a relatively safe playground and law enforcers a relatively complicated one – compared, for example, to the terrain of illegal aliens, illegal livestock, drugs and stolen vehicles. A few select cultural objects may not pose big problems, but as soon as the supply is significant and the goods are less specific, the fundamental problem of identification arises. It forms a significant hindrance in monitoring and it cannot be addressed by simply enhancing knowledge or working better together, as a team. A solution to this problem lies in developing a sound identification system specifically for cultural goods. By sound we mean based on inalienable properties of the goods, similar to biometrics for humans and chemical composition for substances.

Regarding the way operations are prioritised, we would like to point to an underlying phenomenon. Generally speaking, it is evident that monitoring people is given higher priority by society than monitoring goods. The fact that it took the Netherlands 39 years to ratify the 1970 UNESCO Convention is a reflection of this. Over the years, governments have worked harder on identification systems for people than identification systems for goods. The wounded and the dead have a greater impact on society, as a general rule, and arouse the emotions more than damaged or missing goods do. It stands to reason that the police do not have much choice in what they should tackle when murder and assault clash with damage to property and illegal trade in cultural goods. That combating street crime and assault is given priority above tackling illegal trade in cultural goods, as became evident in the interviews, should not be seen as something devised by the police and justice department, but rather as a fact of society. This societal prioritising is not something that can be altered easily. With this in mind, room for improvement should be sought in optimising systems within the existing context rather than by striving to get a higher priority within society and enforcement agencies.

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APPENDIX 1

RESPONDENTS

W. van Biemen	Federation of Valuers, Brokers and Auctioneers in movable goods
D. Dauba-Pantanacca	eBay
A. Deregibus	Carabinieri
M. Finkelnberg	KLPD (National Police Services Agency the Netherlands)
J. Geboers	Algemene Inspectiedienst (AID) (General Inspection Service)
R. Godthelp	Regional police Amsterdam
E. Hertogh	Tax department
W.J. Hoogsteder	Art dealer
C.H. Kind	Interpol
C. Malfeyt	Marktplaats
D. Meijer	University of Leiden
I. Meissen	Public Prosecution Service
D. Mol	Customs
J. Radcliffe	Art Loss Register
L. Schaake	Tweedehands
A. Schmidt	Museum Volkenkunde (State Museum for Cultural Anthropology)
S. Scholten	University of Amsterdam, Cultural Heritage Department
M. van der Sterre	Stichting Kerkelijk Kunstbezit Nederland (The Foundation for Ecclesiastical Art and Artefacts in the Netherlands)
B. Thijm	Speurders
I. van der Vlies	University of Amsterdam
W. Weijland	Duth national Museum van Oudheden (Rijksmuseum of Antiquities)
W. Willems	University of Leiden
M. Silberberg	Gallery owner
B. Zuidema	Private detective
Anonymous	Metal detector user
Anonymous	Auctioneer

APPENDIX 2

ONLINE SUPPLY OF OBJECTS IN THE ART AND ANTIQUES CATEGORY

*Supply of objects in the antiques category on auction and advertisement sites (reference date 10-3-2010)**

	Marktplaats		eBay		Speurders		2dehands		Difference
	2007	2010	2007	2010	2007	2010	2007	2010	
Archaeological objects	-	-	334	-	-	-	-	-	- 334
Books	5757	11196	331	113417	-	-	58	1098	+ 119565
Ceramics and earthenware	1747	11008	441	-	-	-	727	-	+ 8093
Porcelain and enamel	11128	14465	281	37463	-	-	278	692	+ 40933
Glass	-	10155	2081	17055	-	-	23	223	+ 25329
Crockery	16358	17384	-	-	-	690	138	309	+ 1887
Pots, vases and wall plates	15064	12362	31	14572	-	351	172	69	+ 12105
Implements	6696	4851	117	7640	630	-	999	700	+ 4749
Curiosities	13342	10667	-	-	-	-	40	3703	+ 988
Furniture	16104	19123	127	19738	3273	970	1153	1584	+ 20758
Clocks and timepieces	6842	5849	45	1334	645	439	368	289	+ 10
Jewellery, gold and silver work	2869	13284	94	-	-	-	187	179	+ 10313
Religious	3444	5481	39	10648	368	415	533	263	+ 12423
Other antiques	36022	63014	105	22503	3580	2980	841	3292	+ 51241
Total antiques	135373	195739	4026	244370	8460	5845	5517	12401	+ 308060

** Unlike the Internet search, in this search we did not look for certain goods on sales and auction sites, instead we looked to see how many goods were registered in certain categories.*

*Supply of objects in the art category on auction and advertisement sites (reference date 10-3-2010)**

	Marktplaats		eBay		Speurders		Tweedehands		Difference
	2007	2010	2007	2010	2007	2010	2007	2010	
Statues and wooden carvings	5838	6413	78	4357	1080	515	226	528	+ 4591
Etchings, engravings, wood and silk-screen prints	5924	9135	-	-	-	757	131	518	+ 3749
Drawings and photographs	1927	2800	287	31585	1249	-	134	118	+ 30906
Ethnic art	-	2405	186	2100	-	-	-	-	+ 4319
Paintings	17407	18887	638	124424	3789	1550	1402	2326	+ 123879
Other art	6488	12549	58	38888	1163	663	131	1431	+ 45691
Total art	37584	52189	1247	220254	7281	3485	2024	4921	+ 213135

* Unlike the Internet search, in this search we did not look for certain goods on sales and auction sites, instead we looked to see how many goods were registered in certain categories.

APPENDIX 3

OVERVIEW OF ADVERTISEMENT AND AUCTION SITES FOUND

Auction sites

1. www.kunstveiling.nl/go/pages/home
2. www.worldonauction.com
3. http://stores.shop.ebay.nl/museumveiling__W0QQ_armrsZ1
4. www.troostwijkauctions.com/nl/kunst-en-collectors-items/05-284-3979-3992/
5. www.ebay.nl (international)
6. www.webveilingen.nl
7. www.qoop.nl
8. <http://boulantveilingen.nl/auction/auction/categories.asp?s=5128BA759F5440CDB4182AD65278A02E&act=subcat&did=11&cid=43&scid=234>
9. www.vdh-auctions.nl/veiling/Kunstwerken_Marcel_Elisen_en_Herman_Brood/57/

Advertisement sites

1. www.marktplaats.nl
2. www.speurders.nl
3. www.marktplaza.nl
4. www.marktnet.nl
5. www.tweedehands.nl
6. www.kapaza.nl
7. www.aanbiedingenplaats.nl
8. www.boulantveilingen.nl/auction/auction/categories.asp?s=5128BA759F5440CDB4182AD65278A02E&act=subcat&did=11&cid=43&scid=234
9. www.aanbodpagina.nl
10. www.abcmarkt.nl
11. www.advertentiedomein.nl
12. www.advertentiehoek.nl
13. www.advertenties.net
14. www.adverteren-gratis.nl
15. www.algemeenemarkt.nl
16. www.allerleimarkt.nl

17. www.allestekoop.com
18. www.arenaplaza.nl
19. www.beabo.nl
20. www.biedplek.nl
21. www.costoso.nl
22. www.damiun.nl
23. www.demarktplek.nl
24. www.deverkoopsite.com
25. www.deaanbieder.nl
26. www.deltamarkt.nl
27. www.desnuffelaars.nl
28. www.ebazars.nl
29. www.e-spots.nl
30. www.euromarktplaats.nl
31. www.goedzoeken.nl
32. www.gooinietweg.nl
33. www.gratisadvertenties.com
34. www.gratisadvertenties.net
35. www.gratis-adverteren.nu
36. www.gratis-markt.eu
37. www.gratismarkt.nl
38. www.handelexpert.nl
39. www.handelsmarkt.nl
40. www.handelsplaza.nl
41. www.itaasa.com
42. www.kel.nl
43. www.kijkplaats.nl
44. www.koopjescorner.nl
45. www.koopjespullen.nl
46. www.koopplaats.nl
47. www.koopplein.nl
48. www.kzoek.nl
49. www.marktgigant.nl
50. www.markt130.nl
51. www.markt4all.nl
52. www.markt4u.nl
53. www.marktbuddy.nl
54. www.marktgoed.nl
55. www.marktkrantje.nl
56. www.marktman.nl
57. www.marktmax.nl

58. www.marktnet.nl
59. www.marktparade.nl
60. www.marktplaza.nl
61. www.marktplek.nl
62. www.marktpret.nl
63. www.mijnkraampje.nl
64. www.nederlandtekoop.biz
65. www.nlmarkt.nl
66. www.okaza.nl
67. www.opbieden.nl
68. www.openhandel.nl
69. www.pandhuis.nl
70. www.plaza24.nl
71. www.prikborden.com
72. www.profimarkt.nl
73. www.rommelplaats.nl
74. www.salepage.nl
75. www.selsoen.nl
76. www.sellzone.nl
77. www.sneup.nl
78. www.snuffelbeurs.nl
79. www.snuffelcorner.nl
80. www.snuffelkleintjes.nl
81. www.snuffelkrantje.nl
82. www.snuffelplek.net
83. www.speurkoopjes.nl
84. www.speurmarkt.nl
85. www.speurpagina.nl
86. www.spullenplein.nl
87. www.spulletjeshuis.nl
88. www.storeplaats.nl
89. www.swebbers.com
90. www.tekoopangeboden.info
91. www.treffend.nl
92. www.tutto.nu
93. www.tweedehands.nl
94. www.tweedehands24.nl
95. www.tweedehandsmarkt.com
96. www.tweedehandsplek.nl
97. <http://kunst.tweedehands.net/schilderijen/online-veiling-van-450-kunstwerken-o-a-herman-brood-le-mair-en-heyboer.html>

98. www.veilingwebsite.nl
99. www.veilplaats.nl
100. www.verkooapiets.nl
101. www.verkoopweb.com
102. www.verkoopzolder.nl
103. www.verkopen.nl
104. www.verzamelplein.nl
105. www.vooreenprikkie.nl
106. www.waaromnieuw.nl
107. www.winkelkraam.nl
108. www.zoekertjes.net
109. www.zoekertjeskrant.nl
110. www.zoekmee.nl
111. www.zoekopweb.nl
112. www.2dehandsplaza.nl
113. www.2ehandsspulletjes.nl
114. www.12veel.nl

APPENDIX 4

OVERVIEW OF RELEVANT LAWS AND REGULATIONS¹²⁰

Level	Name of act or convention	Short description	Actors
International	1954 UNESCO Convention (Hague Convention)	See below Cultural Property (Return from Occupied Territory) Act 2007	Member states are actors when signing the convention. When implementing the act, the national authorities are actors (see below).
	1970 UNESCO Convention	The 1970 UNESCO Convention regulates the return of cultural goods that have been removed from the territory of countries that are party to the convention through unlawful import, export or transfer of ownership. The objects concerned here are those that have been identified by a country as being of significant importance as part of their cultural heritage.	Member states are actors when signing the convention. When implementing the act, the national authorities are actors (see below).
European	Council Directive no. 93/7/EEC	Protected cultural goods that have been removed illegally from the territory of an EU member state and that surface in another member state can be reclaimed. Enforcement applies to the Netherlands only if cultural goods were unlawfully removed from the territory of a member state after January 1, 1993.	Cultural Heritage Inspectorate
	Concil Regulation (EEC) no. 116/2009	Those who wish to export objects above a certain value and age, temporarily or permanently, beyond the borders of the European Union, need an export licence. If these goods are classified as cultural heritage of a member state, then the Cultural Heritage Inspectorate can refuse to issue a licence.	Cultural Heritage Inspectorate Tax and Customs Administration

¹²⁰ Source: Ministry of Education, Culture and Science website, Ministry of the Interior and Kingdom Relations website and *Pure Art*.

Level	Name of act or convention	Short description	Actors
The Netherlands	Cultural Heritage Preservation Act (1984)	This act was drafted to protect objects that are invaluable and essential for the cultural heritage the Netherlands. These are objects owned by private individuals and that have significant cultural, historical and scientific value, and movable objects that are part of the public collection, owned by the State or other public body. The Act also contains directives for enforcing protective measures and for regulating the export of such objects.	Minister of Education, Culture and Science Cultural Heritage Inspectorate Tax and Customs Administration
	Iraq Sanctions Order (2004) II	Prohibition of trade in Iraqi cultural goods and other objects of archaeological, historical, cultural, significant scientific and religious importance, if these were unlawfully exported from Iraq.	Minister of Foreign Affairs Cultural Heritage Inspectorate Tax and Customs Administration
	Cultural Property (Return from Occupied Territory) Act (2007)	This act regulates the confiscation of cultural property originating from an occupied territory during an armed conflict and for the initiation of proceedings for the return of such property. This act also prohibits the import of cultural goods from occupied territory into the Netherlands or to have such property in one's possession in the Netherlands.	Minister of Education, Culture and Science Cultural Heritage Inspectorate Tax and Customs Administration
	1970 UNESCO Convention (Implementation) Act (2009)	The 1970 UNESCO Convention came into force in the Netherlands on July 1 st , 2009 with the 1970 UNESCO Convention (Implementation) Act (2009) on the Illicit Import, Export and Transfer of Ownership of Cultural Property. On October 17, 2009 it came into force for State Parties to this convention.	Minister of Education, Culture and Science Cultural Heritage Inspectorate Tax and Customs Administration

APPENDIX 5

BASIC ACTIONS CONCERNING CULTURAL OBJECTS BEING OFFERED FOR SALE OVER THE INTERNET

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 Bureaux, 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:
 1. ensuring updated inventories with photographs of cultural objects, or at least their description, for example through the Object ID standard;
 2. 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.

EXECUTIVE SUMMARY

1 INTRODUCTION

In 2004, a conference on 'Illegal Trade, Fighting Illicit Traffic in Cultural Goods within the European Union' was held in Rotterdam as part of the Netherlands' presidency of the European Union (EU). During the conference it was emphasised that Internet trade in cultural goods was a significant new development. This claim was reinforced in 2007 when a survey carried out by Interpol showed that respondents believe that the illegal trade in cultural goods is on the increase.

On a national level and in the same period, the Minister of Justice commissioned an investigation into the art and antiques trade within the framework of a programme to prevent organised crime. This investigation showed that the Internet auctions are gaining ground on 'regular auctions'. The extent of this remains vague because of the absence of hard figures. Furthermore, it is not clear what role the Internet is playing within the *illegal* trade and how buyers and sellers go to work on the web. This lack of knowledge was reason for the Ministry of Education, Culture and Science to commission research into the online trade in art and antiques in general and cultural goods in particular, focussing specifically on the nature and extent of the illegal trade.

Essentially this research concentrates on describing the regular and illegal trade in cultural goods on the Internet and on charting the vulnerable areas that art dealers may be taking advantage of. The research comprises two parts, namely to form an impression of the sector and to identify the measures needed to combat illegalities and improve security.

2 RESEARCH METHODS

To answer the research questions, we conducted a literature and documentation study, held interviews with key informants and carried out an Internet search

and media analysis. Below we will discuss the research activities we conducted as well as the demarcation of the research.

Demarcation

Cultural heritage can be broadly divided into movable heritage, immovable heritage, and intangible heritage. In our research we concentrated on movable heritage, on legally protected movable heritage in particular (cultural goods). In this research, we use the term 'art and antiques' to denote movable heritage that is protected by law and that is not protected by law. This demarcation is illustrated in Chapter 2.

Literature and document research

During the literature and document study, we made an inventory of the results of previous research into the trade in cultural goods, both the real and online world. We also studied the relevant laws and regulations. For this we consulted literature and documentation, including internationally, from actors in the field.

Interviews with key informants

Parties in the field (for instance, Customs, the Public Prosecution Service, art dealers and the police) are all involved in different ways with the trade in cultural goods, be it online or in the real world. They all see this phenomenon from different points of view and they know about the trade, or parts of it. We interviewed 26 representatives of the various parties so that we could get an idea of the current state of affairs in online trade. Topics that we introduced included the nature and scale of the trade, including illegal trade, the parties involved and the role of the Internet. It was noticeable how extremely reluctant art dealers were to talk to us.

Media analysis

The primary aim of the media analysis was to analyse reports about the illegal trade in art and antiques on the web so that we could get an impression of the nature and extent of this trade. We also used the analysis to compile a list of the experts in the field and studies that have been carried out previously. The media analysis used the Lexis-Nexis News Portal. We searched in the period from 1999 to 2010 in all Dutch newspapers using a search key with terms that indicated illegal trade (illegal, fake, stolen), art and antiques (art, antiques, icon) and/or Internet (online, market). This part of the research is discussed in Chapter 3 of this research report.

Internet search

The Internet search consisted of several parts. We started by making an inventory of the websites (including auctions and advertisement sites) on which art and antiques are offered. This is not indicative of the illegal supply of these goods, but it does tell us how the market is structured (inter alia about the distribution or concentration of the supply side).

Apart from forming a general impression of the supply of art and antiques on the web, the Internet search also aimed at charting the illegal supply of cultural goods. The first part of the research was therefore used as an initial demarcation. In order to assess the extent to which cultural goods are traded illicitly, we looked for advertisements on the Dutch sites that have the largest supply of art and antiques – Marktplaats and eBay the Netherlands. Besides this, we also looked specifically for goods in which it is prohibited to trade in general, or those can only be traded under certain conditions. Specific terms were garnered during the interviews with experts as well as from the Red List, compiled by the International Council of Museums (ICOM).

While the search was limited to the two largest auction and advertisement sites, it does give a good impression of the types of goods per category that are on offer, the asking prices for these goods, and the number and types of suppliers (private individuals and commercial traders). We do not know whether the trade in the objects that we found is illegal. It is impossible to judge this from behind a computer screen and this should be the subject of follow-on research.

3 CULTURAL GOODS AND THE INTERNET ACCORDING TO THE LITERATURE AND RESPONDENTS

The role of the Internet in the illegal trade in cultural goods is mentioned in the literature, but not in significant measure. A few authors speculated over the possible role that the Internet plays or could play and there are a few reports with indicative figures at best. Based on the limited literature available it appears as though the extent to which cultural goods are on offer on the Internet is growing. Moreover, because of the transnational nature of the web, there is evidence of an international community of buyers; they are based in the United States, Australia and Japan in the main, but not exclusively. The literature, however, is unclear about the scale of illegal trade on the web. Nevertheless, it is evident that there is a lively illegal trade in cultural goods generally; many archaeological sites have been damaged by illegal excavating and large sums of money are involved in the global trade in cultural goods.

All respondents were familiar with the fact that cultural goods are traded on the web. However, whether or not these dealings are illegal, and, if they are, how widespread this practiced is, are not questions they can answer. Respondents assume that there is a large dark number related to illegal trade in cultural goods in general – i.e., not only on the Internet. This makes it impossible to estimate the scale of the illegal trade in cultural goods. According to them, the Internet is a factor that complicates things even more. It is virtually impossible to monitor the goods on offer on the Internet because of the speed at which this trade takes place. Moreover, it is very difficult to judge the legal status of cultural goods on offer on the web.

4

FINDINGS OF INTERNET AND ADVERTISEMENT SITES RESEARCH

Art and antiques are on offer on nine Dutch auction sites and 130 Dutch advertisement sites. Among the auction sites eBay accounts for 98.5% of the total of 325,294 internationally placed advertisements. Taking into account the Dutch supply on the site only, they account for 67% of 14,373 advertisements. Among the advertisement sites, Marktplaats has a market share of 69.8% of a total of 266,360 objects on offer.

As a rule, the websites that offer art and antiques also offer a wide variety of other goods. A mere 0.07% of the total number of objects on the auction sites¹²¹ (including international auctions on the Dutch section of eBay) and 1.6% of what is on offer on Dutch auction sites are offered on those auctions sites that specialise in art and antiques.¹²² It can therefore safely be said that the overall supply of art and antiques on auction and advertisement sites is concentrated.

An analysis of eBay the Netherlands and Marktplaats, based on predefined search terms (see research methods) showed that on Marktplaats there are 100 sellers offering 266 objects that may or may not be illegal. eBay, in turn, has 17 sellers offering 415 objects of equally unclear legal status. Given the total number of advertisement sites, this is a very modest number. Relatively speaking there were a lot of archaeological items such as objects from the prehistoric era (41%) and Roman period (40%).

It would seem that most of the items on Marktplaats are relatively cheap, although this cannot be ascertained fully because objects do not always have an

121 232 out of a total of 325,294 objects on offer on international auction sites.

122 232 out of a total of 14,373 objects on offer on Dutch auction sites.

asking price. In those cases where they are mentioned, the asking prices are often less than €50. Objects on eBay the Netherlands are usually priced and there we see that the supply is mainly of relatively cheap items. Sellers on Marktplaats are chiefly private individuals. 'Large scale sellers', selling hundreds of objects in the same category, are not active on these advertisement sites. As opposed to the sellers on Marktplaats, the sellers on eBay are virtually all companies. They manage so-called eBay stores and specialise in the sale of specific types of goods, such as religious objects.

Given these findings, the assumption has to be that a part of the trade involves the illegal trade in cultural goods, provided that what is on offer are not fakes, souvenirs or touristic items. During this study, we did not investigate the legal status of the trade in the objects that we found because this is beyond the expertise of the researchers. The Internet search makes it clear, however, that while it is relatively simple to bring to light potential illegal trading on these sites, it remains difficult to establish whether the trade is in fact illegal. The researchers are not in a position to do this and it requires further investigatory research.

5 LAWS AND REGULATIONS

The 1970 UNESCO Convention on the Illicit Import, Export and Transfer of Ownership of Cultural Property (Implementation) Act came into effect in Dutch law on July 1, 2009. This act offers more legal tools to tackle illegal trade in general.

After analysing the laws and regulations, and the principles upon which they are based, it would seem that this legislation is adequate for the prevention of illegal trade in cultural goods. Despite this, there are a few gaps in the enforcement and monitoring apparatus. For one thing, the issue has no priority with the police and the Public Prosecution Service. This low level of priority and the absence of knowledge at regional level may be the reason why cases do not progress through the system and instead stagnate on their way to the courts.

UNESCO, Interpol and ICOM compiled a list of basic actions specifically for the purpose of tackling the illegal trade in cultural goods on the Internet. Examples of basic actions are: including informative texts on websites where cultural goods are sold; working together with national and international law enforcement agencies such as Interpol; setting up a central organisation that monitors the web for illegal selling of cultural goods and setting up a database for registering stolen goods.

Basic action 1 encourages website owners to include a text that specifically informs visitors about the buying and selling of cultural goods. Internet sites should preferably work together and exchange information with government agencies (Basic action 2). More shortcomings are evident and they are to do with implementing the basic actions. For instance, the information text still has not appeared on Dutch websites and the cooperation between Internet sites and government agencies is not optimal yet. For the rest, Basic actions 3 and 5 propose that a service be instituted that permanently and systematically scans the Internet for illegal trade in cultural goods (Basic action 3) and that statistics should be kept about searches that have been carried out on the web (Basic action 5). This has not happened thus far.

6

CONCLUSIONS

Trade on the Internet is on the increase and this includes trade in art and antiques, for example on online auction houses and websites targeting private individuals. As evidenced in the literature, the illegal trade in cultural goods occurs frequently, although it is not possible to estimate the scale of this illicit traffic worldwide. Also, it is not possible to surmise from the developments – an increase in Internet trade and the large volume of trade in cultural goods – that there is a parallel increase in illegal trade in cultural goods on the Internet.

The Internet search on Marktplaats and eBay the Netherlands revealed a total of 605 cultural goods that may be on offer for sale unlawfully. By way of comparison: on both sites there are roughly speaking 200,000 advertisements in the category art and antiques (this being the main category with subcategories encompassing various cultural goods). The goods most likely to be traded illegally on the web are archaeological objects from prehistoric times (arrow heads, axes) and Roman period (buckles, earthenware and coins). While prices are not always mentioned on the adverts, most of the goods in this category are in the lower price range (an arrow head, for example, costs €1.50). In short, from the Internet search it appears that valuable, illegal art is not frequently on offer on the web via advertisement and auction sites.

Respondents confirm this finding, and they give several reasons for this. In the first place, the chance of someone recognising the object is very real (after all, millions of people surf the web). The person offering the goods will soon be traced. The second reason is linked to the first. Those selling valuable (and illegal) art and antiques are looking for buyers that can recognise the value and who are happy to pay for the price. Marktplaats and eBay are not suitable places

to look for these people. The third reason is that potential buyers of valuable objects want to be able to physically assess the items.

While those interviewed stated that there are no gaps in the legislation which could hinder its supervision and enforcement, they did however frequently mention the virtual absence of knowledge about the relevant legislation, both among the general public as at the institutions involved. This lack of knowledge about existing legislation is also apparent among those managing advertisement sites. Apart from a willingness to focus attention on the subject on their sites, these respondents also cited the complexity of the legislation as a barrier to taking relevant measures.

The lack of expertise and capacity at the monitoring, investigation and enforcement agencies such as Customs and the police, and at the end of the judicial chain, the Public Prosecution Service, is a vulnerable area in the battle against illegal trading. Various interests have to be taken into account when addressing the question of whether more, and if so, how much, should be invested in tackling illegal trade in cultural goods on the Internet. According to respondents, the industry itself should take the lead in the combating illegal practices, by adopting the role of informing the public and detecting these practices when they occur. Until now, this has not happened often enough: the ability to keep their industry clean is not sufficiently developed.

Without wishing to imply that there is no room for improvement, we must point out a problem that is inherent to cultural goods. When monitoring goods, no matter what they are, it is imperative that the persons undertaking the task can tell the difference between goods that are liable for confiscation and those that are not. At the outset, goods need to be identified. This aspect poses a significant problem: for experts and laymen alike it is not simple to establish exactly what the status of the goods is. This aspect of identification significantly hinders monitoring activities and it is not something that can be solved easily.

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Tom van Ham is a criminologist and psychologist, and since 2009 he has been working at Bureau Beke as a junior researcher. Before this, he was a cadet at the IJsselland Regional Police Force, where he was involved in research into violent crime, repeat offenders and juvenile delinquency. At Bureau Beke, he is researching aspects related to public order and youth criminality, among other things.

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