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

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

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

These issues were discussed at the third annual meeting of the *INTERPOL Expert Group on Stolen Cultural Property* held at the INTERPOL General Secretariat on 7 and 8 March 2006. The participants agreed that monitoring the Internet poses a number of challenges due to:

- (a) the sheer volume and diversity of items offered for sale;
- (b) the variety of venues or platforms for the sale of cultural objects on the Internet;
- (c) missing information that hinders proper identification of objects;
- (d) the limited reaction time available owing to short bidding periods during a sale;
- (e) the legal position of the companies, entities or individuals serving as platforms for the trade in cultural objects over the Internet;
- (f) the complex issues related to jurisdiction concerning these sales; and
- (g) the fact that the objects sold are often located in a country different from that of the Internet platform.

Following a recommendation adopted by this meeting, INTERPOL, UNESCO and ICOM have therefore developed the subsequent list of **Basic Actions to counter the Increasing Illicit Sale of Cultural Objects through the Internet**¹.

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

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

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

2. Request Internet platforms to disclose relevant information to law enforcement agencies and to cooperate with them on investigations of suspicious sales offers of cultural objects;
3. Establish a central authority (within national police forces or other), which is also responsible for the protection of cultural properties, in charge of permanently checking and monitoring sales of cultural objects via the Internet;
4. Cooperate with national and foreign police forces and INTERPOL as well as the responsible authorities of other States concerned, in order to:
 - (a) Insure that any theft and/or any illegal appropriation of cultural objects be reported to INTERPOL National Central Bureau, in order to enable relevant information to be posted on the INTERPOL Stolen Works of Art Database;
 - (b) Make information available about theft and/or any illegal appropriation of cultural objects, as well as about any subsequent sale of such cultural objects, from or to national territories, using the Internet;
 - (c) Facilitate rapid identification of cultural objects by:
 - i) ensuring updated inventories with photographs of cultural objects, or at least their description, for example through the Object ID standard²;
 - ii) maintaining a list of recommended experts;
 - (d) Use all the tools at their disposal to conduct checks of suspicious cultural property, in particular the INTERPOL Stolen Works of Art Database and the corresponding INTERPOL DVD;

¹ The above-mentioned Basic Actions are neither "Recommendations", nor "Declarations, Charters and similar standard-setting instruments" adopted by the General Conference of UNESCO, nor "Resolutions" adopted by the General Assembly of Interpol.

² The Object ID, which is an international standard for describing art, antiques, and antiquities, as well as a version with supplementary information (endorsed by ICOM, Getty and UNESCO), are available on the ICOM website (<http://icom.museum/object-id>).

- (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.