

# 11 Art crime

*Patrick Boylan*

The French are all thieves, not all but Bonaparte.  
(Chamberlain, 1983, p. 123)


No aspect of the art world gets more media attention than art crime, whether thefts, burglaries and robberies, looting of museums, monuments and sites in times of armed conflict, or forgeries and fakes. Yet paradoxically while there is an almost overwhelming volume of information about individual crimes and events when these are 'hot news', there is little reliable information or statistics about art crime as a whole. Owners, public and private institutions, insurers and law enforcement agencies are all too often reluctant to give any details of events, even when these have already been widely reported in the press.

However, art thefts in the UK alone are estimated at £300 million (\$500 million) a year (of which barely 10 per cent is recovered), while the leading French insurance group Argos estimates that currently around £7 billion (\$10 billion) worth of works of art are stolen and traded around the world each year – an amount that is at least equal to the total legitimate international trade as reported in United Nations annual trade statistics.<sup>1</sup> In fact, any figure based on reported occurrences is certain to be a big underestimate, since this is based largely on the statistics of insured collections and objects. A high proportion of the most important collections and works are not insured, either as a matter of policy as in the case of government-owned collections and works, or because the owners cannot, or will not, pay the necessary insurance premium, especially at the present typical valuation levels, following the almost exponential increases in the price of so much art and antiquities over the past few decades.

Also, such estimates can only cover legitimate, known and recorded art. They do not take into account the huge amount of unrecorded works of art, antiquities and other cultural objects that is illegally acquired in the first place, for example from clandestine and other illegal excavations of monuments and sites, and important architectural and decorative features illegally removed from protected historic buildings.

LES ŒUVRES D'ART LES PLUS RECHERCHÉES  
THE MOST WANTED WORKS OF ART

**INTERPOL**




OBJET : 1 site de l'homme en terre cuite au marbre.  
ITEM : 1 site of the man in terracotta and marble.  
DIMENSIONS : Grande sculpture / Life-size

OBJET : Statue en diorite représentant un homme, environ 2400 av. J.-C., originale.  
ITEM : Diorite statue of Entenmen, c. 2400 B.C., Ur

OBJET : Tableaux de jeux en cuivre et de corail plaqué sur bois.  
ITEM : Gaming boards inlaid with shell, Ur

**RECOVERED**

OBJETS PILLÉS DU MUSÉE D'IRAK, BAGDAD - AVRIL 2003  
ITEMS LOOTED FROM THE IRAQ MUSEUM, BAGHDAD - APRIL 2003



OBJET : Personnage assis, en cuivre, environ 2250 av. J.-C., originale cassée.  
ITEM : Coppersitter, 2250 B.C., original broken

OBJET : Homme en bronze et chien en bronze.  
ITEM : Man with bronze and bronze dog

OBJET : Lionne et homme en bronze, environ 720 av. J.-C., originale cassée.  
ITEM : Lioness attacking Nubian, ivory and gold, 720 B.C., Nimrud

**RECOVERED**

N° de dossier / File No.: 2003/22019

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ALL THESE OBJECTS ARE FEATURED IN THE CD-ROM INTERPOL-STOLEN WORKS OF ART

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- En cas de découverte ou de renseignements concernant ces affaires, prière d'aviser les services de police qui informeront leur B.C.N. INTERPOL.  
- Should any of these items be discovered or any information concerning these cases become available, please inform the police who will contact their INTERPOL NCB.

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Plate 11.1 The most wanted works of art (Courtesy of Interpol)

The great majority of police services around the world continue to classify crime for the purposes of their national statistics (and hence international statistical returns, such as those to Interpol) only by type of incident or the aspect of the criminal law or code that has been broken rather than by the type of material involved in the crime. Consequently, art crimes will typically be grouped within the much greater global totals for crimes such as theft, burglary, robbery, forgery or obtaining funds or advantage by deception.

Nevertheless, the world international crime coordinating body for national police services, Interpol, has for many years regarded international art crime as among the largest of its categories, and probably third in importance in value after the drugs and illegal arms trades. Though it now suggests that art and antiquities crime may have been overtaken in annual value by financial crime such as money-laundering, in so far as this can be separated from the drugs, arms and the illicit art and antiquities trades with which money-laundering is believed to be intimately connected in many cases.

Interpol gives high priority to measures intended to restrict art crime. This work is now supported by a special Interpol Experts Group on Stolen Cultural Property, which works closely with other international intergovernmental organizations such as the United Nations Educational, Cultural and Scientific Organisation (UNESCO), under a formal Cooperation Agreement signed in 1999 and updated in 2003, as well as with the (non-governmental) International Council of Museums (ICOM), and the International Customs Union, whose members have, of course, a key role in controlling the movement of stolen art and other cultural property across national frontiers. Among other services, Interpol runs international on-line illustrated databases of stolen art and other cultural property as reported by national police authorities, and of items of unknown ownership recovered by the police from apprehended criminals and illicit sources.

One of the most formidable problems in controlling the international trade in stolen or otherwise illicitly acquired cultural property (such as material from illegal excavations), and in recovering stolen or illegally exported property is that under most legal systems these are regarded as property crimes which are in principle criminal only in the territory where the crime was committed. Similarly, crimes relating to smuggling and illicit export are basically regarded as administrative or perhaps fiscal crimes, and again should be prosecuted in the country of export. These very longstanding legal doctrines severely limited the possibility of enforcement, recovery and return once an object had crossed the nearest international frontier. At the same time the relative impunity enjoyed once the work of art or antiquity was abroad was felt to greatly encourage and facilitate such crime, particularly where the origin was a relatively poor country with limited cultural protection resources, while the destination country or region was wealthy, with a thriving art market and many wealthy collectors and museums keen to acquire such material.

Over recent decades there have been very significant changes with the adoption of bi- and multilateral treaties intended to assist in the protection of the national heritage of countries party to them, most notably the Protocol (now First Protocol) relating to cultural property in zones of armed conflict under the 1954 Hague Convention on the protection of Cultural Property in the Event of Armed Conflict, the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, the 1995 *Unidroit* Convention on Stolen and Illegally Exported Cultural Objects, and most recently the 1999 Second Protocol to the 1954 Hague Convention. In each of these the relevant party of each state undertakes to regulate their own art and antiquities trade, and all persons, nationals or non-nationals within their territories, and to cooperate in and facilitate the return and restitution of cultural property illegally or illicitly removed from the territory of another party to the particular international treaty.

In this respect, the adoption of the 1970 UNESCO Convention by the USA in 1983, supported soon afterwards by national legislation, and subsequently by a number of bilateral agreements, was a major landmark since the USA was, and still is, one of the two top countries within the international art trade and much the most important importer of such cultural material by or on behalf of its museums, private collectors and art and antiquities trade. The other top art and antiquities trading country, the UK, finally ratified the UNESCO Convention in 2002, and in 2003 adopted the necessary national legislation to make the dealing in or handling of such illicit material acquired or transferred in contravention of another country's national laws a criminal offence in Britain through the Dealing in Cultural Objects (Offences) Act 2003. Under this, a new UK-wide offence of 'dealing in tainted objects' was established, carrying a maximum penalty of seven years imprisonment and an unlimited fine.

### Theft and related crimes

The most common art crimes are thefts (generally defined as removal of objects from premises with the intention to permanently deprive the lawful owner or possessor of them, but without a forced entry) and burglaries (thefts in which force is used to break into or otherwise unlawfully enter the premises). However, recently there seems to be a very significant increase in the number of cases of robbery; that is, thefts or burglaries in which violence is used or threatened, typically accompanied by the use of weapons, up to and including firearms and explosives. The cynic would point out that the escalating seriousness of such crimes is the criminals' response to the marked improvements in many places to the security of museums, galleries, dealers' premises, the private dwellings of collectors, and other locations, as a result of a greater awareness of the need for enhanced physical and electronic security systems.

At one time in many parts of the world a sneak-thief could walk into premises with significant art collections on display posing as a legitimate visitor, remove a painting from the hook or light screws fixing the frame to the wall, and walk out with it in a bag or under a coat. With modern security arrangements and much greater surveillance, whether by security attendants or closed-circuit television (or probably both), it is more likely that there will be a carefully planned out-of-hours burglary of an unoccupied building, either using sophisticated equipment (or insider-knowledge and assistance) to try to bypass alarm systems or else in the form of a kind of night-time high speed smash-and-grab raid, ignoring the alarms and relying on the fact that even the fastest police response is likely to be two or three minutes.

Times when normal surveillance and security are be disrupted in some way may well present the opportunity the criminals need. For example, a very valuable collection of diamonds was stolen from the Mineral Gallery at the Natural History Museum, London, while the outside of the building was scaffolded so that the exterior could be cleaned prior to its centenary in 1981. Just before midnight on the night of 31 December 1999 a gang took advantage of the celebrations and firework displays for the Millennium to break into Oxford University's Ashmolean Museum through the roof.

Alternatively, if it is known or suspected that there will be staff on the premises the raid may be further escalated to the level of an armed robbery, with or without the taking of hostages. In what is still, by value, the world's biggest every robbery, the 1990 raid on the Isabella Stewart Gardner Museum in Boston, USA, the thieves gained entry by posing as police armed officers and got away with twelve world-class works of art valued at over \$100 million, including the only known Rembrandt seascape and a Vermeer.

The Art Loss Register is a London-based international company funded by the insurance industry and art trade to record and publicize missing works of art and other cultural property. It checks all major auction catalogues and proposed purchases by a very large number of subscribing dealers and individuals against its database, which now stretches back to include a large number of works of art still missing from the Second World War. Since its establishment the Art Loss Register has been instrumental in recovering over 1,000 works of art with an insured value totalling over £75 million (\$100 million), just over half (51 per cent) of these being pictures, and silver and furniture at 10 per cent each, with auction catalogues providing the lead to over half of the successful recoveries. It has analysed the very large number of crimes reported to it since it started work documenting stolen and otherwise missing works of art and antiques in 1991, and finds that the location from which the thefts have been reported breaks down into the percentages shown in Box 11.1.

These figures are, however, based on the crimes reported to the Art Loss Register, and therefore largely reflect the position in the perhaps dozen or so countries within which the Register's institutional or commercial members are concentrated, and things may be markedly different in other countries

#### Box 11.1 Percentage of reported thefts by location

Domestic dwellings	54
Commercial galleries	12
Museums	12
Churches	10
Commercial premises	4
Public institutions	3
Warehousing/storage	2
Other	3

and regions. Interpol statistics for 2002, for example (though based on returns from only 37 countries), suggest that in many of these countries churches and other places of worship were the worst hit. Six hundred and sixty items were stolen, for example, from religious buildings in Italy, 437 in France, 282 in Poland, 194 in the Russian Federation, 168 in the Czech Republic, and 99 in Turkey. Also, thefts and burglaries from the premises of art dealers can also be serious. There were 2,411 such losses from German galleries and dealers in 2002, compared with just 33 from museums and 56 from places of worship.

Thefts from private properties, including dwellings are a major problem in France (7,994 losses reported to Interpol in 2002), and in Russia (894) and Italy (807). However, the Interpol figures should be regarded with some caution. On the one hand a number of the most important art collecting and art dealing countries did not report any occurrences, though they were certainly not crime-free (e.g. Switzerland, the UK, the USA) while France may well be reporting most or all of its annual losses since the headquarters of Interpol and its cultural property unit are conveniently located in France itself. On the other hand losses from monuments, archaeological sites, and site museums predominate in some other regions, including Central America, the eastern Mediterranean and Southeast Asia.

#### Deception crimes

In addition to theft (in the narrow sense), burglary or robbery, the art sector also experiences a fourth significant group of theft crimes, which are usually much more difficult to detect. There are in fact a wide range of ways in which the criminal can obtain property or, more usually, financial advantage by means of deception.

At the simplest level, forged documents or identification, or forged or invalid financial instruments may be used to collect or divert works of art or other cultural objects without proper authority or the required payment.

For example, false transportation or customs clearance documents may be used to collect art in transit, or to redirect it to another destination. Purchases may be paid for with stolen credit cards, cheques, banker's drafts or other documents, or with legitimate ones drawn against accounts with insufficient funds. In the latter case, that is, where payment is offered but there are insufficient funds to pay for the goods, in many legal jurisdictions it may be difficult to prove criminal intent, and the police and prosecuting authorities may well decide that there has been a willing handing-over of the item or items bought, so the matter is essentially one of civil debt rather than a crime, and advise the losing party to pursue the matter in the civil courts. Typically, in Britain and many other countries the police may require evidence of a pattern of deceit extending over several dishonest credit card or similar transactions before considering a fraud investigation, though in some countries it is criminal offence to 'bounce' even a single cheque. It is therefore very important that adequate steps are taken by the vendor to verify the identity of the purchaser and to ensure that a proper payment has been made, and cleared through the bank in the case of a cheque or banker's draft, before releasing the items purchased.

As previously noted, there is a strong suspicion that works of art, particularly stolen or smuggled items, can be used in money laundering: when a stolen, illicit or otherwise dubious item is sold to a reputable dealer or through a public auction the vendor received an entirely reputable cheque or bank transfer from a 'clean' source. Consequently, under international money-laundering agreements and national art and antiquities trade regulation laws in many countries, all businesses including art dealers are required by law to take all reasonably necessary steps to determine and record the true identity of all vendors, and of anyone making significant transactions in cash, and notify the proper authorities of all larger cash transactions. In the European Union, for example, anything over €15,000 (or any series of related transactions totalling this) must be reported to the appropriate national fiscal authorities, and there may well be an obligation to report smaller transactions than this if they appear suspicious. It need hardly be added that providing details of the provenance of an item and evidence of legal title to it is becoming almost indispensable should the buyer want to sell on the item at some time in the future.

Another serious group of deception crimes are those relating to the identification, authentication, provenance of, and legal title to, cultural property. It goes without saying that a firm identification of a work of art as that of a major artist rather than a perhaps highly competent contemporary associate or follower can easily increase the market value by a factor of many hundreds, perhaps even more. With hundreds of thousands, perhaps even millions, at stake there is therefore a very real temptation to exaggerate attributions which are perhaps less than certain. There are also very real problems with the works of many major artists from the Renaissance to at least the mid-nineteenth century because of the extensive use by many of the major Masters

of a variety of studio assistants, including pupils, some of whom went on to greatness in their own right, as did Van Dyck in the studio of Rubens and Joshua Reynolds, the pupil of the fashionable and modestly competent Thomas Hudson in mid-eighteenth-century London.

Indeed, it is well known that many leading eighteenth-century portrait painters personally concentrated on the overall composition together with the face and perhaps hands, leaving the greater part of the canvas to be filled in by the assistant, pupils or perhaps even specialist painters of costume or backgrounds, of whom little is known today. It is equally well known that when a particular composition proved especially successful or popular many leading artists were more than happy to create and sell additional versions within the studio, probably with even less personal involvement than before (though there are examples where a subsequent version, though substantially the same, may be regarded as the superior version). All of these possibilities present significant art historical and ethical problems in terms of identification and attribution, but perhaps raise important legal issues as well. It may not be at all easy to define exactly the boundaries between a perhaps mistaken opinion made in good faith, reckless and unsupported exaggeration of an identification or attribution (either of which might be open to legal challenge in the civil courts for compensation), and a deliberate deception which is clearly criminal. It is clear, however, that the law of deception becomes a potential issue at a relatively early stage along this continuum.

Similarly, there are many problems arising from deliberate fakes, forgeries and later copies, of which there are certainly an enormous number in circulation. While it is not illegal to make copies or works 'in the manner of' a noted artist (providing the original work is out of copyright, of course), it goes without saying that creating a deliberate forgery for sale or attempting to pass off a fake or copy as an original is deception, and a criminal offence in most if not all countries.

Finally, within the area of deception, there is growing evidence of forgery and serious misrepresentation in relation not necessarily to the works of art themselves, but in respect of the related documentation. Again, there is considerable reluctance to publicize, let alone give exact details, of such crime, but in the late 1990s a regular visitor to the unique research and reference collections on twentieth-century British art and exhibitions in the library of the Tate Gallery was prosecuted after it was discovered that he had been systematically altering the records and catalogues of dealers' and other exhibitions in order to create false provenance for copies and other fakes that associates were planning to put on the market.

In a case involving so-called Holocaust Art, a leading international dealer claimed that two unique multi-million value items had been in the company's ownership and possession continuously since the 1920s. The company has continued to persist in this assertion even when modern catalogue or inventory numbers found on them matched unambiguously the numbers and descriptions of two items in the detailed catalogue of the works that passed

through the Nazi art collection point in the Orangerie, Paris, managed by Alfred Rosenberg between 1941 and 1944. The original *Einsatzstab Reichsleiter Rosenberg* catalogue, now in Washington with a copy in Paris, proves that the two items were among hundreds of works of art, manuscripts and items of furniture confiscated by the Nazis from one of the two most important Jewish collections in Paris at the start of the war, that of the Kan family. In the light of this there must be very serious doubt about the provenance of the items, particularly the claimed continuity of ownership since the 1920s.

It is understood that currently (May 2004) Holocaust survivors' groups in America who in 1998 successfully claimed over \$1 billion from Swiss banks in the so called 'Nazi Gold' claim, are now preparing group actions in the courts against some leading international auctioneers and dealers, alleging that very large numbers 'Holocaust art' works were systematically 'laundered' through the legitimate art trade to museums and collectors by means of concealed or falsely created 'histories' of ownership. Recent research by collections through bodies such as the Art Loss Register, partly funded by the leading international auctioneers, has identified confiscated or looted works that have certainly passed through the legitimate art market since the Second World War, and which are now the subject of claims or negotiations for restitution. However, it remains to be seen whether the claimants can present any evidence in support of their grave allegation that such sales involved deliberate fabrication or concealment of evidence of previous ownership rather than a lack of sufficient 'due diligence' in enquiring into evidence of the legal title of the vendor.

Forged export licences are also found accompanying works of art and antiquities. One fairly recent high profile case involved the so-called Sevso Treasure of quite outstanding pieces of Roman silver, apparently discovered in recent times, presumably in a clandestine excavation or as an unreported archaeological discovery. This was originally offered for sale at Sotheby's in the mid-1990s, accompanied by what was later proved to be a forged Lebanese export licence. (The silver was withdrawn from the sale when the legality of ownership was challenged in the New York Courts by the State Attorney-General, and the ownership was contested by Lebanon, Croatia and Hungary, though the verdict of the court was inconclusive as to the place of discovery and hence ownership.)

### Illicit and smuggled art and antiquities

The great majority of countries now have some sort of legal provision aimed at protecting and preserving the national heritage in terms of movable objects, such as archaeological finds, dismembered or fragmentary monuments, historical and other cultural objects, and works of art considered to be of national significance (in many cases there are similar provisions in respect of scientific and natural history items and collections of national significance

as well as archives). Typically these national measures will include the regulation of archaeological excavations, a declaration of ownership over both systematic and chance archaeological discoveries, with provisions for the notification and registration of finds from these, and export controls on material of national cultural significance.

Despite such measures, the present high market value of many kinds of cultural property, coupled with serious economic problems in many of the less developed countries of the world (plus indeed quite a number of very important Western countries) has led to an explosive growth in recent years of clandestine excavation, destructive dismantling of artistic and historic detailing on buildings and monuments, and smuggling.

In its current 'information kit', *Promote the Return or Restitution of Cultural Property*, UNESCO argues:

The increase in pillaging, theft and illicit export of cultural property is proof that the legislation of the originating States in this area, no matter how detailed and well thought-out, is not sufficient in itself to stop this traffic.

In addition, once the object has left the national territory, this international movement, often combined with the purchase of the object in another country, or the fact that the object remains in the importing country for a considerable time, multiplies the obstacles to restitution of these objects. These include legal obstacles, depending on the content of the applicable laws, and even sometimes political obstacles, depending on the nature of the object and the interest the States concerned have with regard to the object. Once the object has been identified and found outside its country of origin, international co-operation is indispensable. This is why the international community has set up an entire legal and ethical arsenal to fight illicit traffic in cultural property both through prevention (adequate legislation and updated inventories with photographs of the objects) and solutions, by facilitating restitution.

In addition to national governments, UNESCO and the International Council of Museums (ICOM) are both very actively involved in promoting the protection of the national cultural heritage, and in seeking the return and restitution of items that have been smuggled or otherwise illicitly removed from the country of origin and ownership. A key legal instrument in this is the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970), which is now supported by an Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation and the Fund of the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation. This Fund, maintained by voluntary contributions from states and private

partners, aims to support member states in their efforts to pursue the return or restitution of cultural property.

There are also provisions in the First Protocol (1954) and Second Protocol (1999) of the 1954 Hague Convention on the Protection of Cultural Property in the event of Armed Conflict, which aim to assist in the protection of both movable and immovable cultural property during wartime. The protocols, among other things, declare void any transfers of ownership as a result of, or during, armed conflicts, including non-international conflicts. They insist on the return and restitution of any temporarily displaced, or illegally looted, material at the end of the conflict.

UNESCO has assisted in the successful restitution to the country of origin in quite a number of high profile cases. Examples over the past two decades or so recorded by UNESCO have included the following:

- In September 1982, two portraits painted by Albrecht Dürer were returned to the German Democratic Republic by the USA following a court ruling.
- In January 1983, after a ruling by the Court of Turin, Italy returned a major collection of pre-Colombian ceramics to Ecuador that had been illegally exported in 1974. The UNESCO Intergovernmental Committee had provided moral support for the legal action engaged by the Ecuadorian authorities.
- In October and November 1987, due to the intervention of the UNESCO Intergovernmental Committee, 7,332 cuneiform tablets were returned to Turkey by the German Democratic Republic.
- In 1994, ancient textiles from Coroma were returned to Bolivia after a court ruling in Canada.
- On 27 March 1996, the Court of the First Instance of Genoa (Italy), ordered the restitution to Ecuador of 87 archaeological pieces dating back to the pre-Colombian era.
- On 23 April 1998, four pre-Colombian statues, which had been stolen during the 1980s from the Archaeological Park of San Agustín (Colombia), were returned during a ceremony that took place in Nantes (France). Two of them were listed in a stolen objects notice published by UNESCO, and in the ICOM publication (prepared with the support of UNESCO) entitled *One Hundred Missing Objects. Looting in Latin America*, distributed in 1997.
- In May 1999, Cambodia was able to recover 67 pieces of the ancient Khmer Rouge fortress of Anlong Veng, which were in the hands of Ta Mok, a former Khmer Rouge chief.
- On 10 April 2000, 59 pre-Colombian objects, in particular ceramic pottery dating from between 1800 and 1400 BC were returned to Peru by Canada.
- On 3 April 2001, a sculpture of St Mark the Evangelist, dating from the seventeenth century, was returned to the Czech Republic by the Austrian

auction house Dorotheum. This sculpture was included in the ICOM publication (prepared with the support of UNESCO), entitled *One Hundred Missing Objects. Looting in Europe*, distributed in 2000.

• On 26 April 2002, a head of Bayon style from the twelfth century and one from the Angkor Wat period in the eleventh century were returned to Cambodia by the Honolulu Academy of Arts. These two pieces were included in the list in the ICOM publication (prepared with the support of UNESCO) entitled *One Hundred Missing Objects. Looting in Angkor*, distributed in 1993.

In 1999, following widespread consultations, not least with the arts and antiquities trades internationally, the UNESCO General Conference adopted, and recommended to all countries and all trade organizations an International Code of Ethics on dealing in cultural property. The Code was prepared by UNESCO's Intergovernmental Committee for Promoting the Return of Cultural Property. It complements very well the 1970 ICOM Declaration on the Ethics of Collecting and the 1986 ICOM International Code of Professional Ethics, which have transformed the attitudes and behaviour of a great many museums and many thousands of museum professionals around the world in relation to respect for the cultural heritage interests of others. The Code of Ethics for dealers provides as follows:

#### The International Code of Ethics for Dealers in Cultural Property

Members of the trade in cultural property recognise the key role that trade has traditionally played in the dissemination of culture and in the distribution to museums and private collectors of foreign cultural property for the education and inspiration of all peoples.

They acknowledge the world wide concern over the traffic in stolen, illegally alienated, clandestinely excavated and illegally exported cultural property and accept as binding the following principles of professional practice intended to distinguish cultural property being illicitly traded from that in licit trade and they will seek to eliminate the former from their professional activities.

ARTICLE 1. Professional traders in cultural property will not import, export or transfer the ownership of this property when they have reasonable cause to believe it has been stolen, illegally alienated, clandestinely excavated or illegally exported.

ARTICLE 2. A trader who is acting as agent for the seller is not deemed to guarantee title to the property, provided that he makes known to the buyer the full name and address of the seller. A trader who is himself the seller is deemed to guarantee to the buyer the title to the goods.

ARTICLE 3. A trader who has reasonable cause to believe that an object has been the product of a clandestine excavation, or has been acquired

illegally or dishonestly from an official excavation site or monument will not assist in any further transaction with that object, except with the agreement of the country where the site or monument exists. A trader who is in possession of the object, where that country seeks its return within a reasonable period of time, will take all legally permissible steps to co-operate in the return of that object to the country of origin.

ARTICLE 4. A trader who has reasonable cause to believe that an item of cultural property has been illegally exported will not assist in any further transaction with that item, except with the agreement of the country of export. A trader who is in possession of the item, where the country of export seeks its return within a reasonable period of time, will take all legally permissible steps to co-operate in the return of that object to the country of export.

ARTICLE 5. Traders in cultural property will not exhibit, describe, attribute, appraise or retain any item of cultural property with the intention of promoting or failing to prevent its illicit transfer or export. Traders will not refer the seller or other person offering the item to those who may perform such services.

ARTICLE 6. Traders in cultural property will not dismember or sell separately parts of one complete item of cultural property.

ARTICLE 7. Traders in cultural property undertake to the best of their ability to keep together items of cultural heritage that were originally meant to be kept together.

ARTICLE 8. Violations of this Code of Ethics will be rigorously investigated by [a body to be nominated by participating dealers]. A person aggrieved by the failure of a trader to adhere to the principles of this Code of Ethics may lay a complaint before that body, which shall investigate that complaint before that body. Results of the complaint and the principles applied will be made public.

Already this has been widely welcomed by art, antiques and antiquities trade organizations and representatives in many parts of the world. This is perhaps the most encouraging development of recent years from the point of view of both the art trade and the too often embattled cultural heritage of the world. If the dealers, auctioneers or other players in the art market act at all times with integrity and ethically they will rarely have anything to fear from the national and international legal measures that have become necessary in the face of the unacceptable behaviour of what have always probably been just a minority of dealers, auctioneers, museums and collectors.

## Note

- <sup>1</sup> The turnover of the international art market was estimated to be over \$20 billion in 1998 and is now probably nearer \$25 billion.

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