

# Cultural Property Crime

*An Overview and Analysis of Contemporary  
Perspectives and Trends*

*Edited by*

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**BRILL**

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**PART 6**

*Archaeological Looting*





## The Internet Market in Pre-Columbian Antiquities

*Neil Brodie*

The first secure online retail transaction took place in August 1994 (Ariguzo et al. 2006: 240). The following year saw the establishment of Internet sales as a viable commercial strategy with the launch of Internet retailer Amazon and Internet auction site eBay (Krishnamurthy 2004: 32–33). Amazon and eBay also pioneered two alternative models of online commercial interaction: business to consumer (B2C) in the case of Amazon, and consumer to consumer (C2C) in the case of eBay. By 2011 it was estimated that at least 2.3 billion people had access to the Internet, and even with over sixty percent of that figure in the developing world (UNODC 2013: xvii), the residue of potential customers in the developed world is an attractive prospect for any commercial venture.

The rapidly expanding world of Internet commerce offered new opportunities for antiquities merchants and for criminal abuse of the antiquities market. Traditionally, antiquities collecting and trade had been high-class affairs, with rich museums and collectors served by a small number of well-established dealers and auction houses. Yet already in the 1990s, moves were afoot to commercialize the antiquities trade by offering poorer quality or less-expensive antiquities to a broader and economically more diversified customer base, by developing transactional spaces outside the traditional and—for inexperienced customers—intimidating contexts of merchant galleries and auction rooms, and by emphasizing the decorative and financial rather than aesthetic and scholarly attributes of the antiquities for sale. Small trade fairs offered the enticing prospect of a pleasant day out, and mail-order schemes allowed purchases to be made in the reassuring comfort of the customer's own home (Brodie 2004: 89–91). These tentative moves to grow the customer base by expanding downmarket were soon overwhelmed by the growing opportunities of Internet commerce, however, and it was not long before an online antiquities market became an established reality, with both B2C and C2C sales strategies allowing the participation of collectors from a much broader range of socioeconomic backgrounds than had previously been the case. The emerging Internet market also worked against traditional merchants who maintain galleries in expensive locations like New York or London and favored a new business model whereby large inventories can be stored in low-cost locations (McAndrew 2012: 104).

The initial reactions of archaeologists to this rapidly expanding market were negative, alarmist even (Barker 2000; Bruhns 2000; Chippindale and Gill 2001; Lidington 2002). Most objects were being sold without any secure documentation of provenance or findspot, with the presumption made that provenance was being deliberately withheld to hide evidence of recent illicit trade (and, fortuitously perhaps, keeping knowledge of theft or illegal trade away from merchants, thereby protecting them from accusations of criminal practice). The fact that the antiquities being offered for sale were seemingly of poorer quality than those that had been traditionally traded also suggested that archaeological sites or contexts that previously would not have been worth looting and thus left intact might now be viewed in a more lucrative light and targeted accordingly. Thus archaeologists believed that the expanding Internet market would cause an upsurge in the looting of archaeological sites. Those fears seemed to be justified. In 1999, for example, Spanish police arrested three people with 9000 objects in their possession and charged them with taking objects from archaeological sites in Andalusia for sale on a US Internet auction site (Cacho and Sanjuan 2001: 20–21). In the 2000s, such reports became more commonplace (AP 2004; Kraft 2007; ICE 2010c; Fay 2011: 453). On a more positive note, however, it was suggested that the visibility of material offered for sale on the Internet would provide more opportunities for monitoring and interdiction on the part of law enforcement agencies and other interested parties (Bruhns 2000).

These early archaeological overviews of Internet trading focused on auction sites eBay and Sotheby's.com, but by 2009 there were signs that the Internet market in antiquities was organizing a more mature commercial structure. Sotheby's.com had ceased trading, but alongside the continuing existence of eBay, there was a proliferating number of B2C websites offering antiquities for sale, and the appearance of Internet malls or marketplaces (Cooper and Michael 2005), such as Trocadero and vCoins (Brodie 2011: 130). These Internet malls gather together on one website links to a range of B2C merchants or "members," all offering related types of material. The Trocadero portal, for example, links to the inventories of dealers in art and antiques, including antiquities. Potential customers visiting the Trocadero website can search or browse according to material or vendor. vCoins, as its name suggests, is a venue for the purchase and sale of coins, including ancient coins. In December 2013 it listed 143 ancient coin dealers offering 95,161 items with a total asking price of \$23,795,681. Many of the listed dealers also sold antiquities.

Unprovenanced antiquities bought and sold on the Internet are generally believed to have been traded in contravention of national or international laws. Most countries have placed archaeological heritage under some kind of



statutory definition and ownership, so that normally antiquities can only be exported illegally. For countries that have taken antiquities into definite state ownership, illegal export constitutes theft. For many countries, the opportunity for further regulation opened up in 1983 when the United States enacted the Convention on Cultural Property Implementation Act (CCPIA) in implementation of the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. Under the CCPIA, states whose cultural heritage is in imminent danger of looting and illicit trade can ask for a bilateral agreement obliging the United States to place import controls on designated categories of cultural material from the country concerned (Gerstenblith 2004: 559–566). The agreements run for five years and are open to renewal. In 2006, in response to growing concerns about the Internet market, UNESCO, INTERPOL, and ICOM issued a joint statement recommending several actions that might mitigate the sale of trafficked artifacts. For dealer websites, recognizing the extant statutory controls of national patrimony laws and the CCPIA and other 1970 UNESCO implementing laws, the statement recommended that the following disclaimer should be posted on any website offering antiquities for sale:

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.<sup>1</sup>

In 2013, while this paper was in preparation, the UNESCO/INTERPOL/ICOM disclaimer was not observed on any of the trade websites visited. More generally, advice on provenance, trade controls, or national ownership laws is generally hard to find on trade websites and usually inaccurate. In 2013, only a few websites were offering any information about statutory regulation or the importance of establishing a documented provenance. When advice was offered, it was most commonly to assert the importance of the 1970 date of the UNESCO Convention as a “bright line,” suggesting that material which was out of its country of origin before 1970 is legally on the market, which is incorrect. The legality or otherwise of export is determined by national legislation, not

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1 <http://portal.unesco.org/culture/fr/files/21559/11836509429MesuresTraficIlliciteEn.pdf/MesuresTraficIlliciteEn.pdf> (accessed 14 January 2014).

the 1970 UNESCO Convention. No website described the regulatory substance of bilateral agreements enacted under the CCPIA or provided details of specific agreements. Nevertheless, although the date of 1970 has no legal function in distinguishing between “licit” and “illicit” purchases, it is becoming accepted within the museums’ community as a “threshold” date for acquisitions separating objects with “good” (pre-1970) provenance from objects with “bad” (post-1970) provenance. Several museums and museum organizations, most recently the Association of Art Museum Directors in 2008, have adopted ethical codes that discourage the acquisition of an antiquity unless it is accompanied by documentary evidence to show that it was out of its country of origin before 1970 or exported legally after that date. Thus those trade websites recommending the importance of 1970 could be construed as offering good advice—or at least advice—in conformity with ethical best practice as presently understood within the museum community.

Several authorities have recently suggested that customers are becoming more discriminating about provenance, preferring to buy only objects with a well-documented (pre-1970) ownership history as a guarantee of legality and authenticity. This more selective demand is increasing the price of well-provenanced objects at physical auction, which should in turn encourage the release of more provenance-related information. Thus the market would in effect regulate itself in response to the choice of customers desirous of acquiring legitimate and authentic antiquities—a process of “autoregulation” (Brodie *in press*). Website statements emphasizing the importance of 1970 as a discriminator may suggest that the Internet market too is susceptible to autoregulation.

Karen Olsen Bruhns had already broached the issue of counterfeit artifacts in 2000, pointing out that since unprovenanced objects for sale on the Internet are not open to physical examination, it facilitates the dissemination of fakes (Bruhns 2000). Then, in 2009, UCLA archaeologist Charles Stanish offered an optimistic account of the possible effects of fakes on the Internet in an article entitled “Forging Ahead: Or, how I learned to stop worrying and love eBay.” In this article he argues that “electronic buying and selling has actually hurt the antiquities trade” (Stanish 2009: 18; see also Stanish 2008). He argued that the low-end antiquities market, as realized on the Internet, was badly compromised by fakes. He reckoned that thirty percent of objects offered on eBay as genuine antiquities were either outright fakes or replicas originally produced as tourist art; five percent of objects were authentic; and the remaining sixty-five percent, the overwhelming majority in fact, were what he termed ambiguous, in that they might be authentic or fake—it was not possible to decide from images and information provided by the vendor in support of the sale (Stanish 2009: 60). Stanish argued that within countries of origin it was becoming more profitable to make fakes than to loot archaeological sites because “the

local eBayers and craftsmen can make more money cranking out cheap fakes than they can by spending days or weeks digging around looking for the real thing” (Stanish 2009: 58). For the importer, fakes could be imported legally provided they were described accurately as the replicas they are (Stanish 2009: 59). The increasing market penetration of fakes was also driving down the prices of genuine pieces (Stanish 2009: 58). Stanish had first-hand knowledge of workshops in Peru and Bolivia (Stanish 2009: 58), and provided the example of a price mark-up for a recently fabricated *Moche III Finline* piece that would sell for \$223 on eBay but could be bought from a street vendor in Peru for \$15; a genuine piece would cost about \$15,000 (Stanish 2009: 66). Stanish concluded that “For most of us [archaeologists] the web has distorted the market in a positive way” (Stanish 2009: 66).

At the time of its publication, Stanish’s paper attracted a good deal of media coverage (e.g. Palmquist 2009; Boehm 2009), and his argument was echoed from within the antiquities trade. Bob Dodge, for example, founder of Artemis Gallery, was quoted as saying “Anybody who knows anything avoids eBay . . . the handful of legitimate [online] dealers, we’re just pulling our hair out, trying to discourage people from throwing money away on cheap tourist crap” (Boehm 2009). Jerome Eisenberg, proprietor of New York’s Royal-Athena Galleries, added that “anybody with a decent amount of intelligence isn’t going to buy on eBay unless they know who they are dealing with” (Boehm 2009). It wasn’t hard either to find on the Internet cautionary tales for potential eBay customers. In 2013, for example, Dodge’s Artemis Gallery had on its website a piece headed “How to buy ancient art,” emphasizing the prevalence of fakes, and warning:

DO NOT BUY YOUR FIRST PIECE OF ANCIENT ART ON EBAY! That may sound harsh, and I would be lying if I told you there are not good buys to be had on eBay despite all the fakes being sold, but if you do not know what you are doing or do not personally have the eye to tell authentic from fake, avoid eBay like the plague! Based on current estimates, somewhere around 95% of all items listed under the category Ancient Egyptian, 99% of all “ancient” Chinese and perhaps as much as 75% of all ancient Roman (with over 95% fakes in anything made of metal) and 75% of all Greek material—are just plain fake. The Pre-Columbian category is a wee bit better, but at best you are still looking at a 50/50 chance of buying something that is actually an authentic piece of Pre-Columbian art. End of story; do not let yourself be tempted to buy from eBay . . . at least not yet!<sup>2</sup>

<sup>2</sup> Available at <http://www.artemisgallery.com/how-to-buy-ancient-art.html> (accessed 14 January 2014).

Similar cautions about the authenticity of material available on eBay were being offered by The Lands Beyond.<sup>3</sup> Collector Antiquities had a large and informative section on its website devoted to the subject of fakes, including advice on identifying them, some illustrated case studies, and a long bibliography of relevant literature. Its author advised that “eBay is an especially dangerous place for uninformed collectors to buy.”<sup>4</sup> It linked to another site exposing fake Egyptian antiquities, appropriately named The Fakebusters,<sup>5</sup> which included some images of what was purported to be manufacture of a fake in Egypt, and advised collectors to “Join Yahoo Groups Ancientartifacts and avoid the flood of fake antiquities on eBay.” Ancient Artifacts was established as a discussion group for antiquities collectors in June 2002. A perennial topic since the group’s foundation has been the identification and presence of fakes on the market, and even in its inaugural year members were complaining about the sale of possible fakes on eBay. Things grew worse over the following few years, and campaigns were mounted to “out” eBay dealers thought to be deliberately selling fakes. In 2009, however, the group’s moderator announced that

After a decade of efforts by dedicated collectors and dealers, at long last an improvement is apparent in the eBay antiquities section. At times as many as 95% of the items in certain categories were fake, but finally someone has taken notice of us, and the worst sellers have been ejected.

This certainly doesn’t mean that if you buy an ‘ancient’ item on eBay now that you can be assured of its authenticity, but as of July 2009 things are suddenly looking so much better.<sup>6</sup>

In support of that statement, Fay (2011: 459) reported that in 2009, eleven out of ninety-nine antiquities vendors were suspended by eBay for selling fakes.

Thus Stanish’s message fell on fertile ground, reinforcing and perhaps even encouraging from his authoritative standpoint of “official” archaeology the narrative already established by dealers that eBay was a malign force in the antiquities market, undermining customer confidence in the broader antiquities market by seemingly tolerating the large-scale sale of counterfeit artifacts. For Stanish, this was a reason to stop worrying about the antiquities trade causing the large-scale looting of archaeological sites, but it might also

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3 Available at <http://www.landsbeyondprecolumbian.com/articles/articles.cfm> (accessed 14 January 2014).

4 Available at <http://www.collector-antiquities.com/44/> (accessed 14 January 2014).

5 Available at <http://www.thefakebusters.com> (accessed 14 January 2014).

6 Available at <http://groups.yahoo.com/neo/groups/Ancientartifacts/info> (accessed 14 January 2014).

have been a reason for merchants to stop worrying about the possible impact of fakes on market confidence as this active ringfencing of blame deflected scrutiny and criticism away from their own inventories and towards eBay. It was, perhaps, a welcome diversion for them. Kelker and Bruhns (2010: 45–58) believe that only the more blatant fakes are sold on eBay; they give examples of more convincing forgeries and pastiches sold by other merchants and bought by wealthy collectors and museums. Nevertheless, not surprisingly, established auction houses and dealers recommend merchants, especially merchants who are members of professional associations, as an alternative to eBay, and further recommend buying from merchants offering unconditional guarantees of authenticity for sold objects. (These “guarantees” are misleading, however, in that they only guarantee the return of purchase price should a purchased object subsequently be discovered to be fake. Since this would require the purchaser to pay for a costly examination of the object by an expert or a laboratory, it is an unlikely eventuality. Thus in the absence of pre-sale authenticity testing, the “guarantees” do not actually guarantee authenticity). Trocadero and VCoins also seem concerned about the debilitating effect of fakes on market confidence. Both have strongly proscribed misrepresentation of objects offered for sale and reserved the right to discontinue members who fail to comply with their rules on the issue.

eBay was also perceived to be causing problems in the domain of policy, though more because of the sale of stolen or illegally traded objects than the sale of fakes. Several governments have now reached agreement with eBay about rules intended to prevent the sale of illicit material, including Germany, Switzerland, France, Austria, the United Kingdom, and the United States (Kreder and Nintrup 2013). These agreements are generally aimed only at antiquities originating in the country served by the associated national eBay platform. On eBay UK, for example, sale restrictions are placed only on antiquities legally protected under the law of the United Kingdom or Ireland.<sup>7</sup> eBay USA seems to be an exception, asserting that “we consider antiquities to be items of cultural significance and can come from anywhere in the world.” For eBay USA, antiquities have to be authentic as described and accompanied by an image of an official document showing details of legal sale and export/import.<sup>8</sup> Nevertheless, the effectiveness of these eBay policy agreements is thought to be limited. The rules are not in plain sight but hidden away in an A–Z index reached through a link on policies at the foot of the home page. It would be possible to buy and sell antiquities without being aware of the policy (which is quite literally the fine print). eBay rules are further weakened by the apparent absence of internal

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7 Available at <http://pages.ebay.co.uk/help/policies/artifacts.html> (accessed 14 January 2014).

8 Available at <http://pages.ebay.com/help/policies/artifacts.html> (accessed 14 January 2014).

eBay oversight and enforcement; the rules must be enforced by continual and time-consuming monitoring by outside agencies (Bland 2009: 88–96).

The views put forward by Stanish were born out of personal experience and so unavoidably and understandably were anecdotal and impressionistic. As he himself wrote, it is virtually impossible to obtain reliable quantitative data (Stanish 2008: 82), either about the magnitude of illicit trade or the incidence of fakes. Thus it is difficult if not impossible to marshal the evidence needed to test his thesis. Even if he is correct, however, and the production of fakes is acting to curtail looting, archaeological sites are still being looted and the illicit trade in authentic antiquities is continuing. On the ground, reports of looting in countries such as Bolivia (Quispe 2012) and Columbia (Muse 2004) continue to accumulate. The website of the *Fundación Nacional de Arqueología de El Salvador* (FUNDAR) reports damage to six different sites in El Salvador since 2000.<sup>9</sup> Satellite imagery of two sites in the Lambayeque region of north Peru shows evidence of looting between 2003 and 2010 (Lasaponara et al. 2013: 19–20). Between 2008 and 2012, US Immigration and Customs Enforcement (ICE) reported the return of more than 4525 authentic antiquities from at least twenty-six separate customs seizures and investigations within the United States to eight different Latin American countries (ICE 2008a, 2008b, 2010a, 2010b, 2010c, 2010d, 2010e, 2011a, 2011b, 2011c, 2012a, 2012b, 2012c). Some of this material had been put up for sale on the Internet, though seems to have been smuggled into the United States first. In 2010 a collaborative investigation begun in 2007 between US Immigration and Customs Enforcement and the Salvadoran police resulted in the arrest of two people in El Salvador and the return of dozens of artifacts from the United States to El Salvador. Material had been entering the United States through the mail for subsequent sale on the Internet (ICE 2010c). Unfortunately, there is no comparable historical data, so it is not possible to judge the significance of these figures in a longer time-frame. In other words, by themselves, they cannot establish whether the incidence of looting and magnitude of illicit trade are increasing or decreasing as a result of the expanding Internet market.

Twenty years after the first appearance of Internet commerce the size, scope, and organization of the Internet market in antiquities are still matters for speculation. There is a regrettable lack of systematic research providing answers to even basic questions about the number and types of Internet businesses, the physical locations of vendors, the origins and prices of material sold, the standards of provenance, and the appropriateness and effectiveness of ameliorating regulation. For many commentators and authorities, the Internet seems

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9 Available at [http://www.fundar.org.sv/e\\_layout.html](http://www.fundar.org.sv/e_layout.html) (accessed 14 January 2014).



to begin and end with eBay. Archaeologists and policy makers have largely confined their attention to the activities of eBay, thus inadvertently supporting the message propagated by merchants and collectors that eBay is the main site of wrongdoing, particularly with regard to the sale of fakes. Implicitly, for potential customers, the message is that antiquities sold outside eBay are more likely to be authentic and legitimately on the market. It is not clear whether the policy focus on eBay is productive in diminishing fraud and illicit trade or if it is merely diverting attention away from and perhaps even promoting the sale of faked or trafficked artifacts through other outlets. This research shortfall is surprising because, as Bruhns (2000) noted, the transparency of the Internet offers a good opportunity for investigating the antiquities market. This chapter takes advantage of this opportunity to establish the volume, value, and structure of the Internet market in antiquities by collecting different types of sales information with a view to answering the following questions:

1. What is the structure of the market in pre-Columbian antiquities? How important are Internet sales?
2. What is the structure of the Internet market in pre-Columbian antiquities? Is eBay a minor or major player?
3. In what countries are pre-Columbian antiquities being offered for sale on the Internet?
4. What provenance information is supplied for pre-Columbian antiquities offered for sale on the Internet?
5. What countries are supplying the pre-Columbian antiquities being offered for sale on the Internet? Is it possible to discern any dampening effects on trade of bilateral agreements reached under the CCPA?
6. Is there any evidence for market autoregulation?

The choice of pre-Columbian as opposed to any other category of antiquities was largely arbitrary, prompted by a need to keep the project within manageable bounds and influenced by the publicity surrounding the publication of Stanish (2009). The answers to these questions can be used to construct a more robust understanding of the nature of the Internet market, and to increase the effectiveness of public policy in conditions of limited resources.

### Methodology

At the beginning of this study, it was known that pre-Columbian antiquities could be bought at physical auction (Sotheby's, Bonhams, and Heritage

Auctions), from eBay USA, from other Internet auction sites, and from Internet dealers (including the websites of dealers with physical gallery spaces). It was a straightforward task to tabulate sales information available on eBay and two other B2C Internet auction sites, Arte Primitivo and Antiquities Saleroom. (For eBay USA, the prices of lots sold “Buy it Now” which did not appear on the eBay website were available on WatchCount.com).<sup>10</sup> It was harder to acquire information from Internet dealer sites as they usually only contain clear records of objects offered for sale, not objects sold. An Internet search in early 2011 discovered the sites listed in Table 13.1 offering for sale more than five pre-Columbian antiquities each. The search probably was not exhaustive, but at the time it was thought to have recovered most significant Internet traders. To achieve some approximate statistics describing the number and nature of objects sold, the dealer sites were inspected once annually for three years.

The sheer volume of material offered for sale required the implementation of a sampling strategy and the calculation of average statistics to describe the volume, value, and nature of annual sales. eBay was visited several times in 2012 and 2013 and sales information was tabulated for a total period of thirty-three days. The figures were then multiplied up to provide estimated annual averages. Sales information for six out of seven annual auctions over the period 2012–2013 at Antiquities Saleroom and three out of five at Arte Primitivo over the same period was similarly tabulated and multiplied up to provide estimated annual averages. The Internet dealers were divided into two groups. For the first, intensively monitored group, each site was visited once in 2011, 2012, and 2013. The first year, information for all lots offered for sale was tabulated. For the following two years, all removed and new lots were noted. Removed objects were interpreted as sales that had occurred during the intervening interval, causing their removal from the website. The two years total sales information was then divided by two to produce estimated annual averages. The only exception was the Barakat Gallery. The exceptionally large amount of material available for sale meant that only about half of it could be recorded intensively, and then multiplied up. For the second, extensively monitored group of Internet dealers, each site was visited once in 2011, 2012, and 2013, and on each occasion the number of lots offered for sale was tabulated. The averages obtained for the intensively monitored group were then used to estimate average sales information for the extensively monitored group. For Bonhams and Sotheby’s, estimated annual averages were calculated from all

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10 <http://www.watchcount.com/?cc=US> (accessed 28 January 2014).



sales in 2012 and 2013. For Heritage Auctions, sales information was tabulated for one out of two annual auctions in 2013 and multiplied up to provide estimated annual averages.

## Results and Discussion

### *Dealers*

The overwhelming majority of Internet dealers and auction sites identified in this study as selling pre-Columbian antiquities are based in the United States. The only exceptions are Mermoz, based in France, and Barakat, with galleries in the UK and Abu Dhabi as well as the United States. As regards eBay USA, for 478 sold lots where location data was recorded at time of sale, 452 lots were situated in the United States, fourteen in various European countries, four in Canada, and three in Argentina. Presumably, more material located in Europe might have been sold locally on the various national eBay platforms. Thirty-six different vendors were responsible for the sale of 192 of the lots located in the United States for which vendor name was recorded. The results for eBay USA are broadly in line with those reported by Fay (2011: 454) for antiquities more generally. There was nothing to suggest, contra Stanish, that vendors based in Peru or any other Latin American country are a significant presence on either eBay USA or anywhere else on the Internet market for that matter. eBay does not host sites for any Latin American countries. Instead, eBay notes its “presence in Latin America through its investment in MercadoLibre.”<sup>11</sup> MercadoLibre is an Internet auction company with a similar international partition strategy to eBay, offering individual, country-specific platforms. When visited in 2013 as part of this research, MercadoLibre Perú was not offering for sale any pre-Columbian antiquities<sup>12</sup> and listed only a few replica antiquities.<sup>13</sup> Thus there was no evidence to support Stanish’s contention that Peruvian vendors are using eBay in Peru to sell significant quantities of replicas that might be fraudulently resold in the United States or other countries as “genuine” antiquities.

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11 Available at <http://pages.ebay.com/aboutebay/thecompany/companyoverview.html> (accessed 14 January 2014).

12 Available at <http://home.mercadolibre.com.pe/arte-antiguedades/> (accessed 14 January 2014).

13 Available at <http://arte-antiguedades.mercadolibre.com.pe/artesantias/> (accessed 14 January 2014).

### *Material Volume and Financial Value of the Market*

Tables 13.2 and 13.3 present statistics describing the estimated average annual material volume and average annual financial value of the Internet market in pre-Columbian antiquities, together with similar statistics for three physical auction houses (Sotheby's, Bonhams, and Heritage Auctions), which have been included to allow inferences about the volume, value, and structure of the pre-Columbian market as a whole. On average, it is estimated that a total of 8667 (987+7680) lots of antiquities are sold each year. With the mean number of objects per lot varying between 1–1.7, the total number of objects sold will be something in the region of 9400. The annual aggregate value of this material is estimated to be \$7,032,708 (\$1,524,150+\$5,508,558). Sales at Sotheby's alone (\$1,644,032) account for twenty-three percent of this total, while sales on eBay (\$655,175) account for only nine percent; however, with an estimated 5298 lots sold, eBay accounts for sixty-one percent of the annual sales volume. Thus eBay can be considered the major market outlet in terms of material sold, offering and selling large quantities of generally small, low-priced objects, though financially it accounts for less business than some of its competing Internet dealers, Internet auctions, and Sotheby's. Although the total value of sales at Sotheby's far exceeds that of any of its competitors, in terms of numbers of objects sold, it is a minor player. Without expert or scientific examination of the material sold, it is not possible to say what percentage is fake.

The mean price per lot sold ranges from \$124 (eBay) to \$46,972 (Sotheby's) with Internet dealers and auctions falling in between. For antiquities generally, Fay (2011: 455) reported a broadly similar mean sale price of \$75 for 342 lots sold on eBay USA. The histogram in Figure 1 shows the range of prices of individual lots sold by Internet dealers, Internet auctions, eBay USA, and Sotheby's respectively. Together with the statistics presented in Tables 13.1 and 13.2, it suggests that the market can be considered as comprising low-value (high-volume), medium-value (medium-volume), and high-value (low-volume) tiers with eBay and Sotheby's representing the low-value and high-value tiers respectively and other dealers and auction houses falling in between.

The annual financial value of \$7,032,708 is an estimate, and because of uncertainties surrounding the sampling methodology, it is likely to be an underestimate. There are five possible causes of underestimation:

1. Most of the sales recorded took place in the United States, though sales would also have taken place in other countries. For example, the March 2013 auction of the Barbier-Mueller collection at Sotheby's Paris, which sold for 10,296,300 euros (\$13,385,190) was not included because it was a one-off event, and the intention was to estimate average annual figures.

2. The sale of particularly valuable antiquities is likely to be conducted privately, on a dealer—client basis, and so be invisible to public view (Norskov 2002: 291–2). Most art dealers do not like selling online as they prefer personal contact with potential customers (McAndrew 2012: 102–104). Individual dealers might choose to reserve more expensive antiquities for private sale while offering less expensive pieces for public viewing and sale. For the art market more generally, it is believed that twenty percent of sales generate eighty percent of total financial value (McAndrew 2012: 126). It would only take a few high-value invisible transactions each year to increase the annual aggregate value suggested here by a significant margin.
3. Sales at various art and antiquities fairs were not considered, because, like private sales, they are difficult to observe. For the art market generally, it is estimated that dealers make about thirty-one percent of their sales at fairs (McAndrew 2012: 57, 114). In mitigation, it is likely that many of the dealers listed here also sold at fairs, so that any sale made at a fair would be registered when an object was removed from the relevant website.
4. Private treaty sales are coming to constitute an important part of Sotheby's business (Sotheby's 2012: front inside cover, 9–10; Yates 2006: 39). In 2012, across all categories of material, the total value of private sales at Sotheby's was \$906.5 million, twenty percent of the \$4.5 billion achieved at auction (Sotheby's 2012: 25). If this figure of twenty percent is reasonably consistent across different categories of material, it would suggest that Sotheby's could have raised a further \$328,806 through private sales of pre-Columbian antiquities.
5. It is possible that some antiquities were offered for sale on websites, sold, and removed from view within the period of the annual sampling interval and thus not counted.

Alongside these possible causes of underestimation, there are also two possible causes of overestimation:

1. Not all lots removed from Internet dealers' websites were necessarily sold—some might have been removed for other reasons.
2. Some of the Internet dealers might also have bought or sold material at Internet auction or on eBay. Thus some lots might have been counted as sold twice, once on a dealer's site and once at auction.

The causes of overestimation are limited in possible effect to statistics describing the sales of Internet dealers, and should not impact upon the figures

describing Internet and physical auction sales that are more secure. There is a greater likelihood of serious underestimation, because of the existence of a market outside the United States and the possible but unknowable existence of even a small number of high-value, private, invisible transactions. Taking both of these considerations into account, a best guess estimate of the average annual value of the market in pre-Columbian antiquities would be more than \$7,032,708, but is unlikely to be more than double that amount.

### *The Provenance of Material Offered for Sale and Sold*

This set of statistics makes use of the idea of “verifiable provenance.” Verifiable provenance means that the earliest date of provenance of a lot is determined either from the conjunction of a previous owner’s name and date of ownership or from a publication date. In theory, this information would provide a potential customer with the wherewithal to verify independently the facts being offered about provenance, something that would not be possible with less information. Verifiable provenance is a weaker measure of provenance than published provenance as it is harder to verify and thus easier to falsify. It was chosen because only a very small number of lots are accompanied by a published provenance.

Table 13.4 presents verifiable provenance statistics for lots offered and sold by Internet dealers, Internet auctions, eBay, and Sotheby’s. Outside Sotheby’s, most lots are offered and sold with no verifiable provenance or with a provenance that fails to date back as far as 1970. Thus the large majority of antiquities offered for sale on the Internet would not be eligible for museum acquisition, and would be deemed unacceptable by dealer websites recommending 1970 as a legitimizing threshold, unless relevant information relating to provenance is being deliberately withheld.

The statistics offered in Table 13.4 do nothing to support the idea of auto-regulation. They show no consistent pattern in relation to the date of 1970 as regards the percentage of lots sold or the mean price of lots, and thus there is no discernible evidence of the market acting to police itself by selling a higher percentage of well-provenanced (pre-1970) lots for higher prices. Lots sometimes contain more than one object, however, and have objects made from a variety of different materials, so that any effect of autoregulation might be obscured by differential pricing according to the size or composition of lots. In an attempt to control for this possible obfuscating source of price variation, Tables 13.5 and 13.6 present a refined set of statistics describing lots which comprised a single ceramic object only, and which therefore are more appropriate for meaningful comparison. The statistics are consistent in showing, even for Sotheby’s, that the larger and more expensive objects being offered and sold

are those with a post-1970 provenance—in other words, objects with a provenance that would be considered unacceptable by the AAMD and as advised by some members of the trade. The smaller and least expensive objects are those with a pre-1970 provenance, one that would be considered acceptable. Objects with no provenance are midway in both size and price, suggesting they comprise a mixture of pre-1970 and post-1970 objects. These statistics go some way towards confirming a subjective impression formed during data collation that many of the smaller pre-1970 objects offered for sale were in fact only fragments of objects, and that as associated descriptions often claimed, they were surface finds collected by visitors during the 1960s and earlier. The larger and more valuable pieces were most probably looted.

Thus customers are not targeting antiquities with a long (pre-1970) provenance. In no case is the percentage of pre-1970 objects sold higher than the percentage of post-1970 objects sold. These refined statistics strongly suggest that within a given market tier, the better quality antiquities in circulation are those with a short (post-1970) provenance, and thus tainted by the suspicion of illicit trade. The fact that they are not being discriminated against by customers, despite this taint, indicates either ignorance or insensitivity on the part of customers towards issues of provenance and illicit trade.

### *The Source of Material Offered for Sale*

It is sometimes claimed that antiquities are offered for sale without any clear indication of country of origin in order to protect dealers and collectors from accusations of knowingly transacting stolen or illegally traded material (Gilgan 2001: 80–83; Brodie 2011: 123–124). Many of the Latin American countries that are the source of pre-Columbian antiquities have taken antiquities into state ownership. Since the 1990s, they have entered into bilateral agreements with the United States under the auspices of the CCPA that require the United States to impose import restrictions. The import of pre-Columbian antiquities from any country with a bilateral agreement, therefore, would be in violation of US law. There is no real evidence, however, that concerns about import controls are causing the suppression of information about the origins of unprovenanced antiquities offered for sale. Country names are frequently provided, and even when they are not, cultural terms offered in object descriptions are often specific to a single country—the Chavín culture, for example, which is restricted in its distribution to Peru. Sometimes the use of cultural labels with an international application such as “Mayan” do act to hide a country of origin, but often when such international labels are used by a dealer to describe some lots, the same dealer will name individual countries (e.g., Guatemala) for other lots in stock. Thus it seems more likely that international labels such as

“Mayan” are used honestly in object descriptions when the country of origin is uncertain, not because of any intention to deceive. (There is one exception to this general observation. One merchant consistently failed to name Peru as the country of origin of lots that in cultural terms were clearly from Peru. Peru has had a bilateral agreement with the United States since 1997. Lots from Mexico, which does not have an agreement, were described by the same merchant as coming from Mexico. Nevertheless, even in this case, the cultural terms used to describe lots from Peru were transparent and would not mislead even a minimally knowledgeable collector about country of origin.)

Tables 13.7 and 13.8 provide a breakdown according to country of origin of a sample of unprovenanced lots offered on the Internet for which relevant information was recorded, with an asterisk marking those countries which in 2013 had bilateral agreements with the United States. Clearly, merchants were not shy about selling material from countries with bilateral agreements. This data set cannot be used to assess the overall effectiveness of import controls enacted under bilateral agreements—although there are a large number of unprovenanced lots offered for sale and ascribed to Peru, for example, there is nothing to say that without a bilateral agreement the number might be higher. What Tables 13.7 and 13.8 do show, however, is that there is no real evidence of customer caution or restraint when faced by unprovenanced material from countries with bilateral agreements. The percentages of lots sold from countries with agreements compares well to the percentages sold from countries with no agreements. Thus once unprovenanced material is available for sale within the United States, a possible history of illicit import is not seen as an impediment to purchase. Again, as in the case of provenance, customers seem unaware of or unconcerned about the possible illicit origins of their purchases.

### Conclusion

For people who are not antiquities merchants it is hard to say anything that is constructive or productive about the present state of the Internet market in pre-Columbian antiquities. Pre-Columbian antiquities have been collected seriously as art since the early decades of the twentieth century (Boone 1993) and there is a history of looting and illicit trade to match (Coggins 1969; Atwood 2004; ICOM 1997), not to mention the associated forgery culture (Bruhns and Kelker 2010; Kelker and Bruhns 2010). The large majority of objects offered for sale in 2011–13 without provenance were in all probability not recent arrivals on the market; many had most likely been out of their country of origin for ten, twenty, or more years—and an unknown proportion were probably fakes. But

the size of the market is a constant reminder of the destruction of archaeological heritage that has taken place over those preceding decades, and of the failure of public policy to achieve any kind of decisive hold on controlling the problem. Given that the looting and illicit trade are ongoing, the prognosis is not good.

Buoyant sales figures show that the general absence of any reliable provenance-related information and the likely presence of fakes are not deterring customers, who are either unaware of the possible illicit or fraudulent sources of material up for sale or do not care. Thus the Internet market is flourishing in part because of what appears to be widespread indifference on the part of customers to the issues involved. Merchants do nothing to help. Several websites provided lengthy advice about avoiding fakes on the market, particularly on eBay, but had less to say about illicitly traded objects. The reason presumably is to protect business by reassuring customers about the authenticity of material up for sale while at the same time not frightening them off with talk of laws and law-breaking. The recommended INTERPOL/UNESCO/ICOM statement was nowhere to be seen. Where websites did provide information about appropriate laws and regulations, it looked to be for cosmetic purposes only. On websites stating the importance of 1970 as a threshold date, for example, the majority of lots offered and sold had no dated provenance and thus nothing to guide a customer in search of pre-1970 material. Self-regulation appears to be non-existent. eBay USA, for example, completely ignores its own rule requiring vendors to include an image of an official document confirming legal export.

Thus the Internet market is thriving because of customer indifference and ineffective self-regulation. Other regulatory options should be considered; though in a political climate parsimonious of resources, there is not much to suggest. A first step would be to extend the purview of regulation to all traders, including, along with eBay, the B2C Internet auction sites and electronic malls such as Trocadero and vCoins. All merchants should be encouraged and preferably required to display in clear view a statement about acceptable provenance similar to the one recommended by Interpol and UNESCO and adopted if ignored by eBay USA. A clear view statement might in itself do something to change the complacent attitudes of customers as regards the absence of provenance. eBay clearly does not monitor adherence to its own rules as it requests public reporting of any rules violations.<sup>14</sup> Bland (2009: 90–91) reports the heavy time burden of monitoring and the disappointing response of eBay UK. The German experience seems more positive (Kreder and Nintrup 2013: 17–18).

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14 Available at <http://pages.ebay.com/help/buy/report-trading.html> (accessed 14 January 2014).



Nevertheless, the experience of eBay USA and eBay UK shows that effective regulation requires external oversight, and concerned public or professional bodies need to step forward and respond to the challenge. In January 2014, for example, it was reported that eBay USA had agreed to suspend the sale of Egyptian antiquities in response to a request from the Egyptian Embassy to the United States (MENA 2014). As regards law enforcement, there are many traders on eBay offering small quantities of low-priced objects, but they are the small fish of the antiquities market pond. What scarce resources are available to law enforcement agencies would be better expended on chasing the bigger fish, including perhaps eBay itself (Kreder and Nintrup 2013: 18–33), and on generating more publicity for successful convictions. One or two high-profile prosecutions for illicit trade might send a chastening message, alerting customers who choose to ignore warning statements to the financial and legal pitfalls of the Internet market, something that the poorly publicized convictions of small-time eBay traders has signally failed to do.

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TABLE 13.1 *Internet dealers offering more than five pre-Columbian antiquities for sale in 2011.*

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#### Internet dealers (intensively monitored group)

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Ancient Resource  
 Apolonia Ancient Art  
 Arte Xibalba  
 Artemis Gallery  
 David Bernstein  
 Galeria Con-Tici  
 Griffin Gallery  
 HD Enterprises  
 Lands Beyond  
 Lost World Artifacts  
 Howard Nowes  
 Barakat Gallery  
 Galerie Mermoz



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**Internet dealers (extensively monitored group)**


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Ancient Artifacts  
 Edgar Owen  
 Galleria Delvecchio  
 Galleria Verges  
 Genius of Man  
 Haig's of Rochester  
 Hundred & One Antiques  
 New World Antiquities  
 One of a Kind  
 Riverbend Gallery

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TABLE 13.2 *Estimated material volume and financial value of Internet market in pre-Columbian antiquities: Internet dealers. (All prices in USD). The average thirty-eight percent lots sold is the average of percentage lots sold for each dealer, and is higher than the overall figure (of twenty-three percent lots sold) because of the low percentage sold figures of two dealers with large inventories. The figures in square brackets for the extensively monitored group are estimated from information obtained for the intensively monitored group.*

	Lots offered	Lots sold	Mean objects per lot	Percentage lots sold	Total price	Mean price
<i>Intensively monitored group</i>						
Subtotal	3258	745			1,150,018	
Average			1.1	38		1,546
<i>Extensively monitored group</i>						
Subtotal	635	[242]			[374,132]	
Total	6227	987			1,524,150	

TABLE 13.3 *Estimated material volume and financial value of Internet market in pre-Columbian antiquities: Internet and physical auctions. (All prices in USD.)*

	Lots offered	Lots sold	Mean objects per lot	Percentage lots sold	Total price	Mean price
<i>Internet auctions</i>						
Arte Primitivo	1,060	960	1.7	91	992,693	1,034
Antiquities Saleroom	629	335	1.1	53	433,367	1,294
eBay USA	No data	5298	No data	No data	655,175	124
<i>Physical auctions</i>						
Bonhams	94	51	1.2	54	359,736	7,054
Sotheby's	46	35	1.1	77	1,644,032	46,972
Heritage Auctions	394	256	No data	65	375,574	1,467
Total		7,680			5,508,558	

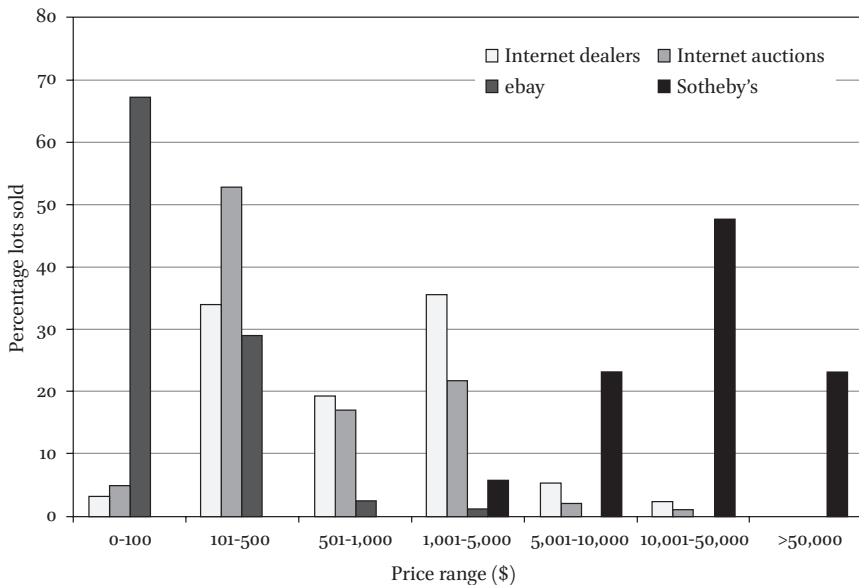


FIGURE 13.1 *Range of prices of individual sold lots of pre-Columbian antiquities.*

TABLE 13.4 *Earliest verifiable provenance of lots offered and sold. (All prices USD.)*

	Earliest provenance	Lots offered	Lots sold	Percentage lots sold	Mean price
Internet dealers	1914–1945	16	1	6	50
	1946–1969	415	21	5	775
	1970–	24	12	50	6131
	None	1923	690	36	1900
Internet auctions	1914–1945	0	0	0	0
	1946–1969	152	135	89	575
	1970–	286	252	88	1477
	None	737	475	65	1089
eBay	1914–1945		0		0
	1946–1969		18		154
	1970–		8		482
	None		453		116
Sotheby's	1914–1945	1	1	100	98,500
	1946–1969	24	17	71	57,875
	1970–	26	22	85	47,614
	None	39	29	74	41,058

TABLE 13.5 *Earliest verifiable provenance and mean size of single ceramic object lots offered for sale.*

	Earliest provenance	Lots offered	Mean size (inches)
Internet dealers	Pre-1970	179	5
	1970–	17	9.2
	None	1264	6.4
Internet auctions	Pre-1970	45	8.5
	1970–	96	10.4
	None	190	8.5

TABLE 13.5 (*cont.*)

	Earliest provenance	Lots offered	Mean size (inches)
Sotheby's	Pre-1970	11	13.6
	1970–	15	15.8
	None	27	14.5

TABLE 13.6 *Earliest verifiable provenance and mean price of single ceramic object lots offered and sold. (All prices in USD.)*

	Earliest provenance	Lots offered	Lots sold	Percentage lots sold	Mean price (\$) lots offered	Mean price lots sold
Internet dealers	Pre-1970	179	7	4	787	411
	1970–	16	8	50	3765	3380
	None	1249	472	38	1307	1558
Internet auctions	Pre-1970	45	36	80		660
	1970–	96	80	83		1727
	None	190	109	57		824
eBay	Pre-1970		12			141
	1970–		5			558
	None		247			128
Sotheby's	Pre-1970	9	5	56		26,625
	1970–	13	10	77		66,088
	None	21	15	71		26,354

TABLE 13.7 *Countries of origin of lots offered and sold by Internet dealers. Asterisk indicates a country with a bilateral agreement with the United States.*

	No lots offered	No lots sold	% lots sold
Bolivia*	1	1	100
Brazil	2	1	50
Colombia*	17	7	41
Caribbean	2	0	0
Costa Rica	25	8	32
Ecuador	71	7	10
El Salvador*	3	0	0
Guatemala*	22	1	5
Honduras*	4	1	25
Mexico	175	37	21
Peru*	136	73	54
Panama	3	1	33
Venezuela	2	0	0

TABLE 13.8 *Countries of origin of lots offered and sold by Internet auctions (not including eBay). Asterisk indicates a country with a bilateral agreement with the United States.*

	No lots offered	No lots sold	% lots sold
Argentina	3	1	33
Belize*	1	0	0
Brazil	7	6	86
Colombia*	36	28	78
Costa Rica	54	41	76
Ecuador	24	19	79
El Salvador*	7	4	57
Guatemala*	21	13	62
Honduras*	14	9	64
Mexico	276	168	61
Peru*	128	63	49
Panama	11	7	64
Venezuela	2	1	50

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