

THE ROLE OF A NGO TO COUNTER INCREASING ILLICIT SALES OF CULTURAL OBJECTS THROUGH THE INTERNET

Electronic trade (e-trade) can be described as; "*Without the need for direct physical connection or physical trading processes, all kind of commercial affair event where sides communicate electronically*". Development in computer and information services, liberalization and globalization of markets, makes e-trade every passing day more important. But, development in e-trade accompanied with some problems, security doubt, crimes (IT crime) and necessity for law regulations against those crimes.

One of the most important problems revealed by development of e-trade is to increase the illicit internet trade of cultural objects. In this way, especially UNESCO Conventions and all relevant international regulations on that subject are being violated. This situation reveals a problem to be solved and force those concerned to take measures for solving this problem and to regulate law against this crime.

The illicit e-trade of the cultural objects is a new area of crime-fighting. Despite this fighting is very difficult, interested parties of this problem, including in NGOs, professional organizations, private companies make a lot of attempts to prevent the illicit trade of the cultural objects through internet.

For instance, three major professional organizations of archaeologists; the Society for American Archaeology, the Society for Historical Archaeology, and the American Anthropological Association, sent a letter to Amazon.com, Inc. which is one of the bigger internet market in the World located in USA on July 3,2000. In this letter they asked to put an end to the sale of archaeological materials on Amazon.com.

In the United Kingdom, British Museum, Libraries and Archives Council (MLA) accorded with eBay.co.uk which is the branch in United Kingdom of the biggest internet market "eBay" in the World. to prevent illicit trade of valuable antiquities found in the UK through internet. In order to prevent their illegal sales through internet, Portable Antiquities Scheme (PAS) has launched a team to observe the cultural objects being up for sale on ebay.co.uk in 2006.

A list of "Basic Actions" to counter the increasing illicit sales of cultural objects through the internet was issued on 6th of July 2007 by UNESCO, ICOM; INTERPOL. In the last paragraph of that document, its interested parties asked the receivers to forward "Basic Actions" to the relevant authorities in their countries. From that time, as an NGO, Friends of Cultural Heritage (FOCUH) located in Istanbul Turkey endeavored to raise awareness the "Basic Actions" in Turkey and in the World.

FOCUH translated "Basic Actions" into Turkish under the title of "Temel Faaliyetler" and sent it to related experts, institutions in Turkey as well as few international NGOs by email and issued it on the part of the "EU Cultural Heritage Legislation and Turkey Project" of its web site. Besides, in various workshops, conferences on IT, e-trade, law of foreign trade in Turkey, FOCUH exchanged information between experts on those subjects and conservation of the cultural heritage.

As one of the members of Scientific Committee, FOCUH made a special speech on "Basic Actions" during the 12th Archaeology and Computer Workshop Cultural Heritage and New Technologies held in 5-7 November 2007 in Vienna, Austria with the approval of the Organization Committee and Scientific Committee of the Congress. And than, the sessions on "Internet Trade of the Cultural Objects" organized during the said 13rd and 14th International Congress held in 2008, 2009 in Vienna, Austria had a pioneering role to increase the public awareness of "Basic Actions" and exchanged information to prevent internet trade of cultural objects in Europe as well as in the World. In 2010, the flag of that subject was passed to the hands of the speakers and participants of the International Congress Archaeology in Conflict" held in Vienna, Austria.

At least, suggestions gathered from those attempts are presented.

- It is necessary to struggle with the illegal archeology and illegal trade in the market and to make international cooperation
- Whether cultural property trade is made on internet or on the market, Berlin Declaration has to be applied certainly and pedigree should be added to those properties.
- It is necessary to highly encourage all internet sale platforms to publish the legal notification mentioned in the "Basic Actions"

- Sale of cultural property on internet should be considered as "IT Crime" by UN, Conseil of Europa, such as Computer Sabotage, Unauthorized Access, Computer Fraud, Forgery via Computer, Phishing-Fake mail, Prohibited copying-Warez Child-Adult Porn. Countries should made some regulations in their legislations related with this crime.
- Since the illicit internet trade of the cultural objects violates the rights relating cultural heritage, taking into consideration Article 4 of Council of Europe Framework Convention on the Value of Cultural Heritage for Society, 2005, Directive 2002/58/EC of the European Parliament and of the Council, of 12 July 2002, aimed to protect the personal data should be revised and not be applied or limited applied for the illicit sales of cultural properties on Internet in order to be able to reach the illegal buyers-sellers' information such as IP, ISP addresses...etc. in time by the official observation team.
- It is highly encouraged to make the payments in Internet Platforms as "recorded money" and to pursue the records of "price/payments more than USD 5.000"

Reference

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