

# PROTECTING CULTURAL HERITAGE

## AN IMPERATIVE FOR HUMANITY



Permanent Mission of Italy  
to the United Nations



INTERPOL



United Nations  
Educational, Scientific and  
Cultural Organization



ACTING TOGETHER AGAINST DESTRUCTION AND  
TRAFFICKING OF CULTURAL PROPERTY  
BY TERRORIST AND ORGANIZED CRIME GROUPS

United Nations  
22 September 2016



*“Cultural heritage is a reflection of human history, civilization and the coexistence of multiple peoples and their ways of life. Its protection is a shared responsibility of the international community, in the interest of future generations.”*

**Paolo Gentiloni, Minister of Foreign Affairs and International Cooperation of Italy**



*“Decades from now, generations will judge us by the courage we showed and actions we took to preserve their and our heritage and culture. Preserving this heritage is the collective duty of this generation to many generations to come.”*

**Nasser Judeh, Deputy Prime Minister and Minister of Foreign Affairs and Expatriates of Jordan**



*“As conflicts remain aflame across the world, we must join forces to protect cultural heritage from illicit trafficking, the collateral damage of war and intentional destruction. Culture is a catalyst for dialogue, reconciliation and peace – it must become part of peacebuilding, built early into security and humanitarian considerations.”*

**Irina Bokova, Director-General of UNESCO**



*“Effective cooperation at the national and international levels among different stakeholders is crucial to protecting and preserving our shared cultural heritage, as well as ending all forms of trafficking in cultural property.”*

**Yury Fedotov, Executive Director of UNODC**



*“Member states can act to deter the demand for illicitly obtained cultural heritage items in destination markets. It is our duty to protect the cultural heritage of mankind, as the most amazing symbol of our past, in order to protect our future.”*

**Jürgen Stock, Secretary General of INTERPOL**

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## INTRODUCTION

In light of the increasing number of international crimes related to the looting and trafficking of cultural heritage, a first international response was the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property established by UNESCO in 1970.

Today, these crimes are increasingly linked to international criminal activity including the financing of terrorist groups.

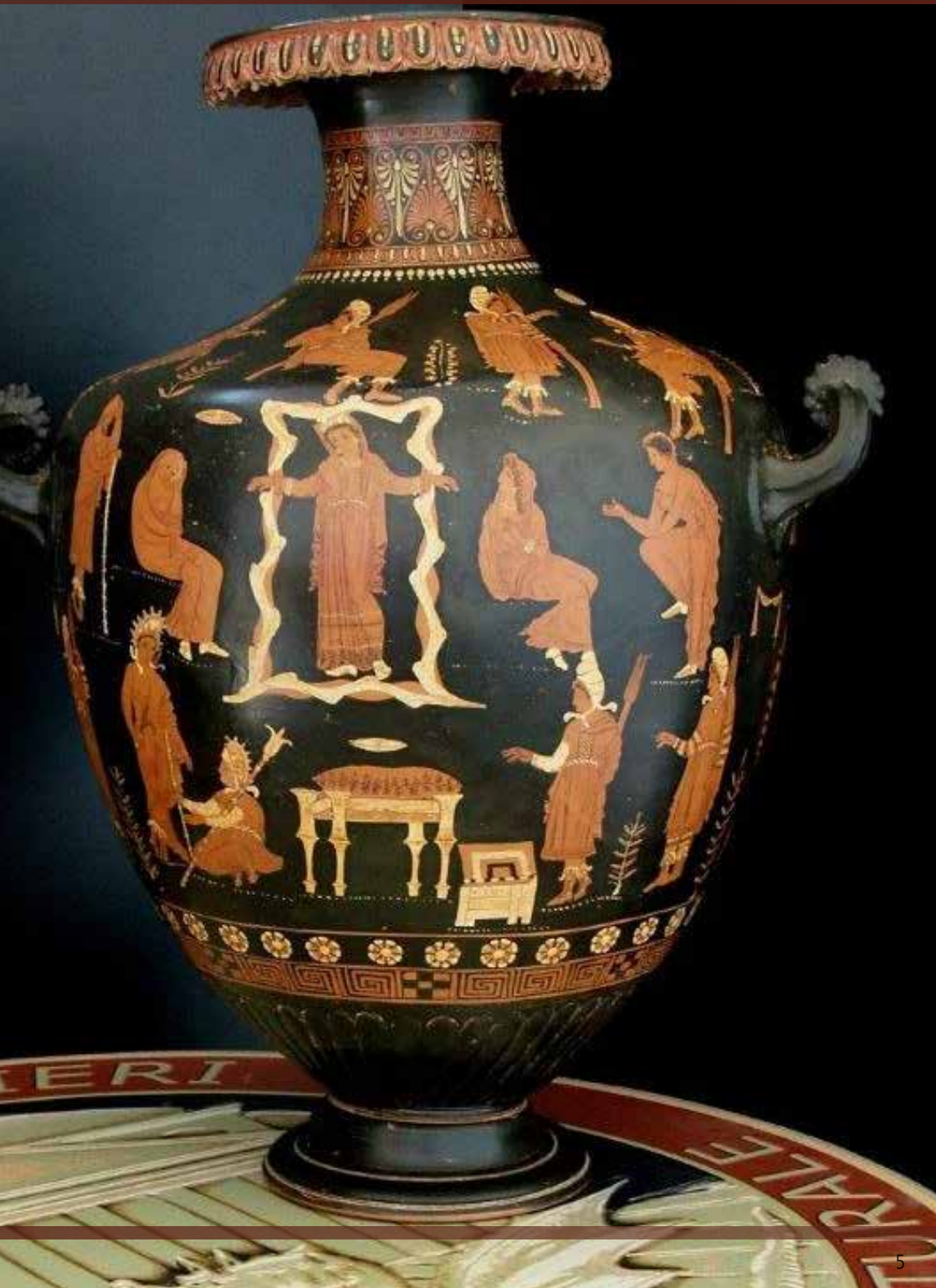
During 2015 and 2016, the Permanent Missions of Italy and Jordan chaired a series of meetings at UN Headquarters in New York dedicated to different aspects of the protection of cultural heritage. This initiative was organized together with INTERPOL, UNESCO, and UNODC, who retain the related and complementary expertise on the issues.

To ensure the protection of cultural heritage, Italy, Jordan, INTERPOL, UNESCO, and UNODC have drawn up a list of suggested key actions, which can be found in this brochure. These are based on the outcomes of these meetings, the comprehensive guidelines adopted to support the implementation of the 1970 UNESCO Convention and the UN Convention on Transnational Organized Crime, and the priorities of experts working in the field.

*Hydria Apula with red figures referring to the Myth of Andromeda (350-340 a.C.) that was illicitly excavated in Italy and illicitly exported. It was recovered in Geneva (Switzerland) in 2010 by the Italian Carabinieri.*









# BACKGROUND

## 1.

Cultural heritage and cultural properties have been destroyed, looted and trafficked throughout history, particularly during conflict and post-conflict situations.

The international trade in antiquities and artefacts, both legal and illegal, was traditionally handled by specialists working within a trusted network and following consolidated methods. Valuable items were identified and selected, appropriate transportation arranged, and border crossings sometimes facilitated by forged documents, hidden compartments, or pay-offs to corrupt officials. A network of confidential partners created a paper trail of documents that established contracts, fees and tax liability while shielding the merchants from discovery. Such practices have become easier and more common today thanks to globalized trade, new means of shipment, and the protected sites and wealth of contacts offered by the Internet.

## 2.

In recent decades, organized groups – criminal and otherwise – have entered the picture, providing professional services to a growing number of sellers and collectors. The volume and value of transactions have risen, with prices and profit margins skyrocketing, while the illegal trading of artefacts has steadily increased. Cultural property is being unlawfully excavated, stolen, looted and exported or imported with the help of sophisticated modern technologies.

The role of organized criminal and terrorist groups is of particular concern. They have entered into all forms of trafficking in cultural property and related offences, illegally moving items through diverse markets, such as auction houses and the Internet. Trafficking has also become an important means of money laundering and a source of financing for terrorist groups. It is sometimes enabled through the support of insiders such as corrupt customs or border officials, law enforcement officers, and dealers in art and antiquities.

## 3.

There is heightened concern today over the unprecedented scale of organized looting and trafficking – often combined with the intentional destruction of cultural heritage sites – especially in the context of crises in the Middle East. While the perpetrators of these acts benefit from the profits of looting, which support their recruitment efforts and strengthen their operational capacity, they also seem resolved to eradicate cultural diversity from the territories under their control. In addition to the loss of irreplaceable cultural heritage, this has led to heinous violations of human rights and fundamental freedoms.

## 4.

Because of their transnational dimension, trafficking offences can involve multiple national jurisdictions. Trafficked items are looted in one country and travel across several others before reaching their final destination. When items are intercepted, local authorities do not always have the necessary expertise to identify them, assess their value, or grasp the scale of the criminal operation behind a single act of trafficking. National responses at the legislative, institutional and law enforcement levels have thus proved insufficient, and these threats require action at the regional or global level.



## 5.

In the late 1960s and early 1970s, thefts were increasing both in museums and at archaeological sites. In this context, the first national response was the formation, in Italy, of the Carabinieri TPC, the world's first police force specialized in the protection of cultural property. At the international level, the first response to this situation was the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property adopted by UNESCO in 1970.

The Convention requires its States Parties to take action in three main areas: preventive measures, return and restitution, and international cooperation. Through clear and comprehensive procedures, the Convention set practical measures to be implemented at the national level better fight trafficking. In 2015, Operational Guidelines for the Implementation of the Convention were adopted by the Meeting of States Parties. These were meant to strengthen preventive measures as well as return and restitution procedures.

## 6.

The range of measures on return was further expanded in 1995 by the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects, which addresses the relationships between private parties, recognizing the importance of private commerce in the trafficking of cultural property.

## 7.

On the broader question of the protection of cultural property in armed conflicts, the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, together with its two (1954 and 1994) Protocols, introduced a series of obligations for its States Parties. These included peacetime activities, such as the creation of special units within national armies to protect cultural property, and war-time provisions, such as not targeting cultural property and using it for military purposes. The UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage, adopted almost twenty years later (1972) complemented The Hague Convention by establishing a strong conservation and monitoring framework for a select number of properties of outstanding universal value.

The General Assembly, through its resolutions 66/180 of 30 March 2012 and 68/186 of 18 December 2013, recognized the importance of utilizing the UN Convention Against Transnational Organized Crime (2000) for the purpose of extensive international cooperation in fighting trafficking in cultural property and related offences. Through its applicability to serious organized crime, this convention is of great significance in the prevention, investigation and prosecution of trafficking in cultural property as well as the return and restitution of stolen/trafficked cultural property.

In 2014, the UN General Assembly adopted the International Guidelines for Crime Prevention and Criminal Justice with Respect to Trafficking in Cultural Property and Other Related Offences (resolution 69/196 of 2014). This international instrument provides a set of guidelines on criminal justice related aspects of combatting trafficking in cultural property including crime



prevention strategies, criminal justice policies, and law enforcement and judicial cooperation mechanisms to ensure the return, restitution or repatriation of cultural property. While these measures attest to the international community's recognition of the issues, they also point to the many provisions that need to be translated into national legislation. To ensure seamless application internationally, action needs to be taken to harmonize domestic legislation and regulations and foster closer cooperation between domestic and international stakeholders, as well as public and private actors.

#### 8.

Despite the 1954 Convention and its additional Protocols, the destruction of and trafficking in cultural properties persisted throughout numerous regional conflicts. Following the new and more recent forms of aggression and destruction carried out by terrorist groups, the international community has recognized the need for more forceful prevention and intervention.

By the 2015 adoption of resolution 69/281 ("Saving the cultural heritage of Iraq"), the UN General Assembly deplored the rise in deliberate attacks and threats on the cultural heritage of countries affected by armed conflicts. A major breakthrough was achieved in February 2015 through the adoption of UN Security Council Resolution 2199, under Chapter VII of the UN Charter. This resolution recognizes that the illicit trafficking of cultural objects can be used as a source of financing for terrorism and requires Member States to take legally-binding measures to prevent "trade in illegally exported Iraqi and Syrian cultural property" with the assistance of UNESCO, INTERPOL, and their main partners. This requirement was reiterated in UN Security Council resolution 2253 (2015). In November 2015, the UNESCO General Conference

adopted Resolution 38C/48 ("Reinforcement of UNESCO's action for the protection of culture and the promotion of cultural pluralism in the event of armed conflict"), aimed at reinforcing the effectiveness of UNESCO's action.

#### 9.

With UN Security Council Resolution 2100 (2013), the protection of cultural heritage sites was included for the first time in the mandate of a UN Peacekeeping mission, the UN Multidimensional Integrated Stabilization Mission in Mali (MINUSMA). It mandated MINUSMA "to assist the transitional authorities of Mali, as necessary and feasible, in protecting from attack the cultural and historical sites in Mali, in collaboration with UNESCO."

#### 10.

In response to the growing international calls to protect cultural heritage, Italy and Jordan, together with INTERPOL, UNESCO and UNODC, embarked on a high-level partnership on "*Protecting Cultural Heritage – An Imperative for Humanity: Acting Together Against the Destruction and Trafficking of Cultural Property by Terrorist Groups and Organized Crime.*" The goal of the project is to galvanize the international community and the United Nations to implement the above-mentioned legal instruments and to take stronger and more coordinated action against growing threats to cultural property and heritage.

Three main challenges were identified by the project partners: preventing destruction, spoliation, looting and other illegal activities in the provenance areas (especially those in conflict or crisis situations), countering all aspects of transnational trafficking, and repressing illegal markets in destination areas.

#### 11.

The partnership kicked off at the United Nations Headquarters on September 27, 2015, with a Ministerial Meeting to introduce the project, recall the existing international instruments, and underline the need to make them more effective. A strong commitment to these goals was expressed at the Meeting by the Ministers of Foreign Affairs of Jordan and Italy, the President of INTERPOL, the Director-General of UNESCO, and the Executive Director of UNODC, and was echoed by the high representatives of many Member States.

An awareness-raising exhibition was held on December 14-24, 2015, at UN Headquarters. Priceless antiquities recovered by the Italian Carabinieri were exhibited alongside photographs and interactive videos explaining the importance of the issue, as well as the work currently being done by all project partners.

#### 12.

Cultural artefacts and antiquities travel a long and complicated road from their original site to their final sales market. This itinerary needs to be documented and mapped since timeline and provenance are essential to the identification and assessment of single items or collections. The project has retraced this complicated route in reverse order, starting with the final markets for cultural artefacts and concluding with their places of origin.

This approach is based on the fact that instances of art and antiquities being sold on the markets and of items seized in the course of border controls or investigations exist. Examining these cases and the means by which the items are marketed makes it possible to reconstruct the road the items have travelled after being looted, stolen, or misappropriated.

#### 13.

In the first half of 2016, the Permanent Missions of Italy and Jordan organized and chaired a series of three meetings at UN Headquarters in New York dedicated to different aspects of the protection of cultural heritage. For each theme, leading experts were brought in from museums and auctions houses, as well as archeologists, legal experts, and specialists from law enforcement and customs agencies. Member States contributed proposed language on new crimes, examples of work they were doing in the field, and documentation of what is happening in some countries.

#### 14.

A few general points are highlighted below, followed by concluding remarks and key action points.

- First, the protection of cultural heritage is a fundamental tool to support the development of peaceful societies, strengthen sustainable development, prevent violent extremism, and suppress terrorist financing;
- Second, international legal instruments and operational tools already provide a meaningful framework that should be fully implemented by Member States and all relevant stakeholders.
- Third, shared responsibility is critical, including the harmonization of domestic legislation and international cooperation in investigations and legal procedures. Capacity building and specialized training should be considered essential components of the international community's efforts.

- Fourth, greater collaboration is needed between the public and the private spheres to prevent illegal transit and trafficking, hamper illegal conduct, and disrupt criminal networks.
- Fifth, a one-size-fits-all response will not work in the short term: solutions should be adopted that are tailored to the current situation while more long-term measures should be designed, implemented, and harmonized.
- Finally, all Member States should prioritize their commitment to address the growing ties between terrorist and criminal organizations.

## 15.

To ensure the protection of cultural heritage, Italy, Jordan, INTERPOL, UNESCO, and UNODC have drawn up a list of suggested key actions. These are based on the outcomes of these meetings, the comprehensive guidelines adopted to support the implementation of the 1970 UNESCO Convention and the UN Convention on Transnational Organized Crime, and the priorities of experts working in the field.



*Press Conference held in 2010 at the Colosseum (Rome) by the Italian Carabinieri. Presentation of 337 antiquities recovered in Geneva (Switzerland) during the "Andromeda" operation.*



# SUGGESTED KEY ACTIONS





## A. INTERNATIONAL LEVEL

1.

States which have not done so are encouraged to consider ratifying or acceding to the 1954, 1970 and 1972 UNESCO Conventions, and related 1954 and 1999 Protocols, the 1995 UNIDROIT Convention, the 2000 United Nations Convention against Transnational Organized Crime (UNTOC) and the 1999 International Convention for the Suppression of the Financing of Terrorism (CSFT). They should also ratify the Rome Statute or accept its jurisdiction for crimes against cultural property on an ad hoc basis to facilitate the prosecution of crimes against cultural heritage and thereby fight the impunity of perpetrators.

2.

Bilateral agreements and treaties should be concluded and strengthened, as well as existing applicable multilateral treaties. There is also a need to elaborate on their existing provisions and extend their reach to places where they may not yet apply. This would provide a legal basis for the widest measure of mutual legal assistance in investigations, prosecutions and judicial proceedings in cases of trafficked cultural property (including for terrorism financing purposes) and for their recovery.

3.

Member States should fulfil their obligations under UNSCRES 2199 (2015), 2253 (2015) and other resolutions related to cultural heritage protection. Similar measures should be applied also for cultural property illicitly removed from the other countries in conflict.

4.

States should support advocacy efforts at the highest international levels for the systematic integration of due consideration to the protection of cultural heritage in UN peace-keeping operations and peace-building efforts.

5.

Given the lack of reliable data available to the international community on the transnational nature of trafficking in cultural property, such as trafficking routes, extent, patterns, modus operandi and financial gains from trafficking, international organizations should consider undertaking studies and research to fill these knowledge gaps. They should also consider how they can provide technical advice and support to Member States to facilitate their data collection and analysis capacity on these issues. In general, closer systematic cooperation between States and international organizations in this area is a critical issue.

6.

In line with relevant UN General Assembly and Security Council resolutions, information, including from intelligence sources, should be shared on illicit trafficking of cultural property between national counterparts and international organizations. This should be done, as deemed appropriate and in a timely manner, with a view to protect cultural heritage from destruction, including in the framework of military operations.

7.

The above should also be instituted to collect sufficient data to establish the ways in which illicit trafficking of cultural property is linked to the financing of terrorist groups.

## B. NATIONAL LEVEL



1.

National legislation should be aligned, as appropriate, with relevant international standards, in particular the 1970 UNESCO Convention and its operational guidelines, the 1995 UNIDROIT Convention and the 2000 UN Convention against Transnational Organized Crime and “International Guidelines for Crime Prevention and Criminal Justice with respect to Trafficking in Cultural Property and Other Related Offences”.

2.

National and domestic legislation should be reviewed so as to establish destruction of, or trafficking in cultural property, including stealing and looting at archaeological and other cultural sites, as a serious crime, as defined in article 2 of the United Nations Convention against Transnational Organized Crime (UNTOC), as well as illicitly importing and exporting cultural properties as defined in Art. 8 of the UNESCO 1970 Convention. All above mentioned conducts should be punishable by proportionate, dissuasive and effective sanctions to be applied against all individuals and entities involved in any step of such crimes.

3.

The UNTOC and the CSFT should be used, where appropriate, as a legal basis for extensive international cooperation in criminal matters pertaining to fighting all forms and aspects of trafficking in cultural property and related offences.

4.

The use of existing tools, developed under the auspices of UNESCO, UNODC, WCO and INTERPOL, should be strengthened and further integrated so as to effectively counter illicit trafficking of cultural property. These tools include the INTERPOL Database of Stolen Works of Art, the WCO ARCHEO platform, all ICOM Red Lists, UNODC’s knowledge management portal SHERLOC, and the UNESCO Database of National Cultural Heritage Laws.

5.

Procedures for investigating cases of seizure and confiscation of cultural items, management of confiscated artefacts and assets, as well as practices for returning them to their legitimate owners should be strengthened.

6.

Private companies (e.g. auction houses), financial institutions, internet service providers, online marketplace operators, museums and private foundations should collaborate in achieving effective implementation of UN Security Council resolutions 2199 and 2253 of 2015 through reporting suspected trafficking in cultural property as well as adoption of codes of conduct and other effective policies on acquisition of cultural property.

7.

National legislation should be revised to strengthen controls of exports, imports and acquisitions of cultural property, and effective preventive measures in free trade zones/ports should be established to prevent them from stockpiling cultural property. Safe havens should be established on national territories in order to safely store at risk cultural property and build the relevant national capacities.

8.

The principles of the 1995 UNIDROIT Convention should be adopted, as appropriate, particularly on due diligence, provenance checking, and the burden of proof in order to ensure harmonization of legislation in this respect.

9.

National inventories and comprehensive recording of all types of cultural heritage should be completed, including of moveable and immovable and, tangible and intangible cultural heritage to ensure preparedness in the event of armed conflict or natural disaster. A national database of stolen cultural items should be created because it represents a fundamental tool for investigations and for the recovery and restitution of such objects.

10.

National capacities should be strengthened, for instance by including cultural heritage experts, civil society members and local communities in the process of inventorying, documenting, assessing damage, and providing cultural first aid and risk mitigation. This should also involve strengthening the capacity of criminal justice authorities to conduct domestic and transnational investigations, prosecutions and judicial cooperation in combating criminal offences against cultural property.

11.

Where they do not yet exist, specialized police units exclusively dedicated to the protection of cultural heritage might be created to investigate cases of trafficking of cultural property, with a national database connected with INTERPOL's Stolen Works of Art database. This should involve strengthening existing staff as well as training new customs officers dedicated exclusively to the protection of cultural heritage at the borders. Due regard should be given to use of special investigative techniques including conducting financial investigations.

12.

A national point of contact should be designated, with adequately trained personnel that can collect domestic information, provide advice to national authorities and foster cooperation at the international level. Such national contact points could also facilitate international cooperation, within the application of the United Nations Convention against Transnational Organized Crime, for the purpose of preventing and combating trafficking in cultural property. In line with paragraph 6 of General Assembly Resolution 68/186, these points of contact could be included in the directory of competent national authorities of the United Nations Office on Drugs and Crime.

13.

Education and awareness-raising activities, including informal ones, should be encouraged, so as to promote cultural pluralism, respect for cultural heritage, and build more tolerant and inclusive societies through school curricula. In addition to law enforcement authorities, relevant international, non-governmental and private sector organizations should be encouraged to participate in public awareness campaigns on cultural property issues.



## C. KEY ACTIONS WITH REGARD TO CULTURAL PROPERTY FROM AREAS AFFECTED BY ARMED CONFLICT

### 1.

National legislation should translate into practice and implement the provisions of the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict and its two protocols, independent of their ratification. This should also be the case with the other UNESCO culture conventions, notably those related to:

- Respecting cultural property by refraining from any use of the property and its immediate surroundings, or the appliances in use for its protection, for purposes which are likely to expose it to destruction or damage in the event of armed conflict;
- Refraining from any act of hostility directed against such property or use of it for military purposes, except when imperative for military necessity.

### 2.

The following measures, if not yet put into force, should be implemented with regard to emergency situations, in particular the situations in Iraq, Libya and Syria. This is in line with the United Nations Security Council Resolutions 2199 (2015) and 2253 (2015) to prevent illicit trafficking of cultural properties from, within, or into conflict areas. States should:

- Proceed, in a timely manner, with inventories and establish safe havens devoted to protecting cultural properties from damage and destruction and facilitating recovery and restitutions;
- Revise their legislation to strengthen controls of exports, imports and acquisitions of cultural property, paying specific attention to border control and reinforcing, training and supporting custom services, especially those of countries closest to crisis areas;

- Reinforce measures to prevent and detect illicit transactions and illicit financial flows potentially connected with trafficking in cultural property;
- Share intelligence on illicit trafficking of cultural property and information on the seized objects with UNESCO, INTERPOL, UNODC, and WCO.

### 3.

Outreach activities related to combating the trafficking in cultural property in emergency situations should be initiated. Existing activities should also be further supported, such as the #unite4heritage campaign, especially those targeting local populations, museums, collectors, art markets and internet platforms.

### 4.

Seized cultural objects coming from countries affected by armed conflict should be systematically recorded, with accompanying documentation such as photographs, descriptions, and expert reports. In addition, information on all seized cultural objects should be provided on a regular basis to relevant international organizations, in respect of reporting obligations stipulated by Resolutions 2199 (2015) and 2253 (2015) of the UN Security Council.

### 5.

Appropriate financial resources should be made available to all involved international organizations with an appropriate mandate in the field of trafficking of cultural heritage, to continue their emergency action initiatives.



6.

A mandatory heritage component on the protection of cultural heritage should be incorporated in training military and law-enforcement agencies, particularly in and during situations of armed conflict.

7.

Individuals or/and groups involved in the intentional destruction of cultural heritage, including looting, should be duly prosecuted.



Porcelain artefacts from the Muhammad Ali Dynasty recovered during INTERPOL's "Monitor Eye" operation in Egypt in 2015.



# ANNEXES



## ANNEX 1 - Report of the three meetings

### A.

**The first Meeting, held on March 2, 2016,** was dedicated to the destination markets for stolen cultural property. In the months leading up to the meeting, a series of exchanges sought to identify the final destination countries for stolen and looted artifacts, address the problem, and acknowledge the risks and consequences of inaction.

Special attention was given to items excavated illicitly at Syrian and Iraqi archaeological sites. There is a dearth of information about the actual number of items, and so far very few objects looted from these countries have been seized on the international market. These findings stand in stark contrast to daily media reports on the number and value of looted items, and the relative profits for the perpetrators of these illegal activities. The discrepancy between popular perception and the actual statistics has led experts to make different and sometimes contradictory conclusions. Indeed, on the basis of the number and locations of seizures carried out by law enforcement, it is still too early to identify accurately the final destination markets.

According to experts, the number of seizures of items most likely taken from Syria and Iraq (no more than fourteen thousand items) is "insignificant" on a world scale. Moreover, the various national agencies have so far identified very few objects for sale on the international art markets. These facts led to two conclusions. First, that most of the looted archaeological artefacts are probably still hidden close to original sites, until the right opportunity arises for shipment to destination countries. Second, by sending small amounts of the stolen objects at a time, the criminal and terrorist groups involved in trafficking are testing the capacity of the current system to curb illicit exports.

The experts agreed on the fundamental contribution that auction houses, museums, foundations and private collectors can make to fight this crime. The INTERPOL Database of Stolen Works of Art and the UNESCO Database of National Cultural Heritage Laws are critical tools for the identification of stolen and illicitly exported objects that legal intermediaries might be asked to acquire or sell. Greater and more coordinated use of these two databases is needed.

In the next decade, there is a strong possibility that representatives of Syria and Iraq will file an increasing number of restitution claims in final market countries. Effective and timely restitution procedures, in accordance with international legal standards, are one of the main deterrents against illegal acquisitions and contracts. Measures that impede illegal transactions would address both sides of the transaction.

No fight against crime can be successful without sufficient resources. Some of the many concrete steps recommended at the meeting are given in the Suggested Key Actions. At this point in time, specialized police forces need to be created that can maintain national databases connected to the INTERPOL Stolen Works of Art database and can access the UNESCO database online. Special attention should be paid to the illegal nature of any commerce involving cultural objects from Iraq and Syria, as established by Security Council resolutions 2199 and 2253.

There was unanimous agreement on the need to proceed according to a clear and coherent strategy in order to fight all forms of trafficking in cultural property coming from Syria, Iraq, Afghanistan, and Libya. Without a clear strategy and a common will to implement it, we run the risk of enabling the slow destruction of their cultural heritage, providing inadvertent support to the criminal organizations and terrorist groups involved, and facilitating future criminal actions against humanity.

## B.

**The second meeting, held on April 28, 2016,** addressed the trafficking and illicit transfer of cultural property, with a focus on transit countries. The session brought together experts from UNESCO, WCO, INTERPOL, as well as representatives of NGOs active in this field and experts from Member States.

The participants discussed the three major pillars of an effective criminal justice response to trafficking in cultural property in transit countries: preventive measures (focusing on import-export regimes); law-enforcement and prosecution (focusing on legislation, investigations and prosecutions); and international cooperation in the seizure, confiscation and recovery of cultural property.

The experts noted that cultural property is being unlawfully transited through the territories of many countries, and exported or imported with the help of sophisticated modern technology. They also pointed out that trafficking in cultural property is becoming an important method of money laundering, allowing criminals to use complex mechanisms for moving their proceeds through third-party countries. Recently, it has also been cited as a source of financing for terrorist groups.

The meeting identified many issues that Member States and international organizations should focus on in their efforts to address illicit transit of cultural property, given that current national legislative and institutional responses in the countries located on the trafficking routes fail to address this issue. In particular, the experts stressed the need for:

- i) Law-enforcement specialized in detection and investigation of cultural property; better use of the tools and databases developed under the auspices of UNESCO, UNODC, WCO and INTERPOL;
- ii) Effective preventive measures applied in free trade zones/ports;
- iii) Universal ratification and implementation of the relevant international treaties; awareness raising among transit countries on the need to apply increased scrutiny in dealing with movement of cultural property;
- iv) Recognition of the trafficking of cultural property as a serious offence that can trigger the application of the advanced provisions of the UN Convention against Transnational Organized Crime; establishment of law-enforcement mechanisms for monitoring internet sales;
- v) The channels/means for law-enforcement officers to receive prompt expert advice when they have to identify cultural property.



## C.

**The third meeting, held on May 27, 2016,** was dedicated to a discussion of growing threats to cultural heritage, with a focus on countries of origin.

Participants stressed the need to increase the international community's awareness of cultural heritage destruction as a security and humanitarian imperative. The unprecedented level of attacks against culture today are often combined with the persecution of groups and individuals on the basis of their ethnicity, which qualify them as a form of «cultural cleansing».

Experts presented statistics on deliberate destruction that justified the labelling of the current situation as "the greatest cultural heritage crisis since the Second World War." They affirmed that cultural heritage provides an important foundation for national reconciliation and economic recovery, and that its protection should be considered for inclusion in any peacekeeping mandate and prioritized throughout the post-conflict period.

Gaps in the international response were identified. Many elements are sadly lacking: sufficient documentation, an inventory of cultural assets destroyed, efficient planning for emergency response and capacity building, and coordination at the national and global levels. Calls were made for the ratification and implementation of the relevant international treaties, the establishment of national focal points, and training on the issue of illicit trafficking of cultural property.

Experts stressed the need for public-private partnerships, education and awareness raising with civil society to accompany State action. Linkages between the illegal trafficking of cultural property and financing of terrorist organizations were also discussed.

Finally, the participants emphasized the crucial importance of effective domestic procedures that will enable states to carry out effective investigations and file cases in national courts. To this end, there was a renewed call for training professionals.





## ANNEX 2 - List of main official documents on cultural heritage protection

### Treaties and declarations

- 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict with Regulations for the Execution of the Convention
- 1954 First Protocol to the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict
- 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property;
- 1972 UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage
- 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects
- 1999 Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict
- 1999 International Convention for Suppression of Financing Terrorism
- 2000 United Nations Convention against Transnational Organized Crime
- 2001 UNESCO Convention on the Protection of the Underwater Cultural Heritage
- 2001 Universal Declaration on Cultural Diversity and the Action plan for its implementation, Adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization at its thirty-first session
- 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage
- 2003 UN Convention against Corruption
- 2003 UNESCO Declaration concerning the Intentional Destruction of Cultural Heritage

- 2005 UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions
- 2015 Bonn Declaration on World Heritage, 39th UNESCO World Heritage Committee
- 2015 Declaration on Culture as an Instrument of Dialogue among Peoples, EXPO, Milano, International Conference of the Ministers of Culture
- 2015, Statement of the 3rd Meeting of States Parties to the UNESCO 1970 Convention, "Stop Illicit Trafficking of Cultural Property"

### UN bodies' resolutions

#### UN General Assembly

- 2012, Resolution 66/180 "Strengthening crime prevention and criminal justice responses to protect cultural property, especially with regard to its trafficking"
- 2013, Resolution 68/186 "Strengthening crime prevention and criminal justice responses to protect cultural property, especially with regard to its trafficking"
- 2014, Resolution 69/196 "International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking in Cultural Property and Other Related Offences"
- 2015, Resolution 69/281 "Saving the cultural heritage of Iraq"
- 2015, Resolution 70/76 "Return or restitution of cultural property to the countries of origin" (latest on the matter)
- 2015, Resolution 70/178 "Strengthening the United Nations crime prevention and criminal justice programme, in particular its technical cooperation capacity"

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- 1964, Recommendation on the Means of Prohibiting and Preventing the Illicit Export, Import and Transfer of Ownership of Cultural Property 19 November
- 1972, Recommendation concerning the Protection, at National Level, of the Cultural and Natural Heritage
- 2011, Recommendation on the Historic Urban Landscape, including a glossary of definitions, 10 November
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- 2015, Resolution 3.MSP 11, "Operational Guidelines for the Implementation of the 1970 Convention"
- 2015, Resolution 3.MSP 9, "Emergency Actions"
- 2015, Recommendation concerning the protection and promotion of museums and collections, their diversity and their role in society
- 2015, Recommendation concerning the preservation of, and access to, documentary heritage including in digital form
- 2015, UNESCO General Conference Resolution 38C/48, "Reinforcement of UNESCO's action for the protection of culture and the promotion of cultural pluralism in the event of armed conflict"
- 2015 Recommendation concerning the preservation of, and access to, documentary heritage including in digital form

A digital version of this booklet with embedded hyperlinks for references can be downloaded at <http://www.interpol.int/Crime-areas/Works-of-art/>.

