



PROTECTING CULTURAL HERITAGE

AN IMPERATIVE FOR HUMANITY



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

United Nations
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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.

3. 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.

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 archeological 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 and law enforcement and judicial cooperation mechanism 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. The Project

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.

legislation should translate into practice and implement the provisions

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.



This introduction is part of the booklet that will be presented during the Ministerial Meeting.

The booklet includes the report of all expert meetings as well as suggested key actions and relevant documentation.

The meeting will be held in English, covered through press service and webcast live and on demand.

Interventions from the floor are envisaged and should kindly be limited to 3 minutes.