**PatMedMUNCXII**

**UNESCO**

**Illicit Trade Of Historical Artifacts**

The illegal trafficking of cultural property is a lucrative underground market, garnering much revenue. Cultural property is often taken from private museums, collectors, churches and

archaeological sites and then sold on the black market. Generally, the theft of cultural property originates from four categories: private or public owners, known archaeological sites, undiscovered sites, and illegal exportation of objects from foreign countries. Countries undergoing war, natural disasters or other crises are particularly vulnerable. Current examples include Iraq and Syria, where objects are being stolen for sale. Rarely are these items recovered.

The first international agreement to protect cultural property was the 1954 Hague Convention for the Protection of Cultural Property in the Event of an Armed Conflict, which focused on preserving cultural property during times of armed conflict and military occupation.

Currently, the most important agreement regarding theft of cultural property is the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, which focuses primarily on conduct that occurs during times of peace. The 1970 Convention requires state members to take action in three main fields. The first is preventive measures, which may include inventories, export certificates, monitoring trade, imposition of penal or administrative sanctions, information and education campaigns. The second is restitution provisions, which entails appropriate steps to recover and return any such cultural property imported. Lastly, the conventional emphasizes an international cooperation framework.

The UNIDROIT Convention was adopted in 1995 and complements the 1970 UNESCO Convention. It attempts to “to reduce illicit traffic in cultural objects by expanding the rights upon which return of such objects can be sought, and by widening the scope of objects subject to its provisions. Under the UNIDROIT Convention, defines a cultural object as one “which, on

religious or secular grounds, [is] of importance for archaeology, prehistory, history, literature, art or science. UNIDROIT is an independent organization, which studies coordinating commercial laws between states.

Currently, there are still many issues with limiting the theft of cultural property. One of the greatest problems with illegal exportation is defining what is considered theft of cultural property. Under the UNESCO Convention, cultural property is only considered stolen if it has been stolen from a museum, public monument, or similar institution, and was inventoried prior to theft. An additional problem arises with”bona fide purchasers”: those purchase an artifact and are unaware it was illegally taken. Under the UNESCO Convention, cultural property can only be returned with payment of just compensation. In recent years, organized criminal groups have been found to be increasingly involved in destruction, looting, trafficking and sale of cultural property. Additionally, the illicit excavation of such objects can irretrievably damage archaeological sites. There is also a proliferation of fraudulent objects. While current legislation provides a good base of agreement, additional action should be considered.

**Points to Consider:**

* Is your country undergoing a crisis that has made it susceptible to theft?
* Does your country appropriately inventory and protect your artifacts?
* Is there communication between police forces and those charged with keeping track of cultural artifacts?

**Helpful Links:**

<https://digitalcommons.law.scu.edu/cgi/viewcontent.cgi?article=1175&context=scujil>

<https://www.regjeringen.no/en/topics/culture-sports-and-non-profit-work/visuell-kunst/innsiktsartikler/kulturkrim/illicit-trade-in-cultural-artefacts/id2426594/>

<https://www.interpol.int/en/Crimes/Cultural-heritage-crime/The-issues-cultural-property>