

Forum: Special Conference on Culture and Heritage (SPC)

Issue: Combatting the illicit trafficking of cultural artefacts and antiquities

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Introduction

Since its formation, UNESCO has instilled international legal instruments in combating the crime of theft, looting and illicit trafficking of cultural artefacts. They have emphasized the detrimental impact on a country's history and culture, and their potential to incite further organised crime and terrorism. Therefore, in order to preserve cultural identity and peace amongst nations, viable solutions are required to be implemented.

A conversation surrounding these regulations has emerged previously, notably in 1970 with the writing of the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property that was then properly implemented in 1972. Despite these previous efforts, the problems still prevail and continue to threaten the livelihood and identity of certain communities.

Definition of Key Terms

Cultural Property/Goods:

- 1954 Hague Convention classifies them into three categories:
 1. movable or immovable property of great importance to cultural heritage
 2. buildings whose main and effective purpose is to preserve or exhibit such property (e.g., museums, archives)
 3. centres containing monuments
- 1970 UNESCO Convention (Article 1): property specifically designated by each State on religious or secular grounds as being of importance for archaeology, prehistory, history, literature, art, or science

Archaeological Context

All surrounding elements of an object's place of discovery; scientific value is permanently lost when removed from context, leaving the artefact with only economic value

Clandestine Excavation

Unauthorised digging at sites, considered one of the most destructive practices in this context

Background Information

What is the illicit trafficking of cultural artefacts?

Illicit trafficking of cultural artefacts refers to the illegal excavation, theft, export, import, and sale of objects that hold archaeological or cultural significance. These objects can include sculptures, religious objects, manuscripts, coins, pottery, and other antiquities. Unlike ordinary stolen property, the removal of an artefact permanently destroys information about the society that produced it because archaeological objects lose much of their historical value when separated from their original site and context.

A major example is the looting of Iraqi archaeological sites following the 2003 US-led invasion of Iraq. The National Museum of Iraq in Baghdad was looted, while archaeological sites throughout the country were also targeted. Objects from ancient Mesopotamian civilizations, including Sumerian, Babylonian, and Assyrian artefacts, were removed and entered international trafficking networks. This demonstrated how political instability and weak security can create opportunities for organised looting.

Historical origins and development

The movement of cultural artefacts across borders dates back to Ancient Egypt, where tomb robbers often broke into monumental structures containing the mummified bodies of rulers to obtain and sell valuable objects for financial gain. Such activities continue throughout history, particularly through war, conquest, colonialism, and foreign archaeological expeditions. During the colonial period, European powers removed large numbers of cultural objects from territories they controlled. For example, the Benin Bronzes, created by the kingdom of Benin in present-day Nigeria, were looted by British forces during the 1897 British invasion of Benin City. Thousands of objects were subsequently taken to Britain and other countries, where many entered museums and private collections.

The large-scale destruction and theft of cultural property during World War II further demonstrated the need for international protection. Nazi Germany systematically looted artworks and cultural objects from occupied territories and Jewish families. These events contributed to the development of international efforts to protect cultural heritage, including the 1954 Hague Convention. Later, the 1970 UNESCO Convention specifically addressed the illicit import, export, and transfer of cultural property.

The global art market expanded with the advancement of technology. During the Industrial Revolution, the rapid expansion of steamships, transatlantic navigation, and continental railway networks significantly reduced transit times and trade barriers, coinciding with the rise of modern auction houses (e.g., Sotheby's, Christie's expanding international

reach) and public museum acquisition booms. The Post WWII period also saw a massive aviation boom: commercial jet travel and standardized ISO shipping containers in the 1950s and 1960s made international freight shipping and passenger movement drastically faster, cheaper, and harder to track. This led directly to the drafting of the landmark 1970 UNESCO Convention, created specifically to address the skyrocketing illicit trade caused by this globalization. As international transportation and the global art market expanded, trafficked antiquities could increasingly be moved from their countries of origin into foreign markets. This creates a complex, large-scale issue in which artefacts could be excavated in one country and eventually sold to a collector or a museum thousands of miles away.

Organisations and Major Countries Involved

Countries

Source / Origin Countries: Syria, Iraq, Libya, Yemen, Afghanistan

Transit Countries:

- Middle East & North Africa: Lebanon and Turkey, Egypt, Tunisia, United Arab Emirates, Saudi Arabia, Qatar, Horn of Africa.
- Europe & Asia: Bulgaria, Romania, Serbia, Thailand, Jordan, Kuwait, Israel, Singapore.

Destination / Market Countries: United States, United Kingdom, France, Germany, Switzerland, Australia.

Organisations

- UNESCO: Sets primary legal treaties (e.g., the 1954 Hague Convention, 1970 UNESCO Convention) and maintains tools like the Database of National Cultural Heritage Laws.
- INTERPOL: Manages international law enforcement tools, including the Stolen Works of Art Database, the ID-Art mobile application, and Purple Notices for criminal tactics.
- WCO: Coordinates customs enforcement globally and operates the ARCHEO real-time information exchange network

Possible Solutions

Strengthening border controls and customs enforcement

Increasing customs inspections and training of border officials is an effective way to combat illicit trafficking across international borders, specifically training to recognize regional visual identifiers, age markers, and material characteristics of heritage items. Databases and hotlines operating on a global scale could also be used to identify stolen or missing objects.

Improving provenance requirements

Requiring a mandatory ownership history verification process in the event of entering a collection prevents deceitful financial gains earned through illegal sales. Stronger documentation requirements would make it harder for illegally obtained artefacts to enter legitimate markets.

Increasing international cooperation

Countries should strengthen cooperation through information sharing, joint investigations, and agreements for the recovery and return of stolen cultural property. International organisations can support such goals through coordinating these efforts across borders in the form of mandatory import/export documentation checkpoints, non intrusive inspection technology, and providing border officials with the INTERPOL Stolen Works of Art Database and the INTERPOL ID-Art Mobile App to perform immediate visual or metadata matches against known stolen items.

Protecting archaeological sites

Archaeological sites are often the target for looting and theft, and as a result, remains of the sites, which provide important traces of heritage, often suffer damage. To prevent this, investments directed at site protection, surveillance, security personnel, and monitoring would reduce the number of artefacts entering trafficking networks in the first place. For example, Operation PANDORA, an annual, multi-country joint law enforcement operation specifically targeting the illicit trafficking of cultural property, resulted in the recovery of over 11,000 illicit artefacts.

Regulating online antiquities market

Social media, online marketplaces, and auction platforms are often potential platforms used for the sale of illicitly obtained artefacts. Strict requirements for sellers to provide legitimate records can be established to prevent such actions. Enforcement actions taken against offenders are also beneficial to ensure the safety of the artifacts.

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Appendix

- 1995 UNIDROIT Convention- establishes rules for the restitution of stolen or illegally exported cultural objects