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COUNTERING ILLCIT TRAFFICKING OF CULTURAL OBJECTS IN SOUTH-EAST ASIA

CAPACITY-BUILDING
GUIDE AND
METHODOLOGIES

Etienne Clément





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Contents

1	Foreword
3	Acknowledgements
5	Introduction
8	Overview of capacity-building guide and methodologies
26	Training module 1: Understanding crimes and threats to cultural objects
32	Training module 2: The legal framework: International Conventions and national laws
40	Training module 3: Practical measures and tools developed by international organizations
50	Training module 4: Return and restitution of cultural objects: Alternatives to Conventions
56	Training module 5: Raising awareness and publicizing cultural heritage loss
62	Training module 6: Law enforcement and coordination
68	Training module 7: Joining the Conventions
74	Target-specific activities: Law enforcement
84	Target-specific activities: Trade



United Nations
Educational, Scientific and
Cultural Organization



Convention for the fight
against the illicit trafficking
of cultural property

**Heritage is identity,
don't steal it.**

www.unesco.org

Public awareness-raising video by UNESCO for South-East Asia: tiny.cc/heritagelD

Foreword

Ancient statues, bas-reliefs and sculpted stones have always fascinated collectors, institutional and individual, professional and amateur alike. Throughout the centuries, treasures of local communities and nations, primarily in the global south, have been removed and taken away by diverse routes, and in most cases have ended up in major museums and galleries, as well as in private collections, in rich countries.

Nowadays, monuments, religious sites and archaeological sites – home to these cultural objects – remain vulnerable, even in peaceful sub-region such as South-East Asia. The high value of South-East Asian cultural objects in antiquity markets worldwide has made them susceptible to trans-border illegal trafficking. This is one of the sub-region's major challenges that affects its economic and social security. INTERPOL has proved the existence of a lucrative black market in cultural property with strong links to organized crime. Many international security organizations, such as United Nations Office on Drugs and Crime (UNODC) and World Customs Organization (WCO), have also proactively addressed this growing concern.

Fighting trafficking of cultural objects remains at the heart of UNESCO's mission. We work with a diverse range of partners to keep heritage in places where it belongs, to protect the rights to access, learn from and enjoy these testimonies of ancient civilizations for our younger generations. This work is carried out under the framework of the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, adopted in 1970 and now ratified by 140 countries. In 1995, the Convention on Stolen or Illegally Exported Cultural Objects by the International Institute for the Unification of Private Law (UNIDROIT) was adopted as a complementary measure, giving us practical tools to communicate with and encourage good actions from the private sector, including art dealers, private collectors and the public.

Being a global issue concerning stakeholders from the public and private sectors as well as local communities, it is important that national and international agencies support awareness-raising and capacity-building activities for the human resources concerned. While ending illicit trafficking of cultural objects requires high level political will and cross-border policies, the mindset and the capacity at the operational level that make this endeavour effective and sustainable.

This publication provides suggestions on how capacity-building activities can be carried out at sub-regional and national levels. It contains modules on various topics related to the issue of fighting illicit trafficking, aiming to help UNESCO Field Offices, National Commissions for UNESCO, Ministries and other interested entities to develop training programmes and workshops that are rich in content and effective in methodology. I thank the international experts who have contributed to this publication. My sincere hope is that it constitutes a practical contribution of UNESCO Bangkok Office to the overarching objective of protecting our common cultural heritage.

Shigeru Aoyagi
Director
UNESCO Asia and Pacific Regional Bureau for Education



Seized buddha images from illicit trafficking in research to find original provenance for return at the storage of National Museums, Thailand.

Source: UNESCO/JCW.Schertz

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It has been a privilege to be part of this UNESCO programme!

Etienne Clément
Senior Advisor to UNESCO Bangkok

Introduction

Cultural heritage is the priceless and irreplaceable inheritance of each nation and of the whole humanity. The loss of its invaluable and exceptional contents, through theft, damage, clandestine excavations, illicit transfer or trade, constitutes an impoverishment of the cultural heritage of all nations and peoples of the world and infringes upon the fundamental human rights to culture and development.

Trade in cultural property is a major and growing international business. A vigorous legal trade reflects positive recognition and appreciation of culture and art forms. Unfortunately, beyond the lawful trade, an international illicit trafficking keeps increasing worldwide. The practices of theft, looting, pillaging, and illicit import and export of cultural property are well known, and affect museums, public and private collections, legitimate owners or possessors, religious buildings, cultural institutions and archaeological sites worldwide. Depending on their means and ambitions, criminals may undertake sophisticated operations, by which they steal objects and then directly or indirectly export them to selected countries where they can gain high prices from willing buyers.

In South-East Asia, several countries have been deprived of a significant part of their cultural heritage during colonial and conflict periods. But even in times of peace, monuments and archaeological sites remain vulnerable. Indeed, the high value of cultural objects on the antiquities market has led to the rise of a transboundary illegal traffic in the region. Archaeological objects are removed from their original site and transported, illegally, to end up in storage rooms in ports and metropolises throughout the region. After some time, and further transportation, they are put on sale in galleries all over the world. Collectors offer high prices for such objects, often without knowing they have been stolen. This also affects underwater cultural heritage as many ancient shipwrecks are pillaged in the region. Governments in the region need to act with determination and cooperate actively to prevent cultural heritage trafficking. Recently, thanks to the wider ratification by South-East Asian countries of the UNESCO 1970 Convention and deepened consideration of the problem of the ASEAN community, things are starting to improve. However, it is still important to develop awareness and training so that more effective measures can be taken to protect the vulnerable heritage of ancient civilizations of the sub-region.

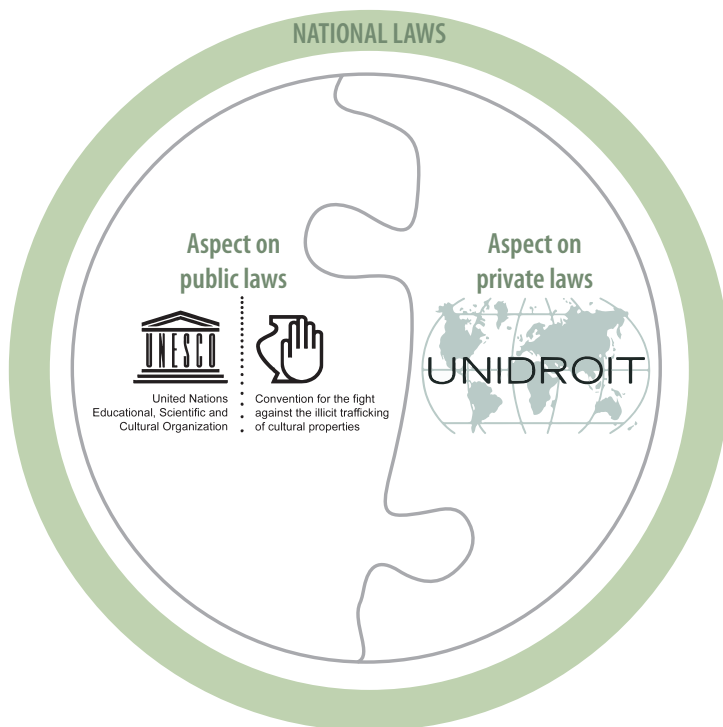
UNESCO and UNIDROIT Conventions and the need for action

The Conventions

To ensure, as far as possible, the protection of their cultural heritage against illicit import, export and transfer of ownership, the Member States of United Nations Educational, Scientific and Cultural Organization (UNESCO) adopted *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property* on 14 November 1970, at the 16th Session of the UNESCO General Conference.

In 1995, *Convention on Stolen or Illegally Exported Cultural Objects* by International Institute for the Unification of Private Law (UNIDROIT) was adopted to complement the 1970 Convention.*

As of August 2019, 140 countries have joined the 1970 Convention. Among them, the following countries are in South-East Asia: Cambodia (1972), Viet Nam (2005), Myanmar (2013) and Lao PDR (2015). The UNIDROIT Convention has been ratified by 47 countries, including Cambodia, Lao PDR and Myanmar.



Awareness

Several factors can explain why only few countries in South-East Asia have joined the two Conventions. Perhaps some governments do not consider it a priority. Some may be influenced by dealers who fear that the Conventions may affect their business. UNESCO is actively promoting both Conventions among its Member States in South-East Asia, with the hope that these legal instruments will soon become universal.

* Throughout this publication, *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property* is referred to in short as 'the 1970 Convention', and *Convention on Stolen or Illegally Exported Cultural Objects* as 'the UNIDROIT Convention'.

Capacity building and training

Under the 1970 Convention, States Parties are obliged to adopt a series of measures in order to fully comply with it and benefit from its provisions. To create real changes, awareness must become an integral part of the mindset of all the people working in fields where illicit trafficking can be detected and stopped. Officers from concerned institutions at national level must know how to best adopt and implement these measures.

With that said, the main objectives of the capacity-building activities are:

- To empower human resources involved in the prevention of illicit trafficking of cultural property as well as the restitution of stolen or illegally exported cultural objects;
- To promote the relevant Conventions and the need to adopt an effective national legislation;
- To establish and reinforce preventive measures of all kinds;
- To develop networks at local, national and regional levels to ensure general awareness of the adverse consequences of trafficking of cultural property;
- To promote better law enforcement;
- To develop national coordination for the implementation of legislation and to promote international cooperation in this area.

Fighting illicit trafficking of cultural objects:

Who is doing what?

At national level

Fighting illicit trafficking of cultural objects requires that a variety of institutions at national level have the capacity to take appropriate measures as required by the Conventions. These institutions must coordinate their respective action and work together, for example, to draft, adopt and implement appropriate legislative texts, prepare inventories of cultural objects and notices of stolen ones, inform the public, and train museum staff, guards, police and customs officers, to mention only a few of such measures.

In most countries the concerned national institutions are the following: Ministry of Foreign Affairs, Ministry of Justice, the Judiciary (judges and prosecutors), Ministry of Culture, Ministry of Interior, Ministry of Trade, Ministry of Finance (Customs), Ministry of Tourism, Ministry of Education, Ministry of Religious Affairs, etc.

Additionally, non-governmental organizations and private sector entities can play a decisive role in implementing the Conventions, for instance, religious institutions, professional associations of museum and heritage professionals, associations of art dealers and other business associations, as well as the press.

At international level

UNESCO was the pioneer in supporting its Member States to fight illicit trafficking of cultural objects, especially after the adoption of the 1970 Convention. UNIDROIT, the International Institute for the Unification of Private Law, joined UNESCO in its efforts, especially on legal issues, after the adoption of the UNIDROIT Convention. Besides UNESCO and UNIDROIT, several other international intergovernmental organizations are active in supporting countries in fighting illicit trafficking of cultural property.

INTERPOL, the International Criminal Police Organization, is developing tools to facilitate the work of national police and is promoting international collaboration concerning thefts and other offences against cultural objects. INTERPOL is also organizing many workshops all over the world on this subject.

UNODC, the United Nations Office on Drugs and Crime, is working to address the threat of organized criminal groups who are active in the destruction, looting, trafficking and sale of cultural property, often in complicity with terrorist and violent extremist groups.

The World Customs Organization (WCO) is actively supporting customs all over the world in contributing in the fight against illicit import and export of cultural objects, through appropriate tools and training.

International non-governmental organizations (INGOs) are also very active, in particular International Council of Museums (ICOM), which has developed several important standards and tools for the use of the museum community and of others.

All these international organizations, whether they are inter-governmental or non-governmental, are working closely together.



OVERVIEW OF CAPACITY-BUILDING GUIDE AND METHODOLOGIES

Stored objects at National Museum Storage, Thailand.
Source: UNESCO/JCW.Schertz

Organizers

Training is often organized by international organizations which are active in the fight against illicit trafficking of cultural objects. UNESCO, INTERPOL, WCO, UNODC and ICOM have organized such training in many countries all over the world.

In addition, the National Commissions for UNESCO often organize such training at national and sub-regional levels in collaboration with UNESCO Field Offices and UNESCO Headquarters.

However, in a few cases, training has been organized by regional or sub-regional organizations or national institutions (e.g. Ministries of Culture or National police or National Customs, etc.)

Often, best results are obtained when training is organized jointly by several organizations or institutions, as this reinforces networking and collaboration.

Funding

Generally, these training activities are jointly funded by national authorities and by one or several international organizations, like UNESCO, INTERPOL, WCO, UNODC or ICOM. If National Commissions for UNESCO are involved, they can have access to either national funding or to the UNESCO Participation Programme funding. More recently, the private sector, cultural foundations and the tourism industry have started to either sponsor or cover some parts of the costs of such training, either in cash or in kind (e.g. by providing travel, training facilities or accommodation).

Beneficiaries/participants

Beneficiaries are national officers or civil servants who are responsible, within their respective Ministries or institutions, of measures requested by the Conventions. Specific training workshops are organized for the staff of law enforcement agencies, such as police and customs, including for the members of specialized police units for the protection of cultural heritage. Recently, UNESCO has organized awareness-raising meetings for the private sector and business communities, including dealers and collectors of cultural objects, but these are not training.

Needs assessment

Often, the training is preceded by a needs assessment under which the concerned authorities of the beneficiary countries and the organizers agree on the priorities to be addressed during the training. This process can be organized through a mission undertaken by one of the resource persons to the beneficiary country and/or through the preparation of a report by officials of the beneficiary country describing their relevant strengths and weaknesses.

Resource persons

Resource persons are often staff of the organizing institutions. For specific topics, such as legal issues, inventories, police and customs, organizers can call upon additional resource persons. These can be experts working in specialized institutions, such as police or customs training centres, or academics versed in these topics.

Often, former staff of organizing institutions with long experience in the fight against illicit trafficking of cultural objects are called upon to serve as resource persons.

Language of training

The training will be held in the language used or commonly understood by most of the beneficiaries. However, simultaneous interpretation must be provided in case the resource persons or some of the participants do not speak or understand the language of the training. Simultaneous interpretation must be of high quality. Interpreters have to be familiarized in advance with the terminology used during the training. When interpretation is necessary, it generally makes up a substantial part of the budget of the training.

Possible forms and durations of training

- **Sub-regional training**

UNESCO, INTERPOL, WCO and ICOM have organized many trainings over the last four decades, most of them in the form of sub-regional sessions involving beneficiaries from several countries. Sub-regional training has the important advantage of creating sub-regional networks, informal or formal, of people who can continue to collaborate after the training.

- **National training**

National training is intended to focus on the situation and needs in one country. UNESCO Field Offices and National Commissions regularly organize national trainings. The present curriculum aims at supporting the planning and organization of such sessions and at maximizing their impact in each country.

- **Standard three-day training**

Experiences of the last four decades has demonstrated that a minimum of three days is required to cover the variety of aspects of the issue, to establish a solid network of concerned officers and to work together on follow-up to the training. Two versions of standard three-day training are further presented in this publication: one for sub-regional training involving several countries and one for national training involving only one country.

- **Additional specialized workshops available**

International organizations such as INTERPOL, WCO and UNODC have organized specialized workshops for police and customs officers. UNESCO has organized awareness-raising sessions for dealers and collectors of cultural objects. Examples of such sessions will be presented at the end of the publication.

The capacity-building guide

This capacity-building guide presents several modules which should be combined into an overall training program according to the needs of the audience.

The publication outlines the contents to be presented during training programs. It does not replace the existing guidelines, handbooks, commentaries and publications issued by UNESCO and other international or national institutions. It aims at giving the organizers of such training a comprehensive list of topics which need to be covered in the training, methodologies and references where they can find additional information.

Each module also contains a list of documents and publications for further reading. Some are free access (especially the materials put online by international organizations concerned), but others are not.

Methodology and necessity of collaboration

Although it is recommended to organize training sessions of at least three days, this guide can also be used for training sessions of between one day and one week in duration. The modalities must be interactive, alternating presentations by participants and resource persons, discussions, group work, and reporting. The training programme can also integrate field visits to local institutions or cultural sites (museums, police or customs stations, antique shops, border checkpoints, etc.).

As one of the main expected results of the training is improved coordination, emphasis will be put on the establishment of professional and personal relationships between participants. This will be facilitated by the organization of several group work sessions combining participants with different background or from different Ministries and institutions. In addition, meals should be taken together for the duration of the training and, ideally, a social event should be organized at the end.

Participants will be delivered a certificate acknowledging their participation in the training and which can be used for career advancement, if needed.

Terminology

This publication will use the common terms used by UNESCO and other international organizations concerned in their official documents. Please note that terminology in the field of cultural heritage has evolved over time. For instance, the 1970 Convention only refers to 'illicit traffic', but later UNESCO documents use 'trafficking' or 'illicit trafficking'. Similarly, the term 'cultural property' used in the 1970 Convention is now often replaced by 'cultural properties', or by 'cultural objects' as used in the UNIDROIT Convention.

Follow-up

One of the main expected results of the training is collaboration between participants who usually do not work together. Therefore, participants will be encouraged to work on follow-up the training and to adopt recommendations for the next steps.

Methodology for a standard three-day training

Overall expected results of standard three-day training

At the end of the training, the beneficiaries:

- are fully aware of the various aspects of the issue of illicit trafficking of cultural objects;
- understand the contents of the relevant Conventions and their roles in the implementation of these instruments;
- are familiar with all the measures, tools and best practices to implement the Conventions;
- know how to implement these measures and tools within their professional responsibilities;
- are familiar with international organizations which can support them in implementing and in enforcing the Conventions;
- have a broad knowledge of the issues of return and restitution and have familiarized with the mechanisms of Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation (ICPRCP);
- are convinced of the necessity of raising awareness and know how to launch an awareness-raising campaign targeting a variety of audiences;
- know how to publicize the loss of cultural objects according to the situation and know how to use the appropriate tools to that effect;
- know their responsibilities in enforcing national legislation and Conventions;
- are convinced of the necessity of information exchange and collaboration between officers of concerned Ministries and institutions;
- have established a network to better coordinate the implementation of legislation and the Conventions;
- have agreed on the follow-up to the training;
- know how to join the Conventions;
- are familiar with the various organs and the role of the Secretariats of the Conventions.

Duration

Experiences of the last four decades demonstrates that a minimum of three days is required to the training to establish a solid network of concerned officers and to work together on the follow-up to the training.

Resource persons

The team of resource persons is made up of the staff of the organizing institution, the representatives of the international organizations concerned and national experts who are familiar with the issue at country level. For specific topics, such as legal issues, inventories, police and customs, the organizers can call upon additional resource persons: staff or experts of specialized police and customs training centres, academics undertaking related research, former staff of international organizations with relevant experience.

More information on resource persons' profiles can be found in subsequent chapters of this publication.

The organizers will make sure to share a list of participants (or at least their professional profiles) so that the resource persons can better prepare their presentations.

Location and equipment

A large plenary/conference room in a hotel or in the premises of an institution, which can accommodate at least 50 participants, is the preferred location for training. It must be equipped with audio-visual facilities such as computer, video-projector, screen and internet connection. In addition, smaller meeting rooms, in which at least four working groups can work, should be available.

Beneficiaries/Participants

Representatives from:

- Ministry of Foreign Affairs;
- Ministry of Justice;
- Ministry of Culture, including staff in charge of archaeology, heritage, museums, external relations and other concerned departments;
- Ministry of Interior, including police, border police, international relations department, INTERPOL National Central Bureau (NCB);
- Ministry of Trade or Commerce;
- Ministry of Finance (Customs Department);
- Ministry of Tourism;
- Ministry of Education;
- Ministry of Youth;
- Ministry of Religious Affairs;
- The Judiciary (judges and prosecutors);
- National Commission for UNESCO;
- Representatives from religious institutions and from non-governmental or civil society organizations, such as the representatives of national ICOM and ICOMOS committees (ICOMOS is the International Council of Monuments and Sites);
- Lawyers;
- Press and media;
- Private sector: art and antique dealer associations, tourism sector, associations of tourist guides, etc.

Costing

Examples of expenses to be included in the training budget:

- meeting package: meeting facilities, meals and coffee/tea breaks;
- equipment and sundry;
- international and local transportation and travel costs for resource persons and participants;
- accommodation for resource persons and participants, if necessary;
- fees for resource persons, if any;
- fees for drafters of report, if necessary;
- interpretation;
- document translation;
- Secretariat costs (invitations, logistics, etc.);
- printing of documents;
- USB thumbdrives or any digital document storage to be distributed to participants.

Involvement of decision-makers

The organizers have to make sure that high- ranking officials are involved in the training. This will demonstrate the Government's political will to implement the Conventions and to seriously tackle illicit trafficking. A very effective way of ensuring such involvement is to have a member of the Government open and close the meeting. For instance, the Minister of Culture could open the meeting and another Minister (Interior or Justice) could close it. At the closing session, the organizers have to make sure that the member of Government has an opportunity to listen to the recommendations or conclusions of the training.

Ideally, the press should be invited to the opening and closing sessions.

Training sequencing principles

The training must be interactive and include:

- Presentations by participants;
- Presentations by resource persons;
- Questions and answers, discussion;
- Sessions for group works;
- Reporting of group works in plenary session;
- A session to conclude and/or formulate recommendations to decision-makers;
- A press conference; and
- Field visit(s) to local institutions or cultural sites (e.g. museums, police or customs stations, shops, border checkpoints).

Presentations by participants

For participants to engage with the topic of the training, they must be requested in advance, to prepare a presentation. Ideally this presentation could be on the action already taken or envisaged (or that could be envisaged) by a specific Ministry, Department or service to contribute to the implementation of the Conventions or to tackle illicit trafficking of cultural objects. For instance, a participant from the Department of Archaeology could be requested to present the measures taken by her or his department to protect archaeological sites, a representative of the police could be requested to speak on thefts of cultural objects, a representative of Ministry of Justice could speak on prosecution of offenders, etc.

Such presentations would contribute to better knowledge and understanding of the contribution of a Ministry/Department by other Ministries/Departments and pave the way to better collaboration. It would also allow the resource persons to better understand at what stage the country is in the implementation of the Conventions or in the fight against illicit trafficking.

Group works and reporting in plenary

Dedicating time to group works is essential to:

- deepen knowledge of each item on the agenda;
- allow all participants to express themselves;
- foster exchange and confrontation of ideas and creativity;
- reinforce networking;
- contribute to concrete recommendations for the follow-up.

A group can be composed:

- either of all the members of a single Ministry/ Department: particularly useful to deepen a specific issue; or
- of a mix of representatives of each department: particularly useful to foster collaboration and networking.

Each working group will designate a chair who will facilitate the group's discussions and a rapporteur who will present the results in plenary.

Concluding the training proactively

Working on the next steps is equally important as the training itself. It is therefore essential for the organizers to build the training program in a way that ensures that concrete actions will be taken soon after the training. A common practice is to adopt, at the end of the training, specific recommendations addressed by the participants to their respective institutions or even to their Governments. A softer approach is to propose that the participants agree on more general 'conclusions of the meeting' which will give details on what the participants themselves agree to do practically after the meeting, at their level and within their existing responsibilities.

Preparing written recommendations or conclusions is therefore an essential exercise. This can be done by a group of participants (for instance the rapporteurs of the working groups), or by a single organizer/resource person, by a group of organizers/resource persons or by a specific person appointed to draft recommendations or conclusions.

Ideally, the text of recommendations should contain:

1. a brief narrative of the training;
2. a list of countries, Ministries, Departments and organizations represented;
3. a list of issues discussed;
4. a list of commitments taken by the participants during the training;
5. a list of specific recommendations with a tentative schedule for their implementation;
6. suggestions for the follow-up such as the creation of a task force to ensure the follow-up of these recommendations.

The text of conclusions of the meeting will not contain specific recommendations with a schedule for their implementation (but will be a more general text but containing the commitments taken by the participants themselves.)

It is important that conclusions and recommendations be made in plenary in presence of decision-makers such as Ministers to close the training.

If the recommendations or conclusions are expressed clearly enough, several specific actions must follow as soon as possible after the training. Often, one of the recommendations is to establish a task force at national level which will be composed of representatives of the various national institutions concerned and will make sure that follow-up actions are taken.

Press conference

A good practice is to invite the press after the conclusion of the meetings so that decision-makers, organizers and participants can communicate the outcomes of the training through a press conference.

Report

It is a good practice to publish a report of the training, either in paper form or electronically, in order to make sure that the information gathered and the various commitments and recommendations made are documented. The report will be distributed to the participants and to all individuals and institutions interested in the topics concerned. It will be made available online.

Basic working documents

It is important that participants be provided with essential documents (in electronic form) well in advance of the training. Some of these documents have to be translated into the national language. See below a standard list of such documents:

- Boz, Z. (2018). *Fighting the Illicit Trafficking of Cultural Property: A Toolkit for Judiciary and Law Enforcement*. [pdf] Paris: UNESCO. Available at: unesdoc.unesco.org/ark:/48223/pf0000266098 [Accessed 10 Dec. 2019].
- ICOM. (2017). *ICOM Code of Ethics for Museums*. [pdf] Paris: ICOM. Available at: icom.museum/wp-content/uploads/2018/07/ICOM-code-En-web.pdf [Accessed 10 Dec. 2019].
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This list is a minimum that can be completed by other documents mentioned under 'Further Readings' of each module.

Model programme for a standard three-day training

VERSION A: for training involving several countries

Title of the meeting

(For example, Sub-Regional Symposium on the Prevention of Illicit Trafficking of Cultural Objects)

[Date] [Place]

Day 1

Time	Programme	Resource person(s)
08.30-09.00	Registration	
09.00-10.00	Opening Ceremony <ul style="list-style-type: none"> Welcome remarks by main organizer Expected results of the meeting by Representative of UNESCO Opening remarks by Minister of Culture of the host country or her or his representative Photo session 	
Module 1: Understanding crimes and threats to cultural objects		
10.00-10.30	<ul style="list-style-type: none"> Overview of threats to cultural objects Cultural heritage at risk and UNESCO integrated approach (armed conflict, illicit trafficking, underwater cultural heritage) International organizations concerned 	Resource person from UNESCO (or INTERPOL, WCO, UNODC, ICOM) or a researcher with extensive expertise
10.30-10.45	Coffee break	
10.45-11.30	<ul style="list-style-type: none"> Sales at auction and laundering Online sales and internet crimes for cultural objects Free ports Q&A	Resource person from UNESCO (or INTERPOL, WCO, UNODC, ICOM) or a researcher with extensive expertise
Module 2: the legal framework: international Conventions and national laws		
11.30-12.00	Armed conflict: 1954 Convention (Hague Convention) and its First Protocol Q&A	Resource person from UNESCO or lawyer with expertise on the 1954 Convention
12.00-13.00	Lunch	
13.00-14.00	Illicit trafficking: UNESCO 1970 Convention and a brief introduction to UNESCO 2001 Convention on the Protection of Underwater Cultural Heritage Q&A	Resource person from UNESCO or lawyer with expertise of the 1970 Convention and the 2001 Convention
14.00-14.50	Illicit trafficking: UNIDROIT 1995 Convention Q&A	Resource person from UNIDROIT, UNESCO or lawyer with expertise on the UNIDROIT Convention
14.50-15.10	Coffee break	
15.10-16.15	Presentations by country representatives: Legislation applicable for the protection of cultural objects against thefts and illicit import and export (15 minutes per country, if 4 countries)	
16.15-16.45	Q&A	
16.45-17.00	Presentation of composition, objectives and expected results of group work	Resource person from UNESCO

Day 2

Time	Programme	Resource person(s)
09.00-10.00	Group work: In national groups, the participants identify strengths and weaknesses in their national legislation and suggest improvements in order to fully comply with the Conventions.	
10.00-10.20	Coffee break	
10.20-12.00	Presentations of group work (20 minutes per group + 5-minute comment by resource person(s) who observes each group)	
12.00-13.00	Lunch	
Module 3: Practical measures and tools developed by international organizations		
13.00-13.40	Basic checklist of practical measures and tools developed by UNESCO Q&A	Resource person from UNESCO
13.40-14.15	INTERPOL's role and available tools Q&A	Resource person from INTERPOL
14.15-14.30	Coffee break	
14.30-15.00	WCO's role and available tools Q&A	Resource person from WCO
15.00-15.30	UNODC's role and available tools Q&A	Resource person from UNODC
15.30-16.00	UNIDROIT's available tools Q&A	Resource person from UNIDROIT
16.00-16.30	ICOM's role and available tools Q&A	Representative or ICOM's Headquarters or Chair/member of a National ICOM Committee
Module 4: Return and restitution of cultural objects: alternatives to Conventions		
16.30-17.30	Return and restitution <ul style="list-style-type: none"> • Historical background • Bilateral negotiations • ICPRCP • Examples of return and restitution of cultural objects • Mediation and conciliation Q&A	Resource person from UNESCO

Day 3

Time	Programme	Resource person(s)
Module 5: Raising awareness and publicizing cultural heritage loss		
08.30-09.00	Awareness and education /Q&A	Resource person from UNESCO
09.00-09.30	Publicizing disappearance of cultural objects /Q&A	Resource person from UNESCO, ICOM or INTERPOL
09.30-11.00	Group work: Challenges and practices on awareness raising and education in the sub-region <ul style="list-style-type: none"> Divide into 3 multinational groups composed randomly by the organizers. Each group designates a chair and a rapporteur. Three-step approach: <ol style="list-style-type: none"> Exchange information on challenges and country-level practices of awareness raising and education to protect cultural heritage against illicit trafficking. List recommended practices to be adopted in each country in the sub-region. List recommended practices for sub-regional collaboration on awareness raising and education. 	
11.00-11.15	Coffee break	
Module 6: Law enforcement (Police, Customs and Judiciary) and coordination		
11.15-11.45	Prosecution under national laws Q&A	Resource person from Ministry of Justice or senior member of the Judiciary of the host country
11.45-12.15	Police measures to enforce legislation and the Conventions Q&A	Senior police officer of the host country
12.15-13.15	Lunch	
13.15-13.45	Customs practices to enforce the legislation and the Conventions Q&A	Senior customs officer of the host country
13.45-14.00	Introduction to the group discussion	Resource person of UNESCO, INTERPOL or WCO
14.00-14.45	Groups work: Challenges and practices for law enforcement and coordination in the sub-region <ul style="list-style-type: none"> Divide into 3 multinational groups composed randomly by the organizers. Each group designates a chair and a rapporteur. Three-step approach <ol style="list-style-type: none"> Exchange information on challenges and practices for law enforcement and on coordination mechanisms. List recommended practices for enforcement and coordination to be adopted in each country in the sub-region List recommended good practices for sub-regional collaboration on law enforcement. 	
14.45-15.00	Coffee break	
15.00-16.00	Presentations of group work reports (4 groups: 15 minute each)	
16.00-16.15	Comments by INTERPOL, WCO and UNODC	
Module 7: Joining the Conventions		
16.15-16.35	Joining the Conventions	Resource person from UNESCO and/or UNIDROIT
16.35-17.30	Follow-up to the training and next steps: Presentation and adoption of recommendation or conclusions	
17.30 or dinner	Closing ceremony: Certificate presentation to participants /Closing remarks by UNESCO and Minister of the host country	

Model programme for a standard three-day training

VERSION B: for training involving one country

Title of the meeting

(For example, National Symposium on the Prevention of Illicit Trafficking of Cultural Objects)

[Date] [Place]

Day 1

Time	Programme	Resource person(s)
08.30-09.00	Registration	
09.00-10.00	Opening Ceremony <ul style="list-style-type: none"> Welcome remarks by main organizer Expected results of the meeting by Representative of UNESCO Opening remarks by Minister of Culture or her or his representative Photo session 	
Module 1: Understanding crimes and threats to cultural objects		
10.00-10.30	<ul style="list-style-type: none"> Overview of threats to cultural objects Cultural heritage at risk and UNESCO integrated approach (armed conflict, illicit trafficking, underwater cultural heritage) International organizations concerned 	Resource person from UNESCO (or INTERPOL, WCO, UNODC, ICOM) or a researcher with extensive expertise
10.30-10.45	Coffee break	
10.45-11.30	<ul style="list-style-type: none"> Sales at auction and laundering Online sales and internet crimes for cultural objects Free ports Q&A	Resource person from UNESCO (or INTERPOL, WCO, UNODC, ICOM) or a researcher with extensive expertise
Module 2: the legal framework: international Conventions and national laws		
11.30-12.00	Armed conflict: 1954 Convention (Hague Convention) and its First Protocol Q&A	Resource person from UNESCO or lawyer with expertise on the 1954 Convention
12.00-13.00	Lunch	
13.00-14.00	Illicit trafficking: UNESCO 1970 Convention and a brief introduction to UNESCO 2001 Convention on the Protection of Underwater Cultural Heritage Q&A	Resource person from UNESCO or lawyer with expertise of the 1970 Convention and the 2001 Convention
14.00-14.50	Illicit trafficking: UNIDROIT 1995 Convention Q&A	Resource person from UNIDROIT, UNESCO or lawyer with expertise on the UNIDROIT Convention
14.50-15.10	Coffee break	
15.10-16.15	Presentations by relevant Ministries (e.g. Culture, Justice, Commerce, Finances or Customs, Interior or Police, Foreign Affairs, etc.) Topic: Legislation applicable for the protection of cultural objects against thefts and illicit import and export (10 minutes per Ministry, if 6 Ministries)	
16.15-16.45	Q&A	
16.45-17.00	Presentation of composition, objectives and expected results of group work	Resource person from UNESCO

Day 2

Time	Programme	Resource person(s)
09.00-10.00	Group work: In professional groups, the participants identify strengths and weaknesses in their national legislation and suggest improvements in order to fully comply with the Conventions.	
10.00-10.20	Coffee break	
10.20-12.00	Presentations of group work (10 minutes per group + 5-minute comment by resource person(s) who observes each group)	
12.00-13.00	Lunch	
Module 3: Practical measures and tools developed by international organizations		
13.00-13.40	Basic checklist of practical measures and tools developed by UNESCO Q&A	Resource person from UNESCO
13.40-14.15	INTERPOL's role and available tools Q&A	Resource person from INTERPOL
14.15-14.30	Coffee break	
14.30-15.00	WCO's role and available tools Q&A	Resource person from WCO
15.00-15.30	UNODC's role and available tools Q&A	Resource person from UNODC
15.30-16.00	UNIDROIT's available tools Q&A	Resource person from UNIDROIT
16.00-16.30	ICOM's role and available tools Q&A	Representative or ICOM's Headquarters or Chair/ member of a National ICOM Committee
Module 4: Return and restitution of cultural objects: alternatives to Conventions		
16.30-17.30	Return and restitution <ul style="list-style-type: none"> • Historical background • Bilateral negotiations • ICPRCP • Examples of return and restitution of cultural objects • Mediation and conciliation Q&A	Resource person from UNESCO

Day 3


Time	Programme	Resource person(s)
Module 5: Raising awareness and publicizing cultural heritage loss		
08.30-09.00	Presentation: Awareness raising and education /Q&A	Resource person from UNESCO
09.00-09.30	Presentation: Publicizing disappearance of cultural objects /Q&A	Resource person from UNESCO, ICOM or INTERPOL
09.30-11.00	Group work: Drafting a model national plan for awareness raising and education <ul style="list-style-type: none"> • Divide into three groups composed randomly by the organizers. • Each group designates a chair and a rapporteur. • Each group discusses on challenges and practices of awareness raising and education to protect cultural heritage against illicit trafficking. • Each group draws a list of recommended practices to be adopted at country level. 	
11.00-11.15	Coffee break	
Module 6: Law enforcement (Police, Customs and Judiciary) and coordination		
11.15-11.45	Prosecution under national laws Q&A	Resource person from Ministry of Justice or senior member of the Judiciary of the country
11.45-12.15	Police measures to enforce legislation and the Conventions Q&A	Senior police officer of the country
12.15-13.15	Lunch	
13.15-13.45	Customs practices to enforce the legislation and the Conventions Q&A	Senior customs officer of the country
13.45-14.00	Introduction to the group discussion	Resource person of UNESCO, INTERPOL or WCO
14.00-14.45	Groups work: Law enforcement and establishment of coordination mechanisms at country level <ul style="list-style-type: none"> • Divide into three groups composed randomly by the organizers. • Each group designates a chair and a rapporteur. • Three-step approach <ol style="list-style-type: none"> 1. Each group draws a list of recommended practices for the enforcement of national laws and Conventions on illicit trafficking. 2. Each group draws a list of recommendations to improve collaboration and coordination at country-level in order to better enforce the laws and Conventions. 3. Each group makes recommendations on the follow-up to the training, especially on the issue of future coordination mechanisms. 	
14.45-15.00	Coffee break	
15.00-16.00	Presentations of group work (4 groups: 15 minute each)	
16.00-16.15	Comments by INTERPOL, WCO and UNODC	
Module 7: Joining the Conventions		
16.15-16.35	Joining the Conventions	Resource person from UNESCO and/or UNIDROIT
16.35-17.30	Follow-up to the training and next steps: Presentation and adoption of recommendation or conclusions	
17.30 or dinner	Closing ceremony: Certificate presentation to participants /Closing remarks by UNESCO and a Minister of the host Ministry	



TRAINING MODULES

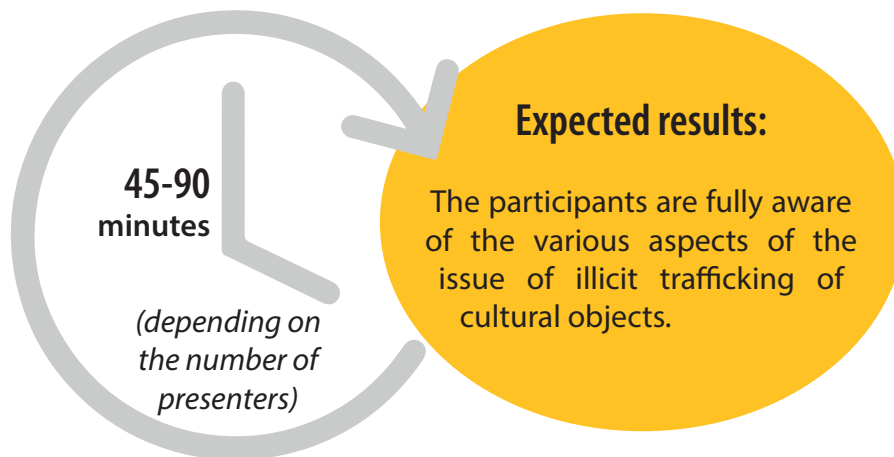


Demonstration of *ad hoc* care for cultural objects after seizure.
Source: UNESCO/JCW.Schertz

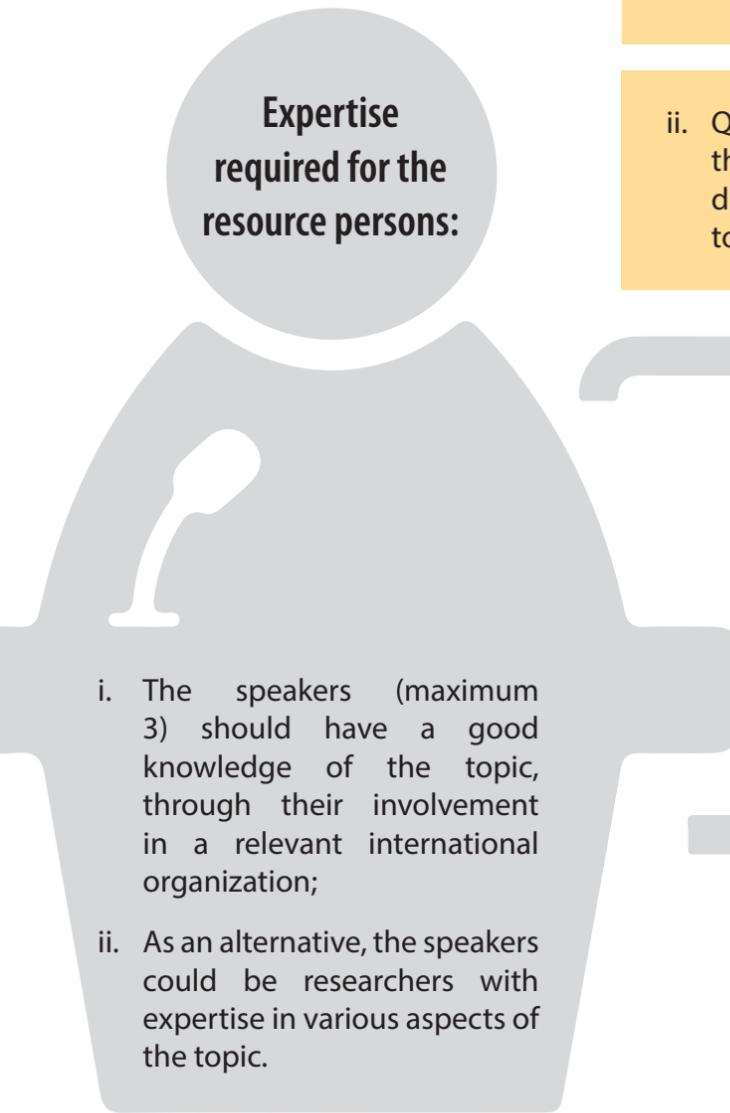
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Understanding crimes and threats to cultural objects

How to deliver?

**Sequence:**

- i. Lectures by one or several resource persons, illustrated by slide presentations and video clips;
- ii. Q&A and discussion: Participants are invited to react to the presentation(s) and to indicate to what extent they are directly or indirectly concerned or affected by the various topics presented.



Expertise required for the resource persons:

- i. The speakers (maximum 3) should have a good knowledge of the topic, through their involvement in a relevant international organization;
- ii. As an alternative, the speakers could be researchers with expertise in various aspects of the topic.

Structure for the slide presentations:

- i. If a single speaker: 20 to 40 slides illustrated by photographs;
- ii. If several speakers: each could present a maximum of 20 slides.

a. General concepts

This module is an introduction to the training, where the speakers have to make sure that the audience is fully aware of the issue of illicit trafficking of cultural property and why UNESCO is looking at it. They will explain the consequences of such trafficking going beyond the loss of the object itself to also cover the loss of the knowledge associated with the object in its original location. The speakers will make sure that the participants are familiar with key concepts and with the terminology, namely the following:

- i. cultural heritage, cultural property and cultural objects;
- ii. antiques and antiquities;
- iii. thefts, illegal excavations, illicit import, export and transfer of ownership;
- iv. source countries, transit countries and destination countries;
- v. underwater cultural heritage.

The module covers an overview of the past and current movement of cultural objects, both legal and illegal. It will be illustrated by examples and maps, showing that this illicit trafficking covers the whole world, is in evolution and is often combined with other illegal activities.

b. The 1970 Convention in brief

The speaker explains how UNESCO adopted the *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property* to respond to this global problem.

c. South-East Asia

The speaker will also cover the situation in South-East Asia, emphasizing several common trends in the countries of the sub-region, such as: fast-growing economies, vibrant markets and increased auctions for cultural objects, developments of free ports and internet trade, weak appropriate legislation, and poor rate of ratification of the Conventions. The speaker will evoke the consideration now given by ASEAN to this topic since the adoption of the Vientiane Declaration on Reinforcing Cultural Heritage Cooperation in ASEAN adopted on 6 September 2016.

d. Cultural heritage at risk

Cultural heritage is particularly at risk of being stolen and illegally exported during situations of armed conflict, including international and internal wars, civil disturbances, coups, etc. The speaker will give examples

from recent history, such as in Cambodia, Syria, Iraq, etc. The speaker will present the new vision developed at UNESCO which aims at promoting and implementing an integrated approach for cultural heritage at risk, covering armed conflict, illicit trafficking and underwater cultural heritage.

e. International organizations concerned

The speaker will introduce briefly the main international organizations involved in the fight against illicit trafficking of cultural objects: UNESCO, UNIDROIT, INTERPOL, UNODC, WCO and ICOM.

d. Sales at auctions and laundering

Sales at auction of illegally trafficked cultural objects have greatly affected the cultural heritage of many countries and have sometimes been used to launder cultural objects of illicit provenance. The speaker will explain how UNESCO is encouraging states where auctions are held to give special attention to such sales and to put in place appropriate measures.

g. Online sales and internet crimes for cultural objects

The growing use of the internet to sell or traffic cultural objects which are stolen, clandestinely excavated or illegally exported is a matter of serious concern and constitutes a major threat to cultural heritage. The speaker will give a few examples and present the overview *Basic Actions Concerning Cultural Objects Being Offered for Sale over the Internet* that INTERPOL, UNESCO and ICOM have developed. Since this is now a major emerging area, the speaker may wish to also introduce some recent initiatives on fighting cyber-crime for further study and discussion.

f. Free ports

Free ports are tax-free warehouses where owners of goods do not pay import taxes or duties until the goods reach their destination. If goods are sold at a free port, the owner pays no transaction tax either. Over the years, free ports have become permanent homes to dealers and collectors. However, there is the risk that free ports may be used by unscrupulous persons to store works of art from thefts, lootings or illicit excavations for resale in the art market, even many years later. The speaker will explain that there is a critical need to ensure that the operational environment of these free ports is safe and secure, that procedures are transparent, that operators are law-abiding, and that commodities going through the free ports further in the supply chains are legal.

- Amineddoleh, L. (2014). *Protecting Cultural Heritage by Strictly Scrutinizing Museum Acquisitions*. Fordham Intellectual Property, Media and Entertainment Law Journal, 24, pp. 729-1101.
- Brodie, N. (2003). *Stolen History: Looting and Illicit Trade*. Museum International, 55(3-4), pp. 10-22.
- Brodie, N. and Tubb, K.W. (2002). *Introduction*. Illicit Antiquities: The Theft of Culture and the Extinction of Archaeology. London: Routledge, pp. 1–22.
- Campbell, P. B. (2013). *The Illicit Antiquities Trade as a Transnational Criminal Network: Characterizing and Anticipating Trafficking of Cultural Heritage*. International Journal of Cultural Property, 20, pp. 113-153.
- Chappell, D. and Hufnagel, S., eds. (2014). *Contemporary Perspectives on the Detection, Investigation and Prosecution of Art Crime: Australasian, European and North American Perspectives*. Farnham, UK: Ashgate Publishing.
- Gallagher, S. (2017). *Purchased in Hong Kong: Is Hong Kong the Best Place to Buy Stolen or Looted Antiquities?* International Journal of Cultural Property, 24(4), pp. 479-496.
- Grove, L. and Thomas, S., eds. (2014). *Heritage Crime, Progress, Prospects and Prevention*. London: Palgrave Macmillan.
- Gruber, S. (2013). *The Fight against the Illicit Trade in Asian Cultural Artefacts: Connecting International Agreements, Regional Co-operation, and Domestic Strategies*. Asian Journal of International Law, 3(2), pp. 341-363.
- Kila, D. and Balcells, M., eds. (2014). *Cultural Property Crime: An Overview and Analysis of Contemporary Perspectives and Trends*. Leiden: Brill.
- Mackenzie, S. and Davis T. (2014). *Temple Looting and Statue Trafficking in Southeast Asia: The Craft and the Industry*. British Journal of Criminology, 54, pp. 722–740.
- Mackenzie, S., Smith, E., and Yates, D. (2017). *The Cultural Capitalists: Notes on the Ongoing Reconfiguration of Trafficking Culture in Asia*. Crime, Media, Culture, 13(2), pp. 245-254.
- Merryman, J. H. (1989). *The Public Interest in Cultural Property*. California Law Review, 77, pp. 339-364.
- ASEAN. (2016). *Vientiane Declaration on Reinforcing Cultural Heritage Cooperation in ASEAN*. [online] Available at: asean.org/storage/2016/09/Vientiane-Declaration-endorsed-by-7th-AMCA-24Aug2016.pdf [Accessed 10 Dec. 2019].

A confiscated cultural object arriving at National Museum Storage, Thailand.
Source: UNESCO/JCW.Schertz





The legal framework: International Conventions and national laws

How to deliver?



Expertise required for the resource persons:

- i. In case of one resource person, the person must have very good knowledge of the four Conventions through her or his involvement with UNESCO or UNIDROIT. Alternatively, she or he is a lawyer specialized in cultural heritage law, with knowledge of the four Conventions;
- ii. In case of two resource persons, one could present the three UNESCO Conventions (1954, 1970 and 2001), while the other presents the UNIDROIT Convention.

Structure for the slide presentations:

Maximum 20 slides for the 1954 Convention and 30 slides for each of the other two Conventions.

Sequence: *A three-step approach*

- i. **Three lectures** illustrated by slide presentations and video clips:
 - *Convention for the Protection of Cultural Property in the Event of Armed Conflict* (UNESCO, 1954) and its First Protocol /Q&A;
 - *Convention on the Means of Prohibiting and Prevention the Illicit Import, Export and Transfer of Ownership of Cultural Property* (UNESCO, 1970) and *Convention for the Protection of the Underwater Cultural Heritage* (UNESCO, 2001) /Q&A;
 - *Convention on Stolen and Illegally Exported Cultural Objects* (UNIDROIT, 1995) /Q&A.
- ii. **Presentations by participants:**
 - A. For multinational training: Fifteen-minute presentations on legislation related to protection of cultural objects against theft and illicit import and export by representatives of different countries;
 - B. For national training: Fifteen-minute presentations by various Ministries/departments (Culture, Justice, Customs, Police, Trade, etc.) on legislation related to protection of cultural objects against theft and illicit import and export by representatives of different countries;
 - Q&A.
- iii. **A two-hour group work:**
 - Divide groups, composed of
 - (For multinational training) participants from the same country;
 - (For national training) representatives of different Ministries/departments;
 - Identify strengths, weaknesses and gaps in national legislation and suggest improvements to laws so that they conform with the international Conventions;
 - Report the results of group work in plenary.

a. Introduction to the Conventions

One of the speakers will start with a review of what is an international Convention, the necessity for states to join the Conventions through ratification, acceptance, approval or accession, and the principle of non-retroactivity of Conventions. The speaker will reiterate the necessity for awareness and training to make implementation of the Conventions possible and effective by a variety of Ministries and departments.

b. *Convention for the Protection of Cultural Property in the event of Armed Conflict (UNESCO, 1954) and its two Protocols (1954, 1999)*

This Convention has only a few articles on illicit trafficking of cultural property. Therefore, the presentation will be very general, concentrating on the prohibition of looting and exporting cultural objects in the event of armed conflict. The speaker will briefly mention the Second Protocol of 1999 but will present in more detail the First Protocol to the Hague Convention, adopted in 1954 of the same time as the Convention itself, and which covers essentially the prohibition of export during occupation and the obligation of return after occupation has ceased.

c. *Convention on the Means of Prohibiting and Prevention the Illicit Import, Export and Transfer of Ownership of Cultural Property (UNESCO, 1970)*

As this Convention remains the most comprehensive instrument on the issue, the speaker will undertake a comprehensive presentation covering all of its important provisions. The elements of the presentation are contained in the *Operational Guidelines for the Implementation of the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property* (2015) which gives all necessary details on the interpretation to be given to the provisions of the Convention. The Operational Guidelines can be downloaded from the UNESCO website (see 'Further Readings'). However, the speaker will need to add many examples from her or his experience or research in order to make the presentation livelier and more useful for the participants.

The presentation will cover as a minimum the following topics:

- i. The difference between preventive measures, restitution provisions and international cooperation provisions of the Convention;
- ii. The obligation for States Parties to the Convention to create national services for the protection of cultural heritage;

- iii. The obligation for States Parties to adopt national legislation including
 - defining cultural property;
 - a series of rules which are in conformity with the obligations of States Parties and the ethical principles set forth in the Convention;
- iv. Establishment of inventories of cultural objects;
- v. Inalienability and state ownership of some cultural property;
- vi. Development of specialized cultural institutions;
- vii. Protection of archaeological sites and vulnerable monuments;
- viii. Awareness and educational measures;
- ix. Publicizing the disappearance of cultural objects;
- x. The import, export and transfer of ownership: this topic will be particularly developed. **It is a complex legal issue which requires that the speaker express him/herself with clarity and use examples. It is why the speaker of this module should either be a UNESCO or a UNIDROIT staff who is very familiar with the Conventions.** Alternatively, she or he can be a lawyer specialized in cultural heritage law and the Conventions who has experience in teaching complex legal issues. This topic will cover:
 - prohibition and prevention of illicit import, export, and transfer of ownership of cultural property,
 - export certificates,
 - prohibition of import of stolen cultural property,
 - restitution,
 - holders in good faith, innocent purchasers and compensation,
 - cooperation on recovery and return of cultural property,
 - request of a State Party in view of restitution,
 - evidence to establish a claim,
 - admission of legal actions for recovery of lost or stolen cultural property;
- xi. Cooperation between States Parties;
- xii. Possibility to adopt bilateral agreements between States Parties to the Convention;

- xiii. Provisions applicable in case of emergency;
- xiv. Pillage of archaeological and ethnological materials;
- xv. Penalties and administrative sanctions;
- xvi. Trade, art dealers and private collectors: **This topic is another complex issue, because of difficulties of implementation in the context of globalized economies.** Please note that UNESCO promotes the idea of organizing specific fora involving art dealers, galleries, auction houses and collectors. A methodology and contents for such fora are developed in a specific chapter of this publication. However, for the standard three-day training, the speaker will cover the following essential elements related to trade:
 - preventing transfers of ownership likely to promote illicit import or export,
 - controlling trade by registers,
 - establishment of rules in conformity with ethical principles,
 - sales at auction,
 - the International Code of Ethics for Dealers in Cultural Property;
- xiv. Law enforcement:

This presentation is a short introduction to the specific session on law enforcement. It will highlight the articles of the Convention dealing with the role of the Judiciary and of Police and Customs.

d. *Convention on the Protection of the Underwater Cultural Heritage (UNESCO, 2001)*

This presentation does not cover all the provisions of the Convention. It will focus on the importance of the protection of this heritage which is particularly vulnerable and affected by illicit trafficking. The presentation will also cover the specific provisions of the Convention dealing with theft and illicit trafficking.

e. *Convention on Stolen or Illegally Exported Cultural Objects (UNIDROIT, 1995)*

This presentation comprehensively explains why this Convention was initiated in the 1990s and adopted in 1995 in order to offer a useful complement to the 1970 Convention, especially in the area of private law. It will cover the following issues, illustrated by examples:

- i. What is UNIDROIT?;
- ii. International claims for the restitution of cultural objects in case of theft and for return in case of illegal export;
- iii. Definition of cultural objects;
- iv. Restitution of stolen objects;
- v. Right to reasonable compensation for the 'good-faith' acquirer;
- vi. Due diligence;
- vii. Return of illegally exported cultural objects;
- viii. Traditional or ritual use of objects by a tribal or indigenous community;
- ix. Archaeological objects;
- x. UNESCO-UNIDROIT Model Provisions on State Ownership of Undiscovered Cultural Objects;
- xi. Case studies;
- xii. States Parties to the UNIDROIT Convention;
- xiii. Procedure and benefits of ratification;
- xiv. UNIDROIT Convention Academic Project (UCAP).

f. Resolutions of the United Nations Security Council

The speaker explains that from 2015, the UN Security Council adopted several important resolutions requesting the UN Member States to take specific measures against the illicit trafficking of cultural property. She or he may evoke further developments in international law regarding the protection of cultural heritage, such as when the International Criminal Court (ICC-The Hague) condemned the perpetrators of destruction of cultural heritage in Mali.

g. National laws

The presentations on national laws to protect movable cultural property against thefts, illicit import and export will be given by participants, whether they are parties to the Conventions or not.

After these presentations, in group work, the participants will use the 'Basic Checklist for National Legislation' to identify gaps in their legislation.**

** The basic checklist is included in *Legal and Practical Measures against Illicit Trafficking of Cultural Property: A UNESCO Handbook* (2007).

Convention for the Protection of Cultural Property in the Event of Armed Conflict (UNESCO, 1954)

UNESCO. *Convention and Protocols*. [online] Available at: www.unesco.org/new/en/culture/themes/armed-conflict-and-heritage/convention-and-protocols [Accessed 10 Dec. 2019].

Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transport of Ownership of Cultural Property (UNESCO, 1970)

Lee, K.G. (2012). *An Overview of the Implementation of the 1970 Convention in Asia*. [pdf] Available at: www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CLT/pdf/Lee_en.pdf [Accessed 10 Dec. 2019].

O'Keefe, P.J. (2014). *Commentary on the 1970 Convention*. 2nd ed. Leicester: Institute of Art and Law (IAL).

UNESCO. (1970). *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transport of Ownership of Cultural Property*. [online] Paris: UNESCO. Available at: portal.unesco.org/en/ev.php-URL_ID=13039&URL_DO=DO_TOPIC&URL_SECTION=201.html [Accessed 10 Dec. 2019].

UNESCO. (2006). *Legal and Practical Measures against Illicit Trafficking of Cultural Property: A UNESCO Handbook*. [pdf] Paris: International Standard Section, Division of Cultural Heritage, UNESCO. Available at: unesdoc.unesco.org/ark:/48223/pf0000146118 [Accessed 10 Dec. 2019].

UNESCO. (2015). *Operational Guidelines for the Implementation of the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transport of Ownership of Cultural Property*. [pdf] Paris: UNESCO. Available at: www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CLT/pdf/OPERATIONAL_GUIDELINES_EN_FINAL_FINAL.pdf [Accessed 10 Dec. 2019].

UNESCO. (1999). *International Code of Ethics for Dealers in Cultural Property*. [pdf] Paris: UNESCO. Available at: unesdoc.unesco.org/ark:/48223/pf0000121320 [Accessed 10 Dec. 2019].

Convention on the Protection of the Underwater Cultural Heritage (UNESCO, 2001)

UNESCO. (2018). *Information Kit for the UNESCO Convention on the Protection of the Underwater Cultural Heritage*. [pdf] Paris: UNESCO. Available at: www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CLT/pdf/GB-2001CONVENTION-INFOKIT-2018_02.pdf [Accessed 10 Dec. 2019].

Convention on Stolen or Illegally Exported Cultural Objects (UNIDROIT, 1995)

Prott, L. V. (1997). *Commentary on the UNIDROIT Convention on Stolen and Illegally Exported Cultural Objects 1995*. Leicester: Institute of Art and Law.

UNIDROIT. (1995). *Convention on Stolen or Illegally Exported Cultural Objects*. [online] Rome: UNIDROIT. Available at: www.unidroit.org/instruments/cultural-property/1995-Convention [Accessed 10 Dec. 2019].

UNIDROIT. (2001). *Convention on Stolen or Illegally Exported Cultural Objects: Explanatory Report*. UNIDROIT Activities. [pdf] Rome: UNIDROIT, pp. 476-564. Available at: www.unidroit.org/english/Conventions/1995culturalproperty/1995culturalproperty-explanatoryreport-e.pdf [Accessed 10 Dec. 2019].

UNIDROIT. (2015). *Cultural Property: Select Bibliography*. [online] Available at: www.unidroit.org/cult-prop-conv-bibliography [Accessed 10 Dec. 2019].

UNIDROIT. (2018). *UNIDROIT Work and Instruments in the Area of Cultural Property*. [online] Available at: www.unidroit.org/cultural-property [Accessed 10 Dec. 2019].

UNIDROIT. (2019). *The 1995 UNIDROIT Convention Academic Project (UCAP)*. [online] Available at: 1995unidroitcap.org [Accessed 10 Dec. 2019].

National laws

UNESCO. (2006). *A Basic Check-List for National Legislation. Legal and Practical Measures against Illicit Trafficking of Cultural Property: A UNESCO Handbook*. [pdf] Paris: International Standard Section, Division of Cultural Heritage, UNESCO, pp. 5-7. Available at: unesdoc.unesco.org/ark:/48223/pf0000146118 [Accessed 10 Dec. 2019].

UNESCO. (2019). *UNESCO Database of National Cultural Heritage Laws*. [online] Available at: en.unesco.org/cultnatlaws [Accessed 10 Dec. 2019].

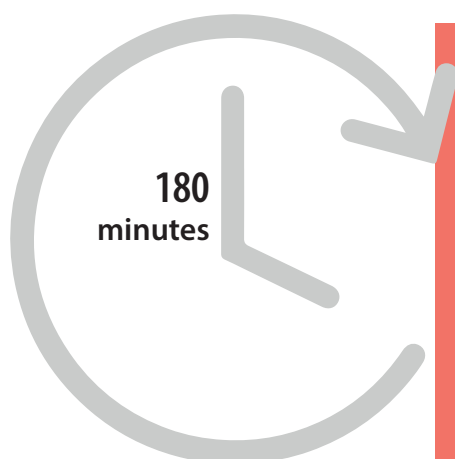


A secured storage for historic artefacts at Mahamuni Buddha Temple, Mandalay, Myanmar.
Source: UNESCO/MS.Kittipaisalsilp

A large, stylized red letter 'S' is the central graphic element, set against a white background. The 'S' is composed of two thick, rounded strokes, giving it a modern, minimalist appearance. It occupies the right half of the frame, with its top and bottom curves extending towards the right edge.

Practical
measures and
tools developed
by international
organizations

How to deliver?



Expected results:

The participants

- are familiar with all the measures and best practices to implement the Conventions;
- know how to implement them within their professional responsibilities;
- are familiar with international organizations which can support them in implementing and enforcing the Conventions;
- and know how to use the various tools.

Sequence:

- Lecture on UNESCO Basic Checklist of Practical Measures as well as initiatives and tools developed by UNESCO, illustrated by slides and video clips /Q&A;
- Lectures on tools developed by other international organizations by representatives of INTERPOL, UNIDROIT, UNODC, WCO and ICOM /Q&A.

**Expertise
required for the
resource persons:**

The resource persons must have deep knowledge of the various measures and tools promoted by the international organization he or she represents.

Structure for the slide presentations:

Each speaker should present a maximum of 30 slides.

3

a. Basic checklist of practical measures

Under this topic several practical measures are presented, whether they derive from national legislation or not.

- i. establishing and keeping up to date inventories of objects which are considered part of the national cultural heritage;
- ii. providing specialized training to police and customs, familiarizing them with the Stolen Works of Art Database and other related databases, establishing a working network among them at national level and connecting this network with regional and international networks;
- iii. constituting and funding specific and active cultural heritage protection units within relevant entities of the national administration;
- iv. protecting monuments and archaeological sites against vandalism, dismantling and thefts;
- v. promoting the use of security measures against thefts of cultural objects;
- vi. including national legislation on protection of cultural heritage in the UNESCO Cultural Heritage Laws database;
- vii. encouraging contact and cooperation with dealers of antiques and works of art and advising them to regularly consult relevant legislation and stolen cultural property databases;
- viii. promoting the International Code of Ethics for Dealers in Cultural Property;
- ix. undertaking regular educational campaigns for the public at large;
- x. monitoring sales of cultural objects through the internet.

b. UNESCO tools

Each of the following tools was developed by UNESCO, some with other international organizations.

i. UNESCO Cultural Heritage Laws Database:

Maintained by UNESCO Secretariat and contains the full texts of national legislation for the protection of cultural heritage from many countries.

ii. UNESCO International Code of Ethics for Dealers in Cultural Property:

A model of commitments which the art and antique dealers' communities are invited to adopt in order to promote professional ethics and their reputations, especially with regards to the provenance of cultural objects.

iii. Object-ID: developed by UNESCO, The Getty Information Institute, INTERPOL and ICOM:

An easy-to-use standard for recording data about cultural and natural objects. It helps institutions, communities, and individuals understand how to document art and antiques in a uniform manner and can assist in recovering cultural and natural objects in the event of thefts, illicit export and loss, as well as recomposing such objects in case of partial destruction or deterioration.

iv. The list of 'Basic Actions concerning Cultural Objects being offered for Sale over the Internet' developed by UNESCO, INTERPOL and ICOM:

A list of actions, of legislative, educational or repressive nature, which countries are invited to consider. It also contains recommendations to collaborate with internet providers and platforms.

c. The potential of new technologies

The speaker will explore new perspectives offered by blockchain technology and the use of drones.

- *Blockchain technology:*

In the past, inventories of cultural objects took the forms of handwritten or typed lists and descriptions accompanied by photographs. Nowadays, they are compiled in computerized databases. For a few years, some researchers have imagined using 'blockchain' technology to store and share data on cultural objects. This technology already allows artists to protect their music through a system which uses blockchain to create a more equitable sharing and payment method. In the same vein, a company has created a coin that could offer an immutable record for archives and cultural objects. According to researcher Peter B. Campbell, 'it could be useful for museums who could store their artifact catalog with blockchain privately, but provide different levels of access to staff, researchers, and the public. If a museum were to be looted, it could release data using hash codes to law enforcement to prevent export or sale of artifacts of matching descriptions'. At this date, this technology is still at the stage of experimentation, but it can have a great potential in the future.

- *The use of drones to document and protect archaeological sites:*

With the development and wide availability of drones, several researchers have written on the potential of such technology to identify, document and possibly protect archaeological sites, especially in remote areas. Although several very positive applications are now recognized, care needs to be taken to ensure that drones will remain safe for both people and archaeological remains. Ethical use of drones is a new field for scientists who want to further research on this potentially important issue.

d. INTERPOL

This presentation will introduce INTERPOL, the International Criminal Police Organization, covering its actions in the area of illicit trafficking of cultural property, globally, regionally and through its National Bureau of Coordination (NBC). It will include a presentation of the INTERPOL Stolen Works of Art Database, which contains detailed information on stolen works of art as communicated to INTERPOL by national police authorities. It is accessible not only by police, but also by any individual, including dealers and collectors, who want to make sure that a work of art is not a stolen one. Other tools, such as the INTERPOL Mobile application and ID-Art, will also be presented.

e. WCO

This presentation will introduce WCO, the World Customs Organization and its specific actions in the area of illicit trafficking of cultural property, in the area of training of customs officers. Several tools will be presented:

- *UNESCO-World Customs Organization (WCO) Model Export Certificate for Cultural Objects*: A model of export certificate which UNESCO and WCO Member States are invited to adopt in order to comply with the UNESCO 1970 Convention's provisions concerning import and export of cultural property.
- *WCO ARCHEO platform*: A real-time communication tool for information exchange and cooperation among customs administrations, other enforcement agencies and competent national authorities, international organizations and experts from academia and non-governmental organizations (NGOs) in order to prevent trafficking of cultural property.

f. UNODC

This presentation will introduce UNODC, the United Nations Office on Drugs and Crime, covering its actions in the area of illicit trafficking of cultural property, globally, regionally and through its offices established at the national level. It will include a presentation of its programme to monitor the movement of containers and to train target border officers.

g. UNIDROIT

This presentation will introduce UNIDROIT and its specific action in the area of international protection of cultural property, namely the UNESCO-UNIDROIT Model Provisions of State Ownership of Undiscovered Cultural Objects. It is a model legal provision which states may wish to use and include in their legislation in order to make sure that any undiscovered cultural objects (such as those under the ground or under the territorial sea) are owned by the state.

h. ICOM

This presentation will introduce ICOM, the International Council of Museums, and its specific action in the area of illicit trafficking of cultural property. It will include a presentation of the ICOM Code of Professional Ethics, the '100 missing objects' series, the ICOM training and awareness activities and the famous 'Red Lists of Cultural Objects at Risk'. The speaker will also introduce the newly created ICOM's International Observatory on Illicit Traffic in Cultural Goods launched in January 2013, a worldwide cooperation platform to share information on and promote cooperation in the fight against illicit trafficking.

- Desmarais, F., ed. (2015). *Countering Illicit Traffic in Cultural Goods The Global Challenge of Protecting the World's Heritage*. [ebook] Paris: ICOM. Available at: issuu.com/internationalcouncilofmuseums/docs/book_observatory_illicit_traffic_ve [Accessed 10 Dec. 2019].
- ICOM. *International Observatory on Illicit Traffic in Cultural Goods*. [online] Available at: www.obs-traffic.museum [Accessed 10 Dec. 2019].
- ICOM. *Object ID Standard*. [online] Available at: archives.icom.museum/object-id [Accessed 10 Dec. 2019].
- ICOM. *Red Lists of Cultural Objects at Risk*. [online] Available at: icom.museum/en/activities/heritage-protection/red-lists [Accessed 10 Dec. 2019].
- ICOM, ICPO-INTERPOL and UNESCO. *Basic Actions Concerning Cultural Objects Being Offered for Sale over the Internet*. [pdf] Available at www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CLT/pdf/basic-actions-cultural-objects-for-sale_en.pdf [Accessed 10 Dec. 2019].
- INTERPOL. (2019). *Creating a National Cultural Heritage Unit*. [pdf] Leon: INTERPOL. Available at: www.INTERPOL.int/content/download/684/file/WOA_CreatingNationalCulturalHeritageUnit_brochure_2019-01_EN-LR.pdf [Accessed 10 Dec. 2019].
- INTERPOL. (2019). *Cultural Heritage Crime*. [online] Available at: www.INTERPOL.int/en/Crimes/Cultural-heritage-crime [Accessed 10 Dec. 2019].
- INTERPOL. *Stolen Works of Art Database*. [online] Available at: www.INTERPOL.int/en/Crimes/Cultural-heritage-crime/Stolen-Works-of-Art-Database [Accessed 10 Dec. 2019].
- UNESCO. (1999). *International Code of Ethics for Dealers in Cultural Property*. [pdf] Paris: UNESCO. Available at: unesdoc.unesco.org/ark:/48223/pf0000121320 [Accessed 10 Dec. 2019].
- UNESCO. (2006). *Legal and Practical Measures against Illicit Trafficking of Cultural Property: A UNESCO Handbook*. [pdf] Paris: International Standard Section, Division of Cultural Heritage, UNESCO. Available at: unesdoc.unesco.org/ark:/48223/pf0000146118 [Accessed 10 Dec. 2019].
- UNESCO. (2015). *Operational Guidelines for the Implementation of the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transport of Ownership of Cultural Property*. [pdf] Paris: UNESCO. Available at: www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CLT/pdf/OPERATIONAL_GUIDELINES_EN_FINAL_FINAL.pdf [Accessed 10 Dec. 2019].
- UNESCO. (2017). *End Trafficking, Save Culture*. [video] Available at: youtu.be/J-WDjZvvyD4 [Accessed 10 Dec. 2019].

- UNESCO. (2018). *Information Kit for the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transport of Ownership of Cultural Property*. [pdf] Paris: UNESCO. Available at: www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CLT/movable/pdf/Infokit_en_final_March_2018rev_05.pdf [Accessed 10 Dec. 2019].
- UNESCO. (2019). *Illicit Trafficking of Cultural Property*. [online] Available at: www.unesco.org/new/en/culture/themes/illicit-trafficking-of-cultural-property
- UNESCO. (2019). *UNESCO Database of National Cultural Heritage Laws*. [online] Available at: en.unesco.org/cultnatlaws [Accessed 10 Dec. 2019].
- UNESCO and UNIDROIT. (2011). *UNESCO-UNIDROIT Model Legislative Provisions on State Ownership of Undiscovered Cultural Objects*. [online] Available at: www.unidroit.org/instruments/cultural-property/model-provisions [Accessed 10 Dec. 2019].
- UNESCO and WCO. *UNESCO-WCO Model Export Certificate for Cultural Objects*. [online] Available at: www.unesco.org/new/en/culture/themes/illicit-trafficking-of-cultural-property/legal-and-practical-instruments/unesco-wco-model-export-certificate [Accessed 10 Dec. 2019].
- UNIDROIT. (2018). *UNIDROIT Work and Instruments in the Area of Cultural Property*. [online] Available at: www.unidroit.org/cultural-property [Accessed 10 Dec. 2019].
- UNIDROIT. (2019). *The 1995 UNIDROIT Convention Academic Project (UCAP)*. [online] Available at: 1995unidroitcap.org [Accessed 10 Dec. 2019].
- UNODC. (2014). *UNWTO, UNODC and UNESCO Launch Anti-Trafficking Campaign*. [online] Available at: www.unodc.org/unodc/en/press/releases/2014/March/unodc-unwto-and-unesco-launch-anti-trafficking-campaign.html [Accessed 10 Dec. 2019].
- UNODC. (2015). *International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking of cultural property and Other Related Offences A/RES/69/196*. [pdf] United Nations General Assembly 2014. Available at: www.unodc.org/documents/organized-crime/trafficking_in_cultural/RES-681-86/A_RES_69_196_E.pdf
- UNODC. (2016). *Practical Assistance Tool to Assist in the Implementation of the International Guidelines for Crime Prevention and Criminal Justice with Respect to Trafficking of Cultural Property and Other Related Offences*. [pdf] Vienna: United Nations Office. Available at: www.unodc.org/documents/organized-crime/trafficking_in_cultural/16-01842_ebook.pdf [Accessed 10 Dec. 2019].

- UNODC. (2019). *Trafficking in Cultural Property*. [online] Available at: www.unodc.org/unodc/en/about-unodc/campaigns/culturalproperty.html [Accessed 10 Dec. 2019].
- UNODC. *Sharing Electronic Resources and Laws on Crime (SHERLOC)*. [online] Available at: sherloc.unodc.org/cld/en/v3/sherloc/index.html [Accessed 10 Dec. 2019].
- WCO. *ARCHEO: Connect to Preserve*. [pdf] Available at: www.wcoomd.org/-/media/wco/public/global/pdf/topics/enforcement-and-compliance/activities-and-programmes/cultural-heritage/archeo_brochure_en.pdf?db=web [Accessed 10 Dec. 2019].
- WCO. *Cultural Heritage Programme*. [online] Available at: www.wcoomd.org/en/topics/enforcement-and-compliance/activities-and-programmes/cultural-heritage-programme.aspx [Accessed 10 Dec. 2019].
- WCO. *WCO Publishes New Tool to Assist Countries in the Prevention of Illicit Trafficking of Cultural Heritage*. [online] Available at: www.wcoomd.org/en/media/newsroom/2018/november/wco-publishes-new-tool-in-the-prevention-of-illicit-trafficking-of-cultural-heritage.aspx [Accessed 10 Dec. 2019].

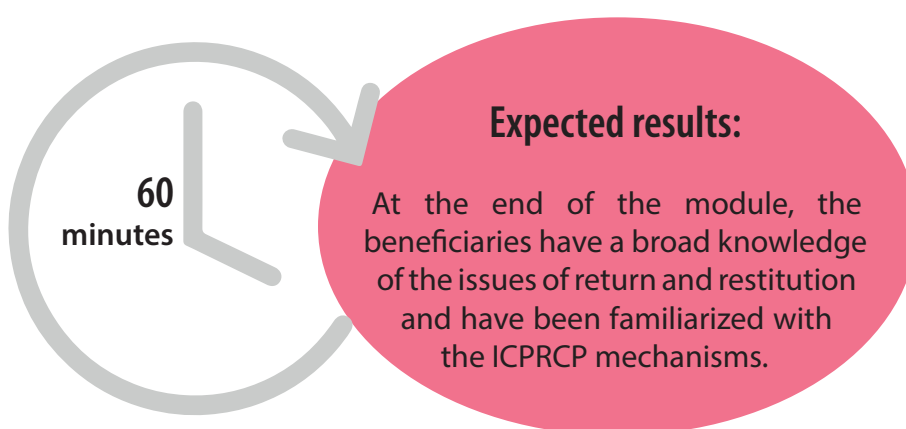
New technologies:

- Archaeology and Blockchain: A Social Science Data Revolution?* The Guardian. [online] Available at www.theguardian.com/science/2017/oct/02/archaeology-and-blockchain-a-social-science-data-revolution [Accessed 10 Dec. 2019].
- Bonora, V., Korumaz, A.G., Korumaz, M., Niemeier, W., Tucci, G. and Riedl, B. (2014). *UAV Systems for Documentation of Cultural Heritage*. In *ICONARCH International Congress of Architecture-Innovative Approaches in Architecture and Planning*. [online] Konya, Turkey, pp. 419-430. Available at: www.researchgate.net/publication/274389409_UAV_SYSTEMS_FOR_DOCUMENTATION_OF_CULTURAL_HERITAGE [Accessed 10 Dec. 2019].
- Hill, A.C. (2013). *Archaeology and UAVs: Legal, Ethical and Safe Use of Drones for Archaeological Research*. *Anthropology News*, [online] May/June 2013, p. 29. Available at: www.researchgate.net/publication/274636516_Archaeology_and_UAVs_Legal_Ethical_and_Safe_Use_of_Drones_for_Archaeological_Research [Accessed 10 Dec. 2019].
- Historic England. (2019). *Drones for Heritage Uses*. [online] Available at: historicengland.org.uk/research/methods/airborne-remote-sensing/drones [Accessed 10 Dec. 2019].

The background features a large, abstract geometric design. A prominent pink shape, resembling a stylized 'L' or a series of nested right-angled triangles, is positioned on the left and bottom. The top-right corner of the image is white, creating a sharp contrast with the pink elements. The text is rendered in a clean, white, sans-serif font, positioned within the pink area on the left side of the image.

Return and restitution of cultural objects: Alternatives to Conventions

How to deliver?



Sequence:

- i. Lecture by a resource person illustrated by a slide presentation and video clips;
- ii. Q&A and discussion.

Expertise required for the resource persons:

The resource person should be from UNESCO, preferably a member of the Secretariat of ICPRCP.

Structure for the slide presentation:

20 to 40 slides illustrated by photographs.

4

a. Introduction

This module will be dedicated to the possibilities of returning or restoring cultural objects when the 1970 UNESCO and 1995 UNIDROIT Conventions do not apply, either because these Conventions are not retroactive, or because countries are not States Parties to the Conventions. The topic also covers the roles of Ministries of Culture, Ministries of Foreign Affairs and Embassies.

b. Historical background

The speaker will explain that the concepts of return and restitution are not recent. Indeed, the removal of cultural objects from a territory to another one dates back more than 2000 years, in particular during armed conflicts. Restitution of cultural objects after a conflict is included in peace treaties from several centuries ago, and later in the First Protocol to the 1954 Hague Convention for the Protection of Cultural Property in the event of Armed Conflict. During colonial periods, the practice of removing and exporting cultural objects was widespread. The possibility of their return began to be considered at the end of the 1970s.

c. Bilateral negotiations

The speaker will explain that the first step towards return or restitution is bilateral negotiation. Demands for return have increased since the 1980s, and hundreds of cases have been successful.

d. The ICPRCP

The speaker will introduce the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation, which was created in 1978 after an Appeal by the Director-General of UNESCO. It can be called upon only when bilateral negotiations have failed or stopped. It is a subsidiary of the General Conference of UNESCO. It has met more than 20 times, leading to many successful returns and restitutions. Its composition and working methods are presented as well as the various tools it has created to facilitate return and restitution. The speaker will introduce the Rules of Procedure for Mediation and Conciliation adopted by the ICPRCP in 2010, conceived under the general principles of equity, impartiality and good faith, and intended to promote harmonious and fair resolution of disputes concerning the restitution of cultural property. These rules provide for confidential communication in relevant political, diplomatic, juridical and financial matters between mediators and conciliators and involved parties.

e. Examples of return and restitution of cultural objects

A dozen cases are presented, covering various regions of the world and various situations: after an armed conflict, after a colonial period and after an occupation.

- Koo, M. (2014). *Repatriation of Korean Cultural Property Looted by Japan: Can a Sincere Apology Resolve the Centuries-Old Korea/Japan Disputes?* Cardozo J. Conflict Resolution, [online] 16, pp. 625-650. Available at: cardozo.jcr.com/wp-content/uploads/2015/03/Koo_Repatriation-of-Korean-Cultural-Property.pdf [Accessed 10 Dec. 2019].
- Prott, L.V. (2009). *Witnesses to History - Documents and Writings on the Return of Cultural Objects*. [pdf] Paris: UNESCO. Available at: unesdoc.unesco.org/ark:/48223/pf0000185386 [Accessed 10 Dec. 2019].
- Roehrenbeck, C. A. (2010). *Repatriation of Cultural Property-Who Owns the Past: An Introduction to Approaches and to Selected Statutory Instruments*. International Journal of Legal Information, [online] 38, pp. 185-200. Available at: scholarship.law.cornell.edu/cgi/viewcontent.cgi?article=1216&context=ijli [Accessed 10 Dec. 2019].
- UNESCO. (2008). *Report of the ICPRCP Expert Meeting and Extraordinary Session in Celebration of its 30th Anniversary: Its Past and Future*. [pdf] Seoul: Cultural Heritage Administration of the Republic of Korea. Available at: www.unesco.org/new/en/culture/themes/restitution-of-cultural-property/related-events/30th-anniversary-of-the-intergovernmental-committee/icprcp-expert-meeting-and-extraordinary-session-in-celebration-of-its-30th-anniversary-its-past-and-future [Accessed 10 Dec. 2019].
- UNESCO. (2017). *Intergovernmental Committee (ICPRCP)*. [online] Available at: www.unesco.org/new/en/culture/themes/restitution-of-cultural-property/intergovernmental-committee [Accessed 10 Dec. 2019].
- UNESCO. (2017). *Mediation and Conciliation*. [online] Available at: www.unesco.org/new/en/culture/themes/restitution-of-cultural-property/mediation-and-conciliation [Accessed 10 Dec. 2019].

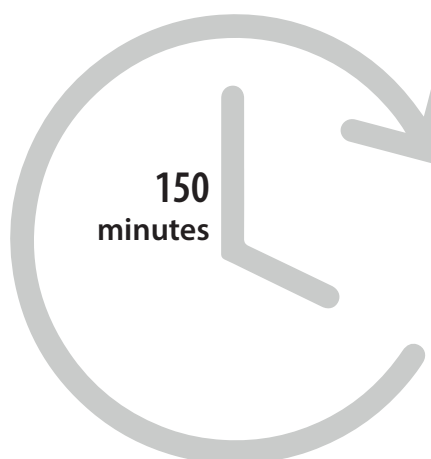
Ancient religious images stored along the wall of a semi-outdoor royal carriage storage hall, Xiengthong temple, Luang Prabang, Lao PDR.
Source: UNESCO/MS.Kittipaisalsilp





Raising awareness
and publicizing
cultural heritage loss

How to deliver?



Expected results:

The participants

- are convinced of the necessity to raise awareness and know how to launch an awareness-raising campaign targeting a variety of audiences;
- know how to publicize the loss of cultural objects according to the situation and know how to use the appropriate tools to that effect.

Expertise required for the resource persons:

- In case of having one resource person, the person must be a resource person from UNESCO;
- In case of having two resource persons, the one talking about awareness-raising and education should be from UNESCO, and the one discussing the topic of publicizing the disappearance of cultural objects should be from either INTERPOL or ICOM.

Structure for the slide presentations:

- A presentation on awareness-raising and education measures: max. 10 slides;
- A presentation on publicizing disappearance of cultural objects: max. 10 slides.

Sequence:

- i. two presentations by one or two resource person(s) illustrated by slides and video clips on:
 - awareness raising and education;
 - publicizing cultural heritage loss.
- ii. Q&A
- iii. Group work:
 - A. For multinational training: **Challenges and practices for awareness raising and education in the sub-region**
 - Randomly divide participants into three multinational groups.
 - Each group designates a chair and a rapporteur
 - Three-step approach:
 - Participants exchange information on challenges and country-level practices of awareness raising and education to protect cultural heritage against illicit trafficking.
 - Participants list recommended practices to be adopted in each of the countries in the sub-region.
 - Participants list recommended practices for sub-regional collaboration on awareness raising and education.
 - B. For national training: **Drafting a model national plan for awareness raising and education**
 - Randomly divide participants into three groups.
 - Each group designates a chair and a rapporteur.
 - Each group discusses challenges and practices for awareness raising and education to protect cultural heritage against illicit trafficking. They will consider several target groups: youth, schools, media, tourism industry, local communities, tourists, dealers and collectors.
 - Each group draws a list of recommended practices to be adopted at country level.

a. Awareness raising and education

i. At international level

Under this module, the resource person(s) will introduce the topic by emphasizing the importance of raising awareness and education on the issue of protection of cultural heritage, in particular cultural objects. She or he will present what concerned international organizations (UNESCO, UNIDROIT, INTERPOL, ICOM, WCO, UNODC, etc.) are doing for that purpose, including:

- actions to promote the Conventions at international level;
- international awareness-raising and educational programmes to promote the protection of cultural heritage against theft, dismantling of monuments, clandestine excavations, illicit export and import.

The speaker will identify the various target groups, such as youth, schools, media, tourism industry, dealers, collectors, etc. and will give examples of international campaigns. Awareness of the Judiciary, Police and Customs will be covered under another module.

ii. At national level

As an introduction to the group work, the speaker(s) will give examples of good practices where countries use various means to advocate for better protection of cultural property against illicit trafficking, through education, awareness raising, information and vigilance.

b. Publicizing cultural heritage loss

Under this second part of the module, the speaker will clarify what action needs to be taken to publicize the loss of cultural heritage. The speaker will make a distinction between the theft of specific cultural objects, and the looting or dismantling of archaeological sites or monuments.

- In case of theft, action must be taken rapidly to try to recover the object, using various tools including the INTERPOL Stolen Works of Art Database.
- In case of looting or dismantling, the speaker will present the options provided under the Conventions, including the possibility of negotiating a bilateral agreement to ban the import of specific categories of cultural objects (such as under the 1983 US Implementation Law of the 1970 Convention). The speaker will also describe the possibility of preparing typologies of vulnerable cultural objects and the famous 'Red List of Cultural Objects at Risk' issued by International Council of Museums (ICOM).

- ICOM. *Red Lists of Cultural Objects at Risk*. [online] Available at: icom.museum/en/activities/heritage-protection/red-lists [Accessed 10 Dec. 2019].
- INTERPOL. *Stolen Works of Art Database*. [online] Available at: www.INTERPOL.int/en/Crimes/Cultural-heritage-crime/Stolen-Works-of-Art-Database [Accessed 10 Dec. 2019].
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- United States Department of State. *Cultural Heritage Center*. [online] Available at: eca.state.gov/cultural-heritage-center [Accessed 10 Dec. 2019].
- UNODC. (2014). *UNWTO, UNODC and UNESCO Launch Anti-Trafficking Campaign*. [online] Available at: www.unodc.org/unodc/en/press/releases/2014/March/unodc-unwto-and-unesco-launch-anti-trafficking-campaign.html [Accessed 10 Dec. 2019].



99/27/2561
No. 21



99/27/2561

Stored objects at National Museum Storage, Thailand.
Source: UNESCO/JCW.Schertz



Law enforcement
and coordination

How to deliver?

180-240
minutes

Expected results:

The participants

- know their responsibilities in enforcing national legislation and international Conventions;
- are convinced of the necessity of information exchange and collaboration between officers from concerned Ministries and institutions;
- have constituted a network to better coordinate the implementation of the legislation and the Conventions.

**Expertise
required for the
resource persons:**

NOTE: This module is designed for a three-day standard training for participants with different profiles: officials from Ministries or Departments of Culture, Museums, Justice, Education, Tourism, Foreign Affairs, etc., as well as members of the Judiciary and law enforcement agencies, such as police and customs officers. This module is not designed as a specialized training for police and customs officers. INTERPOL, WCO and UNODC organize other specialized workshops dedicated essentially to law enforcement, which are presented later in this publication.

Structure for the slide presentations:

Each of the three presentations should have a maximum of 20 slides.

- i. The resource persons for the three lectures should currently have responsibilities at national level either in prosecution or in enforcement of national or international laws on the protection of cultural objects;
- ii. The representatives of INTERPOL, WCO and UNODC should be able to provide expert comments during group works and after reporting of group discussions.

Sequence:

- i. Twenty-minute presentation by a participant who is a senior member of the Judiciary on prosecution under national laws protecting cultural objects; illustrated by slides and video clips /Q&A;
- ii. Twenty-minute presentation by a participant who is a senior police officer on police measures to enforce legislation and the Conventions; illustrated by slides and video clips /Q&A;
- iii. Twenty-minute presentation by a participant who is a senior customs officer on customs measures to enforce the legislation or the Conventions; illustrated by slides and video clips /Q&A;
- iv. Introducing group work by resource person(s) from INTERPOL and/or WCO;
- v. Group work (2 hours): Challenges and practices for law enforcement and coordination:
 - For multinational training
 - Randomly divide participants into three multinational groups.
 - Each group designates a chair and a rapporteur.
 - Three-step approach:
 - Each group exchanges information on challenges and practices for law enforcement and on coordination mechanisms.
 - Participants list recommended practices for enforcement and coordination to be adopted in each of the countries in the sub-region.
 - Participants list recommended good practices for sub-regional collaboration on law enforcement.
 - For national training
 - Randomly divide participants into three groups.
 - Each group designates a chair and a rapporteur
 - Three-step approach:
 - Each group lists recommended practices for the enforcement of national laws and Conventions on illicit trafficking.
 - Each group lists recommendations to improve collaboration and coordination at country level in order to better enforce laws and Conventions.
 - Each group makes recommendations on the follow-up to the training, especially on the issue of future coordination mechanisms.
- vi. Presentation of group work report in plenary;
- vii. Comments by the representatives of INTERPOL, WCO and UNODC on law enforcement and coordination mechanisms.

What to cover?

The presentations and discussion in group work will cover the following topics, either briefly or in detail, depending on the priorities and needs identified during the needs assessment preceding the training:

- a. Protecting monuments, sites, museums and collections against theft;
- b. Prosecuting offenses against cultural objects by the Judiciary;
- c. Sensitizing the Judiciary and law enforcement agencies;
- d. Enforcing the law by police and customs;
- e. Identification of protected cultural objects by police and customs;
- f. Mapping trafficking routes;
- g. Establishing connections with other criminal activities;
- h. Better understanding the methods and strategies used by traffickers;
- i. Identifying entry, exit and transit points most frequently used for illicit trafficking;
- j. Border control;
- k. Police procedures and practices for cultural objects;
- l. Role of INTERPOL and of INTERPOL National Central Bureaus (NCBs);
- m. Creation of specialized police units for the protection of cultural heritage;***
- n. Developing national databases for stolen cultural objects;
- o. Systematically checking seized cultural property and suspicious sales;
- p. Identifying and prosecuting internet crimes for cultural objects;
- q. Systematically transmitting theft information to INTERPOL to facilitate international searches and to other institutions publicizing on thefts of cultural objects; the INTERPOL Stolen Works or Art Database;
- r. Customs procedures and practices for cultural objects;
- s. the WCO PITCH training (specialized training for frontline customs officers) as well as information on the WCO ARCHEO platform;
- t. Generalizing police registers for art dealers;
- u. The importance of exchanging information between Ministries, departments, cultural institutions, monuments, sites and museums;***
- v. The importance of coordination mechanisms at country level and of collaboration with other countries on law enforcement.***

*** These topics shall be particularly developed during the three presentations by national speakers, during the group work, in the group report in plenary, in the Q&A sessions and in the comments made by the resource persons of INTERPOL, WCO and UNODC.

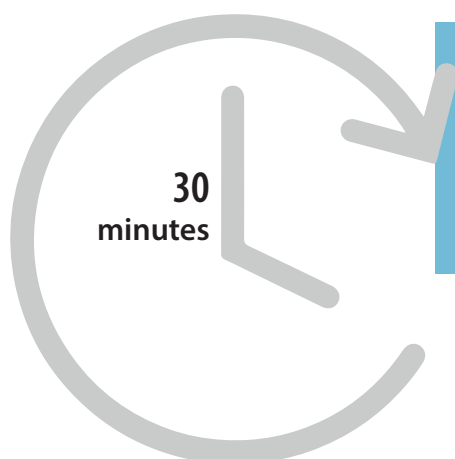
- Boz, Z. (2018). *Fighting the Illicit Trafficking of Cultural Property: A Toolkit for Judiciary and Law Enforcement*. [pdf] Paris: UNESCO. Available at: unesdoc.unesco.org/ark:/48223/pf0000266098 [Accessed 10 Dec. 2019].
- Chappell, D. and Hufnagel, S., eds. (2014). *Contemporary Perspectives on the Detection, Investigation and Prosecution of Art Crime: Australasian, European and North American Perspectives*. Farnham, UK: Ashgate Publishing.
- Grove, L. and Thomas, S., eds. (2014). *Heritage Crime, Progress, Prospects and Prevention*. London: Palgrave Macmillan.
- INTERPOL. (2019). *Creating a National Cultural Heritage Unit*. [pdf] Leon: INTERPOL. Available at: www.INTERPOL.int/content/download/684/file/WOA_CreatingNationalCulturalHeritageUnit_brochure_2019-01_EN-LR.pdf [Accessed 10 Dec. 2019].
- INTERPOL. (2019). *Cultural Heritage Crime*. [online] Available at: www.INTERPOL.int/en/Crimes/Cultural-heritage-crime [Accessed 10 Dec. 2019].
- INTERPOL. *Stolen Works of Art Database*. [online] Available at: www.INTERPOL.int/en/Crimes/Cultural-heritage-crime/Stolen-Works-of-Art-Database [Accessed 10 Dec. 2019].
- Kila, D. and Balcells, M., eds. (2014). *Cultural Property Crime: An Overview and Analysis of Contemporary Perspectives and Trends*. Leiden: Brill.
- UNODC. (2012). *Trafficking of Cultural Property: Organized Crime and the Theft of Our Past*. [online] Available at: www.unodc.org/unodc/en/frontpage/2012/October/trafficking-in-cultural-property--organized-crime-and-the-theft-of-our-past.html [Accessed 10 Dec. 2019].
- UNODC. (2015). *International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking of Cultural Property and Other Related Offences A/RES/69/196*. [pdf] United Nations General Assembly 2014. Available at: www.unodc.org/documents/organized-crime/trafficking_in_cultural/RES-681-86/A_RES_69_196_E.pdf [Accessed 10 Dec. 2019].
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- UNODC. (2019). *Trafficking in Cultural Property*. [online] Available at: www.unodc.org/unodc/en/about-unodc/campaigns/culturalproperty.html [Accessed 10 Dec. 2019].

Further readings

- WCO. *ARCHEO: Connect to Preserve*. [pdf] Available at: www.wcoomd.org/-/media/wco/public/global/pdf/topics/enforcement-and-compliance/activities-and-programmes/cultural-heritage/archeo_brochure_en.pdf?db=web [Accessed 10 Dec. 2019].
- WCO. *Cultural Heritage Programme*. [online] Available at: www.wcoomd.org/en/topics/enforcement-and-compliance/activities-and-programmes/cultural-heritage-programme.aspx [Accessed 10 Dec. 2019].
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Joining the Conventions

How to deliver?



Expected results:

The participants

- know how to join the Conventions;
- are familiar with the various organs and the role of the Secretariats of the Conventions.

Sequence:

- i. Lecture by a resource person from UNESCO or by two resource persons (one from UNESCO and one from UNIDROIT), illustrated by a slide presentation and video clips;

- ii. Q&A.

**Expertise
required for the
resource persons:**

Be staff or former staff of UNESCO
or UNIDROIT.

Structure for the slide presentation:

Maximum 10 slides.

a. Procedures to join the 1970 Convention and the UNIDROIT Convention

Under this module participants will be familiarized with the two phases required to become a State Party to the Conventions.

- At national level: a political phase in which the concerned Ministries (Culture, Foreign Affairs, etc.) study each of the Conventions and decide whether it is desirable to become a party to them; and a legal implementation phase in which, depending on the legal system of the country concerned, the Conventions' provisions are enacted domestically either by an all-encompassing reference to the Convention texts or by incorporating their provisions (except their final clauses) into the national law.
- At international level: the deposit of the instrument expressing the consent of the state to be bound by the Conventions (the instrument of ratification, acceptance, approval or accession) with the Director-General of UNESCO for the UNESCO 1970 Convention or with the Government of the Italian Republic for the UNIDROIT Convention; and the Convention enters into force vis-à-vis each new State Party generally three (UNESCO) or six months (UNIDROIT) after the date of deposit of its respective instrument.

What to cover?

b. Secretariats to the 1970 Convention and to the UNIDROIT Convention

The speaker explains functions and contact points of Secretariats of the 1970 Convention and the UNIDROIT Convention.

c. Statutory organs of the 1970 Convention

The speaker introduces the mandate of the Meeting of States Parties to the 1970 Convention, which is the sovereign body of the Convention, and the composition and functions of the Subsidiary Committee of the Meeting of States Parties.

d. Reports on the 1970 Convention

The speaker explains that States Parties to the 1970 Convention are required every four years to submit reports to the UNESCO General Conference on legislative and administrative provisions they have adopted and other actions they have taken in applying the Convention, including the details of the experiences acquired in this field. A simplified and practical online questionnaire was launched in 2019. It aims at assisting the national authorities of States Parties to ensure that their reports contain sufficiently precise information on the ratification process and legal and operational implementation of the 1970 Convention.

- UNESCO. (2015). *Operational Guidelines for the Implementation of the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transport of Ownership of Cultural Property*. [pdf] Paris: UNESCO. Available at: www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CLT/pdf/OPERATIONAL_GUIDELINES_EN_FINAL_FINAL.pdf [Accessed 10 Dec. 2019].
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- UNESCO. (2017). *[Sample] Questionnaire for States Parties to UNESCO's Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property*. [pdf] Available at: www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CLT/movable/pdf/UnitedStatesofAmerica.pdf [Accessed 10 Dec. 2019].
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- UNIDROIT. (2014). *How to Become a Party to the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects*. [online] Available at: www.unidroit.org/becoming-a-party [Accessed 10 Dec. 2019].

TARGET-SPECIFIC ACTIVITIES



Law enforcement:
Workshops for police
and customs officers

Rationale

Contrary to Module 6 which was designed for a standard three-day training with a variety of participants, this chapter introduces training and workshops specifically designed for police and customs officers. These workshops are regularly organized by international organizations specialized in law enforcement, such as INTERPOL, WCO and, more recently, UNODC. Because most of the participants are law enforcement officers, these workshops offer them opportunities to further explore specific issues and techniques relevant to police and customs work.

In addition to these workshops, UNESCO has developed a self-training toolkit aimed at enabling law enforcement officers to acquire and strengthen their knowledge of the legal framework and offering a set of practical tools to combat illicit trafficking.

How to deliver?

Organizers:

INTERPOL, UNODC or WCO, in close collaboration with national police, national customs, Ministries of Culture, UNESCO, UNIDROIT and ICOM.



INTERPOL



UNODC

United Nations Office on Drugs and Crime




WORLD CUSTOMS ORGANIZATION

Participants:

The majority are police and customs officers, either from one country or from several countries of the same sub-region.

However, in order to promote close collaboration with other professionals concerned, representatives of Ministries of Culture and of other relevant Ministries should be invited as participants and/or resource persons.

Needs assessment:



The workshops are generally preceded by a needs assessment under which beneficiaries discuss their particular needs with the organizers in order to maximize the impact.

Sequences and model programme of workshop:

Please refer to specific information provided by the concerned international organizations (INTERPOL, UNODC and WCO). (*See further readings.*)

Follow-up and next steps:

In the design of the workshops, the three above organizers pay attention to ensure that practical follow-up measures are adopted either during the workshop or soon after.



Resource persons:

The main resource persons are from INTERPOL, UNODC and WCO. Please note that INTERPOL workshops can only be organized by INTERPOL and with INTERPOL specialized staff.

Other resource persons who could be invited to contribute are:

- Police and customs officers from specialized services on crimes against cultural objects;
- Officials from Ministries of Culture and from museums;
- Representatives of UNESCO, UNIDROIT and ICOM.

What to cover?

The workshops cover various issues under *Module 6: Law enforcement and coordination*, but in a much more comprehensive way:

- a. Protecting monuments, sites, museums and collections against theft;
- b. Prosecuting offenses against cultural objects by the Judiciary;
- c. Sensitizing the Judiciary and law enforcement agencies;
- d. Enforcing the law by police and customs;
- e. Identification of protected cultural objects by police and customs;
- f. Mapping trafficking routes;
- g. Establishing connections with other criminal activities;
- h. Better understanding the methods and strategies used by traffickers;
- i. Identifying entry, exit and transit points most frequently used for illicit trafficking;
- j. Border control;
- k. Police procedures and practices for cultural objects;
- l. Role of INTERPOL and of INTERPOL National Central Bureaus (NCBs);
- m. Creation of specialized police units for the protection of cultural heritage;****
- n. Developing national databases for stolen cultural objects;
- o. Systematically checking seized cultural objects and suspicious sales;
- p. Identifying and prosecuting internet crimes for cultural objects;****
- q. Systematically transmitting theft information to INTERPOL to facilitate international searches and to other institutions publicizing thefts of cultural objects; the INTERPOL Stolen Works or Art Database;
- r. Customs procedures and practices for cultural objects;
- s. WCO's PITCH training (specialized training for frontline customs officers) as well as information on the WCO ARCHEO platform;
- t. Generalizing police registers for art dealers;
- u. The importance of exchanging information between Ministries, departments, cultural institutions, monuments, sites and museums;****
- v. The importance of coordination mechanisms at country level and of collaboration with other countries on law enforcement.****

****These topics shall be particularly developed.

What to cover?

In these workshops, **online sales and internet crimes for cultural objects** could receive more attention than in three-day standard training. Indeed, the growing use of the internet to sell or traffic cultural objects which are stolen, clandestinely excavated or illegally exported is a matter of serious concern and constitutes a major threat to cultural heritage. UNESCO, INTERPOL and ICOM have developed a list of Basic Actions to counter the increasing illicit sale of cultural objects through the Internet. But speakers at the specialized workshop may also introduce some recent initiatives on fighting cyber-crime that could be further studied and discussed by police officers.

In addition, such workshops covers many other issues specific to the work of police and customs. Detailed information on these workshops can be obtained at INTERPOL, WCO and UNODC. Below are a few key elements which can give an idea of what is proposed by these organizations:

INTERPOL

INTERPOL is organizing workshops on illicit trafficking of cultural objects all over the world. Please note that INTERPOL workshops can only be organized by INTERPOL. Their agenda are normally discussed with the target country and linked to the participants. Generally, however, the following issues are developed:

- Creating a specialized cultural heritage police unit;
- Illicit trafficking of cultural property with possible overview of criminal activities in different regions, global routes, etc.;
- UN Security Council resolutions 2199/2015 and 2347/2017;
- Forgeries;
- Online sales;
- Protection of underwater cultural sites from the police perspective;
- Internationally available tools;
- Regional and global operations;
- INTERPOL capabilities:
 - INTERPOL Stolen Works of Art Database, how to search and how to insert, modify and delete information;
 - ID-Art mobile application;
 - INTERPOL Notices;
- Case studies.

UNODC

In South-East Asia, UNODC has recently included the protection of cultural objects within the scope of its training activities.

In March 2019 UNODC Regional Office for Southeast Asia and the Pacific organized with UNESCO Bangkok a workshop entitled 'Countering Trafficking of Cultural Objects in the Containerized Supply Chain' as an advanced training module in the UNODC-WCO Container Control Programme. The workshop held in Bangkok brought together customs, police and culture officers from Cambodia, Lao PDR, Myanmar and Thailand in response to a recent assessment calling for more inter-Ministerial and multi-agency collaboration. UNESCO Bangkok and UNODC Regional Office have plans to further develop collaboration for further training in the sub-region.

WCO

On 30 November 2018, the WCO published its Training Handbook on the Prevention of Illicit trafficking of Cultural Heritage (PITCH), a uniquely specialized tool aimed at improving the knowledge and know-how of customs officers deployed in the field, and going hand-in-hand with a training programme. The WCO will only deliver the handbook to Members through face-to-face training which can be tailored to the needs of each region, thanks to gap analysis workshops conducted prior to the deployment of the handbook and programme.

The PITCH training programme focuses on customs techniques, but also includes modules delivered by experts from the museum community, academia, Ministries of Culture and Police, with the objective of ensuring that all those involved in countering illicit trafficking of cultural objects adopt a consistent and harmonized approach, and coordinate their actions.

UNESCO self-training toolkit

In addition, UNESCO and the European Union have cooperated in preparing a publication entitled 'Fighting the illicit trafficking of cultural property, a toolkit for judiciary and law enforcement', written by Zeynep Boz in 2018. This toolkit aims to enable law enforcement officers to acquire and strengthen their knowledge of the legal framework and offers a set of practical tools to combat illicit trafficking.

The kit is designed as a 'self-help' training tool – the hands-on exercises throughout the five chapters ensuring interactive experience for individuals or groups. Including numerous case studies to enable concrete understanding of international principles, the toolkit aims to provide a range of answers to support practitioners fighting the illegal trafficking of cultural property.

The toolkit is accessible at www.unesco.org/new/en/culture/themes/illicit-trafficking-of-cultural-property/legal-and-practical-instruments or by scanning this QR code.



- Boz, Z. (2018). *Fighting the Illicit Trafficking of Cultural Property: A Toolkit for Judiciary and Law Enforcement*. [pdf] Paris: UNESCO. Available at: unesdoc.unesco.org/ark:/48223/pf0000266098 [Accessed 10 Dec. 2019].
- INTERPOL. (2019). *Creating a National Cultural Heritage Unit*. [pdf] Leon: INTERPOL. Available at: www.INTERPOL.int/content/download/684/file/WOA_CreatingNationalCulturalHeritageUnit_brochure_2019-01_EN-LR.pdf [Accessed 10 Dec. 2019].
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- INTERPOL. *Stolen Works of Art Database*. [online] Available at: www.INTERPOL.int/en/Crimes/Cultural-heritage-crime/Stolen-Works-of-Art-Database [Accessed 10 Dec. 2019].
- UNESCO. (2019). *Fight the Illicit Trade in Cultural Objects: South-East Asia Training Workshop Focuses on Collaboration*. [online] Available at: bangkok.unesco.org/content/fight-illicit-trade-cultural-objects-south-east-asia-training-workshop-focuses [Accessed 10 Dec. 2019].
- UNODC. (2012). *Trafficking of Cultural Property: Organized Crime and the Theft of Our Past*. [online] Available at: www.unodc.org/unodc/en/frontpage/2012/October/trafficking-in-cultural-property--organized-crime-and-the-theft-of-our-past.html [Accessed 10 Dec. 2019].
- UNODC. (2015). *International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking of Cultural Property and Other Related Offences A/RES/69/196*. [pdf] United Nations General Assembly 2014. Available at: www.unodc.org/documents/organized-crime/trafficking_in_cultural/RES-681-86/A_RES_69_196_E.pdf [Accessed 10 Dec. 2019].
- UNODC. (2016). *Practical Assistance Tool to Assist in the Implementation of the International Guidelines for Crime Prevention and Criminal Justice with Respect to Trafficking of Cultural Property and Other Related Offences*. [pdf] Vienna: United Nations Office. Available at: www.unodc.org/documents/organized-crime/trafficking_in_cultural/16-01842_ebook.pdf [Accessed 10 Dec. 2019].

Further readings

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- WCO. ARCHEO: *Connect to Preserve*. [pdf] Available at: www.wcoomd.org/-/media/wco/public/global/pdf/topics/enforcement-and-compliance/activities-and-programmes/cultural-heritage/archeo_brochure_en.pdf?db=web [Accessed 10 Dec. 2019].
- WCO. *Cultural Heritage Programme*. [online] Available at: www.wcoomd.org/en/topics/enforcement-and-compliance/activities-and-programmes/cultural-heritage-programme.aspx [Accessed 10 Dec. 2019].
- WCO. *WCO Publishes New Tool to Assist Countries in the Prevention of Illicit Trafficking of Cultural Heritage*. [online] Available at: www.wcoomd.org/en/media/newsroom/2018/november/wco-publishes-new-tool-in-the-prevention-of-illicit-trafficking-of-cultural-heritage.aspx [Accessed 10 Dec. 2019].

Trade:

Awareness-raising forum
for dealers and collectors

Rationale

There are many reasons why the illicit trafficking of cultural objects has grown over the years. One of them is the growing demand for ancient works of art on the art market. Therefore, sensitizing galleries, auction houses as well as buyers and collectors is of prime importance for a successful campaign addressing illicit trafficking of cultural objects.

Experience demonstrates that the organizers of workshops on the topic of illicit trafficking of cultural property rarely invite art-market professionals. In the few cases when they have been invited, only a few have attended, for various reasons. Therefore, UNESCO has promoted the idea of organizing specific events to sensitize them. Such an event has been organized under a partnership with the private sector and in premises which are familiar to the business community. UNESCO Bangkok has called it a 'forum' rather than a 'training' or 'workshop'. A methodology and contents for such events are proposed below.

How to deliver?

Organizers:

UNESCO, in collaboration with other concerned organizations and National Commissions for UNESCO, in partnership with a private sector institution (cultural institute or foundation, professional association, auction house, business association, etc.).

3 hours
to 2 days

Participants:

The targeted audience is composed on the one hand of buyers and collectors, and on the other hand of professionals of auction houses, art and antique shops and galleries, either from a single country or from several countries of the same region or sub-region.

In order to promote effective networking with the public sector, professionals from Ministries of Culture and museum staff are also invited as participants and/or resource persons.

Resource persons:

The resource persons should be distributed between public and private sectors to promote better dialogue during the forum. Representatives from UNESCO, UNIDROIT and ICOM (possibly also INTERPOL and WCO) will share the floor with representatives from auction houses and dealers' or collectors' associations. Academics who have published on trade in cultural objects could also present a broader perspective beyond the specific interests of the public and private sectors.

UNESCO has developed several formats for such events:

Format 1:

A comprehensive two-or-three-day regional workshop on the ethics of acquisitions such as the *Workshop on Ethics of Collection in the Arab Gulf States*, held in Abu Dhabi, April 2017, by UNESCO and the Abu Dhabi Tourism and Culture Authority for the Gulf Cooperation Council (GCC) countries. This format covered all the topics described below under 'contents'.

Format 2:

An event to raise awareness of potential buyers of cultural objects, including collectors and dealers, such as the press conference for the launch of the poster campaign 'Committed to Heritage and Creativity', jointly organized in 2015 by UNESCO and the Comité Colbert (founded in 1954, it brings together French luxury houses and cultural institutions in order to promote French art de vivre). The posters were designed to be placed in airport transit areas, in cooperation with the French Customs, Paris airports and the City of Paris.

Format 3:

A half-day forum such as *Exclusive Collector Forum 2019: What To Look For When Buying A Work Of Art* held in Bangkok in August 2019, and jointly organized by Thai National Commission for UNESCO, UNESCO Bangkok Office and River City Bangkok. River City Bangkok is a shopping complex and an auction house specialized in art and antiques in Asia. The purpose of this event was to create an environment where dealers and collectors can meet and discuss openly with national and international experts on cultural heritage. The forum allowed the audience to learn about the contents of the Conventions and national laws, including the specific provisions on trade of cultural objects. Audience members also learned about existing tools, such as the INTERPOL Stolen Works of Art Database or the UNESCO Database on National Legislations, which can help them when dealing with or purchasing works of art. A copy of the programme of this forum is presented below.

Example programme of awareness-raising forum for dealers and collectors



Exclusive Collector Forum 2019: WHAT TO LOOK FOR WHEN BUYING A WORK OF ART?

For every collector, there are pertinent questions that you always ask yourself when deciding to buy any art piece or antiquity: 'How can I be sure that it is not a fake?' 'How can I be sure that it has not been stolen or illegally exported? In case of problems, how can I prove that I had honest intentions when buying it?' 'How can I be confident that I am an ethical buyer?'

The River City Bangkok and UNESCO, with support from Thai National Commission for UNESCO, invite you to find answer to these questions at our very first Exclusive Collector Forum. You will meet with international experts from Thailand and Europe who will share insights on private laws, world-class auction business and modern tools used to help you be confident with your purchase.

The event is open for public upon registration. To secure your seat(s), please register through this link: tiny.cc/artcollectors

Registration at the event might get seats on first-come-first-served basis.

WHEN? Friday 2 August 2019, 13.30-16.30

WHERE? RCB Forum Room on the 2nd floor, River City Bangkok, Thailand

Time	Programme	Speaker(s)
12.30-13.30	On-site registration opens /Seat tickets collection	
13.30-13.45	Opening session by River City Bangkok, UNESCO and Thai National Commission	
13.45-14.05	The circulation of cultural objects and present day market: Issues of import, export and transfer of ownership	Etienne Clement, UNESCO expert in international laws
14.05-14.30	Ethics in acquisition: How knowing the provenance of antiquities can increase their value?	Isabelle Tassignon, Fondation Gandur pour l'art
14.30-14.45	Break for tea and refreshment	
14.45-15.15	Legal issues: Good-faith holders, innocent purchasers and compensation	Marina Schneider, UNIDROIT expert in private laws on cultural heritage
15.15-15.45	Practical measures for traders and collectors for objects with no known origins: databases and tools to check provenances	Disapong Netlomwong, Office of National Museums, the Fine Arts Department of Thailand
15.45-16.15	Panel discussion: Challenges and opportunities for art and antiquity trade in Asia (All audience are invited to reflected their opinions and questions with experts)	
16.15-16.30	Closing and thank you session	



Exclusive Collector Forum 2019: What To Look For When Buying A Work Of Art?
Source: UNESCO

As a minimum (half-day forum), the following topics will be presented and discussed:

- Effects of trafficking in cultural heritage;
- Legal rules and ethical standards regarding the acquisition, collection and trade of cultural heritage objects;
- Contribution of the art market in preventing transfers of ownership likely to promote illicit import or export;
- Identification, provenance and traceability;
- Documented and undocumented objects;
- Checking the validity of documentation;
- Difficulties raised by traceability, seizure and restitution of stolen and illegally exported cultural objects;
- Databases on stolen cultural objects;
- Checking if an object is protected by law;
- Database on national legislation;
- ICOM Red Lists of Cultural Objects at Risk;
- Keeping registers;
- The International Code of Ethics for Dealers in Cultural Property.

In the case of longer events, the following topics can be also presented and discussed:

- Illicit trafficking in the country, region or sub-region concerned: countries of origin, transit and countries of destination, current situation and challenges;
- Comprehensive legal international framework: 1954 Hague Convention and its two Protocols, 1970 UNESCO Convention, 1995 UNIDROIT Convention and the Resolutions of the Security Council regarding cultural objects;
- Good practices regarding the implementation of the legal framework and ethics in acquisitions and collections.

Further readings

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Further readings

- UNESCO. (2017). *Three-Day Workshop on the Ethics of Collections and Fight against Illicit Traffic in the GCC*. [online] Available at: www.unesco.org/new/en/culture/themes/single-view/news/three_day_workshop_on_the_ethics_of_collections_and_fight_ag-1 [Accessed 10 Dec. 2019].
- UNESCO. (2017). *UNESCO and the Comité Colbert: #CommittedToHeritageAndCreativity*. [online] Available at: www.unesco.org/new/en/culture/themes/illicit-trafficking-of-cultural-property/awareness-raising-initiatives/comite-colbert [Accessed 10 Dec. 2019].
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