



United Nations
Educational, Scientific and
Cultural Organization



UNESCO Chair on
Cultural Property Law,
The University of Opole, Poland

Cooperation with the Art Market

The Seventh Session of the Subsidiary Committee of the Meeting of States Parties to the 1970 Convention,
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Structure of the presentation

- Introduction
- Tools and mechanisms
- Examples of cooperation
- Examples of private sector initiatives

Drafted by Alicja Jagielska-Burduk (UNESCO Chair on Cultural Property Law, University of Opole) in cooperation with Andrzej Jakubowski, PhD (Institute of Law Studies, Polish Academy of Sciences in Warsaw).

Art Market

- Since 2000, “[t]he art market has evolved from a niche, connoisseur-driven collectibles market **to a multi-billion global industry,**” **with a strong potential to grow in the upcoming years** (1).
- This growth is also coupled with the development of illicit trafficking in cultural property. According to INTERPOL “[t]he black market in works of art is becoming as lucrative as those for drugs, weapons and counterfeit goods.” (2)
- The black market in antiquities, alongside the trafficking in drugs and arms, “constitutes one of the most persistent illegal trades in the world.” (3)

1. Deloitte, “Il mercato dell'arte e dei beni da collezione. Report 2018” 61-62, available at <https://www2.deloitte.com/lu/en/pages/art-finance/articles/art-collectibles-market-report-2018.html>

2. <<https://www.interpol.int/Crime-areas/Works-of-art/Works-of-art>>

3. UNESCO, “The Fight against the Illicit Trafficking of Cultural Objects the 1970 Convention: Past and Future” (15-16 March 2011) UNESCO Doc CLT/2011/CONF.207/6, 3.

Tools and mechanisms in counteracting illicit trafficking in cultural property

Legislative measures

Global governance and the involvement of the private sector

Self-regulation

Databases

Legislative measures

- The CoE's Convention on Offences relating to Cultural Property of 2017 (Nicosia Convention)
- European Parliament, Resolution of 17 January 2019 on cross-border restitution claims of works of art and cultural goods looted in armed conflicts and wars (2017/2023(INI))

Example of national level measures taken in Poland:

- In 2017 the Polish Law on the Protection and Guardianship of Monuments was amended
- A set of new obligations on art dealers
- An obligation to keep special register books that need to include not only a list of all transactions concluded by a dealer, but also all documentation relating art expertise, provenance research, pricing, and written opinions offered to clients.
- Such registers must be available to the public authorities.

Self-regulation

- The role of art market self-regulation in the fight with illicit trafficking in antiquities
- UNESCO International Code of Ethics for Dealers in Cultural Property,
- The ICOM Code of Ethics for Museums
- Other professional ethical frameworks

Practical examples of cooperation of international agencies with the art market

Institutional initiatives (UNESCO and UNIDROIT)

Art market professional initiatives

Academic sector initiatives

Institutional initiatives

- ▶ The joint, two-year EU-UNESCO project entitled “Engaging the European art market in the fight against the illicit trafficking of cultural property”
 1. A capacity-building conference
 2. Study on the legal framework of due diligence - Prof M. Cornu
 3. Study on the legal trade and illicit trafficking of cultural property - Prof M.-A. Renold
 4. Massive Open Online Course (MOOC)

Institutional initiatives

➤ The 1995 UNIDROIT Convention Academic Project (UCAP)

1. Conferences

2. Network (institutional, individual, academic, professional)

3. Case studies

Art market professional initiatives

- TEFAF Guidelines
- TEFAF fair exhibitor “**must check every object on display against databases** with information about stolen art, **such as the Art Loss Register, the Interpol database and the ICOM Red Lists**”.
- Guidelines state that “[a]ny object found to be subject to a claim is **removed from the fair immediately.**”



TEFAF Maastricht 2019 - Entrance
Photography: Mark Niedermann
<https://www.tefaf.com/press/fair-images>

Art market professional initiatives

- Alternative Dispute Resolution
- Establishment of the Court of Arbitration for Art (CAfA) in the Hague (Netherlands)



Recommendations

- Implementation of and compliance with international obligations in consultation with and participation of stakeholders
- UNESCO International Code of Ethics for Dealers in Cultural Property
- Enhanced role of museums
- Online resources and tools

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