



CONCEPT NOTE

Round table: *The movement of cultural property in 2016: regulation, international cooperation and professional diligence for the protection of cultural heritage*

Date: 30 March 2016

Place: UNESCO Headquarters, Paris (Room II)

Background

The conflicts currently ravaging the Middle East, particularly in Iraq, in the Syrian Arab Republic, in Libya and in Yemen, have led to a surge in trafficking in cultural property, mainly archaeological objects,¹ which are subject to large-scale looting and the sale of which are used to finance terrorism, as stated in Resolution 2199, unanimously adopted by the UN Security Council on 12 February 2015.²

Items found in various marketplaces highlight the concrete difficulties in fighting against illicit trafficking in cultural property and in controlling its movement, which has further increased as a result of electronic transactions. Actions to be undertaken form part of the overall effort to achieve a balance between the exchange of cultural property, whose movement is authorized, and the affirmation by States of their cultural identity,³ which may lead to claims for the return of property that has been illicitly excavated or stolen, the sale of which is, by definition, illegal.⁴

To achieve this balance, all market stakeholders must comply with legal and ethical regulations for the protection of heritage and to ensure legal certainty of transactions.

In this framework, it is more than ever necessary to strengthen cooperation between international and national governmental and non-governmental institutions, with art market stakeholders

¹ According to an article published in *Le Monde Culture et Idées* on 3 December 2015 entitled « *Les trafics d'art de l'EI dans le collimateur* » [*Targeting Islamic State art trafficking*], the flow in traffic increased by 500% in three years.

² http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2199%20%282015%29

³ UNESCO Member States adopted in 2005 the Convention on the Protection and Promotion of the Diversity of Cultural Expressions, as part of this overall effort.

⁴ For instance, the claim for the return of tenth-century Khmer statues stolen from the Koh Ker site in Cambodia in the 1970s, sold at auction in London in 1975 and put forward for sale at auction in New York in 2011, before being identified and finally returned to the Cambodian authorities in 2014.

(auction houses, antique dealers, gallery owners, brokers, and experts), operators of online sales platforms and collectors.

Raising public awareness, adapting good ethical practices implemented by professionals, but also harmonizing international and national regulations, are all avenues to be explored to better fight against illicit trafficking in cultural property and to better protect heritage.

Why UNESCO?

UNESCO is the United Nations agency with a specific mandate to protect heritage. It has considerable experience in the fight against illicit trafficking in cultural property and is the depository of the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.

The Organization also has a strong network for cooperation, through its Member States and partners, international governmental and non-governmental organizations, civil society representatives and world-renowned independent experts – in particular from the art market – to foster a comprehensive approach and consolidate international cooperation in this field.

In this regard, UNESCO is uniquely positioned to provide a forum for constructive exchanges between States and various stakeholders – particularly from the art market.

The round table is being organized within the framework of several decisions adopted by the Subsidiary Committee of the Meeting of States Parties to the 1970 Convention, at its Third session, on 30 September 2015,⁵ to promote the dialogue between different actors.

This round table aims to develop both professional and institutional capacities and also, lead to the implementation of more effective and innovative tools in order to establish more sustainable strategies to be more widely shared by the various bodies concerned.

The informal reflection group, established by the Subsidiary Committee until its 4th session, will use the outcomes of these exchanges to work on the priority topics identified by the Committee at its previous session.

The working of the informal reflection group is made possible thanks to the generous contribution of USD 50.000 from the People's Republic of China.

Why the Conseil des Ventes Volontaires?

The Conseil des Ventes Volontaires (CVV), established in 2000, is the regulatory authority of voluntary sales operators of chattels by public auction in France. It ensures compliance with the regulations governing these sales. It is responsible for monitoring financial transaction of auction sales in France and abroad. It ensures that sales operators comply with all of their obligations, particularly with regard to the provenance of the items. It is thus in an ideal position to analyze the auction market – one of the main components of the art market – and represents a valuable resource for the public authorities.

⁵ http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CLT/pdf/3SC_List_of_Decisions_EN.pdf

Participants

- States Parties to the 1970 Convention and UNESCO Member States
- Art market stakeholders (auction houses, dealers and experts) and representatives of professional organizations
- Art market regulatory authorities
- Online auction sales companies and platforms
- Researchers and academics
- Specialized intergovernmental and non-governmental organizations

Overall objectives

This one-day round table consists of four thematic panels involving different public and private stakeholders. Their aim is to assess the current situation of the issue and identify new challenges arising from the illicit trafficking in cultural property, examine prevention and repression mechanisms and tools, and highlight synergies to strengthen international cooperation.

Operational objectives

- Assess the traffic flow and analyze the characteristics of international illicit trafficking ;
- Address the current challenges and assess risks ;
- Disclose the legal and professional obligations of stakeholders in the various States so as to encourage harmonization of regulations and facilitate the implementation of best practices by professionals;
- Strengthen monitoring and sanction mechanisms ; and
- Identify mechanisms to promote dialogue between all stakeholders and optimize international cooperation.