

# SUMMARY OF THE ROUND- TABLE MEETING WITH REPRESENTATIVES FROM THE ART MARKET

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FOR THE FOURTH SESSION OF THE SUBSIDIARY  
COMMITTEE OF THE MEETING OF STATE PARTIES TO  
THE 1970 CONVENTION ON THE MEANS OF  
PROHIBITING AND PREVENTING THE ILLICIT  
IMPORT, EXPORT AND TRANSFER OF OWNERSHIP  
OF CULTURAL PROPERTY



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- Round Table 1: The difficulty of establishing provenance for cultural objects from plundered **archaeological sites**
  - Round Table 2: The role of **transit** States and market professionals in combating trafficking
  - Round Table 3: Diligence of professionals and **market regulation** to combat trafficking
  - Round Table 4: Challenges, solutions and prospects



# INSTITUTIONAL PARTICIPANTS

- UNESCO in partnership with
- Conseil des Ventes Volontaires;
- Member states;
- UNIDROIT;
- INTERPOL;
- ICOM;
- WCO;
- UNODC;



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- Universities;
  - Auction Houses;
  - Private Foundations;
  - Specialized police corps (Carabinieri TPC, Fedpol, US Customs Service, OCBC)
  - Observatoire du marché de l'art et du mouvement des biens culturels;
  - Museums (Louvre, National Museum of Mali, Basrah Museum);
  - Dealers Confederations.

# ROUND TABLE I

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- It was emphasized there are many concrete difficulties encountered in terms of archaeological pillaging and the imperative exercise of due diligence in ascertaining provenance of cultural property.
- Archaeological pillaging was also linked to the subsistence needs of local populations and to political and economic instability in certain countries (in particular Iraq, Syrian Arab Republic, Libya, Mali and Yemen at the present time).

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- In countries with a rich archaeological and cultural heritage, **greater awareness** would ensure local populations taking better charge of this heritage so as to better protect it.
  - For their part, **auction houses** had greatly reinforced their surveillance and regulation mechanisms over the previous ten years, and worked upon to improved their practices in terms of ethics and diligence requirements.



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- The importance of the **human factor** in combating trafficking in cultural property was reiterated.
  - Collectors and museums, as the final stage in the acquisition of cultural goods, must be proactive.
  - The international moratorium established by United Nations Security Council resolution 2199 (2015) concerning Syrian and Iraqi cultural property prescribes that **buyers should refrain from acquiring goods from these two countries**

## ROUND TABLE II

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- Transit countries, mainly Arab states have a crucial role to play in combating trafficking of cultural property.
- The experts explained, the long, complex supply chain of trafficked cultural goods, most often transiting several countries and using different types of transportation.
- The experts were unanimous that it was absolutely necessary for the transit States to **gather data**, as concrete and precise as possible, on trafficked cultural property to ensure better information sharing with law enforcement services in the destination country.

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- United Nations Security Council resolutions 2199 and 2253, clearly indicated that trafficking of cultural property, and of oil resources in particular, contribute to the **revenue of terrorist groups**. The responsibility of stakeholders in the art market in curbing these funding sources is more important than ever.
  - Regarding the fight against money laundering and tax fraud, some States have strengthened the legal framework for customs transit, following the example of free ports in Switzerland.

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- The **lack of human and financial resources** is a major obstacle to combating trafficking in cultural property;
  - Police and customs agents in port, airport and border zones must also focus their efforts on other forms of trafficking (drugs, weapons, etc.).
  - The art market experts stressed the necessity of starting a continuous dialogue between professionals in the industry and states.
  - The importance of **inventory and other preventative measures** was also emphasized, as well as the fact that using such tools had already enabled the restitution of cultural goods.

## ROUND TABLE III

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- The representatives emphasized again the progress made in the sector for greater **transparency** in the stakeholders' professional practices.
- It was also highlighted that their active participation in the fight against trafficking in cultural property defined their reputation and showed them to be **morally, ethically and economically responsible**.
- The importance of **in-depth criminal investigations** and increasing international cooperation for information sharing and the identification of stolen property in circulation, as well as merging existing databases was highlighted

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- The importance of harmonization of national legislation was discussed.
  - The Convention has also allowed for an **array of indicators for determining good faith especially: position of parties, price paid, prior consultation of registers of stolen cultural property, etc.**
  - Some of the fundamental principles concerning the fight against trafficking in cultural property, including the principle of due diligence, were reflected in **Directive 2014/60/EU**.
  - The issues with **online sales of cultural property** also evoked great concern and controversy, in particular regarding the difficulty of ascertaining the volume and type of goods for sale on the Internet.

## ROUND TABLE IV

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- The panellists at the last round table reiterated and emphasized the arguments developed at previous sessions, highlighting the measures needed to make **the market more transparent, better implement due diligence, and strengthen cooperation** with States in the fight against trafficking of cultural property.
- They also expressed their determination to actively combat trafficking and expressed the hope that many preventative tools and resources would be made available in order to better use them and distribute them to their members.



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- The speakers also reiterated the absolute necessity of **harmonizing the different national legislations** in order to better regulate the international art market and sanction any involvement in illegal activity.
  - Combating trafficking in cultural property is complicated to define and implement because States faced numerous challenges, and many of them are considered to be source, transit and destination countries. There are many network and channels feeding this devastating practice that are difficult to control.

# SUMMARY OF SUGGESTIONS AND RECOMMENDATIONS

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- In light of the different statements, the organization and structure of international cooperation and the reinforced application of ethical standards could be interpreted as:
  - Reinforcing preventative measures and implementing them in the countries of origin.
  - Increasing vigilance on the record of ownership of an object on sale.
  - Harmonizing legislation applicable to the fight against trafficking in cultural property to prevent looters and traffickers taking advantage of legal voids.
  - Systematically verifying the authenticity of provenance documents, with regard to the significant amount of falsified information.

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- Intensifying cooperation and communication between the various stakeholders involved, at all steps in the process.
  - Ensuring more extensive training on provenance research and object identification for museum and auction house professionals.
  - Further consulting countries of origin (through embassies in particular) of cultural property for sale.
  - Systematizing the use of existing practical tools (ICOM Red Lists, the INTERPOL Stolen Works of Art Database, etc.).
  - Strengthening border controls.

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- Optimizing the implementation of regulations.
  - Systematically alerting law enforcement authorities so that their agents are able to strengthen the process of investigation, seizure and arrest.
  - Increasing collaboration and information exchange between the different stakeholders involved, in particular between States and auction houses.



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- Applying civil and criminal penalties in the instance of the absence of diligent control.
  - Emphasizing the liability regime of art market professionals in terms of trafficking and money laundering.
  - Making **police registers** compulsory in order to improve traceability of cultural property for sale and strengthen requirements for art market professionals.



## MOVABLE HERITAGE AND MUSEAMS SECTION 1970 CONVENTION UNIT

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Organisation  
des Nations Unies  
pour l'éducation,  
la science et la culture



• Convention  
• pour la lutte  
• contre le trafic illicite  
• des biens culturels  
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[www.unesco.org/culture/fr/illicittrafficking](http://www.unesco.org/culture/fr/illicittrafficking)