



United Nations
Educational, Scientific and
Cultural Organization

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

Organización
de las Naciones Unidas
para la Educación,
la Ciencia y la Cultura

Организация
Объединенных Наций по
вопросам образования,
науки и культуры

منظمة الأمم المتحدة
للتربية والعلم والثقافة

联合国教育、
科学及文化组织

Combating the illicit trafficking of cultural goods and encouraging their restitution

The 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property is the pioneer legal tool of universal application on the issue of fighting illicit trafficking in cultural property and it presently counts 117 State Parties.

Main objectives

The 1970 Convention is intended to fight the illicit traffic of antiquities regardless of whether it is the result of actions by villagers looting ancient burial sites, members of a well-organized criminal organization, unscrupulous auction houses and antique dealers, museum curators, collectors or by amateurs looking for all kind of objects.

By ratifying the 1970 Convention, the States Members undertake to take all necessary measures to:

- prevent museums within their territories from acquiring cultural property which has been illegally exported;
- prohibit the import of cultural property stolen from a museum or a public institution after the entry into force of this Convention;
- recover and return, at the request of the State of origin (also Party to the Convention), any stolen cultural property and to cooperate in order to prevent major crises that could occur and seriously affect the cultural heritage as it was the case with Afghanistan and Iraq.



© UNESCO/Fatosme. Individual buying a pre-colombian artefact

UNESCO Actions

- Impact on the world of museums

The UNESCO Convention had a considerable impact on the world of museums. For example regarding the codes of professional ethics, the Convention encouraged organizations such as the International Council of Museums (ICOM) to adopt in 1986 a Code prohibiting museums to acquire, certify or exhibit stolen or illegally exported cultural property. This Code encouraged many museums to adopt ethical rules for their acquisitions.

- Influence on the international art market

Concerning the art market, several dealer associations or auction houses have adopted their own code of conduct. Moreover, in 2000, at the occasion of the 30th anniversary of the Convention, UNESCO published an International Code of Ethics for Dealers in Cultural Property.

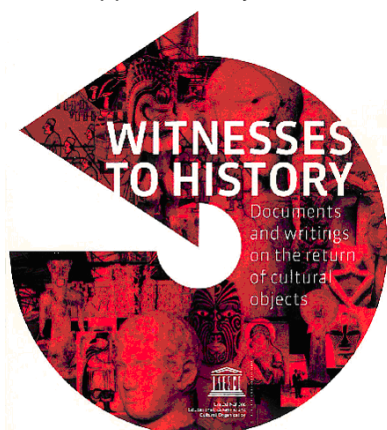


Combating the illicit trafficking of cultural goods and encouraging their restitution

UNESCO encourage its Member States to fight on several fronts: by the ratification and implementation of the 1970 Convention and the 1995 UNIDROIT Convention, complementary to the UNESCO Convention; by the development of intergovernmental bilateral and multilateral agreements; by an increased collaboration with IGO's and NGO's, by the elaboration of normative databases and databases of cultural property.

- Creation of the Intergovernmental Committee

In order to provide special assistance in the identification of stolen cultural property, UNESCO and its Member States finance and manage the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation. The Committee comprises 22 Member States and was created in 1978. It provides a framework for discussion and negotiation with a view to the restitution or return of stolen or illegally exported art works in cases where international conventions cannot be applied. Every UNESCO State



Member can transmit a request to the Committee. However, the Committee can only undertake concrete actions if bilateral negotiations have failed.

In the framework of the Committee's 15th session that took place on 11-13 May 2009 and to celebrate its 30th anniversary, UNESCO launched a collection of essays entitled "Witnesses to History – Documents and writings on the return of cultural objects", an anthology of historical, ethical, philosophical and legal reference texts providing a wide range of perspectives on the return and restitution of cultural property.

- Practical and ethical instruments

Several practical tools and ethical instruments have been elaborated by UNESCO and its partners for the fight against the illicit traffic of cultural property:

- 2006 : UNESCO handbook on legal and practical measures against illicit trafficking in cultural property;
- 2006 : Basic Actions concerning Cultural Objects being offered for Sale over the Internet drafted by UNESCO in close collaboration with INTERPOL and ICOM. They stress the verification of the object's origin and the information exchange between the stakeholders, especially between dealers and police authorities;
- 2005: Model export certificate for cultural objects developed jointly between UNESCO and the World Customs Organization (WCO). This model is designed to benefit States, police and customs officials worldwide in the fight against illicit trafficking in cultural property.
- 2003 : UNESCO Cultural Heritage Database on national legislations;
- 1997: Object ID Standard for a prompt identification of cultural objects in partnership with the J.Paul Getty Trust, INTERPOL, the Council of Europe, ICOM, OECD and the USA.

Furthermore, UNESCO takes an active role in assisting State Members by organizing several times a year legal, operational information sessions and workshops for lawyers, curators, museum staff, decision-makers and police and customs officers, with its partners (INTERPOL, UNIDROIT, ICOM, OMD...).

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