



BACKGROUND PAPER

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Offences relating to
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within governments
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Raising the awareness on the illicit trafficking of cultural property: UNESCO's experience by Maria Minana

*** This text has been prepared by Maria Minana (UNESCO) for the Council of Europe as a background paper for the Conference "Act for Heritage". The views expressed in this document are those of its author and not necessarily those of the Council of Europe.

“Raising the awareness on the illicit trafficking of cultural property: UNESCO’s experience”

1. Introduction

The illicit trafficking of cultural property generates a lucrative unlawful trade, with a great percentage of stolen artefacts never being recovered. This activity, aggravated by natural disasters and armed conflicts, poses a serious risk not only to cultural property, but also to the collective memory of future generations, and hinders the potential of culture as a primary vector for economic development. Indeed, target 4 of the [Sustainable Development Goal 16](#) specifically addresses the recovery and return of stolen assets and the combat against organized crime. This is a major issue against the backdrop of the many conflicts affecting source countries and the resulting trade in objects of dubious provenance.

After the Second World War, the international market for works of art, notably archaeological objects, increased drastically. With the end of colonialism, many of these newly independent countries started to look for legal and practical means to conserve what remained of their heritage, after so much had been lost to the colonial powers. The international community, under the leadership of UNESCO, sought to draft a new international convention to confront the illegal trade in cultural objects. These efforts culminated in the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (hereinafter referred to as “the 1970 Convention”), the first legally binding international treaty providing a comprehensive framework for the prevention of import, export and transfer of cultural property.

UNESCO, as the sole UN agency with a specific mandate regarding the protection of cultural property, is the depository of the 1970 Convention. Since its adoption, UNESCO has developed an extensive network with partners and works closely with specialized institutions – such as UNIDROIT, INTERPOL, the World Customs Organization, the United Nations Office on Drugs and Crime and the International Council of Museums - to provide policy and technical support to affected Member States and facilitate diplomatic cooperation for the return of cultural property. The Organization thus enjoys strong partnerships in support of the 1970 Convention, and continues to expand its network of partners, including from the art market, academia and tourism industry.

The 1970 Convention has gained importance in the context of the multiplication of conflicts and the sharp rise of traffic of cultural property. Indeed, the UN Security Council acknowledged the existing links between terrorist and transnational organized criminal groups, as well as the use of various types of illicit trafficking - notably cultural objects - to fund terrorist and criminal operations in its Resolution 2199, adopted in February 2015. In March 2017, the UN Security Council adopted Resolution 2347, the first ever resolution exclusively focused on cultural heritage, recognizing the destruction of cultural heritage, religious sites and artefacts and the smuggling of cultural property by terrorist groups as a security imperative.

Currently ratified by 140 countries¹, the international community must scale up efforts to encourage additional ratifications in order to build a universal coalition to counter this scourge. The effectiveness of the Convention depends on the legal, institutional and human environments of States Parties and on the harmonization of national legislations, which require significant investments in policy and capacity-building. However, much needs to be done to raise awareness among public decision-makers, law enforcement agents, the art market and the general public on the illicit trade of cultural property and its consequences.

¹ As of September 2019.

2. UNESCO's 1970 Convention and the Nicosia Convention: awareness raising as a fundamental means of preventing the illicit trafficking in cultural property

Ignorance and poor ethics are at the very root of the illicit trafficking in cultural property, hence the importance of education and awareness-raising in countering this activity. The need to implement educational measures by States Parties is reflected in Articles 5 (f) and 10 (b) of the 1970 Convention², while the assisting role of the Secretariat as regards "information and education" is echoed in Article 17.

The Operational Guidelines of the Convention also dedicate a subchapter to Education with the aim of guiding States Parties in implementing the provisions of the Convention on this matter³. States Parties are encouraged to reinforce the effective implementation of the fundamental principles of the Convention not only through appropriate legislation and their full enforcement, but also through education and awareness raising, capacity-building and strengthened international cooperation.

In line with the dispositions of the 1970 Convention, many States Parties have implemented in the past years awareness raising activities, some of them focused specifically on illicit trafficking of cultural property, while others are related to cultural heritage in general. Target groups include youth, museum visitors, tourists travelling across borders, local communities living next to archaeological sites, art collectors or the general public. The target audiences differ depending on whether the States are "market" or "source" countries.

When looking at the keystones of the 1970 UNESCO Convention and its Operational Guidelines, the [International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking in Cultural Property](#) (2014) and several recommendations adopted by expert meetings of organizations such as UNESCO, UNIDROIT, UNODC, INTERPOL and ICOM, it becomes clear that the Council of Europe Convention on Offences relating to Cultural Property (hereinafter referred to as "The Nicosia Convention") includes similar preventive measures. In fact, the Nicosia Convention deals specifically with the criminalization of the illicit trafficking of cultural property and the harmonization of the various different national criminal legislations.

Indeed, Article 20 (Chapter IV of the Nicosia Convention) on measures to be taken at domestic level, specifically tackles awareness-raising issues. The article consists of 12 sub-sections covering a variety of measures that should be taken, which are also in line with the provisions of the 1970 Convention. This includes the development of inventories, introduction of import/export regulations, introduction of due diligence principles for art and antiquity dealers and other involved, enable the monitoring and reporting of suspicious items amongst other measures. The Nicosia Convention also urges States to ensure that museums whose acquisition policy is under state control do not buy any stolen, illegally excavated or illegally exported cultural property. The Convention further encourages private museums and collections to comply with ethical rules. However, Article 20 goes further than the preventive provisions underlined by the 1970 Convention, through including specific provisions on internet service provider regulations (sub-section j) and free ports (sub-section k).

Furthermore, sub-section (g) specifically states that it is important to "promote awareness-raising campaigns addressed to the general public about the protection of cultural property and the dangers posed by the crimes against it". While the 1970 Convention focuses on raising the awareness on the

² Article 5(f) stipulates that State Parties shall take "educational measures to stimulate and develop respect for the cultural heritage of all States, and spreading knowledge of the provisions of this Convention". According to Article 10(b), State Parties shall "endeavour by educational means to create and develop in the public mind a realization of the value of cultural property and the threat to the cultural heritage created by theft, clandestine excavations and illicit exports".

³ In particular, paragraph 52 states that education and awareness-raising "should be used to help local communities and the public in general to appreciate the value of cultural heritage [...] as well as its relation to the cultural identity and history of the local communities and mankind". In relation to Article 5(f), the Operational Guidelines encourage States Parties "to strengthen educational measures within their countries (...). This includes adequate coordination with educational institutions at primary, secondary, tertiary level and lifelong learning programs to include teaching and research on cultural heritage issues in their own curricula; through awareness-raising, capacity building and training programmes (...) and through mass-media, museum, library, and other outreach programs".

value of cultural heritage, the dispositions of the Nicosia Convention encourage States to inform the public of the serious nature of crimes committed against cultural property and the criminal sanctions which could be imposed as a result of committing any of the offences set out in the present Convention.

3. Awareness-raising activities: UNESCO's experience

As previously stated, raising public awareness is one of the key elements in the fight against illicit traffic of cultural property. With this in mind, over the past few years UNESCO has developed multiple activities for the general public as well as for specific groups. The creation of the new governing system of the 1970 Convention in 2012, consisting of a Meeting of States Parties organized every two years and a Subsidiary Committee which meets on a yearly basis, lead to an increase in the implementation of education awareness-raising activities⁴. Moreover, at the Fifth Session of the Subsidiary Committee (2017), the Secretariat prepared, at the request of the members of the Committee, a [document on the role of education](#) in preventing illicit trafficking in cultural property presenting several initiatives as well as proposals for future action. The following paragraphs present some of the initiatives undertaken by the Secretariat⁵:

Informing the general public and local communities

Media visibility of the illicit trafficking in cultural property has notably increased over the last decade. This is due to increased efforts by State Parties to raise public awareness, but also to other reasons such as the situations in Iraq, Libya, Mali or Syria, which seriously affected the national heritage of these countries. The destruction and looting of the national cultural heritage were repeatedly discussed and condemned by the international media. Media coverage of thefts in museums, return and restitution cases, and sensitive sales of cultural objects by auction houses has also increased.

Consequently, UNESCO has intensified the production of audio-visual awareness-raising materials, with particular attention to areas in conflict or post-conflict situations. In the specific case of Syria, different materials such as the video “End trafficking, save culture”⁶, targeting the general public in art market countries, was produced. UNESCO also launched a [social media campaign](#) and press releases were distributed to journalists all over the world. These activities complement national efforts such as the awareness-raising campaign “Save Syria’s History”, which was launched to inform about the ongoing looting of national museums and illicit excavations.

Furthermore, it is also crucial to raise the awareness among local communities of the importance of safeguarding cultural heritage, while emphasizing the potential long-term economic benefits of such preservation – through such means as cultural tourism –. Over the short-term, awareness raising can limit economic benefits of those participating in unauthorised excavation activities. In 2012, three [television spots](#) targeted specifically at the local Iraqi population were produced by the UNESCO’s Iraq Office in Arabic and were broadcasted on a number of Iraqi television channels to raise awareness on the dangers of illicit trafficking of Iraqi cultural property.

Awareness raising activities undertaken also include exhibitions, such as for instance the 2012 [exhibition organized at UNESCO’s Headquarters](#) to share the achievements of the Italian Carabinieri in the fight against illicit trafficking. In addition, about ten publications on the fight against illicit trafficking were published over the last eight years and are available on the [1970 Convention website](#). The 1970 Convention website is one of the Secretariat’s most important tools for awareness-raising. Besides information on the governing bodies of the Convention, it contains video material, publications, reference to press reviews on the subject of illicit trafficking, examples of restitution cases etc. According to data provided by the Department of Public Information of UNESCO, however, most of the visitors of the 1970 Convention website come to the website through search engines after looking for specific terms like “1970 Convention”. This confirms that the majority

⁴ Until 2012, the Intergovernmental Committee for Promoting the Return of Cultural Property to its Country of Origin or its Restitution in Case of Illicit Appropriation (ICPRCP) guided the Secretariat in the development of educational and awareness-raising tools aimed at protecting movable cultural heritage.

⁵ Please note that this is not an exhaustive list.

⁶ <https://www.youtube.com/watch?v=J-WDjZvvyD4>

of the Convention website visitors are professionals who are involved in the fight of illicit traffic of cultural property.

Many State Parties to the 1970 Convention also organize public events to sensitize people about the importance of their cultural heritage and the need to protect it. In Europe, for instance, once a year public monuments and buildings are opened to the public during the "[European Heritage Days](#)", or the [Journée du Patrimoine](#) in France, an occasion in which UNESCO opened its doors. In Cyprus, the [Department of Antiquities](#) regularly organizes cultural events in medieval castles, ancient theatres and museums. All these events are expected to also contribute to raising the public's awareness about issues related to the illicit transfer of cultural property.

Youth

Many of the activities implemented by the Secretariat address young people with the aim of sensitizing them about the value of cultural heritage and the importance of its protection. In fact, a document addressing the issue of sensitization of the youth on the problem of illicit trafficking of cultural property was presented to the Seventh Session of the Subsidiary Committee (2019).

Because youth and children play an instrumental role in sustaining heritage in the present and the years to come, several initiatives have been launched such as media and awareness-raising campaigns in Central America (under the slogan "[El patrimonio es de todos](#)"), and the [Maghreb region](#)⁷ respectively including communication materials, poster competitions, radio messages, videos, videogames, comic strips. Furthermore, the [#Unite4Heritage](#) campaign was launched in 2015 to mobilize people in the preservation of cultural heritage and became an expanding global movement devoted to the engagement of the global audience, with young people as its core demographic.

With a view to promoting the integration of the topic into formal and non-formal education, UNESCO has also developed toolkits for students and teachers, such as the "[Cultural Heritage in a Box](#)"⁸ for the youth in Mongolia. This toolbox included cultural objects specimens, images, games and multimedia materials to educate children on cultural heritage in an interactive, educational and entertaining way, as well as guidelines for teachers, which included historical and cultural information on selected themes. Through consultation with teachers and relevant authorities, proposed activities were linked to the school curriculum.

Another example is a video campaign under the title "[Youth & the dangers of Illicit Trafficking in Cultural Property](#)" developed in Lebanon in partnership with the Association Biladi, and in collaboration with the Ministries of Culture and Education, that aimed at combating illicit trafficking in cultural property through heritage-focused educational programs and school field trips.

Sensitization at the higher education level is also one of UNESCO's priorities. This is why UNESCO has been actively working on the inclusion of the topic in university curricula⁹ and also developing extra-curricular activities, such as [seminars](#) targeting students. In fact, with the aim of promoting the fight against illicit trafficking in cultural property in higher education programs and research in this field, the Secretariat of the 1970 Convention encouraged the creation of the UNITWIN network for the "[Protection of Cultural Property against Illicit Trafficking in the Middle East and North Africa Region](#)" (ProCult), which was formally established in 2018. This network brings together the transdisciplinary research and implementation expertise needed to analyse the illicit traffic in cultural objects and to develop adequate counter measures on various levels. In particular, ProCult aims at strengthening research, teaching, and implementation capacities of the participating institutions.

Sensitization of the professionals

In order to enable the professionals involved in the protection of heritage to better understand legal concepts, measures and mechanisms of the 1970 Convention, UNESCO and its partners regularly organize [capacity-building activities](#) to sensitize specialized audiences, notably the judiciary, law

⁹ In Peru, the topic was included in the History and Cultural Management Degree Program offered by the University of Piura.

enforcement and customs forces, governmental representatives, museum staff and other involved actors.

These workshops aim to develop capacities regarding the prevention and fight against the illicit trafficking of cultural property as well as the restitution of stolen or illegally exported objects. Furthermore, they also focus on the establishment of preventive measures and the development of awareness-raising tools. These activities allow the development of networks at local, national and regional levels to ensure general awareness of the dramatic consequences of trafficking of cultural property on the impoverishment of the population.

In recent years, UNESCO has increasingly reached out to actors in the art market, for example by inviting representatives of auction houses and dealers associations to meetings of the governing bodies of the 1970 Convention, with a view to encourage better mutual knowledge of art-market working methods and Member States' concerns about movements of works of art. While there have been positive changes in the art market, there still remains considerable room for improvement. Dialogue between these two parties is very much needed, especially concerning provenance and due diligence issues, as well as awareness-raising for reinforcing an ethical art trade worldwide.

In the past three years alone, two conferences were organized by UNESCO with a specific focus on due diligence principles, good ethical practices and the harmonization of international and national regulations, namely "[The movement of cultural property: regulation, international cooperation and professional diligence for the protection of cultural heritage](#)" (March 2016) and "Engaging the European art market in the fight against the illicit trafficking of cultural property"¹⁰ (March 2018). This last conference was followed by the launch of a [MOOC](#) designed for European art market stakeholders, including collectors, auction houses, antique dealers, gallerists and researchers. Its main purpose was to raise awareness of the legal framework to fight the illicit trafficking of cultural property and to promote the use of existing codes of ethics, such as the [International Code of Ethics for Dealers in Cultural Property](#). Besides, many State Parties to the 1970 Convention also developed specific information guides, brochures and emergency newsletters to directly target potential buyers or dealers in cultural objects.

With the objective of increasing the awareness of the judiciary and law enforcement on the existing international legal framework and practical tools to fight the illicit trafficking of cultural property, UNESCO organized a [conference](#) in November 2018. Following this initiative, the "[Toolkit for European judiciary and law enforcement—Fighting the Illicit Trafficking of Cultural Property](#)" was published, with numerous case studies to enable a concrete understanding of international principles. This guide aims at strengthening police, customs, and public and judicial authorities' knowledge of the legal framework. It is noteworthy that it was also made available through an e-learning program¹¹ which also aims at fostering international cooperation through an online platform¹².

Approaching the tourism industry

Numerous initiatives have been put in place to raise the awareness of tourists and the tourism industry. Among the measures undertaken by the Secretariat, in 2015 a partnership was concluded with the travel guidebook "Lonely Planet France". Lonely planet published on its [website](#) a text warning tourists on the risks of illicit trafficking in cultural property. Other initiatives have targeted tourists in transportation hubs. This is the case of the campaign "[Heritage is identity, don't steal it!](#)", which focused on the dissemination of clips in airports warning tourists about the dangers of purchasing cultural objects without the required authorization to export the object out of the country of origin.

A number of State Parties to the 1970 Convention undertake awareness-raising campaigns specifically targeting tourists, through pamphlets and posters distributed at airports. This also highlights the importance of consulting relevant databases and national laws before buying cultural objects abroad.

¹⁰ Inscribed in the context of a project funded by the European Union.

¹¹ Accessible until March 2020.

¹² The conference, the toolkit and e-learning were activities inscribed in the framework of a project funded by the European Union.

4. Conclusion

Following the adoption of the Nicosia Convention in 2017, there is now a momentum for the Council of Europe to join forces with UNESCO and develop joint strategic partnerships with a view to mobilize the general public to protect cultural property, increase the engagement of local communities and volunteerism among young people and improve the vigilance of collectors regarding the provenance of objects on sale. Museums, the media and the tourism industry are instrumental for attaining this goal.

Furthermore, both the Council of Europe and UNESCO can join efforts to further promote research and education on the fight against the illicit trafficking in cultural property – building on the recently created UNITWIN 'ProCult' network – notably through the inclusion of the topic in the curricula of under- and post-graduate degrees in art history, archaeology and related fields. It is also crucial to further explore the role of social media for engaging the youth in the fight against the illicit trafficking of cultural property. Being an integral part of young people's lives in many countries, these channels may have the potential to reach this audience.

The inclusion of specific provisions in the Nicosia Convention regarding cooperation with internet service providers highlights the need to develop awareness-raising initiatives targeting these platforms and its users, such as posting disclaimers advising potential buyers to check and request a verification of the licit provenance of the cultural property, or establishing self-regulation policies.

UNESCO's experience has shown that awareness-raising activities can lead to a behaviour change within the civil society. These activities should not only focus on the values of cultural heritage, but also on criminal sanctions which could be imposed as a result of committing crimes against it. Awareness-raising and education need to be an integral part of a comprehensive strategy for the fight against the illicit trafficking in cultural property and a long-term and sustainable protection of cultural heritage.