

“Promoting and Strengthening the international legal framework for the protection of cultural heritage – the 1995 Unidroit Convention AND OTHER relevant LEGAL INSTRUMENTS and initiatives”

*Conference Room 5, United Nations, New York
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THE BACKGROUND

1. The international trade in antiquities and artefacts, both legal and illegal, was traditionally handled by specialists working within a trusted network and following consolidated methods. Valuable items were identified and selected, appropriate transportation arranged, and border crossings sometimes facilitated by forged documents, hidden compartments, or pay-offs to corrupt officials.

A network of confidential partners created a paper trail of documents that established contracts, fees and tax liability while shielding the merchants from discovery.

2. In recent decades, organized groups – criminal and otherwise – have entered the picture, providing professional services to a growing number of sellers and collectors. The volume and value of transactions have risen, with prices and profit margins skyrocketing, while the illegal trading of artefacts has steadily increased.

3. Because of their transnational dimension, trafficking offences can involve multiple national jurisdictions. National responses at the legislative, institutional and law enforcement levels have thus proved insufficient, and these threats require action at the regional or global level.

THE IMPORTANCE OF THE CONVENTION

4. At the international level, the first response to this situation was the **Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property adopted by UNESCO in 1970**. The Convention requires its States Parties

to take action in three main areas: preventive measures, return and restitution, and international cooperation.

5. The range of measures on return was further expanded **in 1995 by the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects**, which addresses the relationships between private parties, recognizing the importance of regulating private commerce in order to tackle the trafficking of cultural property.

UNIDROIT Convention represents a milestone in the response to illicit trade of and trafficking in cultural property. The Convention includes remarkable statements about 3 critical aspects: **a) the definition of cultural property deserving protection; b) the principle of due diligence; c) the burden of proof.**

This aspects will be properly addressed by our distinguish panelists, and **I can concentrate the attention on the essential role of the Convention in the interpretation and implementation of the entire legal system, at the international and the domestic level, including in criminal matters.**

THE JORDANIAN-ITALIAN PROJECT

6. In 2015, in response to the growing international calls to protect cultural heritage, Italy and Jordan, together with INTERPOL, UNESCO and UNODC, embarked on a **high-level partnership on “Protecting Cultural Heritage – An Imperative for Humanity: Acting Together Against the Destruction and Trafficking of Cultural Property by Terrorist Groups and Organized Crime.”** The goal of the project is to galvanize the international community and the United Nations to implement the above-mentioned and other legal instruments and to take stronger and more coordinated action against growing threats to cultural property and heritage.

A description of the project and its output and recommendations can be consulted on the booklet available in electronic format on the web sites of INTERPOL ¹, UNESCO and UNODC.

¹ **<https://www.interpol.int/Crime-areas/Works-of-art/Protecting-Cultural-Heritage>**

IN CONCLUSION

The UNIDROIT Convention is a key instrument in the legal and operational framework. A wider range of Member States should reinforce the strength of the Convention and increasingly contribute to the fairness and reliability of all domestic and transnational transactions. We are looking forward to support the initiative of **a dedicated task force** and are confident that the debate of today will give a positive contribution in this respect.

Let me conclude welcoming our distinguished panelists and partners, as well as Mr **Jose Angelo Maria Estrella** – Secretary General of UNIDROIT – and Mrs **Gabriella Battaini-Dragoni** – Deputy Secretary General of the Council of Europe – who, inter alia, **will inform us about** a new important convention that the Council is going to adopt in the next months and Italy is actively and fully supporting.