

Executive Summary – INTERPOL and the restitution of illicitly exported cultural objects in international law.

Lorenzo Venezia

Executive summary of the thesis

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Author: *Lorenzo Venezia*

Advisor: *Tullio Scovazzi*

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The final dissertation is part of the extensive body of research on public international law. The subject matter, to be more specific, concerns the import, export and illicit transfer of cultural goods, a phenomenon unknown to most, but not to the international community and experts on the subject. The analysis goes as far as to consider the role of INTERPOL in facilitating the recovery of the goods in question and their return to the States where they have been unlawfully taken.

Historically speaking, the taking of goods with cultural value has been a widespread practice in both ancient and recent history. In fact, the subject of restitution has found its way into the diplomatic negotiations of States precisely at the end of conflicts that had led to the removal of goods from a specific context. World War II is also among these conflicts. Today, however, with the almost complete absence of conflicts between States, the concept of security has become broader and stemming phenomena of a transnational nature requires the commitment of the international community. The new threats come from criminal and terrorist organisations: the illicit activities conducted are on a large scale and include various trafficking activities (drug trafficking, human trafficking, trafficking in cultural goods, etc.).

Trafficking in cultural goods is global and, as such, is the focus of attention of international organisations. In particular, I have listed some of the UN Security Council resolutions urging States to pay close attention to cultural property from contexts where conflicts may have caused the removal and subsequent sale of cultural property. In addition to the resolutions, I mentioned the main international treaties that, by binding States Parties, set the protection, preservation, restitution and safeguarding of cultural property as fundamental objectives. The international treaties mentioned are: the 1954 Hague Convention (*Convention for the Protection of Cultural Property in the Event of Armed Conflict*), the 1970 UNESCO Convention (*Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property*), the 1995 UNIDROIT Convention (*Convention on Stolen or Illegally Exported Cultural Objects*) and the 2001 UNESCO Convention (*UNESCO Convention on the Protection of the Underwater Cultural Heritage*).

The international provisions are in addition to the national ones. For this reason, I have cited the Italian regulations by quoting the provisions of the Codice dei Beni Culturali e del Paesaggio (Legislative Decree 42/2004 of 22 January 2004). The picture is more complete in view of the fact that there are other measures. Although they are not binding, there is a set of actions or measures that aim to limit the illegal phenomenon because they establish codes of conduct, general rules on buying and selling, rules for professionals and for cultural institutions and museums. No less important, especially in recent years, is the focus of legislation on e-commerce.

It was therefore necessary to study the market in order to give more content to the examination of international cooperation for the return of illegally removed cultural goods. In dealing with the section on the illicit market, I started with the emblematic case of Giacomo Medici, an unscrupulous art dealer and a leading figure in an international criminal network. This case is important to give an idea of how complex and wide-ranging the phenomenon of the removal and export of valuable goods can be. In fact, it is clear that cultural goods represent very special objects of desire: buyers and sellers mingle in a variegated market in which criminal or terrorist organisations, antique dealers, antiquities experts, historians and unscrupulous individuals are present. In the section on the market, therefore, I report some realities that, although far away, represent fertile ground for the phenomenon of illicit trade in cultural goods. In Syria, Afghanistan, Iraq, the situation is very complex. The removal of cultural goods, however, takes place in many States rich in history and culture, including European States such as Italy and Greece: the distinction between States of origin of goods and States of destination or market States is not always easy.

Therefore, it is obvious that stricter measures are needed to curb the phenomenon of illicit trade in cultural goods: in the case of Italy, the importance of reorganizing the legal framework of the Code of Cultural Heritage and Landscape has been emphasized, especially in the part concerning sanctions, which are considered too light. On the other hand, Italy has a special department of the Carabinieri called Comando Carabinieri per la Tutela del Patrimonio Culturale (or simply TPC) among the most important specialized police corps in the world to prevent the acquisition of illegally exported goods and to facilitate the recovery of stolen goods.

The last part of the paper focuses on INTERPOL, an organisation set up in the last century with the objective, among many others, of stemming the phenomenon of illicit trafficking in cultural goods. The operations carried out by INTERPOL in fact represent a clear functioning of police cooperation between States. With the involvement of States and other international and regional organisations, greater results are achieved precisely because the criteria of cooperation and exchange of information in the fight against crime are met.

The conclusion of the thesis concerns the need to improve the current system for the protection of cultural heritage. Amidst differing national disciplines and deficient international standards, it then becomes essential to improve the current condition of the world's cultural heritage, bearing in mind that there is not only neglect or abandonment, but also a substantial interest of criminals and unscrupulous professionals.