

International Conference on
**PROTECTING CULTURAL HERITAGE AS A COMMON GOOD OF HUMANITY:
A CHALLENGE FOR CRIMINAL JUSTICE**

at the initiative of

International Scientific and Professional Advisory Council of the United Nations
Crime Prevention and Criminal Justice Programme-ISPAC
Fondazione Centro Nazionale di Prevenzione e Difesa Sociale-CNPDS
Fondazione Courmayeur Mont Blanc

in co-operation with

United Nations Office on Drugs and Crime-UNODC, Vienna

under the auspices of the

Italian Ministry of Foreign Affairs

Courmayeur Mont Blanc, 13-15 December 2013

ISPAC is organizing an International Conference aimed at exploring the indispensable role of crime prevention and criminal justice responses, at both international and domestic level, in combating all forms of trafficking in cultural property and related offences in a comprehensive and effective manner. This Conference is addressed to international organizations, national enforcement agencies, academics, cultural institutions, private sector operators in art and antiquities and follows a long-established commitment of ISPAC in the protection of cultural heritage and public goods as one of the most relevant challenges for contemporary criminal policy. Cultural heritage has come to be perceived not only as an asset for the source Countries, but also, more relevantly, as the object of a cultural right any human being is entitled to, as well as a fundamental heritage for the whole mankind. Hence the growing interest that the United Nations, as well as many other international organizations, have been developing in the phenomenon, and the commitment to produce and implement international legal instruments aimed at protecting cultural heritage.

In the past, several instruments have been adopted. The prevention and sanctioning of harms traditionally inflicted to cultural property during wars was the first aim to be pursued through the *Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict* (1954), and its *Additional Protocols* as well as the *Additional Protocols to the Geneva Conventions* (1977). Other interventions by the international community focussed on illicit imports, exports and transfers of ownership of cultural property under any kind of circumstance, and namely the *UNESCO Convention* (1970), as well as the *UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects* (1995). The international commitment to the safeguard of cultural heritage found also expression in several other international instruments, such as the *UNESCO Convention on the Protection of the Underwater Cultural Heritage* (2001), the *European Convention on Offences relating to Cultural Property* (1985), the *European Convention on the Protection of the Archaeological Heritage* (1969) and its revised version (1992).

Nowadays the pervasiveness of this phenomenon, and its very complex features, are increasingly acknowledged at both international and national level. Trafficking in cultural property, as well as all other crimes related to cultural objects (such as looting, illicit import and export, forgery, and so on), are believed to be a constantly growing sector of criminality, and an increasingly attractive one for national and transnational criminal organizations. Hence, too, the growing involvement of the United Nations Office on Drugs and Crime in drafting and implementing international instruments to face offences against cultural heritage. Since 2009 several initiatives were adopted pursuant to Economic and Social Council resolution 2008/23. In its resolution 2010/19, then, the Council considered that the *Organized Crime Convention* (2000), as well as the *UN Convention against Corruption* (2003), should be fully used for the purpose of strengthening the fight against trafficking in cultural property. At its twentieth session, the Commission on Crime Prevention and Criminal Justice prepared a draft resolution (2011/42) entitled *Strengthening Crime Prevention and Criminal Justice Responses to Protect Cultural Property, Especially with Regard to its Trafficking*, in which it mandated the Secretariat to further explore the development of specific guidelines for crime prevention and criminal justice responses

with respect to trafficking in cultural property, and invited Member States to submit written comments on the *UN Model Treaty for the Prevention of Crimes that Infringe on the Cultural Heritage of Peoples in the Form of Movable Property*. Finally, in April 2013, the Commission on Crime Prevention and Criminal Justice recommended to the ECOSOC a draft resolution on *Strengthening Crime Prevention and Criminal Justice Responses to Protect Cultural Property, Especially with Regard to its Trafficking*, to be submitted for adoption to the General Assembly. The Thirteenth United Nations Congress on Crime Prevention and Criminal Justice (to be held in Qatar in 2015) will specifically focus - among others - on comprehensive and balanced approaches to prevent and adequately respond to new and emerging forms of transnational crime, such as trafficking of cultural property.

ISPAC's Conference aims at exploring the indispensable role of crime prevention and criminal justice responses in combating all forms of trafficking in cultural property and related offences in a comprehensive and effective manner; the need for States to consider reviewing their legal frameworks, in order to provide the most extensive international cooperation to fully address trafficking in cultural property; the possibility for national jurisdictions to make trafficking in cultural property (including stealing and looting at archaeological and other cultural sites) a serious crime, as defined in art. 2 UNCTOC, as well as to fully utilize that Convention for the purpose of extensive international cooperation; finally, the importance of a speedy and effective finalization of the Guidelines, on the basis of the work carried out in the last years. Further issues worth consideration will be the need for credible and comparable data on different aspects of crimes against cultural property, including the links with transnational organized crime and the laundering of illicit proceeds, as well as the benefits of collecting and comparing best practices both in the public and in the private sector.

PROGRAMME

Day 1
Friday, 13 December
3 p.m.

Opening Session

- LODOVICO PASSERIN d'ENTRÈVES, *Chair of the Scientific Committee of the Courmayeur Mont Blanc Foundation, Italy*
- FABRIZIA DERRIARD, *Mayor of Courmayeur, Italy*
- AUGUSTO ROLLANDIN, *President, Region of Aosta Valley, Italy*
- LIVIA POMODORO, *President, Court of Milan, Italy; CNPDS/ISPAC Chairman*

3.30 p.m.

Keynote Address

- JOHN SANDAGE, *Director Division for Treaty Affairs, United Nations Office on Drugs and Crime-UNODC, Vienna, Austria*

4 p.m.

Session I

ILLEGAL TRAFFIC OF CULTURAL PROPERTY : THE NEED FOR A REFORM

Chair

DUNCAN CHAPPELL, *Professor of Criminal Law and Criminology, University of Sydney, Australia; ISPAC Board Member*

- **Cultural Heritage and Commons: New Tasks for International Community**
UGO MATTEL, *Professor of Private Comparative Law at University of Turin, Italy; University of California, Hastings College of Law, USA*
- **Curbing Illegal Traffic of Cultural Property: Initiatives at the International Level**
STEFANO MANACORDA, *Professor of Criminal Law at the University of Naples II, Italy; Collège de France, Paris, France; Deputy Chair and Director ISPAC*
- **Anatomy of a Statue Trafficking Network: an Empirical Report from Regional Case Study Fieldwork**
SIMON MACKENZIE, *Professor of Criminology, Law and Society at the University of Glasgow, UK*

5 p.m

Coffee Break

5.30 p.m.

SESSION II

THE INTERNATIONAL INSTITUTIONS AND THE FIGHT AGAINST ILLICIT TRAFFICKING OF CULTURAL PROPERTY

Chair

TULLIO SCOVAZZI, *Professor of International Law, University of Milan Bicocca, Italy*

- ALBERTO DEREGIBUS, *Colonel, Cultural Heritage Protection Unit, Carabinieri Corps, UNESCO, Paris, France*
- SARA GREENBLATT, *Chief, Organized Crime Branch, Division for Treaty Affairs, UNODC, Vienna, Austria*
- FOLARIN SHYLLON, *Professor at Faculty of Law, University of Ibadan, Nigeria*

Day 2
Saturday, 14 December
9 a.m.

Session III
INTERNATIONAL COOPERATION: OPPORTUNITIES AND CHALLENGES
NATIONAL JURISDICTION

Chair

EMILIO VIANO, *Professor, Department of Justice, Law and Society, American University, Washington DC, USA*

- HUANG FENG, *Professor of Criminal Law, Director Institute for International Criminal Law, Beijing Normal University, China*
- DEREK FINCHAM, *Associate Professor, South Texas College of Law, Houston, USA*
- **Cultural heritage crime in the Islamic Penal Code of Iran**
MIR MOHAMMAD SADEGHI, *Professor of Criminal Law and Head of Department of Criminal Law and Criminology, Shahid Beheshti University, Tehran, Iran; UNESCO Chairholder for Human Rights, Peace And Democracy, Shahid Beheshti University, Tehran, Iran*
- ADOLFO MEDRANO MALLQUI, *Professor of Criminal Law, Lawyer, Lima, Peru*

11 a.m.

Coffee Break

11.15 a.m.

SESSION III (continued)
POLICE COOPERATION

Chair

EMILIO VIANO, *Professor, Department of Justice, Law and Society, American University, Washington DC, USA*

- RICHARD ELLIS, *Founder of Scotland Yard's Art and Antiquities Squad, London, UK*
- ANTONIO COPPOLA, *Major, Head of the Operational Department of the Headquarters for the Protection of Cultural Heritage, Carabinieri Corps, Rome, Italy*
- ROBERT WITTMAN, *Art Crime Investigator, President of Robert Wittman Inc., Pennsylvania, USA*
- FABIO VAGNONI, *Commissioner, Directorate of Security Services and Civil Defence, Corps of Gendarmeria, Vatican City*

12.45 p.m.

Discussion

1 p.m.

Lunch

3 p.m.

SESSION III (continued)
RETURN, RESTITUTION AND CONFISCATION

Chair

LUIS ARROYO ZAPATERO, *Professor of Criminal Law, Universidad Castilla-la-Mancha, Spain*

- **Restitution and International Judicial Cooperation**
MARC-ANDRÉ RENOLD, *Professor of Art and Cultural Property Law; Director of the Art-Law Centre; Holder of the UNESCO Chair in the International Law of Cultural Heritage at the University of Geneva, Switzerland*
MARIE PFAMMATTER, *post doctoral researcher, University of Geneva,*

Switzerland

- PASCAL BEAUVAIS, *Professor, University of Paris Ouest Nanterre, Paris France*
- STEVEN FELDMAN, *Partner, Herrick, Feinstein LLP, New York, USA*
- MARK V. VLASIC, *Senior Fellow & Adjunct Professor of Law, Georgetown University, Washington, USA*

4.30 p.m.

Coffee Break

4.50 p.m.

SESSION IV

THE ROLE OF THE PRIVATE ACTORS IN PREVENTING ILLEGAL TRAFFIC

Chair

LUIS ARROYO ZAPATERO, *Professor of Criminal Law, Universidad Castilla-la-Mancha, Spain*

- JAMES RATCLIFFE, *Director of Recoveries & General Counsel, The Art Loss Register-ALR, London, UK*
- LYNDA ALBERTSON, *Chief Executive Officer, Association for Research into Crimes against Art-ARCA, Rome, Italy*
- ROBERT N. LAYNE, *Executive Director, International Foundation for Cultural Property Protection, Denver, CO, USA*
- MARK STARLING, *Chair, International Convention Of Exhibition And Fine Art Transporters-ICEFAT, Toronto, Canada*
- GEMMA AIOLFI, *Head Corporate Governance, Compliance & Collective Action, Basel Institute on Governance, Basel, Switzerland*

6.30 p.m.

Discussion

Day 3

Sunday, 15 December

9.30 a.m.

Round Table

PROTECTING CULTURAL PROPERTY: CASE STUDIES AND BEST PRACTICES

Chair

SIMON MACKENZIE, *Professor of Criminology, Law and Society at the University of Glasgow, UK*

- GIOVANNI MELILLO, *Prosecutor, Court of Naples, Italy*
- FABRIZIO LEMME, *Professor and Lawyer, Rome, Italy*
- TESS DAVIS, *Vice Chair of the American Society of International Law & Cultural Heritage and the Arts Interest Group - Researcher SCCJR, School of Social and Political Sciences, University of Glasgow, UK*
- JASON FELCH, *Journalist, Los Angeles Times, USA*

CONCLUSIONS

Conference Venue
Conference Hall, Hôtel Pavillon
Via Regionale, 62 - 11013 Courmayeur (AO)

Official Languages
English and Italian with simultaneous interpretation

Conference Secretariat
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