Heritage Guardianship: Navigating Policy Challenges in Cultural Property

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DISCLAIMER

The author conducted this study as part of the program of professional education at the Frank Batten School of Leadership and Public Policy at the University of Virginia. This paper is submitted in partial fulfillment of the course requirements for the Master of Public Policy degree. The judgments and conclusions are solely those of the author and are not necessarily endorsed by the Batten School, by the University of Virginia, the Academic Research Institute in Iraq or by any other entity.

HONOR PLEDGE

On my honor as a student, I have neither given nor received unauthorized aid on this assignment.
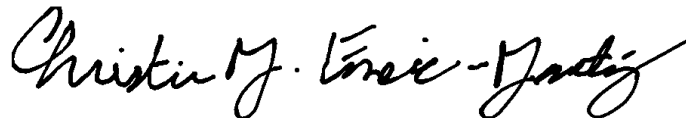
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KEY WORDS

Material Culture	Material culture encompasses the tangible items that humans have created or utilized throughout history. These physical artifacts play a significant role in shaping our comprehension of a specific culture. Examples of material culture range from tools and household items to religious artifacts and works of art, including visual, literary, and performative art that reflect a given culture.
Cultural Heritage	Cultural heritage includes artefacts, monuments, a group of buildings and sites, museums that have a diversity of values including symbolic, historic, artistic, aesthetic, ethnological or anthropological, scientific, and social significance. It includes tangible heritage (movable, immobile and underwater), intangible cultural heritage (ICH) embedded into cultural, and natural heritage artefacts, sites or monuments
Cultural Property	Cultural property is a unique and irreplaceable resource that plays a significant role in understanding the diversity of human history and cultures. This category encompasses various types of objects such as archaeological artifacts, rare manuscripts, and ceremonial objects. These items are essential for community identity and practices, and their cultural significance is recognized and protected by law or tradition (*Hague Convention*, 1954)
Conflict Zone	A conflict zone is a geographical area affected by armed conflict, political instability, or post-disaster recovery. It is characterized by security risks, unpredictability, and human suffering (Winchester, 2022)
Art Crime	"Criminally punishable acts that involve works of art," entails damage, theft, deceit, or a combination of such activities (Durney & Proulx, 2011)
Art Law	Body of legal rules, regulations, and court decisions that govern the creation, ownership, and sale of art in the United States. It

	encompasses various legal issues, including copyright, trademark, contracts, sales, taxes, and museums (Lind, 2002)
Law Enforcement	Agencies and employees responsible for enforcing laws, maintaining public order, and managing public safety. The primary duties of law enforcement include the investigation, apprehension, and detention of individuals suspected of criminal offenses (Bureau of Justice Statistics, 2021)
Looting	Act of stealing or taking goods by force, typically occurring during times of military conflict, political upheaval, or other social crises (Fannon, 2018)
State	"Human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory" (Hislope & Mughan, 2012 :7; Weber et al., 1991: 78)
Nation	"a group of people who share common characteristics such as language, culture, history, or ethnicity" (Merriam-Webster, n.d.; Paulus & Pilsworth, 2020)

EXECUTIVE SUMMARY

Problem

The twentieth century saw a significant rise in the destruction of cultural property during armed conflicts. This can be attributed to the continued evolution of technology that can deliver more precise attacks and cause more widespread damage (Łagiewska, 2024). Alongside the destruction, there has been an uptick in organized looting, and illicit trafficking of cultural property in conflict zones (Hickey & Killean, 2021; Mackenzie et al., 2019; O'Regan, 2021). **Although there is a general understanding of the importance of protecting cultural heritage, there is no established procedure for fighting the issue effectively and efficiently.**

The Academic Research Institute in Iraq (TARII) has discovered a trade route that involves the trafficking of cultural property through multiple countries, including Egypt, France, Germany, Iran, Iraq, Israel, Italy, Jordan, Lebanon, Libya, Spain, Switzerland, Syria, Turkey, the United Arab Emirates, United Kingdom, United States, and Yemen. In response TARII is organizing an international workshop to study the trade in illegally removed archaeological artifacts from countries in the eastern Mediterranean and Western Asia. The study will focus on the trade and smuggling networks by which such artifacts are looted from the ground, are smuggled out of the countries of origin, are passed through the network of intermediate market countries, and then surface in destination market countries. The research would then be utilized to coordinate conversations among different countries so that each can learn from the other about the illegal trade, losses to cultural heritage, and establish mechanisms for disrupting the trade of artifacts in efforts to preserve archaeological and cultural heritage.

Potential Solutions

To address the issue of theft, trafficking, and destruction of cultural and archaeological heritage, TARII could recommend the following:
1. Spearhead the creation of a new International Convention or Agreement.
2. Encourage the adoption of a new International Declaration that calls for individual country implementation and enforcement.
3. Contribute to an internationally accessible artifact database and collaborate with an inter-governmental organization that will investigate and prosecute illicit actors.

Recommendation and Implementation

Alternatives to address this problem were evaluated based on feasibility, impact, innovation, and effectiveness. While spearheading the creation of a new international convention or agreement rated well within innovation and effectiveness it had low feasibility and impact prospects. Encouraging the adoption of a new international declaration rated high for innovation for the perceived opportunities but rated low in feasibility, impact and effectiveness due to ever changing political relationships and increasing conflict zones. Based on this evaluation of the alternatives, the best course of action would be for TARII to contribute to an internationally accessible artifact database and collaborate with inter-governmental organizations that will investigate and prosecute illicit actors. TARII should pursue the planned workshop with the added intention of inviting participating states to come together to establish a task force within INTERPOL that will work to address the issues of theft, trafficking, and destruction of cultural heritage.

INTRODUCTION

The Academic Research Institute in Iraq (TARII)

The American Association for Research in Baghdad (AARB) was established in 1989 and, in 2017, became the Academic Research Institute in Iraq (TARII). TARII is a consortium of American universities and museums that intends to establish multidisciplinary American scholarly research in Iraq. TARII initiates its own research projects and encourages joint projects between American and Iraqi academics. TARII promotes scholarly research on and in Iraq and ancient Mesopotamia. Similar to other overseas research centers on the humanities, social sciences, and closely related natural sciences.

Since its founding in 1989, TARII has been invested in protecting Iraq's cultural heritage through projects in emergency conservation, funding archaeology, and heritage fellowships, and acting as a trusted partner for Iraqi and international cultural heritage institutions and professionals.

United Nations Educational, Scientific and Cultural Organization (UNESCO)

The United Nations Educational, Scientific and Cultural Organization promotes international cooperation in education, sciences, culture, communication, and information in hopes of contributing towards world peace and security. The programs developed and encouraged by UNESCO work towards achieving the Sustainable Development Goals defined in the 2030 Agenda adopted in 2015 by the United Nationals General Assembly. UNESCO firmly believes that knowledge sharing and the free flow of ideas will accelerate mutual understanding and lead to peace that is built upon the intellectual and moral solidarity of humanity.

In order to achieve the goals set forth by the UN General Assembly UNESCO develops educational tools to help people live as global citizens free of hate and intolerance. UNESCO works towards providing every child and citizen has access to quality education. Strengthens the bonds between nations by promoting cultural heritage and equal dignity of all cultures. Fosters scientific programs and policies as platforms for development and cooperation. Overall UNESCO facilitates the adoption of global standards and administers programs to encourage the exchange of knowledge and ideas.

BACKGROUND

History

The issue of art trafficking has been a persistent concern that has plagued the world for centuries. Conflicts, in general, have always posed a serious threat to the integrity of cultural heritage. Unfortunately, this threat often materializes in the form of the destruction of significant amounts of cultural property, both movable and immovable. Cultural property can include monuments, religious sites, museums, libraries, archives, and other cultural centers. In addition to the destruction, there is stealing, smuggling, and selling cultural heritage artifacts that are often referred to as "spoils of war"(United Nations Educational, Scientific and Cultural Organization, 2021).

The impact of art trafficking on cultural heritage is alarming. This criminal activity has resulted in the loss of numerous historical and cultural artifacts that are of great significance to society. The illicit trade of cultural heritage artifacts not only robs communities of their cultural heritage but also undermines their economic and social well-being. In addition, the illegal trafficking of cultural property perpetuates criminal networks and contributes to a host of other illicit activities such as money laundering, terrorism, and organized crime.

During the mid-twentieth century, many states gained independence, leading to a surge in claims for material culture found in colonizer states. As a result, newly independent nations were eager to reclaim items from their cultural heritage, often located in museums, private homes, government buildings, and academic institutions of former colonizing states (Dumoulin, 2021; Henry & Rhodes, 2019).

Conflict Context

During conflict, heritage sites can be inadvertently damaged or intentionally destroyed. Collateral damage can occur when a bomb meant for one location hits another, while intentional damage can be aimed at undermining the values and cultural symbols of a community. Winchester identifies these tactics as necessary to disrupt civilization and increase informal power. Winchester states that antiquities trading can be utilized to raise funds for antigovernmental groups due to their high commercial value in international markets for cultural heritage. Non-state actors can exploit these funds to expand their reach, update their resources, etc. (Winchester, 2022). It is challenging to distinguish between the two types of damage (intentional or inadvertent), and perpetrators may attempt to avoid prosecution by claiming that the destruction was an accident. Destruction of cultural heritage is a potential war crime and a violation of the 1954 Hague Convention for the protection of cultural property in conflict (*1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict*, 1954).

The past decade of conflicts in the Middle East has revived an interest in studying antiquities trafficking networks. Academics have reported the risks of losing cultural heritage due to military destruction, looting, and pillaging. Local populations turn to looting and antiquities theft when faced with economic and political hardship due to war (Suber et al., 2022). Syria and Iraq are among the hardest-hit countries in this regard. The two nations sit at the center of several ancient empires among the world's densest repositories of antiquities. Years of war were compounded by the ransacking of ancient sites by ISIS on such a scale that hundreds of illegal excavations were clearly visible on satellite images (Critique, 2021).

Art Crime

Thieves frequently target antiques for a variety of reasons. The allure of their considerable value is a primary motivation for those seeking to turn a quick profit. Furthermore, their historical or cultural significance can make them highly sought-after by collectors or museums. Antiques may also be pilfered as part of a more extensive criminal operation, such as organized crime or terrorism (Fannon, 2018).

It is not uncommon for art crimes to go unreported and for those responsible to avoid being prosecuted, leaving countries without reparations or restitution. In some cases, civil actions are taken instead of criminal prosecution due to statutes of limitations expiring, the burden of proof not being met, and jurisdictional inconsistencies, which can further complicate matters (Durney & Proulx, 2011). Due to all these factors that hinder the successful prosecution of art crime cases (Al-Azm, 2023), the Academic Research Institute in Iraq (TARII) is dedicated to supporting the international community's response to the theft, trafficking, and destruction of cultural property.

A significant obstacle in protecting cultural heritage is the low level of awareness and appreciation for its value. This often results in insufficient political support and funding for conservation efforts. Furthermore, navigating the diverse legal frameworks governing cultural property protection across different countries can be challenging. Lastly, the illicit trade of cultural property is often intertwined with organized crime and terrorism financing, adding a complex and multi-faceted dimension to the issue.

Artificial Intelligence

In recent years, the emergence of AI technology has provided revolutionary opportunities for innovative and effective conservation methods in the field of cultural heritage. In the cultural sector, innovation and technology represent an inseparable combination.

Using AI technology for documentation, data analysis, predictive modeling, restoration, and continuous monitoring, heritage professionals can significantly improve their skills and contribute to sustainable conservation efforts. Preserving cultural heritage is significant in safeguarding the historical legacy and cultural diversity of societies. However, traditional conservation approaches often need help addressing these precious assets' complex and evolving threats.

Advances in technologies are driving cultural institutions towards changing the way culture is communicated and disseminated (Loureiro, 2021; Sansone et al., 2023). Artificial Intelligence (AI) algorithms are able to scrutinize images to identify unique features and characteristics that can be utilized to establish their authenticity and provenance. Linguistic anthropologists have also utilized AI to model how various languages may have sprung up in different parts of the world (Kilpatrick, 2023; Pan et al., 2022). AI is also able to detect patterns and networks of illicit trafficking and correlate stolen objects to their places of origin. AI techniques aid researchers in identifying the chemical composition of ceramics, pottery, and other ancient artifacts to trace the artifact back to its place of origin.

EXISTING INTERNATIONAL EFFORTS

Material culture regulations vary across countries. No global regulatory body exists, but international conventions aim to safeguard cultural heritage. *Figure 8* illustrates the specific capabilities of each convention in a direct and concise manner. These conventions and organizations include:

Figure 1

The International Convention Against Illicit Trafficking of Cultural Property: provides a framework for theft prevention and the return and restitution of stolen cultural property. To date, 140 countries have ratified the Convention, including those of great significance in the world's art markets, whether importers or countries of origin: Nepal, Russia, the US, France, Australia, Germany, Canada, Italy, Japan, and the UK (UNESCO, 1970).

UNIDROIT is a highly regarded intergovernmental organization that conducts independent research on modernizing, coordinating, and harmonizing commercial and private law among States and various groups. The organization's 1995 Convention was adopted during a Diplomatic Conference in Rome on June 24, 1995. This legal instrument was created at the behest of UNESCO to establish a uniform minimum set of regulations governing private law in relation to the international exchange of art. The 1995 UNIDROIT Convention is a significant accomplishment in this field (UNESCO, 1995).

Figure 2

The UNESCO and UNIDROIT Secretariats gathered a team of experts to address the need for a standardized definition of State ownership for cultural objects that are yet to be discovered. The experts were mandated to draft a text appropriately tackling the subject. The Model Provisions are designed to assist countries in implementing the 1970 UNESCO Convention and the 1995 UNIDROIT Convention. These provisions are intended to provide a standardized approach to understanding the ownership of cultural property by the State and to enhance efforts towards its protection. While it is recommended that each State implement the Model Provisions, it is essential to note that they are not a legally binding instrument.

INTERPOL is an organization that helps member countries and their specialized units to combat cultural heritage crimes. It provides support to national police in conducting regional and global operations against the illegal trafficking of cultural property. Officials carry out inspections and searches at border crossings, auction houses, museums, and private residences to seize illicit items and arrest those responsible for their trafficking (*How We Fight Cultural Heritage Crime*, n.d.).

Figure 3

Some resources include the *Works of Art Database*, a database of stolen works of art that combines descriptions and pictures of more than 52,000 items. It is the only database at the international level with certified police information on stolen and missing objects of art (*Stolen Works of Art Database*, n.d.). A more accessible resource is the ID-Art mobile app. This app is intended to identify stolen

cultural property, reduce illicit trafficking, and increase the chances of recovering stolen items. The app is publicly available and introduces new audiences to INTERPOL's *Works of Art Database*. Individuals and organizations can use the app to report an inventory of private art collections, an item as stolen, or cultural sites potentially at risk or illicit excavations (*ID-Art Mobile App*, n.d.).

The United Nations Convention against Organized Crime (UNODC) is committed to combat serious crimes related to trafficking in cultural property. The Convention's provisions are relevant to transnational crimes of this nature, and they enable States to fight against transnational criminals and protect their cultural heritage. In addition, the International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking in Cultural Property and Other Related Offenses were adopted by the General Assembly to provide the international community with a new tool for reviewing and strengthening responses to this type of crime (*Trafficking in Cultural Property*, n.d.).

The World Customs Organization (WCO) acknowledges the importance of dealing with the issue of illicit trafficking in cultural objects on a global scale. To combat this problem, the organization is analyzing existing legislation and techniques to identify and close any gaps that may exist in current approaches (*Resolution on Cultural Objects*, 2016).

Loose international regulation of the trafficked antiquities market provides a perfect environment for laundering unprovenanced and stolen artifacts into pieces proudly exhibited in museums and private collections. Exceptional price tags are tagged to headlining news, reducing heritage to economic value and undermining attempts to promote meaningful engagements with the past. Sales from museums in this context threaten public trust in them. Some research suggests that internet platforms may facilitate cultural property trafficking (O'Regan, 2021). Online sales may increase traffickers' ability to find unscrupulous purchasers or to mislead good-faith consumers.

Figure 7

International Collaboration
Addressing Cultural Property Theft and Destruction

UNESCO	UNIDROIT	INTERPOL	UNODC	WCO
Repatriation/ Restitution	Repatriation/ Restitution	Information Sharing	Advocacy Resources	Facilitate cooperation between agencies
Awareness/Education (Agency & Individual)	Education (Agency)	Education (Agency)		Facilitate cooperation between states
Resources	Funding	Public App		
Funding				

*All the organizations rely on member participation and facilitation. INTERPOL and the WCO are recognized enforcement organizations but work with member state governments during missions.

EXISTING STATE EFFORTS

In order to establish a reliable framework for identifying and retrieving cultural objects that have been stolen, it is crucial to analyze past attempts and their outcomes thoroughly. The most accessible information at my disposal pertains to policies that have been implemented and enforced by the United States. However, it is worth noting that there may be specific language barriers, clearance issues, and institutional limitations that could affect the scope of this analysis. As such, this examination will primarily focus on programs funded, enacted, and enforced by the United States, either independently or in collaboration with other states invited to participate in this workshop.

It is crucial to highlight that this report will focus on policy implementations aimed at detecting and addressing trafficking. In these efforts, the identification of objects relies on expert confirmation of alleged recovered items. To ensure the accuracy of these confirmations, certain initiatives provide funding for experts while others partner with external organizations to obtain the necessary verification.

The Convention on Cultural Property Implementation Act, also known as CCPIA, is a federal law in the United States implemented in 1983. The act aims to implement the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property. It has several objectives, including reducing certain duties, temporarily suspending certain duties, extending certain existing suspensions of duties, and imposing import restrictions on certain categories of archaeological and ethnological material. The act has been successful in preventing archaeological pillage and illicit trafficking in cultural property (Cultural Property, 1986). Agreements and protections implemented by the U.S. federal government address crises in various countries due to CCPIA.

- ◊ Bilateral Agreements: Egypt (2016, 2021); Italy (2001, 2006, 2011, 2016, 2021); Jordan (2020); Libya (2018, 2023);
- ◊ Emergency Protection for Iraqi Cultural Antiquities Act (2004);
- ◊ Emergency Restrictions for Libya (2017);
- ◊ Protect and Preserve International Cultural Property Act for Syria (2016);
- ◊ Current Emergency Restrictions and Designated List for Yemen (2020).

It is challenging to assess these agreements as there isn't any information available about the expenses involved in their implementation. The only instance of success that can be observed is when the U.S. returns items to fulfill the conditions of the agreement. Success includes but is not limited to the "United States Returns to Iraq Rare Cuneiform Tablet Bearing Portion of the Epic of Gilgamesh" (Department of Justice, 2021), the *Benin Bronzes* (Smithsonian Institution, 2022), and more.

Identification Efforts

In response to cultural property trafficking, the U.S. government enacted acts, initiatives, and programs to establish repercussions for illegal activities.

- ◊ National Stolen Property Act (NSPA): illegal to transport stolen artifacts across state lines ($5,000 value minimum);
- ◊ Native American Graves Protection and Repatriation Act (NAGPRA): requires museums and federal agencies to return Native American cultural items to their respective tribes and descendants;
- ◊ Cultural Property Law Enforcement Initiative: combat the illicit trade of cultural property and prosecute those who engage in it;
- ◊ Cultural Property, Art, and Antiquities (CPAA) Investigations program: investigates and prosecutes cases involving the illicit importation and distribution of stolen or looted cultural property.

These policies are very specific to the U.S. NAGPRA is focused on repatriation and restitution towards Native Americans. It is difficult to expand the very precise legislation at the international level. NSPA is also difficult to expand, considering the differing transportation methods at play and how some of the countries involved make large sums of profit from being protective ports. Every participant country would have to adopt the Cultural Property Law Enforcement initiative. This can be costly and ignorant considering that the country may have to prioritize budget towards repairing after conflict or providing relief during active times of conflict.

Identification and Retrieving Efforts

The New York Attorney General's office has been actively engaged in combating the trade of looted antiquities. Over the past six years, the Manhattan DA's antiquities unit, headed by retired Marine colonel Matthew Bogdanos, has successfully prosecuted a dozen individuals for trafficking in antiquities. In December 2021, the Manhattan DA's office completed a multi-year, multi-national criminal investigation into Michael Steinhardt, one of the world's most prominent collectors of ancient art, resulting in the seizure of 180 stolen antiquities valued at $70 million. The office also imposed a lifetime ban on Steinhardt from acquiring antiquities, a first-of-its-kind sanction (Kaplan, 2021).

Prosecutors in New York have confiscated hundreds of priceless artifacts that have been looted from various parts of the world, earning the city a reputation as a crucial global hub for art trafficking.

Numerous prominent institutions and collectors, including The Metropolitan Museum of Art, have been compelled to surrender artworks obtained through looting. Over the course of the past four years, prosecutors have returned pieces that were stolen from approximately 20 countries during the 1970s to the 1990s. These pieces consist of works from civilizations such as ancient Greece, the Roman and Byzantine empires, Iraq, China, India, and South-East Asia.

In 2019, the Manhattan District Attorney's Office filed a complaint in New York, bringing renewed attention to the illegal trade in antiquities that finds its way into public and private collections in the United States. This case in New York marks the conclusion of a long-standing US-based investigation into Kapoor's activities, known as Operation Hidden Idol. The investigation was led by the Manhattan District Attorney's Office and Homeland Security Investigations, New York, and had been ongoing for several years. Kapoor was charged with 86 criminal counts, including grand larceny, criminal possession of stolen property, and conspiracy to defraud. Kapoor had succeeded in channeling over 2,600 trafficked objects valued at approximately $143 million through his New York gallery (Schmidt, 2021).

The New York Attorney General's office has been actively working to combat the trade of looted antiquities, resulting in successful prosecutions of individuals involved in trafficking and confiscating stolen artifacts. The Manhattan DA's antiquities unit has been particularly successful, having prosecuted a dozen individuals for trafficking in antiquities over the past six years. Additionally, the office has confiscated hundreds of priceless artifacts looted from various parts of the world.

However, it is not clear how well different approaches work in terms of the identification and retrieval of looted antiquities. While the Manhattan DA's office has been successful in prosecuting individuals involved in trafficking and confiscating stolen artifacts, it is not clear how effective their methods are in identifying and retrieving looted antiquities on a larger scale. Additionally, it is unknown how effective other approaches and strategies are in identifying and retrieving looted antiquities.

Homeland Security Investigations (HSI) has been actively involved in investigating the illegal trade of cultural artifacts and antiquities since 2007. Over the years, their investigations have led to the repatriation of more than 20,000 objects to over 40 countries and institutions worldwide. These repatriated objects have included a wide range of cultural artifacts such as paintings, sarcophagi, statues, coins, and illuminated manuscripts, all of which were illegally obtained and smuggled out of their countries of origin.

PROBLEM DEFINITION

Since 1954, when the *Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict* was adopted, the issue of protecting cultural heritage has been recognized as a global concern. Protecting cultural heritage is a complex and multifaceted problem that involves various actors, such as collectors, dealers, museums, law enforcement agencies, and international organizations. Although there is a general international understanding that the protection of cultural heritage is important, there is yet an established procedure on how to address theft, trafficking, and destruction effectively and efficiently. This indicates that an underlying issue is preventing states and the international community from successfully adopting protection measures. Some possible problems include:

◊   a lack of detailed enforcement policies;
◊   varying and conflicting could exist within individual states;
◊   lack of resources;
◊   monetary and political incentives;
◊   a combination of several of these issues.

Some of these issues cannot be addressed by TARII, and thus, this report will focus on proposing alternatives that address some of the issues identified that TARII can help fight cultural heritage/ art crime.

Gaps in Knowledge

Although cultural property destruction and theft are prominent issues, quantifying the destruction and theft is difficult, and how to respond is not straightforward. It is important to note that, overarchingly, the academics in this field and enforcement actors are proposing and implementing programs to deter theft and destruction but also programs to identify the origin of items to begin repatriation/ restitution processes where applicable. Measuring the effectiveness of material culture protection initiatives requires a comprehensive evaluation of the initiative's goals, objectives, and outcomes. It also requires monitoring the state of the cultural heritage before and after the initiative's implementation and evaluating its impact on the local community (De Smet et al., 2021). This is very difficult to practice when the community is experiencing conflict or political turmoil or tries to establish a strong government after chaos.

The United Nations Security Council recognizes the dangers of cultural property trafficking and destruction to global peace and security. These actions impede the right to enjoy cultural heritage protected by international law and hinder progress towards achieving the 2030 Agenda for Sustainable Development, specifically Sustainable Development Goals 16, 11.4, and 4. This heritage is a valuable resource that is vulnerable to both natural decay and human-driven changes, such as construction and agriculture (Research and Trend Analysis Branch, United Nations Office on Drugs and Crime, 2022). Sadly, looting and trafficking only serve to further accelerate and worsen these losses. The Research and Trend Analysis Branch of the United Nations Office on Drugs and Crime (UNODC) identified a significant lack of understanding regarding the scale and scope of trafficking in cultural property. This knowledge gap is primarily due to insufficient research, hindering the development of a comprehensive understanding of the issue.

Cost Range

Assessing the economic impact of crime is complex, as it affects not just the victims and their loved ones but also the broader community and society. While there is no consensus on measuring crime costs, they can generally be broken down into two categories: direct and indirect costs. Direct costs include any expenses incurred as a result of the crime and any necessary public expenditures for the administration and upkeep of the criminal justice system. Indirect costs, on the other hand, refer to less tangible losses or missed opportunities that affect those involved in the justice system and society as a whole (*Costs of Crime | Bureau of Justice Statistics*, n.d.).

Due to difficulty finding costs related to fighting the theft, trafficking, and destruction of cultural heritage, this report will work under the assumption that the value of the objects is directly correlated with the cost to states involved, regardless of whether the state is one of origin or buyer. For the purposes of this report, we will work under the assumption that higher value objects are rare, iconic, or exceptionally valuable cultural goods or accumulated have a value of over $1,0000,000, medium value objects are items whose cost of material is not exorbitant and or is not so rare, this includes artworks, artifacts or historical accumulated valued between $100,000 and $1,000,000, lower value object are cultural objects with relatively low market value or local significance and accumulated are valued less than $100,000.

U.S. Bilateral Agreement with Iraq Case Study

Rare, iconic, or exceptionally valuable cultural goods, such as masterpieces, ancient artifacts, or unique manuscripts.

In 2014, a rare and ancient tablet known as the *Gilgamesh Dream Tablet* was purchased for over $1.6 million. The tablet is inscribed with a portion of the Epic of Gilgamesh, one of the oldest known works of literature (Katz, 2021)

Selling Stolen Artifacts

Items that are not as rare and are designed with medium-cost materials, including artworks, artifacts, or historical pieces.

In 2021, a Texas man smuggled 523 pre-Hispanic-era archaeological pieces into the U.S. and tried to sell them for $450,000. The stolen artifacts include arrowheads, knife blades, and tools. Some of the items were likely from a civilization in present-day Mexico broadly called the "Coahuila Complex." The artifacts date from roughly 4500 B.C.E. through 1300 C.E. (Bureau of Educational and Cultural Affairs, 2021)

Auction House

Cultural objects with relatively low market value or local significance.

In 2023, a Roman aubergine and white color mosaic glass bottle was sold at Christie's for $10,080. The bottle is estimated to have been crafted in early to mid-first century C.E. Roman glassmaking reached its peak in the second century C.E., as the empire grew to its largest size under the reign of Trajan (98-117 AD). Over the centuries, the technology used to manufacture it changed little, but styles became more regionalized (Christie's, 2023).

Cost Range

Low	Medium	High
Objects valued	Objects valued	Objects valued
Less than $100,000	Between $100,00 and $1,000,000	More than $1,000,000
Lower costs	Medium cost	Highest cost

CRITERIA

To evaluate alternatives to address this problem statement, criteria that get at the heart of the problem were implemented. The criteria of feasibility and impact determine whether a state would be willing to buy in. The criteria of innovation and effectiveness determine whether the alternatives can be successfully implemented. An alternative that does not fulfill these criteria would be impossible for TARII to support.

Feasibility

Legal and Ethical: Evaluate the legal framework surrounding law enforcement actions. Consider existing national and international laws related to cultural heritage protection, repatriation, and restitution. Ensure that any proposed alternatives align with legal norms and ethical principles. Balancing law enforcement with respect for cultural rights is crucial (Gerstenblith, 2016);

Equity: evaluate the capability of administering the policy alternative to all states and nations

Impact

Collaboration and Partnerships: Examine the potential for collaboration with other organizations, both within Iraq and internationally. Effective law enforcement often requires cooperation among various stakeholders, including government agencies, museums, academic institutions, and local communities. Building partnerships enhances information sharing, resource allocation, and enforcement efforts (Lalwani, 2020);

Cultural Sensitivity: Evaluate the cultural sensitivity of each alternative. Consider how the proposed measures align with local customs, beliefs, and practices. Ensure that the alternatives respect cultural heritage and do not cause offense or harm. (Sereni-Massinger & Wood, 2016).

Innovation

Innovation and Technology: Evaluate the potential for innovation and technology in law enforcement efforts. Consider how emerging technologies, such as satellite imagery, drones, and artificial intelligence, can enhance law enforcement efforts. Innovation can improve the effectiveness, efficiency, and accuracy of law enforcement (Cowell, 2021).

Effectiveness

Community Engagement: Examine the potential for community engagement in law enforcement efforts. Consider how local communities can participate in safeguarding cultural heritage. Building trust, awareness, and collaboration with local communities enhances law enforcement efforts (Barnes & Schmitz, 2016);

Cost: Examine the potential costs to the state/community of origin and participatory states. This report will work under the assumption (*based on Cost Range found in the appendix*) that the greater the value of aggregated stolen and/ or destroyed goods will require higher levels of international collaboration and resources.

ALTERNATIVES

Spearhead the creation of a new International Convention or Agreement

The regulations that apply to material culture differ from one country to another. Although there is no global regulatory body, international conventions have been established to safeguard cultural heritage. Most notable is the International Convention Against Illicit Trafficking of Cultural Property, which functions as a framework for preventing theft and facilitating the return and restitution of stolen cultural property. To date, this convention has been ratified by 140 countries. According to Article 16 of the 1970 Convention, countries that have ratified the Convention are required to provide UNESCO with a report on specific dates. This report is expected to detail legislative and administrative measures, as well as other actions taken to implement the Convention. Furthermore, the report should highlight any progress made and obstacles encountered by member states (UNESCO, 1970).

The creation of a new International Convention or agreement would require TARII to connect with state delegates and other relevant international organizations to draft the convention. TARII should also involve experts, scholars, and representatives from diverse backgrounds in order to ensure inclusivity and effectiveness. The convention/agreement should define cultural heritage comprehensively *see appendix Protected Goods*, it should also clearly outline what constitutes illicit trafficking, theft, and destruction of cultural property. Further, it should address the emerging challenges of digital theft, online markets, and cybercrime related to cultural heritage. The new international convention or agreement should establish stringent regulations for the import, export, and transfer of cultural artifacts and implement automated due diligence procedures for art dealers, collectors, and auction houses.

Feasibility and Impact: For any International Agreement to be effective, signatory states must be willing to hold themselves accountable and collaborate with one another and independent institutions. The definition of "cultural property" is not universally accepted and may differ based on various cultures and legal systems. There is an undue burden on "victim" or origin states as, for the most part, these states are currently or have recently experienced conflict. States may prioritize their sovereignty over international agreements and may resist external interference in their cultural affairs. This can make promoting cultural understanding and cooperation challenging due to political tensions and differing priorities. Due to the continued rise of conflict, heavy reliance on allyship, and lack of enforceability, this alternative has a low feasibility and impact rating.

Innovation and Effectiveness: UNESCO curates a catalog of cultural heritage laws that are reported by states (United Nations Educational, Scientific and Cultural Organization, n.d.). However, it remains uncertain whether or not these laws are being enforced and the methods employed to enforce them. Establishing an international convention or agreement to safeguard cultural artifacts would necessitate substantial investment from governmental and institutional bodies toward law enforcement initiatives. Nevertheless, states may encounter difficulties in bearing the expenses required for training law enforcement officers or may lack the impetus to allocate resources toward preserving cultural artifacts. Due to the unclear participation of local communities to safeguard cultural heritage, limited potential for technological implementation and development, and varying cost burdens this alternative has a medium innovation and effectiveness rating.

Encourage the adoption of a new International Declaration that calls for individual state implementation and enforcement

To combat the issue of material culture theft and destruction, the international community must acknowledge the importance of protecting cultural heritage and commit to taking measures to prevent its intentional destruction. This way, the cultural heritage can be passed down to future generations, allowing them to learn from the past and appreciate the diversity of human culture.

The creation and adoption of a new International Declaration that calls for individual state implementation and enforcement of safeguarding cultural heritage would require TARII to aid in developing national implementation frameworks. The frameworks would include legal provisions, enforcement mechanisms, and international cooperation regulations. TARII could also encourage the use of an international network for sharing information on stolen artifacts, traffickers, and illicit markets and facilitate cooperation among law enforcement agencies, museums, and cultural institutions.

Feasibility: Gaining political support for cultural property protection is achievable but not guaranteed. National interests, diplomatic relations, and varying cultural priorities can hinder consensus. Raising awareness about cultural property's significance is possible, but sustained education efforts are needed to foster a global understanding of its value. It is not mandatory for sovereign states to adopt a uniform approach towards addressing acts of theft or destruction perpetrated against cultural artifacts. Similarly, the absence of a standardized process for claiming repatriation, coupled with the variance in law enforcement training across state jurisdictions, further compound the issue. Due to unclear political stability and equity issues this alternative has a low feasibility rating.

Impact: Establishing robust enforcement mechanisms is feasible, but balancing enforcement with national sovereignty and avoiding overly restrictive measures requires careful negotiation. Collaborating across borders is attainable, but political tensions, historical disputes, and differing legal systems can impede cooperation. Due to concerns with sovereignty and cultural differences this alternative has a low impact rating.

Innovation: There is an opportunity to leverage existing technologies, AI programs, and databases. An international database facilitates collaboration with local communities and experts, enabling efficient information dissemination. Due to existing technologies and opportunity for growth this alternative has a high innovation rating.

Effectiveness: The adoption of an international declaration and state-expansive enforcement necessitates substantial investment from governmental and institutional bodies toward law enforcement initiatives. Nevertheless, certain states may encounter difficulties in bearing the expenses required for training law enforcement officers or may lack the impetus to allocate resources toward preserving cultural artifacts. Importantly, there are no incentivizing measures to encourage states to invest in training and repatriation efforts or to foster collaborations with other states and institutions. These factors collectively contribute towards a suboptimal situation in which the protection of cultural heritage resources is compromised. Due to substantial independent investment and perceived difficulties, this alternative has a low effectiveness rating.

Contribute to an internationally accessible artifact database and collaborate with an inter-governmental organization that will investigate and prosecute illicit actors

Considering the importance of preserving cultural heritage and the need for effective law enforcement measures, it is recommended that the establishment of an internationally accessible database and an international law enforcement agency be considered. Such a database would serve as a centralized platform for tracking and documenting the movement of cultural objects across borders, making it easier for law enforcement agencies to identify and intercept illicitly traded artifacts. Moreover, an international law enforcement agency could work in collaboration with local agencies to investigate and prosecute those involved in the theft and trafficking of cultural property, ensuring that those responsible are held accountable for their actions.

The establishment of an internationally accessible artifact database would require TARII to connect with state delegates and other relevant international organizations to combine already existing databases and point to organizations such as INTERPOL, EUROPOL, and the Federal Bureau of Investigations (FBI) Art Crime Unit for investigative frameworks and process to prosecute illicit actors. This alternative calls for the creation of a task force within an inter-governmental organization such as INTERPOL that already has many member states (only countries that are not member states are North Korea, Palau, Tuvalu, Kosovo, and Western Sahara) and already functions to facilitate worldwide police cooperation and crime control.

Feasibility: States are not obligated to adopt any particular definition of material culture or cultural heritage, nor are they required to establish any specific laws. An inter-governmental organization would provide enforcement guidelines and be able to tailor them according to the needs of individual states. Due to flexibility with adoption and enforcement, this alternative has a medium feasibility rating.

Impact: Establishing robust enforcement mechanisms is feasible. Unlike the alternative, which also requires individual state implementation and enforcement, this alternative does not raise any concerns about sovereignty because the intergovernmental would include representation of not only states but also identified groups that require protection. Due to the flexibility and buy-in required, this alternative has a high impact rating.

Innovation: There is an opportunity to leverage existing technologies, AI programs, and databases. An international database facilitates collaboration with local communities and experts, enabling efficient information dissemination. Due to existing technologies and opportunities for growth, this alternative has a high innovation rating.

Effectiveness: Leveraging existing databases can minimize state investment, and funding for technological advancements can be obtained through academic and research grants. Collaborating with other states can effectively lower the expenses of law enforcement training while minimizing stakeholder buy-in costs. By negotiating repatriation costs, states can further optimize their savings. Therefore, there is a significant motivation to team up and minimize expenses for each individual state. Due to having a taskforce function and case-by-case costs associated with implementation, this alternative has a medium effectiveness rating.

RECOMMENDATION

Spearhead the creation of a new International Convention or Agreement

	Feasibility		Impact		Innovation	Effectiveness	
	Legal & Ethical Considerations	Equity	Collaboration & Partnerships	Cultural Sensitivity	Innovation & Technology	Community Engagement	Cost
High							
Medium					X	X	
Low	X		X				

Encourage the adoption of a new International Declaration that calls for individual state implementation and enforcement

	Feasibility		Impact		Innovation	Effectiveness	
	Legal & Ethical Considerations	Equity	Collaboration & Partnerships	Cultural Sensitivity	Innovation & Technology	Community Engagement	Cost
High					X		
Medium							
Low	X		X				X

Contribute to an internationally accessible artifact database and collaborate with an inter-governmental organization to investigate and prosecute illicit actors

	Feasibility		Impact		Innovation	Effectiveness	
	Legal & Ethical Considerations	Equity	Collaboration & Partnerships	Cultural Sensitivity	Innovation & Technology	Community Engagement	Cost
High			X		X		
Medium	X						X
Low							

After the evaluation of these alternatives against the criteria, TARII should conduct its planned workshop and at said workshop encourage states to contribute to an internationally accessible artifact database and collaborate with an inter-governmental organization that will investigate and prosecute illicit actors. This recommendation is based on the fact that there is no established procedure for addressing the issue of theft, trafficking and destruction of cultural and archaeological heritage effectively and efficiently.

The research conducted during the workshop can be used to coordinate conversations among different countries so that each can learn from the other about the illegal trade and losses to cultural heritage and establish mechanisms for disrupting the trade of artifacts in efforts to preserve archaeological and cultural heritage. Additionally, the establishment of an internationally accessible artifact database and collaboration with an inter-governmental organization can help to investigate and prosecute illicit actors engaged in the trade of cultural and archaeological heritage.

This recommendation is also based on the fact that spearheading the creation of a new International Convention or Agreement or encouraging the adoption of a new International Declaration that calls for individual country implementation and enforcement may not be feasible due to the challenges of achieving consensus among the international community and the lack of political will to implement such agreements. On the other hand, contributing to an internationally accessible artifact database and collaborating with an inter-governmental organization can be a practical and effective way to address the issue of theft, trafficking, trade, and destruction of cultural and archaeological heritage.

IMPLEMENTATION

Implementation of contributing to an internationally accessible artifact database and collaboration with inter-governmental organizations to investigate and prosecute illicit actors should be accomplished in phases.

Phase I: TARII will identify stakeholders. At the moment TARII has a vested interest in Egypt, France, Germany, Iran, Iraq, Israel, Italy, Jordan, Lebanon, Libya, Spain, Switzerland, Syria, Turkey, the United Arab Emirates, United Kingdom, United States, and Yemen. All identified stakeholders are members of INTERPOL; beyond INTERPOL, states vary in membership to the United Nations, the Organization for Economic Cooperation and Development (OECD), International Monetary Fund (IMF), World Bank, and World Trade Organization (WTO). TARII can form relationships with the organizations in order to conduct comprehensive assessment of existing artifact databases, explore and expand successful models, and collect the laws and policy of member states regarding cultural heritage domestically and abroad.

Phase II: Assemble a team of database developers, security experts, and UX designers that can design a centralized, secure, and user-friendly platform. The team will be charged with combining existing databases into a unified system and standardizing data formats, metadata, and terminology. At this phase, TARII should be working with INTERPOL to establish a specialized task force that can leverage the existing network of member states for cooperation and define the task force's mandate, roles, and responsibilities. Enforcement guidelines will also be defined and tailored in order to harmonize legal definitions of material culture and cultural heritage, outline procedures for artifact identification, recovery, and repatriation, and address jurisdictional challenges and extradition processes.

Phase III: During this phase, TARII can act as more of a consultant and begin to reel back and allow the alternative to develop and grow. At this phase, INTERPOL should be working with the task force to implement law enforcement training for member states, training police officers, investigators, and customs officials on using the database and educating about international cooperation protocols. At this point, artifact recovery processes should also be established. The recovery processes should enhance the capacity for artifact recovery operations, establish protocols for handling seized artifacts, and encourage collaboration with cultural experts and archaeologists.

Phase IV: This is the last phase of the implementation it should include the database launch. For the launch INTERPOL will ensure that the databases is accessible internationally, ensure secure access for authorized users, and provide continuous updates and maintain the database. TARII should be promoting the use of the database. TARII can conduct awareness campaigns among law enforcement agencies, museums, academic institutions, and the general public.

APPENDIX

Protected Goods

Art trafficking is a global problem that has been around for centuries. It is a lucrative business that involves the theft, smuggling, and sale of cultural heritage items. In response, the International Council of Museums (ICOM) has developed *Red Lists*.

The Emergency Red Lists supplied by ICOM define and illustrate cultural goods of inventoried objects within the collections of recognized institutions. They illustrate the categories of cultural goods protected by legislation and most vulnerable to illicit traffic, including:

◊   Statues of ceramic, metals, and stones
◊   Textile fragments and accessories
◊   Books, documents, and manuscripts
◊   Vessels and containers of ceramics and stone
◊   Daily-life items made of mixed materials, wood, stone, etc

(*Emergency Red List of Cultural Objects at Risk Yemen*, 2019; *Emergency Red List of Egyptian Cultural Objects at Risk*, 2018; *Emergency Red List of Iraqi Cultural Objects at Risk*, 2015; *Emergency Red List of Libyan Cultural Objects at Risk*, 2018; *Emergency Red List of Syrian Cultural Objects at Risk*, 2019)

Alternatives in Practice

Spearhead the creation of a new International Convention or Agreement

Despite there being a significant international agreement, the International Convention Against Illicit Trafficking of Cultural Property suffers from a lack of enforceability across its signatory states. Consequently, cooperating states can apply only limited pressure on these signatory states to ensure compliance with the provisions of the Convention. This lack of enforceability poses a challenge to the preservation and protection of cultural heritage, and concerted efforts are required to address this issue.

The United Nations Convention against Organized Crime (UNODC) is committed to combating serious crimes related to trafficking in cultural property. The Convention's provisions are relevant to transnational crimes of this nature, and they enable states to fight against transnational criminals and protect their cultural heritage. Additionally, the General Assembly adopted the International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking in Cultural Property and Other Related Offenses to provide the international community with a new tool for reviewing and strengthening responses to theft and destruction of material culture.

To ensure a comprehensive approach that encompasses policy coherence, coordination, and integrated strategies at every level, it is crucial. To foster an environment that promotes inclusive, equitable, and sustainable development without structural barriers, the international community must work together with renewed multilateralism and solidarity. Such a partnership is essential to ensuring that every individual, community, and nation has the same opportunities to thrive and succeed.

Encourage the adoption of a new International Declaration that calls for individual country implementation and enforcement

To combat the issue of material culture theft and destruction, the international community must acknowledge the importance of protecting cultural heritage and commit to taking measures to prevent its intentional destruction. This way, the cultural heritage can be passed down to future generations, allowing them to learn from the past and appreciate the diversity of human culture.

The Terezin Declaration emphasizes the importance of returning private property that was seized by Nazis, fascists, and their allies during World War II. It was ratified by 47 nations at the conclusion of the Prague Conference and outlined a plan of action aimed at providing aid, reparations, and remembrance for those who suffered under Nazi oppression. The declaration stresses the importance of implementing national programs to address real property, including private, communal, and heirless property. The declaration further calls for fair and unbiased claims processes that are accessible, transparent, and not overly burdensome or costly to the individual claimant ("2009 Terezin Declaration on Holocaust Era Assets and Related Issues," n.d.; "Terezin Declaration," 2009). These guidelines and best practices were laid out in the 2009 Declaration and its 2010 companion guidelines. The primary objective of the conference was to enable the identification, return, or restitution of assets that were wrongfully seized or transferred during the Holocaust era.

In May 2018, the United States, as a signatory state, established and ratified the Justice for Uncompensated Survivors Today (JUST) Act. This Act mandates the submission of a report to Congress detailing countries' progress in achieving the goals of the Terezin Declaration(Sen. Baldwin, 2018). The JUST Act Report is a crucial instrument for highlighting countries' efforts to provide restitution or compensation for property seized during the Holocaust or subsequently nationalized during the Communist era. Additionally, it will expose any gaps in Terezin's implementation, outline the work that still needs to be done, and serve as a blueprint for best practices to fulfill commitments made by countries when endorsing the Terezin Declaration.

According to Section 1(a) of the JUST Act, wrongfully seized or transferred assets include confiscations, expropriations, nationalizations, forced sales or transfers, and sales or transfers under duress during the Holocaust era or the period of Communist rule of a covered country (Office of the Special Envoy for Holocaust Issues, 2020). The present definition deviates from the definition provided in the Terezin Declaration. This serves as an illustrative example of a state's capacity to adapt as per the situation's demands.

Contribute to an internationally accessible artifact database and collaborate with an inter-governmental organization that will investigate and prosecute illicit actors

INTERPOL is an esteemed organization that aids member countries and their specialized units in the fight against cultural heritage crimes. It offers invaluable assistance to national law enforcement agencies in conducting both regional and global operations to combat the illegal trafficking of cultural property. Officials are authorized to conduct thorough inspections and searches at various locations such as border crossings, auction houses, museums, and private residences to confiscate illicit items and apprehend individuals responsible for their trafficking (*How We Fight Cultural Heritage Crime*, n.d.).

INTERPOL has developed the Works of Art Database, an extensive and authoritative database of stolen works of art. The database consists of over 52,000 items and includes descriptions and

photographs of each object. It is unparalleled at the international level, providing certified police information on missing and stolen art objects (*Stolen Works of Art Database*, n.d.). The database is a crucial resource for art dealers, collectors, and museums who wish to protect themselves against the purchase or exhibition of stolen art. Additionally, it is an essential tool for law enforcement agencies that seek to investigate and prosecute art theft. The Works of Art Database is a testament to INTERPOL's commitment to preserving cultural heritage and combating the illicit trade of art. It is a valuable resource for anyone invested in protecting the world's artistic treasures and cultural heritage.

BIBLIOGRAPHY

1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict. (1954).

    https://en.unesco.org/protecting-heritage/convention-and-protocols/1954-convention

2009 Terezin Declaration on Holocaust Era Assets and Related Issues. (n.d.). *United States Department*

    of State. Retrieved February 12, 2024, from https://www.state.gov/prague-holocaust-era-

    assets-conference-terezin-declaration/

Al-Azm, A. (2023). The Threat to Cultural Heritage in Times of Conflict and Its Dynamic

    Relationship with Gulf Society. In M. M. Rahman & A. Al-Azm (Eds.), *Social Change in the*

    Gulf Region: Multidisciplinary Perspectives (pp. 271–286). Springer Nature.

    https://doi.org/10.1007/978-981-19-7796-1_16

Barnes, M., & Schmitz, P. (2016). *Community Engagement Matters (Now More Than Ever)*.

    https://ssir.org/articles/entry/community_engagement_matters_now_more_than_ever

Bureau of Educational and Cultural Affairs. (2021, June 1). *U.S. returns 523 artifacts to Mexico*.

    https://eca.state.gov/cultural-heritage-center/highlight/us-returns-523-artifacts-mexico

Bureau of Justice Statistics. (2021, February 18). *Law Enforcement*. https://bjs.ojp.gov/topics/law-

    enforcement

Christie's. (2023, January 1). *A collecting guide to Roman jewellery, vessels and other decorative glassware from*

    antiquity. https://www.christies.com/en/stories/roman-glass-collecting-guide-

    75dfee49a08e4d8f92a15404b54e333c

Convention for the Protection of Cultural Property in the Even of Armed Conflict with Regulations for the Execution

    of the Convention. (1954). United Nations Educational, Scientific and Cultural Organization.

    https://en.unesco.org/sites/default/files/1954_Convention_EN_2020.pdf

Costs of Crime | Bureau of Justice Statistics. (n.d.). Retrieved February 27, 2024, from

    https://bjs.ojp.gov/topics/costs-crime

Cowell, B. (2021, July 14). *Technology Innovations in Public Safety*. National Policing Institute.

    https://www.policinginstitute.org/projects/technology-innovations-in-public-safety/

Critique, A. (2021, July 21). Antiquities looting: An ongoing crisis as well as a shameful piece of

    history. *Art Critique*. https://www.art-critique.com/en/2021/07/antiquities-looting-an-

    ongoing-crisis-as-well-as-a-shameful-piece-of-history/

Cultural Property, 19 CFR Part 12 § 12.104 - 12.104 (1986). https://www.ecfr.gov/current/title-

    19/part-12/subject-group-ECFRe39e9fce2462969

De Smet, A., Gao, W., Henderson, K., & Hundertmark, T. (2021, August 10). *Organizing for*

    Sustainability Success: Where, and How, Leaders Can Start.

    https://www.mckinsey.com/capabilities/sustainability/our-insights/organizing-for-

    sustainability-success-where-and-how-leaders-can-start

Department of Justice. (2021, September 23). *United States Returns to Iraq Rare Cuneiform Tablet Bearing*

    Portion of the Epic of Gilgamesh. https://www.justice.gov/usao-edny/pr/united-states-returns-

    iraq-rare-cuneiform-tablet-bearing-portion-epic-gilgamesh

Dumoulin, C. (2021, October 26). *The Law on Looting – Repatriation of Stolen Artifacts to Their Countries*

    of Origin. International Law and Policy Brief.

    https://studentbriefs.law.gwu.edu/ilpb/2021/10/26/the-law-on-looting-repatriation-of-

    stolen-artifacts-to-their-countries-of-origin/

Durney, M., & Proulx, B. (2011). Art crime: A brief introduction. *Crime, Law and Social Change*, *56*(2),

    115–132. https://doi.org/10.1007/s10611-011-9316-3

Emergency Red List of Cultural Objects at Risk Yemen. (2019). International Council of Museums.

    https://icom.museum/wp-content/uploads/2019/03/Emergency-Red-List-Yemen-

    English.pdf

Emergency Red List of Egyptian Cultural Objects at Risk. (2018). International Council of Museums.

https://icom.museum/en/ressource/emergency-red-list-of-egyptian-cultural-objects-at-risk/

Emergency Red List of Iraqi Cultural Objects at Risk. (2015). International Council of Museums.

https://icom.museum/wp-content/uploads/2019/03/Emergency-Red-List-Iraq-

English.pdf

Emergency Red List of Libyan Cultural Objects at Risk. (2018). International Council of Museums.

https://icom.museum/wp-content/uploads/2019/03/Emergency-Red-List-Libya-

English.pdf

Emergency Red List of Syrian Cultural Objects at Risk. (2019). International Council of Museums.

https://icom.museum/wp-content/uploads/2019/03/Emergency-Red-List-Syria-

English.pdf

Fannon, M. (2018, July 26). "The looting of cultural heritage has been happening since the very

existence of cultural heritage, it is not anything new, but what we see now is that looting has

become highly organized." *WCO News.* https://mag.wcoomd.org/magazine/wco-news-

81/the-looting-of-cultural-heritage-has-been-happening-since-the-very-existence-of-cultural-

heritage-it-is-not-anything-new-but-what-we-see-now-is-that-looting-has-become-highly-

organized/

Gerstenblith, P. (2016). *The Legal Framework for the Prosecution of Crimes Involving Archaeological Objects.*

64, 5–16. https://www.justice.gov/usao/file/834826/download

Henry, L., & Rhodes, E. M. (2019, January). *Who Owns the Past? Museums and Cultural Heritage*

Repatriation. https://origins.osu.edu/historytalk/museums-cultural-heritage-repatriation-

restitution-african-art?language_content_entity=en.

Hickey, R., & Killean, R. (2021). Property Loss and Cultural Heritage Restoration in the Aftermath
of Genocide: Understanding Harm and Conceptualising Repair. *International Journal of
Transitional Justice*, *15*(3), 468–489. https://doi.org/10.1093/ijtj/ijab023

Hislope, R., & Mughan, A. (2012). The Modern State. In *Introduction to Comparative Politics: The State
and its Challenges* (1st ed.). Cambridge University Press.
https://doi.org/10.1017/CBO9781139015530

How we fight cultural heritage crime. (n.d.). Retrieved December 6, 2023, from
https://www.interpol.int/Crimes/Cultural-heritage-crime/How-we-fight-cultural-heritage-
crime

ID-Art mobile app. (n.d.). Retrieved December 6, 2023, from
https://www.interpol.int/Crimes/Cultural-heritage-crime/ID-Art-mobile-app

Kaplan, A. (2021). Billionaire Michael Steinhardt Surrenders $70 Million In Stolen Art, Receives
First-Ever Lifetime Ban From Acquiring Antiquities. *Forbes.*
https://www.forbes.com/sites/annakaplan/2021/12/06/billionaire-michael-steinhardt-
surrenders-70-million-in-stolen-art-receives-first-ever-lifetime-ban-from-acquiring-
antiquities/?sh=8e5ebae1ba06

Katz, B. (2021, September 23). *Smuggled Gilgamesh Dream Tablet Returns to Iraq.* Smithsonian Magazine.
https://www.smithsonianmag.com/smart-news/hobby-lobby-forfeits-rare-gilgamesh-tablet-
smuggled-iraq-180978314/

Kilpatrick, A. (2023). *What artificial intelligence might teach us about the origin of human language*
(arXiv:2301.06211). arXiv. http://arxiv.org/abs/2301.06211

Łągiewska, M. (2024). Destruction of Natural and Cultural Heritage During Armed Conflicts: An
International Law Perspective. In G. Mastandrea Bonaviri & M. M. Sadowski (Eds.), *Heritage*

in War and Peace: Legal and Political Perspectives for Future Protection (pp. 287–298). Springer

International Publishing. https://doi.org/10.1007/978-3-031-47347-0_19

Lalwani, N. (2020, July 19). *State of the Art: How Cultural Property Became a National-Security Priority*. The

Yale Law Journal. https://www.yalelawjournal.org/forum/state-of-the-art-how-cultural-

property-became-a-national-security-priority

Lind, R. C. (2002). *Art and museum law: Cases and materials*. Carolina Academic Press.

Loureiro, S. M. C. (2021). The Use of Augmented Reality to Expand the Experience of Museum

Visitors. In V. Geroimenko (Ed.), *Augmented Reality in Tourism, Museums and Heritage: A New

Technology to Inform and Entertain* (pp. 141–151). Springer International Publishing.

https://doi.org/10.1007/978-3-030-70198-7_8

Mackenzie, S., Brodie, N., Yates, D., & Tsirogiannis, C. (2019). *Trafficking Culture: New Directions in

Researching the Global Market in Illicit Antiquities*. Routledge.

https://doi.org/10.4324/9781315532219

Merriam-Webster. (n.d.). Nation Definition & Meaning. In *Merriam-Webster*. Merriam-Webster.

Retrieved April 4, 2024, from https://www.merriam-webster.com/dictionary/nation

Office of the Special Envoy for Holocaust Issues. (2020). *Justice for Uncompensated Survivors Today

(JUST) Act Report*. United States Department of State. https://www.state.gov/wp-

content/uploads/2020/02/JUST-Act5.pdf

O'Regan, K. C. (2021). *Transnational Crime Issues: Arts and Antiquities Trafficking* (In Focus).

Pan, L., Zhang, P., Daengngam, C., & Chongcheawchamnan, M. (2022). A review of artificial

intelligence methods combined with Raman spectroscopy to identify the composition of

substances. *Journal of Raman Spectroscopy*, *53*(1), 6–19. https://doi.org/10.1002/jrs.6225

Paulus, D., & Pilsworth, E. (2020). Introduction: Nationalism before the Nation State. In *Nationalism Before the Nation State: Literary Constructions of Inclusion, Exclusion, and Self-Definition (1756-1871)* (pp. 1–5). BRILL. http://ebookcentral.proquest.com/lib/uva/detail.action?docID=6185709

Research and Trend Analysis Branch, United Nations Office on Drugs and Crime. (2022). *False Trades: Uncovering the Scale and Scope of Trafficking in Cultural Property Knowledge Gaps and Future Directions for Research* (pp. 4–12). United Nations Office on Drugs and Crime. https://www.unodc.org/documents/data-and-analysis/briefs/Trafficking_in_cultural_properties_brief.pdf

Resolution of the Customs Co-operation Council on the Role of Customs in Preventing Illicit Trafficking of Cultural Objects. (2016). World Customs Organization. https://www.wcoomd.org/-/media/wco/public/global/pdf/about-us/legal-instruments/resolutions/resolution_cultural-objects.pdf?la=en

Sansone, M., Pagnanelli, M. A., & Colamatteo, A. (2023). The Role of Technological Advances in Cultural Heritage: Focus on Virtual, Augmented, and Mixed Reality in User Experience. In *Technology, Business and Sustainable Development.* Routledge.

Schmidt, J. (2021, July 13). *Subhash Kapoor: A Decade in Review.* Center for Art Law. https://itsartlaw.org/2021/07/13/subhash-kapoor-a-decade-in-review/

Sen. Baldwin, T. [D-W. (2018, May 9). *S.447 - 115th Congress (2017-2018): Justice for Uncompensated Survivors Today (JUST) Act of 2017* (2017-02-27) [Legislation]. https://www.congress.gov/bill/115th-congress/senate-bill/447

Sereni-Massinger, C., & Wood, N. (2016). Improving Law Enforcement Cross Cultural Competencies through Continued Education. *Journal of Education and Learning, 5*(2), 258. https://doi.org/10.5539/jel.v5n2p258

Smithsonian Institution. (2022, October 11). *Smithsonian Returns 29 Benin Bronzes to the National*

   Commission for Museums and Monuments in Nigeria. Smithsonian Institution.

   https://www.si.edu/newsdesk/releases/smithsonian-returns-29-benin-bronzes-national-

   commission-museums-and-monuments

Stolen Works of Art Database. (n.d.). Retrieved December 6, 2023, from

   https://www.interpol.int/Crimes/Cultural-heritage-crime/Stolen-Works-of-Art-Database

Suber, D. L., Mazzali, L., Heins, G. T., Matteoni, P., Tiberio, M., Zolghadriha, S., & Bradford, B.

   (2022). Antiquities trafficking in conflict countries: A crime-mapping approach. *International*

   Journal of Cultural Property, *29*(4), 531–561. https://doi.org/10.1017/S0940739122000248

Terezin Declaration. (2009). *WJRO*. https://wjro.org.il/our-work/international-declarations-

   resolutions/terezin-declaration/

Trafficking in Cultural Property. (n.d.). United Nations : Office on Drugs and Crime. Retrieved

   December 6, 2023, from //www.unodc.org/unodc/en/organized-crime/intro/emerging-

   crimes/trafficking-in-cultural-property.html

UNESCO. (1970). *Fight Illicit Trafficking*. https://www.unesco.org/en/fight-illicit-trafficking

UNESCO. (1995). *Legal Texts on illicit trafficking*. UNESCO.

   https://en.unesco.org/fighttrafficking/legaltexts

United Nations Educational, Scientific and Cultural Organization. (n.d.). *List of National Cultural*

   Heritage Laws. UNESCO. Retrieved March 15, 2024, from

   https://en.unesco.org/cultnatlaws/list

United Nations Educational, Scientific and Cultural Organization. (2021, October 10). *About the*

   Convention on the Protection of Cultural Property in the Event of Armed Conflict and its two Protocols.

   UNESCO. https://en.unesco.org/protecting-heritage/about

Weber, M., Gerth, H. H., & Mills, W. (1991). Politics as a Vocation. In *From Max Weber: Essays in Sociology*. Taylor & Francis Group.

http://ebookcentral.proquest.com/lib/uva/detail.action?docID=1111791

Winchester, N. (2022). *Targeting culture: The destruction of cultural heritage in conflict*.

https://lordslibrary.parliament.uk/targeting-culture-the-destruction-of-cultural-heritage-in-conflict/