

1970 UNESCO CONVENTION

ON THE MEANS OF PROHIBITING AND PREVENTING THE ILLICIT IMPORT, EXPORT AND TRANSFER OF OWNERSHIP OF CULTURAL PROPERTY

REMARKS

- Declares specifically that “The import, export or transfer of ownership of cultural property effected contrary to the provisions adopted under this Convention by the States Parties thereto, shall be illicit.” (Art.3)
- Defines “cultural property as “property which, on religious or secular grounds, is specifically designated by each State as being of importance for archaeology, prehistory, history, literature, art or science and which belongs to [15 categories following]; and among which are:

- Products of archaeological excavations (including regular and clandestine) or of archaeological discoveries (c),

- Antiquities more than one hundred years old.

At the time of ratification, the United States filed reservations regarding, notably,

- The establishment of new instruments/agencies relating to enforcement and
 - Compensation to present owners of cultural property deemed to have been stolen.
- In 1983, the USA finally adopted the 1970 Convention.
 - Four years later, the CPIA, the Convention on Cultural Properties Act was enacted. Basically, it enlarged upon the responsibilities regarding “necessary concrete measures” and the nature of collaboration with other countries whose “cultural patrimony is in jeopardy” — only lightly touched on in Article 9 of the 1970 Convention. What interest me in the CPIA is that new emphasis is placed on the historicity that would seem to *inhere* in the object—its intrinsic *value*.
 - The upshot of all of this is that a number of academic societies in America will not permit any mention of articles without known provenience. This has had the effect of freezing scholarship in some areas. It has yet to be demonstrated conclusively that this stricture inhibits looting or trafficking in objects of unknown origin.
 - The controversy and its progress has been documented over two decades in a column in *The Journal of Field Archaeology* authored by Christina Luke and Morag Kersel. For years, it was titled “The Antiquities Market.” In 2008, the column was re-titled “Archaeological Heritage and Ethics.” This change is oracular and effectively states the emphasis of the discussion as of today.