

# CALL FOR PAPERS

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## Call for Papers

2/2021(7) “Santander Art and Culture Law Review”

## The Protection of Cultural Heritage against Illicit Trade: Import Controls and Due Diligence

The Editorial Board of the biannual “Santander Art and Culture Law Review” (SAACLR), in cooperation with the research team of the project “Legal Forms of Cultural Heritage Governance in Europe – A Comparative Law Perspective”, funded by the Polish National Science Centre, is pleased to announce a Call for Papers on the means of prohibiting and preventing the illicit import of cultural objects.

In 2020, the UNESCO 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property celebrates its 50th anniversary. While this convention already has 140 States Parties, the effective protection of cultural objects against illicit trade still constitutes one of the most difficult challenges faced by the international community. Indeed, the trafficking in cultural objects stolen from museums or looted from archaeological sites is a growing problem worldwide. Conflict-ridden territories and those affected by natural disasters are particularly vulnerable. In this regard, Amina Jane Mohammed, UN Deputy Secretary-General, in her speech given on the occasion of the International Conference “Cultural Heritage and Multilateralism: Regional and International Strategies for Protecting Cultural Heritage” (16-17 November 2020, Berlin, Germany), argued that: “We see the convergence of three factors – the growing internationalization of crime, the privatization of trade, and the outbreak of conflicts in regions that are rich

in heritage. All of this means that international cooperation in the fight against illicit trafficking and strengthening adequate and effective accountability mechanisms is more critical than ever”.

However, while the plea for more effective protection of cultural heritage is widely voiced, the actual legal mechanisms are still burdened with a number of challenges. In particular, the struggle against the illicit import of cultural property poses a number of legal and practical challenges. In fact, national legislation on import controls differs greatly around the world, making the actual struggle against illicit trade in cultural objects ever more difficult, costly, and inefficient. To counter these difficulties in relation to the illicit transfer and trade in cultural objects from the conflict-ridden territories of Syria and Iraq, special *ad hoc* measures have been adopted by the UN Security Council. But uniform mechanisms on import controls beyond the context of these recent conflicts have not yet been globally established.

Save for the set of EU regulations adopted following the UN Security Council resolutions to prevent illicit imports of cultural goods from Iraq and Syria, there had long been no uniform legislation on the control of imports of cultural property into the EU – while some EU Member States have introduced legislative mechanisms and due diligence measures to combat illicit trafficking in cultural goods, others have not. As stated by the European Commission, “[t]his patchwork of rules favours the development of trafficking routes through the more vulnerable and unregulated parts of the EU – a phenomenon known as ‘port-shopping’”. This situation has been highly criticized at different forums. Therefore since 2019, the EU legal system, pursuant to its Regulation (EU) 2019/880 on the introduction and the import of cultural goods, is equipped with a common licensing system. Accordingly, a broad range of cultural objects require an EU import licence to enter a Member State from outside the EU, thus ensuring that EU importers exercise diligence when purchasing cultural goods from third countries.

Having in mind these developments within the EU legislation and practice in relation to the circulation of cultural goods, the Editorial Board of the SAACLR is pleased to invite contributions which would cover the topic of the import of cultural objects into the EU. Scholars, emerging young scholars, as well as practitioners are encouraged to contribute. Our interest is first of all in papers that critically analyse the legal regime and practical operationalization of Regulation (EU) 2019/880. We are also interested in contributions which provide a comparative analysis of national legislative measures already in operation at the domestic level on due diligence to combat illicit trafficking in cultural goods. Additionally, we welcome papers that investigate the interlinkages between Regulation (EU) 2019/880 and other relevant EU legislation, such as Directive 2014/60/EU, Regulation (EC) No. 116/2009, and international instruments, in particular the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects and the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer

of Ownership of Cultural Property. Furthermore, we invite papers that address the issue of cross-border cooperation directed against illicit trafficking in cultural materials on the regional and international levels, with particular focus on the engagement of diverse stakeholders: international governmental organizations, private actors, and non-governmental organizations.

Accordingly, we encourage submissions that focus on the following topics (please note that this list of topics is not exhaustive):

- Critical analysis of the import regime on cultural goods under Regulation (EU) 2019/880;
- Regulation (EU) 2019/880, Directive 2014/60/EU, and Regulation (EC) No. 116/2009;
- Regulation (EU) 2019/880, the 1970 UNESCO and the 1995 UNIDROIT Conventions;
- Comparative law analysis of import regulations in national legal systems in Europe and beyond;
- Due diligence;
- The ethical art market, art market initiatives, soft law;
- The importance of inventories and online databases in protecting cultural heritage from illicit import and trafficking; available tools to exercise due diligence;
- Offences related to illicit import and trafficking; their detection and persecution;
- The EU’s role in protecting and safeguarding cultural objects against war and terrorism (prevention, control, and safe havens);
- Cooperation between the EU, other international organizations, private actors, and NGOs in matters related to the protection of movable cultural heritage.

## Details concerning submissions: content, length, and due date

The deadline for submission of manuscripts is **15 May 2021**. Decision letters will be provided to author(s) by 30 June 2021. We expect to publish the issue in autumn 2021. For more information, see <<http://www.ejournals.eu/SAACLR/menu/521/>>.

Manuscripts should be submitted electronically via e-mail to: [saacreditors@gmail.com](mailto:saacreditors@gmail.com) in .doc format, and shall not exceed 9,000 words, including footnotes and references. A longer article may be accepted only by arrangement with the Editors.