

Global Certificate in Cultural Heritage Law

## \* Protecting Movable Cultural Heritage

Movable Cultural Heritage (MCH) refers to cultural artifacts, structures, and objects that have significant historical, artistic, or scientific value and can be moved from one place to another. MCH includes a wide range of items, such as paintings, sculptures, manuscripts, textiles, archaeological artifacts, and ethnographic objects, among others. Protecting MCH is essential to preserve the world's cultural heritage and promote cultural diversity, understanding, and exchange.

In the course Global Certificate in Cultural Heritage Law, several key terms and vocabulary are used to explain the legal frameworks, principles, and best practices for protecting MCH. Here is a comprehensive explanation of these terms and concepts:

1. **Cultural Heritage:** Cultural heritage refers to the legacy of physical artifacts, intangible practices, and values that communities, groups, and individuals inherit, maintain, and transmit from generation to generation. Cultural heritage includes both tangible and intangible forms, such as buildings, monuments, landscapes, languages, music, dance, and traditional knowledge.
2. **Movable Cultural Heritage (MCH):** MCH refers to cultural artifacts, structures, and objects that have significant historical, artistic, or scientific value and can be moved from one place to another. MCH includes a wide range of items, such as paintings, sculptures, manuscripts, textiles, archaeological artifacts, and ethnographic objects, among others.
3. **Cultural Property:** Cultural property refers to specific items of cultural heritage that have significant value and are protected by national laws and international conventions. Cultural property includes both tangible and intangible forms, such as monuments, archaeological sites, artworks, manuscripts, traditional music, and dance.
4. **Illicit Traffic:** Illicit traffic refers to the unlawful movement, excavation, import, export, or sale of cultural property. Illicit traffic includes theft, looting, smuggling, and other forms of criminal activity that harm cultural heritage.
5. **Cultural Heritage Law:** Cultural heritage law refers to the legal frameworks, principles, and best practices that govern the protection, preservation, and management of cultural heritage. Cultural heritage law includes national laws, international conventions, and customary practices that regulate the ownership, control, access, and use of cultural heritage.
6. **UNESCO:** UNESCO (United Nations Educational, Scientific, and Cultural Organization) is a specialized agency of the United Nations that promotes education, science, and culture. UNESCO is responsible for implementing several international conventions and recommendations related to cultural heritage, such as the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property and the 1972 Convention concerning the Protection of the World Cultural and Natural Heritage.

7. 1970 Convention: The 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property is an international treaty that aims to prevent the illicit traffic of cultural property. The 1970 Convention requires states parties to establish legal and administrative measures to prohibit and prevent the illicit traffic of cultural property, promote cooperation and exchange of information, and return stolen or illegally exported cultural property to their countries of origin.

8. 1972 Convention: The 1972 Convention concerning the Protection of the World Cultural and Natural Heritage is an international treaty that aims to protect and preserve the world's cultural and natural heritage. The 1972 Convention establishes a list of World Heritage Sites, which includes cultural and natural properties of outstanding universal value, and requires states parties to adopt measures to protect and conserve these sites.

9. Return and Restitution: Return and restitution refer to the process of returning or restoring stolen, looted, or illegally exported cultural property to their countries of origin or to the communities or individuals who own or have a cultural connection to them. Return and restitution can be voluntary or involuntary, and can be based on ethical, legal, or political grounds.

10. Provenance: Provenance refers to the history of ownership, custody, or location of a cultural object or property. Provenance is an essential factor in determining the authenticity, value, and legal status of cultural property, as it can provide information about the object's origin, creation, ownership, and movement over time.

11. Due Diligence: Due diligence refers to the reasonable steps that buyers, sellers, collectors, dealers, and other stakeholders should take to ensure that the cultural property they buy, sell, or possess is legal, authentic, and ethically sourced. Due diligence includes researching the provenance, ownership, and legality of cultural property, as well as following best practices and standards in the handling, storage, and display of cultural property.

12. Best Practices: Best practices refer to the ethical, legal, and professional standards and guidelines that stakeholders should follow to protect, preserve, and manage cultural heritage. Best practices include respecting cultural rights and values, involving communities and stakeholders in decision-making, using appropriate conservation methods, and promoting education, awareness, and public engagement.

In summary, protecting MCH is a complex and challenging task that requires a comprehensive understanding of cultural heritage law, international conventions, and best practices. By using the key terms and vocabulary explained above, stakeholders can better understand the legal and ethical dimensions of protecting MCH and contribute to the preservation and promotion of the world's cultural heritage.

Examples:

\* The Elgin Marbles, also known as the Parthenon Marbles, are a collection of classical Greek sculptures and friezes that were removed from the Parthenon temple in Athens in the early 19th century by Thomas Bruce, the Earl of Elgin. The Elgin Marbles have been the subject of a long-standing dispute between Greece and the United Kingdom, with Greece demanding the return of the marbles to their country of origin, and the

UK refusing to do so on the grounds that they were legally acquired and are now part of the British Museum's collection.

\* The Koh-i-Noor diamond is a 105-carat diamond that has been part of the British Crown Jewels since 1850. The diamond was originally mined in India and has a long and complex history of ownership and transfer, including being owned by various Mughal emperors, Persian shahs, and Afghan rulers. India has claimed ownership of the Koh-i-Noor diamond and demanded its return, but the UK has refused to do so, arguing that the diamond was legally acquired as a gift or spoils of war and is now a national treasure.

\* The Rosetta Stone is a granodiorite stele inscribed with three versions of a decree issued in Memphis, Egypt, in 196 BC, during the Ptolemaic dynasty. The Rosetta Stone was discovered in 1799 by French soldiers during the Napoleonic Wars and has been a key artifact in the deciphering of Egyptian hieroglyphs and the study of ancient Egyptian history. The Rosetta Stone is now part of the British Museum's collection, but Egypt has claimed ownership of the stone and demanded its return, arguing that it was illegally taken from Egypt and is a symbol of national identity and cultural heritage.

Practical Applications:

\* Museums, galleries, and other cultural institutions should establish due diligence procedures for acquiring, displaying, and disposing of cultural property, including researching provenance, ownership, and legality, and following best practices and standards in handling, storage, and display.

\* Collectors, dealers, and auction houses should conduct due diligence on the cultural property they buy, sell, or handle, including verifying provenance, ownership, and legality, and following ethical and professional standards and guidelines.

\* Governments and international organizations should promote and implement cultural heritage laws, international conventions, and best practices, including preventing illicit traffic, returning and restituting stolen or looted cultural property, and involving communities and stakeholders in decision-making.

Challenges:

\* The illicit traffic of cultural property is a global problem that requires international cooperation and coordination, but it is also a complex and multifaceted issue that involves various actors, interests, and motivations.

\* The return and restitution of stolen or looted cultural property can be a sensitive and controversial issue, as it involves questions of cultural identity, national sovereignty, and legal ownership.

\* The increasing demand for cultural property in the global art market, combined with the availability of advanced technology and the internet, has facilitated the illicit traffic of cultural property and made it harder to detect and prevent.

In conclusion, protecting MCH is an essential task that requires a comprehensive understanding of cultural heritage law, international conventions, and best practices. By using the key terms and vocabulary explained above, stakeholders can better understand the legal and ethical dimensions of protecting MCH and contribute to the preservation and promotion of the world's cultural heritage. However,