

THINK TANK POLICY BRIEF

# How Can The G20 Best Protect Cultural Heritage? Policy Recommendations To Strengthen Commitment In Support Of Hands-On Action

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## Antiquities Coalition Think Tank

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Cultural heritage is fundamental to human wellbeing. This means that the protection of heritage is essential to people's quality of life. The 2021 Rome Declaration of the G20 Culture Ministers (hereafter G20 Declaration) highlights key issues regarding the place of culture in human social development and in sustainable, equitable economic growth. The G20 Declaration positions the protection of cultural heritage as one of its founding principles. This positive development recognises the need to enhance heritage preservation in the face of varied threats including looting and illicit cultural trafficking as well as damage and destruction in the course of conflict and economic development. Supporting previous work on the G20 Declaration by the Antiquities Coalition (hereafter AC), this policy brief argues that the G20's intervention is very welcome, but the foundations of its approach need to be strengthened to ensure its commitments to the protection of cultural heritage can be effectively translated to action on the ground.

### About the author

Emeritus Professor Ian Lilley is an Australian archaeologist and heritage practitioner. For 25 years, he led the academic program of the University of Queensland's Indigenous student support unit. He was also the invited inaugural Willem Willems Chair for Contemporary Issues in Archaeological Heritage Management at Leiden University in the Netherlands and has held visiting professorships at Oxford, Stanford, and the German Archaeological Institute in Berlin, amongst others. In addition to his widely published and influential scholarly research, Ian has provided advice on heritage matters to universities, government, and industry across Australasia and globally for 45 years. He has worked with organizations as diverse as UNESCO and its Advisory Bodies ICOMOS, IUCN and ICCROM, as well as the World

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Bank, the Pentagon and a variety of other government agencies, NGOs and private sector companies large and small. He has also led peak professional bodies in Australia, the Indo-Pacific and globally.

## **About the Think Tank**

The Antiquities Coalition unites a diverse group of experts in the global fight against cultural racketeering: the illicit trade in art and antiquities. This plunder for profit funds crime, armed conflict, and violent extremist organizations around the world—erasing our past and threatening our future. Through innovative and practical solutions, we tackle this challenge head on, empowering communities and countries in crisis.

In 2016, as part of this mission, we launched the Antiquities Coalition Think Tank, joining forces with international experts, including leaders in the fields of preservation, business, law, security, and technology. Together, we are bringing high-quality and results-oriented research to the world's decision makers, especially those in the government and private sectors. Our goal is to strengthen policymakers' understanding of the challenges facing our shared heritage and more importantly, help them develop better solutions to protect it. However, the views expressed in these policy briefs are the author's own, and do not necessarily reflect those of the Antiquities Coalition.

We invite you to learn more at [thinktank.theantiquitiescoalition.org](http://thinktank.theantiquitiescoalition.org).

## **EXECUTIVE SUMMARY**

Cultural heritage is fundamental to human wellbeing. This means that the protection of heritage is essential to people's quality of life. The 2021 Rome Declaration of the G20 Culture Ministers (hereafter G20 Declaration) highlights key issues regarding the place of culture in human social development and in sustainable, equitable economic growth. The G20 Declaration positions the protection of cultural heritage as one of its founding principles. This positive development recognizes the need to enhance heritage preservation in the face of varied threats including looting and illicit cultural trafficking as well as damage and destruction in the course of conflict and economic development. Supporting previous work on the G20 Declaration by the Antiquities Coalition (hereafter AC), this policy brief argues that the G20's intervention is very welcome, but the foundations of its approach need to be strengthened to ensure its commitments to the protection of cultural heritage can be effectively translated to action on the ground.

The brief applauds the comprehensive recommendations of the AC's 2021 report on *Safeguarding Cultural Heritage in Conflict Zones: A Roadmap for the G20 to Combat the Illicit Trade in Cultural Objects*. However, it takes a step back from the AC Roadmap's far-reaching ambitions in order to analyze the G20 Declaration in relation to four empirically supported measures of

the G20's performance regarding its commitments. On that basis, it contends there is first a need to address certain basic dimensions of the G20's approach to delivering on its promises.

The first yardstick relates to the necessity of regular "same subject" meetings. The G20 now has a Culture Working Group and member-states' Culture Ministers meet annually. However, recent experience shows that cultural heritage protection is not always formally addressed in these forums despite the concerns so clearly expressed in the G20 Declaration. These matters should always be on the annual agendas of the Ministers and any meetings of the Culture Working Group. Second, the G20 Declaration is cast in "low binding" terms. It should instead be reframed in "committable language" which firmly enjoins rather than merely encourages G20 members to sign up to its proposals.

A third useful measure of the G20's delivery on its promises is engagement with international organizations. The G20 engages on heritage matters with a small group of organizations which are important but represent only a narrow selection of the ever-increasing number of parties concerned with heritage protection. For greater effectiveness, the G20 should work with an expanded and more diverse range of international organizations. The fourth measure of G20 performance concerns the core issue of complementarity among the commitments and actions of pivotal blocs within the organization, namely the G7 and the BRICS group. Such complementarity is essential if the G20 is to move forward on heritage protection in the comprehensive way envisaged by the AC's Roadmap. Without it, any action will likely prove ineffective, as different blocs pull in different directions or take no action at all.

The foregoing four factors urgently need to be addressed to ensure the G20 Declaration can deliver on its promise regarding heritage preservation. One crucial matter remains to be included, however, to underpin effective action by G20 members: a permanent heritage body expressly assigned to enable the implementation of the far-reaching commitments in the G20 Declaration. A separate permanent body is necessary because the G20 itself has no fixed base or secretariat. The AC's G20 Roadmap recommends the creation of a dedicated G20 heritage body, advocating a substantial research capacity to deliver the advice required for informed decision-making. Over the medium to long term, it is imperative that the proposed G20 heritage body develops the comprehensive research and related functions outlined in the AC's Roadmap if the G20 is to contribute usefully to heritage preservation. However, considering the foregoing four factors impacting the G20's delivery on its commitments, any G20 heritage body should attend first to the issues of same-subject meetings, committable language, international engagement, and internal complementarity regarding cultural heritage preservation.

## Policy Recommendations

In line with the clear intentions of the G20 Culture Ministers' 2021 Rome Declaration and building on the research and informed opinion of scholars and other analysts and investigators including the Antiquities Coalition and its partners, this policy brief argues that the G20 could more effectively deliver on its formally declared intention to preserve cultural heritage by:

1. Continuing annual “same subject” ministerial meetings on heritage protection as well as ensuring ministerial Working Group collaboration on these matters between such meetings;
2. Strengthening the language of the 2021 Rome Declaration of the G20 Ministers of Culture to help achieve higher levels of delivery among member states;
3. Taking a “whole-of-G20” approach on heritage protection that ensures complementarity and mutual reinforcement among Ministerial Working Groups and between the G20 and its key constituent blocs of G7 and BRICS nations;
4. Engaging with an extended and more diverse range of international organizations, including the World Bank and IMF, the International Union for Conservation of Nature and the International Criminal Court; and, central to moving the whole endeavor forward,
5. Establishing and ensuring continuing funding for a permanent independent multilateral G20 Heritage Hub for the protection of cultural heritage. The initial urgent priority of this Hub should be to address the foregoing four issues of meetings, language, international engagement, and complementarity. This Hub is critical to delivering on the promise of the G20 Declaration because the G20 has no institutional base from which it could otherwise deliver concrete action on heritage matters.

## Introduction

In 2021, the Culture Ministers of the G20 issued their landmark Rome Declaration on Culture<sup>1</sup>. This welcome development has great potential to lift the profile of cultural heritage issues on the international stage. The G20 Declaration built on the first joint meeting of G20 Culture Ministers in Saudi Arabia in 2020 and was reinforced by the overall 2021 G20 Leaders' Declaration. The Culture Ministers' message is that culture counts as a

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<sup>1</sup> G20 Italian Presidency. “G20 Rome Leaders' Declaration.” Retrieved August 14, 2024, fromchrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/[https://www.governo.it/sites/governo.it/files/G20ROMELEADERSDECLARATION\\_0.pdf](https://www.governo.it/sites/governo.it/files/G20ROMELEADERSDECLARATION_0.pdf).

core consideration in global deliberations owing to its social and economic value. This value ultimately rests on the central place of culture in human wellbeing and quality of life. Within the broad category of culture, “heritage” encompasses cultural legacies handed down through the generations. It includes both tangible or physical phenomena (e.g. buildings, sites, artifacts) and intangible elements (e.g. values, practices, knowledge). Empirical evidence from around the world demonstrates that engagement with heritage makes a significant positive contribution to individual and community wellbeing. This is because it boosts pleasure and enjoyment of life on the one hand and finding purpose and meaning in life on the other. Psychologists refer to pleasure and enjoyment as “hedonia” and finding purpose and meaning in life as “eudaimonia”<sup>2</sup>.

Enjoyment and meaning are both important to the value of heritage, but the latter in particular is fundamental to contemporary conceptions of heritage and its preservation. The 1964 Venice Charter, for example, one of the key doctrinal statements on heritage preservation<sup>3</sup>, states

Imbued with a message from the past, the historic monuments of generations of people remain to the present day as living witnesses of their age-old traditions. People are becoming more and more conscious of the unity of human values and regard ancient monuments as a common heritage. The common responsibility to safeguard them for future generations is recognized. It is our duty to hand them on in the full richness of their authenticity.

In 2021, the Prosecutor in the International Criminal Court’s case concerning the destruction of World Heritage sites in Mali<sup>4</sup>, argued in similar vein that

Cultural heritage constitutes a unique and important testimony of the culture and identities of peoples and the degradation and destruction of cultural heritage constitutes a great loss to those communities which are directly affected, as well as to the international community as a whole...It is the repository of

2 Huta, V. 2013 “Eudaimonia,” in Boniwell, I. (ed.) *Oxford Handbook of Happiness*, pp. 201-213. Oxford: OUP; Ryan, R. and E. Deci. 2001 “On Happiness and Human Potentials: A Review of Research on Hedonic and Eudaimonic Well-Being.” *Annual Review of Psychology* 52:141-166; also Ateca-Amestoy, V. et al. 2021 “Engagement and Subjective Well-Being in the European Union.” *Sustainability* 13, <https://doi.org/10.3390/su13179623>; Gallou, E. 2022 “Heritage and pathways to wellbeing: From personal to social benefits, between experience identity and capability shaping.” *Wellbeing, Space and Society* 3, <https://www.sciencedirect.com/science/article/pii/S2666558122000136>; Hodder, I. 2010 “Cultural Heritage Rights: From Ownership and Descent to Justice and Well-being.” *Anthropological Quarterly* 83(4):861–882; Napier, D. et al. 2014 “Culture and health.” *The Lancet* 384: 1607-1039; Power, A. and K. Smyth 2016 “Heritage, health and place: The legacies of local community-based heritage conservation on social wellbeing.” *Health and Place* 39:160-167.

3 ICOMOS 1964 “The International Charter for the Conservation and Restoration of Monuments and Sites (The Venice Charter 1964),” [https://www.icomos.org/images/DOCUMENTS/Charters/venice\\_e.pdf](https://www.icomos.org/images/DOCUMENTS/Charters/venice_e.pdf).

4 International Criminal Court 2021. “ICC Prosecutor, Fatou Bensouda, publishes Policy on Cultural Heritage.” Retrieved August 14, 2024, from <https://www.icc-cpi.int/news/icc-prosecutor-fatou-bensouda-publishes-policy-cultural-heritage-cultural-heritage-repository>.



Caption: The 2020 Presidency of the Kingdom of Saudi Arabia marked the first time that culture was added to the G20 agenda. Under the 2021 Presidency of Italy, the G20 hosted a Cultural Ministerial at the Colosseum in Rome where Member States gathered to adopt the historic Rome Declaration. The 2022 Indonesia, 2023 India, and 2024 Brazil presidencies have each continued the Cultural Heritage Working Group and have hosted a Cultural Ministerial.

Credit: Italian Ministry of Culture and G20 Italy

the human experience throughout the ages. To protect it, is to pay homage to the basic fabric of civilization and civilizational practice.

In alignment with such sentiments, the G20 Declaration proposes that culture should play a pivotal role in the world's recovery from the COVID19 pandemic and responses to climate change as well as in sustainable human development in the broadest sense. The future of cultural heritage protection will be perceptibly brighter if the G20 Declaration's positive outlook can produce tangible results.

The G20 declaration implicitly recognizes that cultural heritage has long been relegated to the margins of international affairs despite the activities of UNESCO and other organizations. For decades, those working in the cultural sector have rallied against this exclusion, advocating a more central role for all aspects of culture in global human development<sup>5</sup>. As the world began

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5 E.g. Think 20 Italy. "Inclusive and Resilient Creative Economy for Sustainable Development and Recovery," [https://www.t20italy.org/wp-content/uploads/2021/09/TF5\\_PB01\\_LM02.pdf](https://www.t20italy.org/wp-content/uploads/2021/09/TF5_PB01_LM02.pdf); Buchoud et al. 2021; Giliberto, F. and S. Labadi. 2021 "Harnessing cultural heritage for sustainable development: an analysis of three internationally funded projects in MENA Countries." *International Journal of Heritage Studies*, DOI: 10.1080/13527258.2021.1950026; Petti, L. et al. 2020 "Cultural Heritage and Sustainable Development Targets: A Possible Harmonisation? Insights from the European Perspective." *Sustainability* 12, 926, DOI:10.3390/su12030926; Stupples, P. 2014 "Creative contributions: The role of the arts and the cultural sector in development." *Progress in Development Studies* 14, 2:115–130; Thosby, D. 2017



to emerge from COVID, key international bodies quickly recognized that the pandemic offered the world's policy developers and decision makers an opportunity to pause, reflect and reset attitudes and approaches to cultural matters and move them to the heart of debates about humanity's future<sup>6</sup>. As the 2021 UN World Travel Organization's (UNWTO) *Inclusive Recovery Guide* put it, the pandemic "created an opportunity to move away from unsustainable practices of the past, towards more resilient, inclusive and resource-efficient models that contribute to the Sustainable Development Goals (SDGs)"<sup>7</sup>. This positive theme has carried through to organizations such as the World Economic Forum, which launched the Davos Baukultur Alliance in January 2023 because "high-quality Baukultur [built heritage] supports sustainable economic success, providing favorable conditions for welfare within society and offering new opportunities for financial and cultural benefits, especially over a long-term perspective"<sup>8</sup>.

Until the G20 Declaration, the relationship between heritage and sustainable development in the broad humanistic sense, not only in economic terms, remained a matter of intense debate despite decades of work on the issue by organizations such as UNESCO as well as by scholarly researchers<sup>9</sup>. Wiktor-Mach recently remarked that "The lack of [a] goal on culture in the SDGs shows that there is no global consensus on linking culture directly with development"<sup>10</sup>. She went on to note that "there has not been substantial research into the linkages between culture and sustainable development...[and that despite] huge lobbying and advocacy from UNESCO, it is clear that

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"Culturally sustainable development: theoretical concept or practical policy instrument?" *International Journal of Cultural Policy* 23(2):133-147; Vrodljak, A. 2018 "World Heritage and illicit trade." *World Heritage* 87:6-13; Zheng, X. et al. 2021 "Consideration of culture is vital if we are to achieve the Sustainable Development Goals." *One Earth* 4:307-319.

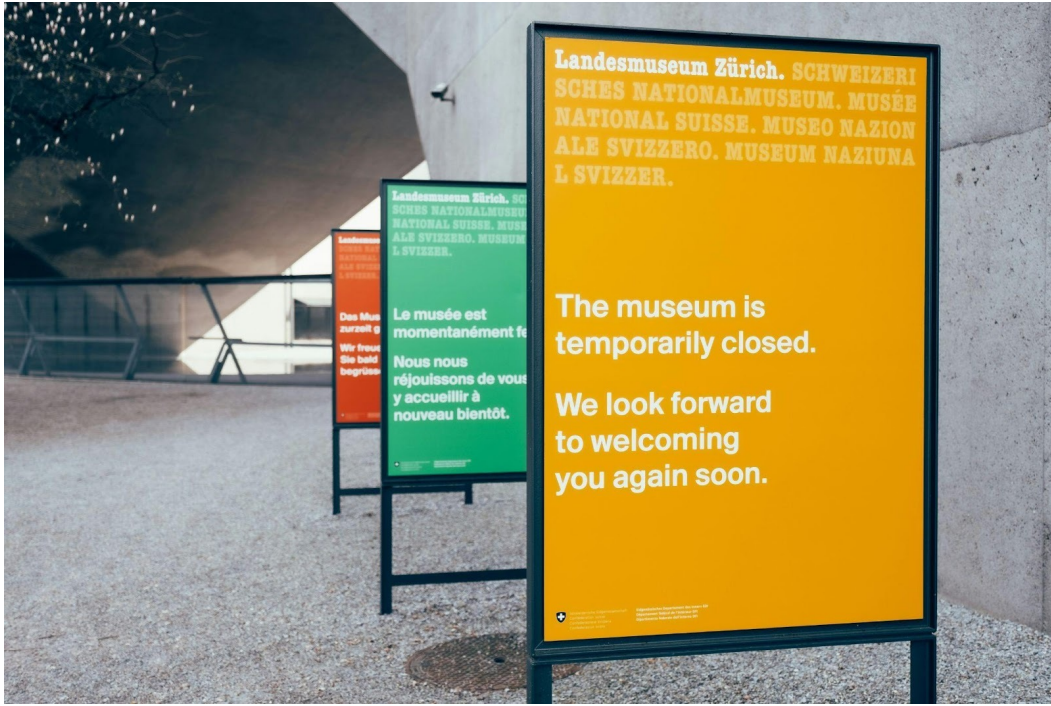
6 E.g. OECD 2021; Sonobe et al. 2022 (Asian Development Bank); OECD 2019 "The Economy of Well-being: Creating Opportunities for Peoples' Well-being and Economic Growth." *SDD/DOC (2019) 2*, [https://one.oecd.org/document/SDD/DOC\(2019\)2/En/pdf](https://one.oecd.org/document/SDD/DOC(2019)2/En/pdf); Asian Development Bank Institute. 2022 "Creative Economy 2030: Imagining and Delivering a Robust, Creative, Inclusive, and Sustainable Recovery," <https://www.adb.org/publications/creative-economy-2030-imagining-and-delivering-a-robust-creative-inclusive-and-sustainable-recovery>; UNESCO. 2022 "UNESCO and the Department of Culture and Tourism - Abu Dhabi 2022," <https://unesdoc.unesco.org/ark:/48223/pf0000381524>; UN World Travel Organisation. 2021 "UNWTO Inclusive Recovery Guide – Sociocultural Impacts of Covid-19, Issue I: Persons with Disabilities," <https://www.e-unwto.org/doi/pdf/10.18111/9789284422296>.

7 UN World Travel Organisation. 2021 "Inclusive Recovery Guide," p. 3.

8 Baukultur Schweiz. 2023 "Davos Baukultur Memorandum," Retrieved August 14, 2024, from <https://davosdeclaration2018.ch/wp-content/uploads/sites/2/2023/06/2023-05-11-132341-davos-baukultur-memorandum-en.pdf>; Baukultur has no direct English translation but encompasses the preservation and development of sustainable and culturally appropriate/relevant buildings and cities.

9 ICOMOS. 2011 "The Paris Declaration on heritage as a driver of development." Retrieved August 14, 2024, from [https://www.icomos.org/images/DOCUMENTS/Charters/GA2011\\_Declaration\\_de\\_Paris\\_EN\\_20120109.pdf](https://www.icomos.org/images/DOCUMENTS/Charters/GA2011_Declaration_de_Paris_EN_20120109.pdf); Labadi, Sophia et al. 2021 *Heritage and the sustainable development goals: policy guidance for heritage and development actors*. ICOMOS 134p. ISBN 978-2-918086-87-1 <https://openarchive.icomos.org/id/eprint/2453/>; UNESCO. 2021 "Culture & Sustainable Development: Powering Culture across Public Policies," <https://www.unesco.org/en/sustainable-development/culture>; UNESCO. 2015 "World Heritage and Sustainable Development," <https://whc.unesco.org/en/sustainabledevelopment/>; UNESCO 2022 "UNESCO and the Department of Culture and Tourism - Abu Dhabi 2022"; Lixinski, L. 2014 "Sustainable Development in International Heritage Law: Embracing a Backwards Look for the Sake of Forwardness?" *The Australian Year Book of International Law* 32: 65-86; Larsen, P. B. and W. Logan (eds) 2018 *World Heritage and Sustainable Development : New Directions in World Heritage Management*. London: Routledge; Roders & van Oers 2011 Editorial: bridging cultural heritage and sustainable development. *Journal of Cultural Heritage Management and Sustainable Development* 1(1): 5-14; Throsby *op cit.*; Wiktor-Mach, D. 2020 "What role for culture in the age of sustainable development? UNESCO's advocacy in the 2030 Agenda negotiations." *International Journal of Cultural Policy* 26(3):312-327.

10 G20 Italian Presidency. 2021 "G20 Rome Leader's Declaration."



Caption: The public health crisis shuttered brick and mortar establishments, inflicted unprecedented losses and layoffs, and forced some businesses and museums to close their doors forever, presenting the cultural sector and its leaders with new challenges.

Credit: Photo by Patrick Robert Doyle on Unsplash

culture is not fully part of the mainstream development paradigm”<sup>11</sup>. The fact that the overall G20 leadership endorsed the 2021 Culture Ministers Declaration suggests the world’s leading decisions makers may be prepared to remedy that situation.

In this context, it is of signal importance that the “founding principles” of the G20 Declaration recognize that the protection and preservation of cultural heritage, especially against cultural crime such as looting and the illicit trafficking of antiquities, underpin any role culture might play as a driver of what the Ministers’ statement calls “Regeneration and Sustainable and Balanced Growth”<sup>12</sup>.

It is imperative that this shift in the approach of global leaders is made permanent and the cultural sector’s central role in humanity’s future is secured if the momentum created by the 2021 Culture Declaration is not lost amidst intensifying geopolitical competition in ‘hotspots’ around the world. The G20 must take seriously its self-declared responsibility to ensure cultural heritage is protected rather than simply exploited for commercial gain or nationalistic posturing. Nationalistic propagandizing and commercial activities rarely contribute to the long-term protection and preservation of

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<sup>11</sup> Wiktor-Mach *op cit.* pp.322-323.

<sup>12</sup> G20 Italian Presidency, 2021 “G20 Rome Leader’s Declaration.”



the heritage in question. To this end, the final dot point of the G20 Declaration advocated “the introduction of Culture in the G20 workstream [by forming a Culture Working Group], given its strong economic and social impact at the national and global level”, so that “the legacy” of the Rome Declaration could be advanced as an integral element of the organization’s future activities.<sup>13</sup>

## The problem

Why should the G20 be concerned about protecting cultural heritage, rather than leaving the matter to other global organizations? The first matter to which the G20 Declaration alludes is that “destruction and illicit trafficking of cultural property are serious crimes and a threat to international peace and security”. The Declaration does not mention longstanding UN instruments concerning these matters, such as the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, or the complementary UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects<sup>14</sup>. Rather, it cites two much more recent UN Security Council resolutions concerning terrorist financing. The first concerns denying “economic resources” to particular terrorist groups<sup>15</sup>, but the second specifically “Condemns the unlawful destruction of cultural heritage...and the looting and smuggling of cultural property...notably by terrorist groups”<sup>16</sup>.

Terrorism is certainly an issue in heritage preservation, but only one part of a complex, multidimensional scenario. Terrorists remain a threat to heritage and much else besides, even if their capabilities have been significantly degraded over recent years by financial controls and armed interventions. This is because their destruction of heritage demonstrably harms human wellbeing by attacking places and things that bring pleasure and meaning to people’s lives. Yet ‘the unlawful destruction of cultural heritage...and the looting and smuggling of cultural property’ has a very long and continuing global history that has nothing to do with terrorism of the contemporary sort, though some of the motivations and certainly many of the consequences are much the same. Since time immemorial, cultural heritage has been stolen to enrich the looters, to provide status markers to invaders and colonists ‘back home’ and to establish their legitimacy or at least primacy of power in newly acquired

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13 G20 Italian Presidency. 2021 “G20 Rome Leader’s Declaration,” pg 10.

14 UNESCO. “Home | Fight Illicit Trafficking (1970 Convention).” Retrieved August 14, 2024, from <https://www.unesco.org/en/fight-illicit-trafficking#:~:text=The%20UNESCO%201970%20Convention,illicit%20trafficking%20of%20cultural%20property>; UNIDROIT 1995 Convention on stolen or illegally exported cultural objects. Retrieved August 14, 2024, from <https://www.unidroit.org/instruments/cultural-property/1995-convention/>.

15 UN Security Council. 2015 “S/RES/2199.” Retrieved August 14, 2024, from <https://www.un.org/securitycouncil/content/sres2199-2015>.

16 UN Security Council. 2017 “S/RES/2347.” Retrieved August 14, 2024, from <https://www.un.org/securitycouncil/s/res/2347-%282017%29>.



Caption: The Horses of San Marco were first looted from Constantinople to Venice by Venetian Forces, then from Venice to Paris by Napoleon in 1797. They were returned in 1815 to St. Mark's Basilica in Venice.

Credit: Image by Ruth Archer from Pixabay

territories<sup>17</sup>. Past and present cities and ceremonial centers the world over are littered with such booty. The stunning monuments in St Mark's Square in Venice are well-known examples. The Horses of San Marco were looted from Constantinople in AD 1204 and the Winged Lion of St Mark was looted from Syria a few centuries before that. The notorious Nazi looting of art throughout Europe, especially from Jewish families, is a more recent instance, the subject of numerous sobering television documentaries and of ongoing court action to force restitution to the rightful owners. Although not always straightforward, restitution of cultural property looted in colonial times is also becoming increasingly common, both to Indigenous communities within settler colonial nations such as Australia and the United States and from former colonial countries, mostly but not always European, to their erstwhile colonies<sup>18</sup>.

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17 Bahrani, Z. 2017 "Destruction and Preservation as Aspects of Just War." *Future Anterior Journal of Historic Preservation, History, Theory, and Criticism* 14(1):106-119.

18 Australian Government. "Indigenous Repatriation | Office for the Arts" (n.d.). Retrieved August 14, 2024, from <https://www.arts.gov.au/what-we-do/cultural-heritage/indigenous-repatriation>; Artnet News. 2023 "A Historic Moment: The Netherlands Is Repatriating Nearly 500 Cultural Artifacts to Indonesia and Sri Lanka." Retrieved August 14, 2024, from <https://news.artnet.com/art-world/the-netherlands-restitution-2333005>.

So, too, with the destruction-in-place of cultural heritage for vengeance, demoralization of the local populace or to make a political point<sup>19</sup>, all of which again are effective weapons because of their negative impact on people's wellbeing and quality of life. Thus it is, for example, that the Basilica Metropolitan Cathedral in the historic main square of Lima, Peru, sits slightly higher than surrounding buildings because it was built on top of an Inca ceremonial centre and royal palace, to reinforce the power of the Conquistadors and the primacy of Christianity after the Spanish invasion<sup>20</sup>. The Taliban's destruction of the Bamiyan Buddhas in Afghanistan is another well-publicized case<sup>21</sup>, as is the shelling and/or looting of prominent cultural properties in the former Yugoslavia during the Balkans War in the 1990s<sup>22</sup> as well as in Ukraine since the ongoing Russian invasion began in 2014<sup>23</sup>.

Modern destruction of cultural heritage in the context of armed conflict, whether by terrorists or state actors, is high profile and the focus of considerable global attention<sup>24</sup>. Linking recent heritage destruction to armed conflict and especially terrorism financing has usefully bolstered global awareness of the situation and enhanced the funding of countermeasures. However, as Brodie and Yates assert, "looting and trafficking is an organized crime first and foremost", and these days is mostly conducted on the internet<sup>25</sup>. Moreover, as Brodie and other colleagues emphasize elsewhere, "Small, relatively inexpensive, and easily portable cultural objects such as coins currently make up the bulk of both online sales and police seizures...The organization of the trade seems to have changed along with the nature of material traded, with more dispersed, opportunistic, and less-specialized criminal networks coming to work alongside the more traditionally organized high-value supply chains headed up by well-connected dealers"<sup>26</sup>.

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19 Luck, E.C. 2018, "Cultural Genocide and the Protection of Cultural Heritage" Getty. Retrieved August 14, 2024, from <https://www.getty.edu/publications/occasional-papers-2/>.

20 Lima Metropolitan Cathedral, Wikipedia, [https://en.wikipedia.org/wiki/Lima\\_Metropolitan\\_Cathedral](https://en.wikipedia.org/wiki/Lima_Metropolitan_Cathedral).

21 Buddhas of Bamiyan, Wikipedia, [https://en.wikipedia.org/wiki/Buddhas\\_of\\_Bamiyan](https://en.wikipedia.org/wiki/Buddhas_of_Bamiyan).

22 Lilley, I. 2016 "Friday essay: war crimes and the many threats to cultural heritage." *The Conversation*. Retrieved August 14, 2024, from <https://theconversation.com/friday-essay-war-crimes-and-the-many-threats-to-cultural-heritage-65957>.

23 Harrell, K. et al. 2023 "Impacts to Cultural Heritage in Ukraine, 01 September 2022 through 31 January 2023" Retrieved August 14, 2024, from [https://www.tearline.mil/public\\_page/impacts-to-cultural-heritage-in-ukraine/](https://www.tearline.mil/public_page/impacts-to-cultural-heritage-in-ukraine/).

24 Lilley 2016 "Friday essay."

25 Brodie, N. and D. Yates. 2019 *Illicit trade in cultural goods in Europe. Characteristics, criminal justice responses and an analysis of the applicability of technologies in the combat against the trade. Final report*. Brussels: European Commission.

26 Brodie, N. et al. 2022 "Why There is Still an Illicit Trade in Cultural Objects and What We Can Do About It." *Journal of Field Archaeology* 47:2, 117-130, DOI: 10.1080/00934690.2021.1996979

This is not to say that the latter have vanished from the illicit art market. Far from it, as has been made clear by recent scandals at New York’s Metropolitan Museum of Art and the Louvre in Paris<sup>27</sup>. Problems at many other collecting institutions world-wide continually attract headlines<sup>28</sup> but heritage destruction through cultural crime carries on unabated at all levels around the globe despite government measures and non-government activism to dampen both demand and supply in the illicit trade.

As the G20 Declaration recognizes, money laundering, tax evasion and related financial crimes are a major concern in this connection<sup>29</sup>. That is made clear, for instance, in the 2023 report of the independent inter-governmental Financial Action Task Force (FATF) on *Money Laundering and Terrorist Financing in the Art and Antiquities Market* and also by the European Union’s 2020 Fifth Anti-Money Laundering Directive, which mandates the reporting of any art transactions over €10,000<sup>30</sup>. Terrorists certainly participate in this activity but individual as well as organized criminals are the primary drivers of this core aspect of heritage destruction, taking advantage of the much-remarked opacity of the art and antiquities markets<sup>31</sup>. While some of this activity occurs on a global scale, through shadowy entities such as “Pantheon Worldwide”, Mashberg notes that “small-scale scams occur every day. Indian officials, for example, say antiquities looted from remote temples and tombs are used as a means of currency exchange...through unregulated nonbank financial companies”<sup>32</sup>. There is a major problem, however, insofar as we know little about the true parameters of such activity, large or small scale, owing to a lack of research to produce verifiable empirical evidence<sup>33</sup>. Unlike terrorist acts and much other destruction in times of conflict, heritage destruction through financial crime and the other sorts of criminal activity

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27 Spencer Woodman et al. 2023 “The Stuff Was Illegally Dug up’: New York’s Met Museum Sees Reputation Erode over Collection Practices,” *The Guardian*. Retrieved August 14, 2024, from <https://www.theguardian.com/culture/2023/mar/20/new-york-metropolitan-museum-collection-artifacts-theft>; News Wires. 2022 “Former president of Louvre museum charged in art trafficking case,” *France 24*. Retrieved August 14, 2024, from <https://www.france24.com/en/europe/20220526-former-president-of-louvre-museum-charged-in-art-trafficking-case>.

28 Stevens, M. 2023 “The FBI has an art crime team. And these days it’s busy.” *The New York Times*, Retrieved August 14, 2024, from <https://www.nytimes.com/2023/03/13/arts/fbi-art-crime-team.html>.

29 Heywood, M. 2017 *Tainted Treasures. Money laundering risks in luxury markets*. Berlin: Transparency International, <https://www.transparency.org/en/publications/tainted-treasures-money-laundering-risks-in-luxury-markets>; Owens, O. 2022 “The International Art Market and Financial Crime.” Sydney: Australian Institute of International Affairs, <https://www.internationalaffairs.org.au/resource/the-international-art-market-and-financial-crime/>

30 FATF. 2023 *Money Laundering and Terrorist Financing in the Art and Antiquities Market*, Retrieved August 14, 2024, from <https://www.fatf-gafi.org/en/publications/MethodsandTrends/Money-Laundering-Terrorist-Financing-Art-Antiquities-Market.html>; 2018 “Directive (EU) 2018/843 of the European Parliament and of the Council of 30 May 2018.” *Official Journal of the European Union* 156:43-74.

31 Brodie et al. 2022 *op cit.*; Heywood 2017 *op cit.*; Woodman, S. 2020 “Mystery company ties accused temple raiders to art world elite,” ICIJ. Retrieved August 14, 2024, from <https://www.icij.org/investigations/fincen-files/mystery-company-ties-accused-temple-raiders-to-art-world-elite/>; Mashberg, T. 2019 “The Art of Money Laundering,” International Monetary Fund. Retrieved August 14, 2024, from <https://www.imf.org/en/Publications/fandd/issues/2019/09/the-art-of-money-laundering-and-washing-illicit-cash-mashberg>.

32 Mashberg 2019 *op. cit.*

33 Brodie et al. 2022 *op cit.*; FATF 2023 *op cit.*





Caption: In a recent example of how art criminals can exploit the art market’s vulnerabilities, on April 18 2023, the U.S. Department of Justice unsealed a nine-count criminal indictment charging Nazem Ahmad (pictured), a high-profile Lebanese collector turned Hezbollah financier, with multiple felonies for using art and other luxury goods to evade terrorism-related sanctions—a scheme that allowed him to transact at least \$160 million through the U.S. financial system.

Credit: Office of Public Affairs, U.S. Department of Justice

referred to above has historically been characterized as victimless crimes not intentionally directed at harming people’s wellbeing. It nonetheless often has that effect on the people whose heritage is in question<sup>34</sup>.

### **Previous work by the Antiquities Coalition**

The foregoing factors have seen the AC engage closely with the development of the G20’s approach to heritage protection and action against heritage crime. Deborah Lehr, the AC’s Founder and Chair, met with other global leaders in the sector in 2021 to help usher in the G20 Declaration. To support continued progress, in early 2023 the AC’s Executive Director Tess Davis addressed the opening G20 Culture Working Group webinar on the Protection and Restitution of Cultural Property. Lehr and Davis both drew on the AC’s 2021 report on *Safeguarding Cultural Heritage in Conflict Zones: A Roadmap for the G20 to Combat the Illicit Trade in Cultural Objects* in presenting their summary recommendations<sup>35</sup>.

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<sup>34</sup> Oosterman, N. “Art Crime” Oxford Bibliographies. Retrieved August 14, 2024, from <https://www.oxfordbibliographies.com/display/document/obo-9780195396607/obo-9780195396607-0314.xml>.

<sup>35</sup> The Antiquities Coalition. 2020 “A roadmap for the G20,” <https://theantiquitiescoalition.org/%20developing-implementing-solutions/a-roadmap-for-the-g20/>.



Prepared ahead of the 2021 Rome G20 meeting by the AC and its partner Heritage for Peace, the roadmap is a comprehensive report offering nine detailed recommendations. The first recommendation, calling for a G20 leaders' statement on heritage matters, came to pass almost immediately, in the form of the 2021 G20 Leaders' Declaration mentioned at the start of this paper. The other recommendations mostly concerned actions to be undertaken by the newly established G20 Culture Working Group. These actions included creating an action plan, identifying challenges and opportunities through accountability reports from member states, highlighting best practices and past failures, plugging legal and policy gaps, strengthening weak points through self-appraisals by member states. In addition, there were three recommendations concerning the G20 as a whole: underwriting heritage action in countries and communities in crisis; committing to ongoing action through annual high-level meetings; and the "creation of one or more permanent, interdisciplinary research consortia" to furnish evidence needed for informed decision-making<sup>36</sup>.

If they could be implemented, the AC's ambitious recommendations to the G20 would greatly advance global action on heritage preservation and heritage crime. There should be no argument against setting such lofty objectives, and the recommendations should unquestionably remain goals for the medium to long term. However, the AC's proposals assume a great deal about the capacities of the G20 with regard to urgent immediate action. This is particularly the case at this early stage of development in the G20's approach to heritage preservation, but empirical evidence suggests there are issues impacting on the performance of the G20 more generally. The AC's recommendations overlook the fact that the G20 as an organization is still very new on the cultural heritage scene despite the vast and often world-leading experience of at least some of its member states. Furthermore, it has no permanent institutional base<sup>37</sup>. Rather, while there may be a degree of continuity through Working Groups and the like, that continuity cannot be assured because the G20 sees all of its functions move annually between countries as its Presidency rotates among member states. Finally, it must be remembered that the G20 is composed of multiple and not necessarily cooperative or mutually supportive blocs. These factors need to be considered to ensure there is a solid basis on which to advance the recommendations of the AC's G20 Roadmap.

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<sup>36</sup> Brodie and Yates 2019 *op cit*.

<sup>37</sup> 2023. "About | G20 Indian Presidency." Retrieved August 14, 2024, from <https://www.g20.in/en/about-g20/about-g20.html>.

## Ways forward

To be forthright, no amount of aspirational language from G20 Culture Ministers or far-sighted input from sector leaders such as the AC will ensure that G20 member states will commit in any concrete way to the promises of the G20 Declaration. Empirical studies by the Toronto University-based G20 Research Group show that while G20 members generally make an effort to address the organization's commitments, the nature and extent of their commitment varies by country and by the issue at stake<sup>38</sup>. Advanced economies more reliably fulfill their promises, and the highest rates of achievement concern economics, finance and terrorism rather than matters such as environment, gender, and crime and corruption<sup>39</sup>. These results suggest that cultural heritage will not rank highly as an issue despite the ambitions of the 2021 Ministers' Declaration. The Toronto findings also imply that many countries will probably not deliver on any cultural commitments as reliably or to the same extent as places of jurisdictions ranked in the top 25% on their achievements.

Why is this? What predicts successful achievement of G20 commitments? The Toronto researchers statistically assessed a variety of indicators, controlling for the "effects of GDP and year"<sup>40</sup>. In a nutshell, they found four pivotal issues of concern:

- Ministerial meetings;
- the language of the G20's commitments;
- G20 engagement with other international organizations; and
- the complementarity of the commitments to the same issue of key blocs of G20 members.

These factors are taken up below. The Toronto team argues that the first two had "the most plausible potential for a causal relationship with compliance".

## Meetings

The Toronto research identified regular "same-subject" ministerial meetings as a primary driver of G20 action on commitments. The importance of regular meetings is also explicitly mentioned in a similar context by Brodie and Yates<sup>41</sup>. The 2021 Culture Ministers' meeting and their annual gatherings

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38 Rapson, J. and J. Kirton 2020 "Raising compliance with G20 commitments: two evidence-based instruments." *Global Solutions Journal* 5:224-233.

39 "The future of Multilateralism and global governance." s. d. Global Solutions: The World Policy Forum. Retrieved August 14, 2024, from <https://www.global-solutions-initiative.org/global-table/creating-compliance-with-g7-and-g20-summit-commitments/>.

40 Rapson and Kirton 2020 *op cit*.

41 Brodie and Yates 2019 *op cit*.

since then should satisfy the need for “same-subject” ministerial meetings. However, heritage protection has not always been on the formal agenda of recent G20 meetings. It is crucial that this subject is addressed by the Culture Ministers and the Culture Working Group at every G20 meeting (which of course means it is a focus of continuous attention between such meetings too).

## Language

The second most important factor revealed by the Toronto scholars was the “binding level” of the language in the G20’s commitments. It must be recognized that G20 commitments are not ‘hard’ international law that compels compliance. Rather, they are non-binding ‘soft’ international instruments which attempt to encompass the myriad interests and concerns of member states. That said, there remains room for improvement in the “binding level” of the language in the G20 Declaration. For example, van Noort demonstrates that it is framed in “non-committable language” full of “empty signifiers”<sup>42</sup>. This means the language of the G20 Declaration does not attach member states firmly to the Declaration’s proposals. Toronto’s Rapson and Kirton explain that using words such as “‘promise,’ ‘are determined to,’ and ‘pledge’ indicate a high degree of binding, whereas words such as ‘support,’ ‘should,’ and ‘urge’ indicate a low degree of binding”<sup>43</sup>. Thus despite its noble sentiments, the G20 Declaration is cast entirely in low binding language. We find no committable words such as promise or pledge regarding heritage protection, heritage crime or anything else, only non-committable terms such as support, encourage, and welcome. This is not the sort of language that makes member states commit to tangible action.

## International engagement

The Toronto team also identified engagement with international organizations as a prominent matter affecting the G20’s delivery on its promises<sup>44</sup>. Regrettably the G20 Declaration does not score well in relation to engagement with international institutions. It certainly mentions a number of high-profile international organizations, especially UNESCO and its associated bodies such as ICOMOS, ICCROM and ICOM<sup>45</sup> in the culture sphere and INTERPOL, the UN Office on Drugs and Crime and the World Customs Organization in the law enforcement arena. Yet the Declaration

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42 van Noort, C. 2018 “Brics issue-narrative on culture: strategic or trivial?” *International Journal of Cultural Policy* 24:6, 786-797, DOI: 10.1080/10286632.2018.1459589.

43 Rapson and Kirton 2020 *op cit*

44 “The future of Multilateralism and global governance.” s. d. Global Solutions: The World Policy Forum.

45 ICOMOS – International Commission on Monuments and Sites; ICCROM –International Centre for the Study of the Preservation and Restoration of Cultural Property (with ICOMOS and IUCN (International Union for Conservation of Nature), a statutory Advisory Body to UNESCO on World Heritage matters); ICOM – International Council of Museums, which also has a formal relationship with UNESCO.

does not propose that the G20 should engage in concrete ways with any of these bodies. Rather, in low-binding language it “supports”, “encourages” and “welcomes” their activities, or, at even greater arm’s length, calls on the “international community” to work with such organizations. There is no sign of firm determination to engage in ways that would bring the weight of the world’s 20 largest economies to bear on the urgent matters to hand in the heritage preservation arena. Instead the G20 seems content to leave hands-on action to others. There is no question that organizations such as UNESCO, INTERPOL and many more have been working long and hard on heritage issues, yet the G20 Declaration indicates that the G20 Culture Ministers believe the G20 also has a role to play in improving the global state of heritage preservation.

Despite the Ministers’ interest, the G20 Declaration neglects to include three essential international players with which the G20 should engage to advance heritage preservation around the world:

- the World Bank and International Monetary Fund (IMF);
- the International Union for Conservation of Nature (IUCN); and
- the International Criminal Court (ICC).

The IMF has a necessary interest in links between cultural crime and financial crime<sup>46</sup>, while the World Bank includes cultural heritage in an Environmental and Social Framework intended to mitigate the impacts of development projects it funds around the world. In addition, the Bank undertakes cultural heritage development projects itself, focussed on cultural tourism<sup>47</sup>. Also part of the World Bank Group, the International Finance Corporation (IFC), which lends to private companies rather than nation-states, has safeguard policies for cultural heritage which closely mirror those of the World Bank proper. So, too, with other development banks, such as the Asian Development Bank, which is currently revising its safeguards<sup>48</sup>, and the Asian Infrastructure Investment Bank, which was advised on the matter by ex-World Bank staff<sup>49</sup>. It is the World Bank and IMF though that are in focus here because while they are not nation-states, they have been core members of the G20 since its inception. The G20 has been called upon before to “do

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<sup>46</sup> Mashberg 2019 *op cit*.

<sup>47</sup> Lafrenz-Samuels, K. and I. Lilley. 2015 “Transnationalism and Heritage Development.” In L. Meskell (ed.) *Global Heritage: A Reader*, pp. 217-239. Oxford: Blackwell; Lafrenz Samuels, K. 2019 “Heritage Development: Culture and Heritage at the World Bank,” in *The Cultural Turn in International Aid: Impacts and Challenges for Heritage and the Creative Industries*, S. Labadi, editor, pp. 55–72. Abingdon/New York: Routledge; also Hawkins, D.E. and S. Mann 2007 “The World Bank’s Role in Tourism Development.” *Annals of Tourism Research* 34(2):348-63.

<sup>48</sup> “Safeguard Policy Review.” s. d. Asian Development Bank. Retrieved August 14, 2024, from <https://www.adb.org/who-we-are/safeguards/safeguard-policy-review-en>.

<sup>49</sup> Gutner, T. 2018 “AIIB: Is the Chinese-led Development Bank a Role Model?” Council on Foreign Relations. Retrieved August 14, 2024, from <https://www.cfr.org/blog/aiib-chinese-led-development-bank-role-model>.



Caption: Given the demonstrated interests of the World Bank in cultural heritage matters, it should be included in helping deliver on the G20's cultural heritage agenda, along with other essential international players like the IMF, the IUCN, and the ICC.

Credit: Photo by Markus Kristetya on Unsplash

more to harness the IMF and World Bank” to help the world cope with the aftermath of the COVID-19 pandemic<sup>50</sup>. Given the demonstrated interests of the Bank in cultural heritage matters and the IMF’s concerns about cultural heritage crime, there is every reason why that the call for greater involvement of both institutions should extend to helping deliver on the G20’s cultural heritage agenda. Other regional development banks could subsequently be enlisted on a similar basis.

To move to the second crucial but neglected international actor, the IUCN is the world’s peak body for nature conservation<sup>51</sup>. Its remit has long encompassed cultural matters, such as sacred natural places and the cultural dimensions of community-based conservation, in addition to natural heritage as it is more commonly understood<sup>52</sup>. For about a decade now, the IUCN has been working closely with ICCROM, ICOMOS and other partners on what

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50 Djankov, S. and A Kiechel. 2020 “The G20 should do more to harness the IMF and World Bank.” Peterson Institute for International Economics. Retrieved August 14, 2024, from <https://www.piie.com/blogs/realtime-economic-issues-watch/g20-should-do-more-harness-imf-and-world-bank>.

51 IUCN. 2018 “United for Life & Livelihoods.” Retrieved August 14, 2024, from <https://www.iucn.org/>.

52 IUCN. 2022 “New Book: Sacred Mountains of the World, Second Edition (Cambridge University Press 2022).” Retrieved August 14, 2024, from <https://www.iucn.org/news/commission-environmental-economic-and-social-policy/202206/new-book-sacred-mountains-world-second-edition-cambridge-university-press-2022>; IUCN. 2018 “Commission on Environmental, Economic and Social Policy.” Retrieved August 14, 2024, from <https://www.iucn.org/our-union/commissions/commission-environmental-economic-and-social-policy>.



has become known as the “NatureCulture Journey”<sup>53</sup>, the various threads of which have recently been gathered under the auspices of the World Heritage Leadership Programme<sup>54</sup>. The premise of the NatureCulture project is that all heritage has natural as well as cultural dimensions, and thus management – including protection and preservation/ conservation – of heritage resources needs to take natural as well as cultural matters into account. Moreover, there are lessons to be learned regarding cultural trafficking from the IUCN and its partners’ efforts to combat wildlife trafficking. On these grounds, it makes sense to include the IUCN in the list of global institutions that can help deliver on the G20’s cultural priorities.

The third key international body that should be included, the International Criminal Court<sup>55</sup>, is a less straightforward subject. That is because key members of the G20 (and G7 and BRICS) are not signatories to the Court’s founding instrument, the Rome Statute, and thus not members of the ICC Assembly of States Parties. Nonetheless, the Court has demonstrated a growing interest in heritage protection and preservation for some years, in the context of its responsibility to adjudicate on matters of genocide, war crimes, crimes against humanity, and aggression. In this context, the ICC’s Office of the Prosecutor released a cultural heritage policy in 2021<sup>56</sup>. ICC investigations currently include the conflict in Ukraine, which is not a signatory but has several times “exercised its prerogatives to accept the Court’s jurisdiction over alleged crimes under the Rome Statute occurring on its territory”<sup>57</sup>. Perhaps more important, however, as a successful demonstration of the Court’s relevance to our discussion is its 2016 prosecution regarding the destruction of World Heritage sites in Mali by al-Qaeda-affiliated insurgents in 2012<sup>58</sup>. There are certainly jurisdictional issues to contend with in linking the G20 and ICC. However, the case of Ukraine and indeed of Mali, in which the accused was surrendered to the Court by Niger rather than Mali itself, show that the Court can and does take effective action against heritage crime in very challenging circumstances. A working relationship between the ICC and the G20 and its constituent blocs seems an obvious step up in enforcement and would surely improve global capacities to protect and preserve cultural heritage more effectively.

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53 IUCN. 2016 “New IUCN-ICCROM nature-culture project for sustainable development in World Heritage.” Retrieved August 14, 2024, from <https://www.iucn.org/news/world-heritage/201609/new-iucn-iccrom-nature-culture-project-sustainable-development-world-heritage>; ICOMOS. “ICOMOS’ Work on Connections between Culture and Nature.” s. d. Retrieved August 14, 2024, from <https://www.icomos.org/en/focus/culture-nature/93567-icomos-work-on-connections-between-culture-and-nature>.

54 ICCOM “World Heritage Leadership (WHL) ».” s. d. <https://www.iccom.org/programmes/world-heritage-leadership-whl>.

55 “ICC.” s. d. Retrieved August 14, 2024, from <https://www.icc-cpi.int/>.

56 <https://www.icc-cpi.int/sites/default/files/itemsDocuments/20210614-otp-policy-cultural-heritage-eng.pdf>

57 ICC. 2022 “Ukraine.” Retrieved August 14, 2024, from <https://www.icc-cpi.int/situations/ukraine>.

58 Lilley 2016 *op cit*.

## Complementarity

Complementarity of the commitments of key blocs within the G20, namely the G7 and the BRICS nations, was the final prominent factor identified by the Toronto research centre<sup>59</sup>. In this context, complementarity means that the approaches taken by the two main blocs of G20 member states should broadly echo each other and be mutually supportive while at the same time accounting for differences in the approach of the two blocs and of the various members of each bloc.

On that basis, Marina Larionova of the Russian Presidential Academy of National Economy and Public Administration, a partner in the University of Toronto G20 Research Group, affirms that the G7 and G20 have been effective in coordinating global policy responses<sup>60</sup>. Unfortunately, the signs regarding heritage have not been positive in this regard so far. The G7 produced the Florence Declaration on Culture in 2017<sup>61</sup>, which disappointingly but unsurprisingly is cast in the same sort of low binding language as the G20 Declaration. Moreover the G7 does not appear to have had a meeting of Culture Ministers since that time. This means the annual meetings known to underpin achievement of organizational commitments are lacking. So, too, with the BRICS group's commitments to culture, which van Noort<sup>62</sup> finds "unconvincing". She asserts that "A high degree of ambiguous language makes the BRICS issue narrative on culture potentially trivial". In short, while the G20 and its principal constituent groups can coordinate to deliver effective policy responses when they choose, they are not doing so in relation to culture. Rather, they are producing declarations and commitments that are complementary only in their low binding formulation and thus mutually reinforce an approach likely to reduce rather than boost achievement. Clearly that should change if the G20 is to deliver effective policy and action regarding heritage protection and preservation.

Although not addressed by the Toronto researchers, this concern with complementarity and mutual reinforcement can be extended to the Working Groups of the G20. At present they seem to be strongly siloed. This means that heritage preservation and cultural crime are dealt with largely if not exclusively by the Culture Working Group. As AC Executive Director Tess Davis implied in her address to the G20 in 2023, these issues are also pertinent to "the Working Groups on Trade, Investment, and Corruption

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59 "The future of Multilateralism and global governance." s. d. Global Solutions The World Policy Forum. Retrieved August 14, 2024, from <https://www.global-solutions-initiative.org/global-table/creating-compliance-with-g7-and-g20-summit-commitments/>.

60 Ibid.

61 *Florence Declaration: Culture, Creativity and Sustainable Development: Research, Innovation, Opportunities—UNESCO Digital Library.* (n.d.). Retrieved August 14, 2024, from <https://unesdoc.unesco.org/ark:/48223/pf0000230394>.

62 van Noort 2018 "Brics issue-narrative on culture: strategic or trivial?"

[in the Sherpa Track] as well as the Finance Track”<sup>63</sup>. The need for such cross-fertilization is made apparent in the 2023 report of the Financial Action Task Force report on *Money Laundering and Terrorist Financing in the Art and Antiquities Market* and the European Union’s 2020 Fifth Anti-Money Laundering Directive, both mentioned earlier. That is why the AC sets an example in this regard, with its Financial Crimes Task Force complementing its #Culture under Threat Taskforce and G20 Taskforce<sup>64</sup>.

## A G20 heritage resource centre

Finally, there is the fundamental question of how the G20 might pull all these matters together on a continuing basis if it is to deliver concrete outcomes regarding the objectives concerning heritage preservation laid out in the G20 Declaration. This is a mission-critical consideration, because the G20 has no institutional base. Formed as an intergovernmental financial forum in the wake of the Global Financial Crisis of the late 1990s, its remit has steadily expanded to cover a range of topics now prominently including climate change and the UN Sustainable Development Goals. Yet it has no permanent stand-alone presence. Its activities and outputs rely on the G20 leaders’ personal representatives, called “sherpas”, as well as ministerial staff of member states and the input of G20 working groups, independent think tanks and other civil society groups<sup>65</sup>. In the area of culture, as noted above, this means the G20 mostly defers to a small number of established organizations such as UNESCO and INTERPOL. There is no permanent body specifically mandated to flesh out and steer the implementation of the far-reaching commitments on heritage matters made in the G20 Declaration.

Not coincidentally, the general question of how such matters might be managed has recently been raised by Neil Brodie and a group of well-regarded scholarly colleagues working on a key matter in heritage preservation, the illicit trade in cultural objects<sup>66</sup>. Brodie has long been at the forefront of global efforts to combat heritage crime. In a 2022 paper, he and his co-researchers expand upon earlier work to address the question of “Why There is Still an Illicit Trade in Cultural Objects and What We Can Do About It”. They point out that “the nature and scale of illicit trade are poorly understood, [but] our comprehension of possible means of regulation is worse”<sup>67</sup>. Brodie et al.’s paper does not mention the G20, but the concerns regarding heritage protection expressed in the G20 Declaration echo these

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63 The Antiquities Coalition. 2023 “AC’s Tess Davis Joins the G20 to Discuss Cultural Heritage Preservation.” Retrieved August 14, 2024, from <https://theantiquitiescoalition.org/acs-tess-davis-joins-the-g20-to-discuss-cultural-heritage-preservation/>.

64 The Antiquities Coalition. s.d. “Home| The Antiquities Coalition.” Retrieved August 14, 2024, from, <https://theantiquitiescoalition.org/>.

65 “G20.” s. d. G20. <https://www.g20.org/pt-br#how>.

66 Brodie et al. 2022 *op cit*.

67 Brodie et al. 2022 “Why There is Still an Illicit Trade in Cultural Objects and What We Can Do About It.” *Journal of Field Archaeology* 47(2), 117–130.

observations. So too does the AC's G20 Roadmap, of which Brodie was a senior co-author. The 2022 article would have been in preparation or in press when the Roadmap was released, so it is not surprising there is a degree of overlap between the two.

The researchers contend that relying on UNESCO, INTERPOL and the like may have had some limited, short-term effects but has achieved nothing substantial or lasting. This increasingly pressing situation is presumably why the G20 Culture Ministers felt the need to issue the G20 Declaration. Yet as elaborated above, the G20 declaration is unlikely to produce its intended results unless remedial action is taken regarding the G20's performance in delivering on its commitments. Brodie and colleagues identify critical gaps in policy and performance that have produced the broader global state of affairs, gaps which also apply to the G20 and are canvassed in the AC G20 Roadmap. These issues include problems in policymaking, a lack of research to quantify and more fully understand the problems (especially in the face of expanding markets in Asia, as elaborated by Winter<sup>68</sup> as well as Brodie et al.), shortfalls in "legislative and normative means of regulation", gaps in expectations, communications and information-sharing, and questions of adequate and continuing funding.

To close at least some of the gaps, Brodie and team recommend the creation of "one or more permanently established collaborative groups...[to] provide governments, INGOs, and IGOs with the knowledge and understandings necessary to develop and implement more effective policy". The details of this advice are almost identical to the final recommendation of the AC G20 Roadmap, and the G20 Declaration itself calls for "the voluntary exchange of data and information" to be strengthened and "dialogue, structured cross-sectoral and interdisciplinary cooperation and synergies" to be reinforced. The authors of the 2022 paper draw attention to the fact that pioneering Australian heritage lawyer Patrick O'Keefe advocated much the same thing in 1997<sup>69</sup>. Moreover, bodies such as the intergovernmental Financial Action Task Force (FATF) continue to put forward similar ideas. In a list of "good practices" against cultural crime, FATF's earlier cited 2023 report on *Money Laundering and Terrorist Financing in the Art and Antiquities Market* recommended "the creation of cross-disciplinary networks of experts, enhanced domestic and international information sharing, and working with museums to manage seized artworks and antiquities"<sup>70</sup>.

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68 Winter, T. 2017 "Conflict Heritage, Preservation Diplomacy, and Future Corridors of Smuggling." *Future Anterior: Journal of Historic Preservation, History, Theory, and Criticism* 14(1):7-23.

69 O'Keefe, P. 1997. *Trade in Antiquities: Reducing Destruction and Theft*. Paris: UNESCO.

70 FATF. 2023 "Money Laundering and Terrorist Financing in the Art and Antiquities Market." Retrieved August 14, 2024, from <https://www.fatf-gafi.org/publications/Methodsandtrends/Money-Laundering-Terrorist-Financing-Art-Antiquities-Market.html>.

Plainly there is a widely recognized urgent need to enhance the coordination and dissemination of information about heritage preservation from an ever-increasing number of sources around the world. In 1997, O’Keefe proposed that UNESCO should act as the resource centre he was advocating. That may have been the logical choice at the time, but in the decades since there has been an exponential growth in the number and diversity of government and non-government groups involved in promoting heritage preservation and combatting heritage crime. UNESCO remains a foundational actor of course but as Brodie and his co-researchers point out, it “can only partner with what is available”. Fortunately, they “confidently expect that UNESCO would welcome a permanently established and internationally recognized research group into its policymaking family”<sup>71</sup>. On that basis, I propose that the G20 Culture Ministers firmly enjoin all G20 members to collaborate in establishing and assuring continuing funding for a permanent independent multilateral G20 Heritage Hub. A generation has passed since O’Keefe’s call for action on this front. Continuing calls in the same vein indicate the time for such a development has come.

### **How would a G20 Heritage Hub do?**

What would such a G20 Heritage Hub (hereafter “the Hub”) do? Over the medium to long term, the Hub should aim to deliver a comprehensive range of outcomes of the sort proposed in the AC’s G20 Roadmap and Brodie et al.’s 2022 paper, as summarized earlier. In the short to medium term, however, the Hub should focus on ensuring the G20 has a strong and durable foundation for its engagement with the complex, multifaceted global cultural heritage sector. This would enhance the organization’s capacity to make a useful medium to long term contribution to cultural heritage preservation along the lines envisaged by the AC’s Roadmap and by Brodie and his colleagues.

Initially, the Hub should concentrate on strengthening the G20’s approach to heritage preservation as enunciated in the G20 Declaration. The Hub’s immediate priority should thus be to address the issues affecting G20 performance noted earlier, namely Ministerial meetings, the language of the G20’s commitments, G20 engagement with other international organizations, and the complementarity of the commitments to the same issue of key blocs of G20 members. The Hub would need to attend urgently to these matters to ensure the G20’s activities regarding heritage preservation can operate on a solid footing that is more conducive to success than the present situation is likely to be. The Toronto research outlined above strongly

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<sup>71</sup> Brodie et al. 2022 *op cit.*



suggests that an attempt to launch the suite of initiatives envisaged in the AC's Roadmap or Brodie et al.'s 2022 paper without such groundwork would not gain traction.

## Meetings

On that basis, the Hub should first assist the G20 Culture Ministers and G20 Culture Working Group to ensure that heritage preservation is permanently on the agendas of annual G20 meetings. In doing so, it should also help to ensure that issues of heritage preservation are routinely considered across all the other G20 Working Groups in the Sherpa Track, as well as key Working Groups in the Finance Track, as recommended by the AC's Tess Davis.

## Language

Through the annual Ministerial meetings and the ongoing work of the G20 Culture Working Group, the Hub should also work with G20 Culture Ministers and their staff, as well as other G20 stakeholders, to bolster the binding level of the language in G20 instruments and communications concerning heritage preservation. This activity should refer to research such as that cited earlier, as well as other pertinent material that offers transferable advice, such as the United Nations University Centre for Policy Research's report on *Strengthening the UN's Research Uptake*<sup>72</sup>, to engage member states more successfully with such matters while remaining mindful of the need for flexibility and compromise to encompass varied national needs and concerns.

## International engagement

In addition to meetings and language, the Hub would need to address the questions of G20 engagement with other international organizations, and the complementarity of the commitments of key blocs of G20 members of heritage preservation issues. With regard to engagement, the Hub would thus need to reach out to The World Bank and IMF during the annual G20 meetings, to include them in G20 deliberations about heritage but also to ensure they included the G20 as an organization in their own heritage-related activities. In addition to the annual G20 meetings, such interaction could be undertaken through mechanisms such as the bi-annual IMF-World Bank meetings, including the associated Civil Society Policy Forum<sup>73</sup>. As well as (and perhaps flowing from) such regular formal opportunities, the Hub could also develop ongoing partnerships on heritage matters with the IMF and World Bank.

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<sup>72</sup> United Nations University Centre for Policy Research and Programme for the Study of International Governance, Graduate Institute, Geneva. 2016 "Strengthening the UN's Research Uptake: Conference Report." Retrieved August 14, 2024, from <https://collections.unu.edu/eserv/UNU:6146/GenevaConferenceReportv102.pdf>.

<sup>73</sup> World Bank Group. "About | Civil Society Policy Forum." Retrieved August 14, 2024, from <https://www.worldbank.org/en/about/partners/civil-society/civil-society-policy-forum>.

Similarly, the International Union for Conservation of Nature (IUCN) holds the four-yearly World Conservation Congress (WCC), a whole-of-organization global convention with which the Hub could easily engage. The WCC regularly canvasses cultural heritage matters and involves other global cultural heritage organizations such as ICOMOS and ICCROM, notably in the NatureCulture Journey mentioned earlier. There is also the IUCN World Parks Congress, which occurs roughly once a decade, the last being in Sydney, Australia, in 2014. The various constituent commissions and other elements of the IUCN also have regular meetings in which the Hub could participate to foster productive collaboration between the G20 and IUCN on heritage matters. As with the IMF and World Bank, the Hub could also develop ongoing partnerships on questions of heritage preservation with various elements of IUCN, such as its World Commission on Protected Areas (WCPA) and Commission on Environmental, Economic and Social Policy (CEESP)<sup>74</sup>.

Promoting cooperation with the International Criminal Court (ICC) would proceed initially through the ICC's Secretariat of the Assembly of States Parties<sup>75</sup>. The Assembly is an elected body comprising a representative of each national signatory to the ICC's founding Rome Statute, along with advisors. The full Assembly meets annually, but also holds special sessions as required. All sessions are open to observer states and NGOs<sup>76</sup>. As well as its administrative Secretariat, the Assembly has an elected Bureau which meets at least annually to help the Assembly fulfill its responsibilities. The Bureau has various Working Groups including one for "complementarity" which aims to enhance international cooperation with a varied range of stakeholders in alignment with the Court's Strategic Plan<sup>77</sup>. The Secretariat facilitates the activities of this and other working Groups.

The Strategic Plan of the ICC's Office of the Prosecutor (OTP) also has a goal to strengthen cooperation with other bodies, "in support of investigations and prosecutions, but also the general diplomatic and political support towards the Office and its mandate"<sup>78</sup>. In addition, the OTP's 2021 Cultural Heritage Policy includes an extensive section on "Co-operation and external relations". Noting that it has an agreement on heritage matters with UNESCO and that the OTP "benefits from co-operation with a vast number of partners" in the cultural heritage sphere, it nonetheless

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<sup>74</sup> About | IUCN Expert Commissions. Retrieved August 14, 2024, from <https://www.iucn.org/our-union/expert-commissions>.

<sup>75</sup> International Criminal Court, Secretariat of the Assembly of States Parties. Retrieved August 14, 2024, from <https://asp.icc-cpi.int/secretariat-contact>.

<sup>76</sup> International Criminal Court, Assembly of States Parties. Retrieved August 14, 2024, from <https://asp.icc-cpi.int/assembly>.

<sup>77</sup> International Criminal Court, Complementarity. Retrieved August 14, 2024, from <https://asp.icc-cpi.int/complementarity>.

<sup>78</sup> International Criminal Court, Strategic Plan 2016-2018. Retrieved August 14, 2024, from [https://www.icc-cpi.int/sites/default/files/iccdocs/otp/EN-OTP\\_Strategic\\_Plan\\_2016-2018.pdf](https://www.icc-cpi.int/sites/default/files/iccdocs/otp/EN-OTP_Strategic_Plan_2016-2018.pdf)

recognizes the efforts of many national and international bodies and institutions responsible for the prevention and fight against the destruction of, and illicit trafficking in, cultural heritage. The Office will endeavor to expand its network of partners, and seek to reinforce cooperation with such organizations, which may include relevant academic institutions, non-governmental organizations, UN agencies, and private actors with the mandate, programs or knowledge pertinent to cultural heritage<sup>79</sup>.

In short, there are numerous avenues for cooperation between the G20 and the ICC on questions concerning heritage preservation.

### **Complementarity**

Improving the complementarity of the heritage commitments of the two key blocs of G20 member states, the G20 and BRICS group, as well as within each bloc and between both blocs and any unaligned nations, would plainly be a matter of some diplomatic delicacy. Even so, it would presumably be no more intricate than the negotiations that would have been required to ensure that the overarching 2021 G20 Leaders' Declaration supported the 2021 G20 Culture Ministers' Declaration. In other words, complementarity on heritage preservation questions can demonstrably be achieved across the G20's constituent elements. The Hub would thus need to work with the Culture Ministers Working Group and other stakeholders to ensure that member states' contributions to future G20 initiatives in heritage preservation are broadly consistent and mutually supportive across the organization. Such efforts would tie in closely with the work involved in same-subject meetings and improving the binding level of the language used in G20 instruments and communications regarding heritage preservation.

### **How would a G20 Heritage Hub work?**

It would be difficult to maintain the coherence and momentum of a permanent Heritage Hub that changed location and personnel every year with the G20's rotating presidency. So how might a G20 Heritage Hub work in broad terms? As noted earlier, the AC's G20 Roadmap recommends "the creation of one or more permanent, interdisciplinary research consortia", an approach echoed in Brodie and his co-researchers in their 2022 paper. Both sources argue that such bodies should be housed within universities or similar research institutions, and in the case of the AC's G20 Roadmap, possibly

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<sup>79</sup> International Criminal Court, Policy on Cultural Heritage. 2021. Retrieved August 14, 2024, from <https://www.icc-cpi.int/sites/default/files/itemsDocuments/20210614-otp-policy-cultural-heritage-eng.pdf>.

“intergovernmental organizations” as well or instead<sup>80</sup>. It is unclear whether the staff of these proposed research consortia would be already employed by these universities, research institutions or IGOs, and thus have to add their G20 work to their normal duties for their employers, or would be new appointments dedicated to G20 matters.

Brodie et al. suggest universities despite the authors’ well-founded unease regarding university ambivalence towards such endeavors. Their concerns pivot on the facts that much of the work that such groups need to do does not fit with conventional views of academic research and that university projects are generally only funded for the short term<sup>81</sup>. On that basis, universities and similar research bodies seem to be inappropriate options. Similarly, the “other intergovernmental organizations” raised in the AC’s G20 Roadmap would have their own existing policy agendas and funding priorities which may not be able to accommodate the G20’s interests and concerns. It is thus unclear why such organizations would be any better an option than universities or other research institutions.

In view of these doubts and uncertainties, the G20 Heritage Hub would best be established as a stand-alone entity with its own G20-funded staff who held continuing appointments (either renewable contract or permanent) to focus entirely on G20 issues. Of course, that would not preclude close cooperation and collaboration with universities, research institutions or IGOs. Indeed, such partnerships amongst others would be vital to the success of the G20 Heritage Hub.

How the work of the G20 Heritage Hub might be funded and administratively organized is a matter for the G20, though it would make sense for the Hub to report to the Culture Ministers Working Group. Staffing requirements would however change as the Hub matured. Thus in the short term, people with the demonstrated skills to advance an urgent agenda concerning meetings, language, international engagement and complementarity would be necessary, supported by appropriate administrative staff. These four key matters will always require attention, to keep the G20’s heritage agenda on track, but as they are bedded down, heritage research specialists and other professional staff appropriate to the wider suite of functions proposed in the AC’s G20 Roadmap and by Brodie et al. should be added to the team, along with additional administrative and other support staff.

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80 The Antiquities Coalition. 2021 “Safeguarding Cultural Heritage in Conflict Zones: A Roadmap for the G20 to Combat the Illicit Trade in Cultural Objects.” Retrieved August 14, 2024, from <https://theantiquitiescoalition.org/developing-implementing-solutions/a-roadmap-for-the-g20/>.

81 Brodie et al. 2022 *op cit.*; Brodie, N. 2018. “The Illicit Antiquities Research Centre: afterthoughts and aftermaths.” In *Adventure of the Illustrious Scholar: Papers Presented to Oscar White Muscarella*, Brill, (E. Simpson, Ed.). Brill.

Advances in technology mean the Hub could operate largely as a virtual network, with staff distributed around the world. Most of the Hub's activity could be conducted online, with in-person work undertaken on the same basis as other aspects of normal G20 business, particularly that connected with the Culture Ministers Working Group. With appropriate funding, the Hub could also bring its staff together on its own schedule to perform key functions that require or would benefit significantly from in-person interaction. It may be appropriate to have a small permanent 'bricks and mortar' administrative secretariat or bureau for the Hub, though again, many such functions can be executed online by dispersed staff and increasingly can be handled by automated processes.

The wisdom of suggesting that the G20 should sponsor a Heritage Hub will inevitably be questioned on the grounds that the G20 is elitist and unrepresentative of the global community and therefore "insufficient as a vehicle for mobilizing global policy coordination" on heritage protection or anything else<sup>82</sup>. There may well also be criticisms of any attempt to 'solidify' an aspect of the G20's hitherto fluid operations in this way, as there has been in relation to making a permanent home for the G20 itself, in connection with the OECD for example<sup>83</sup>. Yet as Demekas succinctly remarks<sup>84</sup>,

Collectively, G20 members represent around 80% of the world's economic output, two-thirds of the global population and three-quarters of international trade. Although it is a deliberative political grouping with no binding decision-making powers, it has enormous convening power and political weight. And since its member countries dominate the boards of international financial institutions and transnational regulatory networks...they can turn political consensus into action.

A G20 Heritage Hub like that proposed here is the obvious way to turn such convening power and political weight to the benefit of global cultural heritage preservation.



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82 Demekas, D.G. 2021 "The G20 has been criticised for its pandemic response. Is that fair?" *LSE* (blog). Retrieved August 14, 2024, from <https://blogs.lse.ac.uk/covid19/2021/01/29/the-g20-has-been-criticised-for-its-pandemic-response-is-that-fair/>.

83 *The Chosun Daily*. 2011 "Who Would Host a G20 Secretariat?", Retrieved August 14, 2024, from <https://www.chosun.com/english/national-en/2010/11/15/UHM4LUPHINFGAIC3MHN6PCQHIE/>; Wouters, J. and S. Van Kerckhoven. 2011 "The OECD and the G20: An Ever Closer Relationship?" *Leuven Centre for Global Governance Studies Working Paper No. 71*. [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1898704](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1898704)

84 Demekas, D.G. 2021, *opt cit.*