

The national regulations are the deciding factor. However, the following goods can in principle be regarded as protected cultural property:

- Objects which are more than 100 years old from archaeological sites, collections or finds
- Components of art and architectural monuments or religious monuments which are more than 100 years old
- Pictures and paintings, mosaics, sketches, original etchings, engravings, etc, original sculptures and copies produced in the same way as the original, photographs
- Incunabula and manuscripts, including maps
- Books which are more than 100 years old
- Collections with historical, palaeontological, ethnological or numismatic value
- Collections and unique specimens from zoological, botanical, mineralogical and anatomical collections
- Vehicles which are more than 75 years old

www.auswaertiges-amt.de

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Anchor axe owned by King Shulgi
Photo: S. Steidl/Römisch-Germanisches-Zentrum in Mainz; Anchor axe owned by King Shulgi, 2100-2000 B.C., excavated illegally, returned to Iraq by Germany in February 2009 and now housed in The Iraq Museum, Baghdad.

For more information, visit:
www.auswaertiges-amt.de
www.kulturgutschutz-deutschland.de
www.kulturstaatsminister.de
www.zoll.de
www.icom.museum/programmes/fighting-illicit-traffic/red-list/



Illicit trade in cultural property is threatening humanity's cultural heritage

Take note of the national export regulations for cultural property!



Facts

- Illicit trade in cultural property is the third-largest form of international organised crime, behind trade in arms and drugs.
- Each year illegal transactions take place involving cultural property with a value of approximately 8 billion dollars, according to 2012 estimates by ICE, the investigative arm of the US Department of Homeland Security, and these figures are on the increase.
- The illegal export of cultural property damages the cultural identity and integrity of the country of origin.
- Most countries therefore restrict or prohibit the export of certain kinds of cultural property, while some countries also regulate state ownership of archaeological objects.
- The cultural heritage of many states such as Syria, Iraq, Mali, Mexico, etc. is threatened by destruction, illegal excavations, plundering and theft.
- Illegal excavations not only damage numerous finds, but also destroy excavational context and thus the capacity of the objects to provide valuable insights into the lives of past civilisations.

Title

Photo: Turkish Ministry of Culture and Tourism. Golden brooch stolen from the Uşak Museum in Turkey and returned to Turkey from Germany in March 2013

Background

Whether the object in question is a small Mesopotamian cuneiform tablet measuring just a few centimetres, a Pre-Columbian figurine, a Pre-Christian gold brooch or a piece of a sarcophagus, almost all states demand a licence for the export of antiquities with national significance or prohibit their export entirely under threat of very severe punishments.

After all, the cultural achievements of previous civilisations are always also an expression of a country's national identity, bearing witness to its history and thus also to humanity's cultural heritage.

This concept of protection is internationally recognised today. A total of 123 states, including the Federal Republic of Germany, have committed themselves to preventing and combating illicit trade in cultural property by acceding to the UNESCO Convention of 1970 concerning measures to prohibit and prevent the illicit import, export and transfer of ownership of cultural property.

In principle, under German law, whoever owns an object exported illegally from another state must hand over the object at the request of the country of origin, regardless of the question of ownership.



Illegal excavation

Photo: John M. Russell; Illegal excavation in Isin, Iraq, January 2004

Therefore:

- **Do not buy any antiques from a doubtful source in your host country.**
- **Find out about the export regulations of the country to which you are travelling and if necessary apply for a relevant export permit.**
- **Before buying objects in auction or art houses in Germany or abroad, ensure that documentation of their legal provenance exists.**



Cylinder seals

Photo: K.Cramer-Hadjidimos/ Federal Foreign Office of Germany. Cylinder seals looted along with other exhibits from the National Museum in Baghdad in 2003 and returned from Germany to the Iraqi Embassy in Berlin in September 2013.

Legal basis

Whether export of an item of cultural property is illegal depends on the **national legislation of the country of origin**. This can be consulted in the UNESCO database, to be found at www.unesco.org/culture/natlaws/.

Additionally, Council Regulation (EC) No 1210/2003 prohibits the import, export and trade with **cultural property taken out of Iraq after 6 August 1990**.

Germany does its part to protect cultural property through the Act to Protect German Cultural Property against Removal and the Act on the Return of Cultural Objects and has thereby implemented both the UNESCO Convention of 1970 and the EU Directive on the return of cultural objects within the EU internal market (93/7/EEC).

Cultural property which is to be exported from the EU into third countries (the United States, Switzerland, etc.) and falls into the categories of Council Regulation (EC) No 116/2009 requires an export permit. In Germany the Länder are responsible for issuing such permits.

Cultural property registered in Germany as having national value also requires an export permit, which the Federal Government Commissioner for Culture and the Media is responsible for issuing.