The Efficacy of EU Regulatory Frameworks in Preventing Cultural Goods Trafficking: The Case of Regulation (EU) 2019/880

by

Greta Gmazel

Thesis Advisor: Norman Bishara

A thesis proposal submitted in fulfillment of the requirements of the Michigan Ross Senior Thesis Seminar (BA 480), April 22nd, 2026.

Abstract

This thesis outlines and analyzes the risk factors that may impact the effectiveness of the new European Union Regulation (EU) 2019/880 of the European Parliament and of the Council of 17 April 2019 on the introduction and the import of Cultural Goods in addressing the assessment, management, prevention, and reduction of risks associated with the trafficking of cultural goods within the framework of the 2005 Swiss Confederation's Federal Act on the International Transfer of Cultural Property (CPTA). Thousands of illicit artifacts are seized annually in Europe, and (EU) 2019/880 works to unify EU import policy, strengthening mechanisms across member states to curb the flow of illicit cultural goods. Through a detailed legal analysis, the research sought to identify the structural and procedural weaknesses that could hinder the regulation's enforcement and long-term success, as well as the impact of the Regulation on EU and global art markets. Some key findings determined that enforcement fragmentation and compliance burden misdirection represented the regulation's most significant structural weaknesses, and that the Swiss CPTA offers a partial model for reform. The use of micro-level functional comparative analysis methodology was used to compare (EU) 2019/880 and the 2005 Swiss CPTA in order to determine if Regulation (EU) 2019/880 results in an actionable solution to the trade of illicit cultural goods. The findings of this study aim to contribute to the broader discussion of cultural property protection, by highlighting how targeted legislative refinements can strengthen the EU's legal mechanisms for combating illicit trade.

Contents

Introduction 1
Evolution of European Legal Approaches…
Potential Economic Effects of Regulation (EU) 2019 880

Literature Review 7
Legal Foundations
Recent Developments
Reviews of Regulation (EU) 2019/880

Methodology and Theoretical Framework 12

Results 16
Lessons from the Swiss Model
(EU) 2019/880 in Practice

Limitations 23
The Methodological Challenge of Evaluating Regulation 2019/880
Structural Impediments to Transplanting the Swiss Model
Data Deficits and the Challenge of Measuring Regulatory Effectiveness

Recommendations 30

References 33

Appendices 39

Introduction

This thesis examines whether (EU2) 2019/880 will be effective in the assessment, management, prevention, and reduction of the risk of wrongdoings. From a legal perspective, this topic is particularly significant because identifying the specific features that render an antiquities regulation ineffective is essential for developing more effective legislation in the future.

Regulation (EU) 2019/880 defines the term cultural goods as any item which is of importance for archaeology, prehistory, history, literature, art or science.[1] Interpol, the global law enforcement network, counts over 170,045 illicit cultural objects seized globally in 2021 (Interpol, 2021). The real scale of cultural goods trafficking is likely much larger, since a large number of offences often go undetected, especially in the context of conflict zones (Barker, 2018; European Commission, 2019). Because the legal market for antiquities is a traditionally "grey" market, meaning the sale of goods go through often unauthorized distribution channels, hard data regarding the percentage of detected vs. undetected cases is usually very difficult to find (Mackenzie & Yates, 2017). The illicit art and antiquities market operates through three phases: first, the sourcing stage, where people, usually members of the local community, are paid by foreign dealers to enter and steal from an archaeological field site or local museum[2].

In some areas, looting is so pervasive that documentation is rare, that often losses and site destruction go unreported by archaeologists (Balestrieri, 2020). As noted in Balestrieri's Policy

[1] Definition found in Regulation (EU) 2019/880 of the European Parliament and of the Council of 17 April 2019 on the introduction and the import of cultural goods, Official Journal of the European Union L 151, 7 June 2019. https://eur-lex.europa.eu/eli/reg/2019/880/oj/eng

[2] To see an example of this process, see Mashberg, T. (2021, November 21). *He sold away his people's heritage. He's in the jungle to get it back. The New York Times.* https://www.nytimes.com/2021/11/21/arts/design/toek-tik-cambodian-artifacts.html

Brief for the Antiquities Coalition (2020), there are likely as many unknown archaeological sites around the world as known ones, so it is impossible to determine just how much of the archaeological record has been damaged by site looting. Nonetheless, a large body of research on looting assesses the extent of known site damage and destruction. For example, of 550 ancient Etruscan tombs discovered in Italy, one study estimated that nearly 400 of them had been looted (Lerici, 1969). Surveying ancient Lydian tombs in Turkey, another research team found that 90% of them showed signs of having been looted (Roosevelt & Luke, 2006). In Peru, it is believed that every single site known to archaeologists to date has been affected by looting (Alva, 2001).

Once illegally excavated, the artifact is then sent from the source country to the market country, where corrupt dealers fabricate provenance documents and set the object's value, as occurred in the case *United States of America v. Douglas Latchford*. After a lifetime of remotely funding illicit excavations in Cambodia, Latchford was indicted on four counts of wire fraud, conspiracy, smuggling, and the creation of false statements.[3] The final step in this chain of events ends in the purchase and ownership of the illicit good by a buyer. These buyers could be private collectors, auction houses, or even public museums. Whether knowingly or not, individuals who acquire stolen objects assume possession of illicit property and may be prosecuted accordingly.

Famously, in 2021, investigators from the Manhattan District Attorney's Antiquities Trafficking Unit raided the New York City home of Shelby White, a longtime Met trustee (Dafoe, 2022). They recovered 71 looted artifacts valued at nearly $69 million, and an additional 17 antiquities on display at the Met, that were on loan from White, were also seized due to their illicit nature. Although the District Attorney's office never accused White of knowingly

[3] For more detail, see United States v. A Late 12th Century Khmer Sandstone Sculpture Depicting Standing Prajnaparamita, et al. No. 1:21-cv-09217 (S.D.N.Y. Nov. 8, 2021) https://www.justice.gov/usao-sdny/press-release/file/1447191/dl?inline=

purchasing illicit objects, many experts argue that, given her collecting history, she likely understood the nature of her collections. Elizabeth Marlowe, director of Museum Studies at Colgate University, avowed that "There is no way that someone at her level of the market and her depth of collecting and her prominence at the Met did not know they should be asking for things like legal export licences." (White, 2023). This case was proof that fraud of this nature can occur at the highest degree in the most reputable of circles. Due to recent technological advancements, even experts in the field can have difficulty identifying a falsified provenance report, or a counterfeit artifact for that matter (Stanish, 2009). The authenticity and legal status of a good is rarely immediately obvious, and secrecy, discretion, and price subjectivity are standard in licit transactions (sometimes even rewarded) which makes this market particularly attractive to criminals (SHB Intelligence, 2025).

Before moving forward, it is necessary to specify the definition of cultural property as it is defined by the UNESCO 1970 Convention as property that, on religious or secular grounds, is specifically designated by each state as being of importance for archaeology, prehistory, history, literature, art, or science (UNESCO, 1970). The preservation of cultural traditions and cultural property is key to maintaining an identity as a community; in short, cultural property tells us who we are. Whether cultural property is valued by a small community or by all of humanity, the destruction of physical evidence of past and present cultures erases a crucial source of insight into human society and its development. "Provenance" refers to the recorded history of an object post-excavation, while "provenience" details the context in which the object was found, as documented in excavation reports (Barker, 2012). When an object is looted, its provenience is lost, which limits what researchers can learn from studying it--causing irreparable damage to both the scientific community and cultural knowledge.

Evolution of European Legal Approaches to Inhibit the Illicit Flow of Cultural Goods

In its 2021 report, INTERPOL classified Europe as a "destination area" for illicit antiquities from most countries in the other regions of the world, which means Europe is a major source of the demand that source countries require to keep trafficking goods. In order to combat this demand, the EU developed legislative acts and broader action plans to mitigate its role.

Globally, UNESCO's 1954 Hague Convention for the Protection of Cultural Property and 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property began the global discussion regarding legal remedies to curb illicit antiquities trafficking. After these foundational texts were created, the US created the Cultural Property Implementation Act in 1982 to implement the 1970 convention obligations, with the UK following suit in 2003 with the Dealing in Cultural Objects (Offences) Act. These conventions influenced the development of EU framework, starting with Regulation (EC) 2009/116 and Directive 2014/60 that regulated the export and return of unlawful cultural goods. However, there were gaps in these laws regarding import regulation and regulatory fragmentation across Member states, which was seemingly remedied by (EU) 2019/880. In 2022, the European Commission presented the EU Action Plan against Trafficking in Cultural Goods, and jointly with (EU) 2019/880 was expected to operationalize and strengthen existing EU regulation.

Potential Economic Effects of Regulation (EU) 2019 880

In the last 3 years, the global antiquities and the wider art market have struggled due to macroeconomic factors (Art Basel, 2024). After a strong post pandemic recovery, sales declined in 2023 specifically in the higher end of the market. Despite increased sales in the lower-priced

segments, the market has declined by 12% in 2024 to an estimated $57.5 billion (Arts Economics, 2025).

Since its creation, Regulation (EU) 2019/880 has concerned art dealers and experts regarding its potential to obstruct legitimate antiquities trade in the European Union, which would have consequences globally. All antiquities and artworks from outside the EU over 200 years old and worth more than 18,000 euros are required to have evidence of legal export, according to the regulation. This places the burden of proof on importers, even if the object is without any indication of unlawful activity. Extra paperwork, extra time, and extra money will be needed of the art market, especially antiquities dealers in the EU that were already stretched thin due to the US reciprocal tariffs introduced on April 2, 2025, and Anti- Money Laundering Directive (EU) 2018/843, which requires dealers to comply with anti-money laundering regulations for all transactions greater than 10,000 euros (Carollo, 2025). Due to these factors, it is highly likely that art dealers, auction houses, and galleries will be facing rising bureaucratic costs after (EU) 2019/880's implementation in June 2025.

It is possible that the new legal import license requirements could discourage EU buyers from buying outside the EU in order to avoid burdensome paperwork and delays, and non-EU dealers will also likely face bureaucratic challenges from displaying their art at EU art fairs (Brady, 2025). Some experts worry that this could isolate the EU art market. Edouard Gouin, CEO of the art shipping firm Convelio, warned that the EU's market "risks becoming increasingly defensive, burdened by largely unnecessary caution and procedural paranoia." (Carrigan, 2025).

Over the recent years, academic and institutional efforts to address illicit antiquities trafficking have expanded. Policy makers have identified major drivers of the illegal trade, such

as continual demand of high-value art, economic and political instability in source countries, obscure provenance identification patterns, and weak international enforcement, and have proposed policies informed by trade restrictions and demand reduction such as UNESCO's 1970 Convention, the US's CPIA, and the EU's own Directive 2014/60 and 2019/880, yet, these strategies often fall short in addressing the main problem. There is a breadth of global legislation all targeted at reducing the flow of illicit antiquities, but why are thousands of cultural goods still seized every year? Thus, the more pressing question is not how to invent new strategies but how to evaluate existing legislation to understand what makes regulation effective.

(EU) 2019/880 gave a clear measure at controlling the import of cultural goods, but there has been limited research asssesing its efficacy since its enactment in June 2025. It is key to examine its provisions in practice. This thesis will address that gap by evaluating how effectively (EU) 2019/880 prevents and manages the illicit trade in antiquities within the broader framework of EU cultural heritage policy, and specifically in comparison to the enforcement mechanisms outlaid in the 2005 Swiss Cultural Property Transfer Act. In my analysis, I aim to determine where (EU) 2019/880 succeeds, falls short, and why.

Literature Review

Legal Foundations

The first legal motion toward protecting cultural goods was in at the 1954 Hague Convention for the Protection of Culture Property in the Event of Armed Conflict, influenced by the destruction of cultural property in World War II. The treaty created a unified definition for cultural property ("movable or immovable property of great importance to the cultural heritage of every people, and the centers that preserve them") and set out a minimum level of respect which all States Parties must observe in relation to their own national heritage as well as the heritage of other States Parties. 15 years later, UNESCO signed the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property into action. This treaty asserted that cultural property is under international protection, and this protection is enforced through preventative measures, restitution provisions, and international cooperation. These two UNESCO treaties are widely regarded as foundational texts in heritage protection law (Brodie, 2022). Roughly a decade later, the US passsed the Cultural Property Implementation Act as the first domestic law to implement UNESCO's 1970 obligations. The UK's Dealing in Cultural Objects (Offences) Act in was passed in 2003 to implement UNESCO's obligations created under the 1970 convention by criminalizing the handling of objects illegally removed from historical sites, even if not technically stolen under previous laws. This act criminalized objects that were removed from their context, although cases such as the Elgin Marbles[4] and Benin Bronzes[5] still reside in the British Museum; proving that this act was not as enforceable as hoped (Harwood, 2003). Two years after the UK's Cultural Objects Act, the 2005 Swiss Cultural Property Transfer Act (CPTA) entered into force, tightening border controls, regulating the import of cultural property into Switzerland, and

[4] For more on the Elgin Marbles, see Merryman, J. H. (1985). Thinking about the Elgin Marbles. *Michigan Law Review*, *83*(8), 1881–1923. https://doi.org/10.2307/1288954

[5] For more on the Benin Bronzes, see Wood, P. (2012). Display, Restitution and World Art History: The Case of the 'Benin Bronzes.' *Visual Culture in Britain*, *13*(1), 115–137. https://doi.org/10.1080/14714787.2012.641854

implementing the 1970 UNESCO Convention guidelines directly into Swiss law. As one of the largest centers for art trading in Europe, Switzerland needed to create its own statutory mechanism to regulate the trade of antiquities. Similarly to (EU) 2019/880, Switzerland placed due diligence on persons active in the art trade or action business to have valid documentation and provenance of their pieces, with a storage requirement of 30 years. According to commentators, the CPTA implemented the 1970 UNESCO Convention effectively (Noth, 2005), and it has become an influential framework for future policy.

Recent Policy

Over the last 30 years, academic, institutional, and public interest in understanding and combatting the forces of illicit antiquities trafficking has increased (Visconti, 2021). A watershed moment in cultural goods trafficking was the 2005 conviction of Italian antiquities dealer Giacomo Medici, who was found guilty of receiving stolen goods, illegal export of goods, and the conspiracy to traffic.[6] This case was significant because it was the first time a large public art institution, the J. Paul Getty Museum, was shown to be complicit in cultural goods trafficking (Koldehoff & Timm, 2022). This case prompted museums across Europe and North America to prioritize transparency and ethical collection practices to protect their reputations and build meaningful partnerships with source communities (Murali, 2012). For instance, in 2013, the Association of Art Museum Directors (an accreditation organization) revised previous acquisition guidelines to include a requirement for provenance that demonstrates an object was out of its country of modern discovery prior to or legally exported therefrom after November 17, 1970 (the date of adoption of the UNESCO convention) (AAM, 2013). The museum world was clearly shaken, but some would argue that the most important consequence of the case was its

[6] For more on the Medici Case, see Sentenza n. 287/204 (Corte di Cassazione, Italy, 2011). (2011, December 7)

visibility: the public was now more aware than ever of illicit acquisitions and cultural goods trafficking. In a 2006 article, art lawyer Jessica Darraby writes that "The Giacomo Medici Case has uncovered flaws in the way our nation (United States) appropriates cultural power and asserts ownership and control over antiquities and art objects." (Darraby, 2006).

As demonstrated, current public cultural heritage policy heavily relies upon principles set out in the 1970 UNESCO convention created more than 50 years ago, which does not account for twenty-first century technological advancement and ability (Brodie & Mackenzie, 2014). As such, there has been a push in recent research to illuminate and dismantle this systemic issue; see Brodie (2014), Iannuzziello (2025), Barker (2015), Brodie (2022), Visconti (2021), and Mackenzie, (2021); most of which commonly propose policy and trade reforms such as controlling trade mechanisms, enhanced digital tracking, and demand reduction (Iannuzziello, 2025). In short, legal bodies can either impose exchange restrictions or reduce the motivation to commit an offense. However, this does not provide for situations that contain high-level corruption, lack of enforcement capacity, and legal disparities across different jurisdictions. Barker (2018) notes that coordinated and consistent action by international partners is required to effectively restrict the trafficking of illicit antiquities, and stronger enforcement of applicable laws and ethical guidelines in market countries must be upheld (Barker, 2018). In a similar vein, Brodie (2010) asserts that the failure of current international cultural law efforts is in part due to the international community's inability to agree on whether the conservation of archaeological heritage would best be served by public or private ownership (Brodie, 2010). Thus, researching strategies about how to curb illicit antiquities trafficking is not a novel or particularly helpful idea at the present moment, but evaluating recent legislation to understand specifically the mechanisms behind what makes regulation effective or ineffective will be more helpful to the

community at large to eventually eradicate the trafficking that destroys cultural and scientific heritage. The importance that cultural objects hold cannot be overstated, as they are often viewed by a community not as objects at all, but rather part of a living culture. UNESCO's Zimbabwean Cultural Program Specialist, Chimbidzikai Mapfumo, highlighted this psyche: "…. Above all else, we need to acknowledge that returning artifacts to their rightful owners is not just about the politics of value. It is a process that is meant to rehumanize what had been classified as objects. True justice lies in granting these communities the autonomy to determine how their artifacts are preserved, interpreted, and engaged with globally. This self-determination is not merely a right; it is the foundation of healing." (UNESCO, 2025).

Reviews of Regulation (EU) 2019/880 on the Introduction and Import of Cultural Goods

To date, there have been only a few papers written about the efficacy, creation, and practicality of (EU) 2019/880 (de Jong, 2021; Girardini, 2021; Screiber, 2021; Brodie, 2026; and Gibson, 2026). These commentaries contain detailed evaluations of the regulation's strengths and shortcomings, as well as possible predictions for how the regulation will be implemented once it has been enacted. Papers that presented the shortcomings of the regulation include the disparity across the definitions of "cultural goods" used in 2019/880 compared to previous EU antiquities regulation, and how this could create confusion when enforcing these acts (de Jong, 2021). There is also existing critiscm regarding the lack of a cohesive enforcement and support plan across EU member states (Gibson, 2026; Giardini, 2021), as well as the ramifications of the use of the concept "country of creation or discovery", ineffectively applying modern borders to ancient cultures (de Jong, 2026). Alternatively, all of the existing commentaries applaud the

regulation for raising awareness of cultural goods trafficking—which may be its most significant impact in the years to come.

Theoretical Framework and Methodology

The objective of this paper is to evaluate whether Regulation (EU) 2019/880 will be effective in the assessment, management, prevention, and reduction of risks associated with the trafficking of cultural goods within the framework of the 2005 Swiss Confederation's Federal Act on the International Transfer of Cultural Property (CPTA). As a major international art market hub, Switzerland occupies a functionally similar position to the EU in the global antiquities trade, making it a meaningful point of reference for evaluating regulatory design. Furthermore, since it has existed for more than 20 years, the CPTA represents one of the more mature and institutionally consolidated frameworks for cultural property regulation among the non-EU states, offering a stable baseline against which the EU's newer regulatory architecture can be assessed. Other potential comparators, including the UK's post-Brexit cultural property framework under the Cultural Property (Armed Conflicts) Act and the United States' import restrictions under the Convention on Cultural Property Implementation Act (CCPIA), were considered but excluded from the primary analysis for reasons of scope. Including multiple comparators would risk broadening the analysis beyond what a single study can sustain, and the Swiss CPTA's combination of market relevance, legislative maturity, and centralized enforcement design makes it the most analytically productive single comparator for the specific weaknesses identified in Regulation 2019/880. Future research could profitably extend this comparison to common law jurisdictions, where enforcement cultures and due diligence standards differ considerably from the civil law tradition underlying both the EU regulation and the CPTA.

The key question driving this research is to consider the extent to which EU Regulation 2019/880 has effectively managed the illicit antiquities trade since its enactment, when assessed through the lens of institutional support mechanisms, enforcement fragmentation, compliance

burden distribution, and in comparison, with Switzerland's centralized enforcement model. The analytical lenses of institutional support, enforcement fragmentation, and compliance burden were selected because they correspond to the primary structural dimensions of the core enforcement mechanisms present in both (EU) 2019/880 and the Swiss CPTA, enabling meaningful comparison. It is acknowledged that these dimensions cannot consitute an exhaustive evaluative framework, particularily given the well-documented opacity of illict antiquities markets, which makes empirical measurement of 'effectiveness' inherently contested. Rather than offering a definitive verdict, this paper uses these lenses to identify structural patterns and legislative gaps, treating effectivness as a realtive and multidimensional concept rather than a binary outcome.

In short, this study aimed to:

1. Compare (EU) 2019/880 against the goals and enforcement strategies detailed in the 2005 Swiss Confederation's Federal Act on the International Transfer of Cultural Property (CPTA), by assessing underlying assumptions, the incentives they create for market actors, and the practical challenges they pose for enforcement authorities.
2. Identify key factors that influence (EU) 2019/880's effectiveness in the prevention of the circulation of illicit antiquities.
3. Propose recommendations for improving the regulation's implementation and coherence in order to enhance the effectiveness of Regulation (EU) 2019/880, with the intent to influence future international legislative efforts in suppressing cultural heritage trafficking for good.

The hypothesis for this research, drawn from the literature review, is that fragmentation in penalties and border control provisions across member state may significantly limit Regulation

2019/880's capacity to reduce the illicit antiquities market, while disproportionately distributing compliance burdens onto previously law-abiding market actors, although the degree to which these limitations prove determinative will be assessed through the comparative analysis that follows. A secondary question this paper investigates is whether demand-side interventions (such as increased outreach to source communities and capacity-building measures to combat illicit export) may offer more durable solutions than supply-side enforcement mechanisms alone, a proposition evaluated against the comparative evidence examined in this paper.

By examining the application and enforcement of (EU) 2019/880, this thesis contributes to current discussions regarding the regulation's effectiveness and potentially inform revisions to future cultural heritage policy across the globe, building a future where the cultural and scientific value of artifacts are better protected.

Methodology

This thesis utilizes a qualitative doctrinal comparative analysis research design. According to Reitz (1998), "The comparative method consists in focusing careful attention on the similarities and differences among the regulations being compared… a good comparative law study should normally devote substantial effort to exploring the degree to which there are or are not functional equivalents of the aspect under study in comparison."[7] This definition drives this paper's methodology process, as the process of comparison is particularly suited to lead to conclusions about commonalities concerning how law deals with the particular subject under study, which is ultimately this paper's objective—to address and hopefully eventually curb the societal issue of illicit cultural goods trafficking by analyzing efforts across different jurisdictions. More specifically, under the methodology toolbox presented in Van Hoecke

[7] Reitz, J. C. (1998). How to do comparative law. *American Journal of Comparative Law, 46(4),* 617-636.

(2015), this paper utilizes a micro-level comparison by comparing concrete rules and legal solutions to societal problems rather than a macro-level comparison of full judicature.[8]

Since (EU) 2019/880 has not generated case law yet, this paper heavily relies on secondary materials such as academic articles, legal commentaries, and policy analyses discussing the regulation's creation, its anticipated effects, and critiques of its key provisions. These sources have been supplemented with European Commission reports, UNESCO convention law, and Interpol assessments. The absence of case law and primary empirical data constitutes a recognized limitation of this study. However, doctrinal comparative analysis remains an appropriate methodology for this issue because this paper's core contribution is not to measure trafficking outcomes quantitatively, but to evaluate the structural and legislative coherence of Regulation 2019/880 against an established comparator framework, something that legal text, policy analysis, and institutional commentary are well-suited to answer. Where empirical gaps remain, they are identified as avenues for future research. Analysis consists of a close reading of (EU) 2019/880 mechanisms weighed against the objectives outlined in 2005 Swiss Confederation's Federal Act on the International Transfer of Cultural Property (CPTA) to identify the degree of alignment or lack thereof between their policy goals. Ultimately, the methodology of this paper is a systemic comparison of internal EU policy that sheds light on potential improvements, gaps, and cohesion.

Results

Lessons from the Swiss Model

[8] Mark Van Hoecke (2015). *Methodologies of Legal Research: Which Kind of Method for What Kind of Discipline?*

The Swiss Federal Act on the International Transfer of Cultural Property (CPTA) offers one of the most instructive models for evaluating the structural deficiencies of EU Regulation 2019/880 and identifying a credible pathway for reform. Despite its small size in comparison to the EU market, Switzerland operates a significant art market and has managed to implement a coherent, enforceable cultural property export and import regime. It is important to note, however, that the Swiss model is not without its own structural limitations, and this paper does not advocate for its wholesale adoption. Switzerland's cultural property framework has faced criticism regarding the regulation of freeport storage facilities (most notably the Geneva Freeport) which has been documented as a site of illicit antiquities storage operating in legal grey zones that the CPTA has struggled to meaningfully address (Berro, 2025; Gisler, 2016). This limitation remains instructive because it reveals that even a relatively mature and centralized cultural property framework cannot fully resolve the tension between market participation and regulatory enforcement. The EU should therefore approach the Swiss model selectively, extracting its most transferable institutional mechanisms while remaining aware of the conditions under where those mechanisms have proven insufficient. The EU's challenge is not to replicate the Swiss CPTA completely, but rather to identify areas where its institutional framework and market leverage allow for a more durable framework.

The first and most notable consequential lesson concerns bilaterial agreement architecture. Under Article 7(3) of the CPTA, the Federal Council is empowered to enter into bilateral treaties with contracting states governing the import and repatriation of cultural property, provided three cumulative conditions are satisfied: the goods in question must constitute cultural property of essential importance to the partner state's heritage; the partner state must maintain export provisions aimed at heritage protection; and reciprocal rights must be

granted to Switzerland (CPTA, 2003, art. 7, § 3). These agreements establish standardized conditions for the cross-border movement of cultural goods, creating a framework of mutual accountability between Switzerland and each partner state. Embedding bilateral cultural property obligations within broader trade or partnership agreements would allow the EU to require source countries to issue standardised export certificates as a precondition of market entry, which would transform import regulation from a compliance exercise into a proactive mechanism of international cultural property governance. It is important to note that any EU framework modelled on the Swiss CPTA would need to be accompanied by substantial capacity-building investment in source country heritage institutions, which is a dimension that the Swiss model, operating at a much smaller scale, has not had to interact with to the same degree.

The second area of comparison is the harmonization of due diligence standards. Swiss law imposes specific, legally enforceable due diligence obligations on dealers and auction houses through the CPTA, creating a uniform compliance baseline applicable across the country. Regulation 2019/880, by contrast, delegates the design and application of penalties to individual member states, requiring only that sanctions be 'effective, proportionate and dissuasive' and produce an 'equivalent deterrent effect across the Union (EU 2019/880, art. 29). By leaving the substance of penalties undefined at the Union level while simultaneously requiring cross-border equivalence, the provision places the burden of harmonization on member states, a mechanism that may prove difficult across the EU, where enforcement cultures, institutional resources, and political priorities diverge significantly across jurisdictions. A dealer operating across multiple member states therefore faces an uneven compliance landscape in which the consequences of non-compliance vary, creating both legal uncertainty for legitimate actors and exploitable arbitrage opportunities for illicit ones.The Swiss framework offers a possible legislative template

to remedy this issue: the EU could amend or supplement both Regulation 2019/880 to create a binding, single-market-wide due diligence regime, applicable uniformly to dealers, intermediaries, and auction houses operating across all member states. As part of this amendment, Europol could supplant existing border support to ensure that all countries have the enforcement capability to upold the uniform requirements. A realistic model might involve Europol providing centralized intelligence coordination, such as aggregating member state customs data, flagging high-risk shipments, and maintaining a shared database of suspect dealers and objects. Ultimately, any expansion of their role in this area would require Council authorization and a likely amendment of their respective founding regulations, which would be a politically complex process that the thesis acknowledges as a longer-term reform goal rather than an immediate legislative fix.

Finally, the question of enforcement coordination is where the EU faces its most structurally distinctive challenge. Switzerland, as a unitary state with a coherent customs administration, can enforce the CPTA with relative consistency. The EU, by contrast, must contend with twenty-seven separate customs administrations operating under varying resource constraints and institutional priorities. However, the EU does possess authority over customs matters (Articles 31 and 32 of the Treaty on the Functioning of the European Union), which establish the customs union as an exclusive EU competence, and under the Union Customs Code (Regulation (EU) 952/2013), a harmonized framework is provided for customs procedures across all member states. This legal architecture would support a Council regulation mandating the designation of specialist entry points for high-value cultural goods imports, similar to existing

arrangements for the importation of live animals and plants,[9] which are required to enter the EU through designated border inspection posts staffed with specialist personnel. However, obstacles to this uniform implementation still exist. Member states vary considerably in the volume of cultural goods imports they process, the technical expertise available within their customs administrations, and their capacity to finance and staff specialist border infrastructure. A more feasible recommendation might involve designating a limited number of EU-level specialist entry points concentrated in member states with the highest volumes of cultural goods imports, such as Germany, France, the Netherlands, and Belgium, through which all third-country imports of high-value cultural goods above a defined threshold would be required to pass. This would concentrate enforcement expertise and resources where they can be most effectively deployed, while avoiding the coordination failures that arise from requiring uniform implementation across twenty-seven divergent national administrations.

In sum, the Swiss CPTA is most valuable to EU not as a direct legislative template, but as a legitimating precendent. The CPTA demonstrated that the policy choices required to build a coherent cultural property enforcement framework have been implemented in practice by a major art market participant without causing irreparable disruption to legitimate commercial activity. However, realizing this potential is contingent on addressing the structural deficiencies identified throughout this thesis (enforcement fragmentation, the absence of binding due diligence standards, and the uneven distribution of compliance burdens) none of which will be resolved by market size alone. The EU's transformative potential in this area depends on the political will to use existing legal powers more ambitiously, the institutional commitment to invest in

[9] For more information about designated EU border posts, see European Commission, Directorate-General for Health and Food Safety. (n.d.). *Designated border control posts (BCPs)*. https://food.ec.europa.eu/animals/veterinary-border-control/designated-border-control-posts-bcps_en

enforcement capacity at member state level, and a willingness to engage source countries as genuine partners. Without these conditions, Regulation 2019/880 remains a well-intentioned but structurally insufficient response to a problem that requires a coordinated institutional commitment the regulation currently lacks. The reforms proposed in this thesis represent a path toward that commitment, but they should be understood as medium to long-term legislative goals rather than an immediately achievable outcome, requiring sustained political engagement across the EU administration.

(EU) 2019/880 in Practice

Increased import control continues to receive significant legislative attention across the EU, and Regulation 2019/880 marks a milestone in this regard. The regulation is the first piece of EU legislation with the aim of preventing the trafficking of looted cultural goods into commercial circulation through the mechanism of increased import control. The regulation introduces modern technological infrastructure (a centralized online database for import certification) to build upon established international frameworks and to bring transparency and efficiency to a historically opaque art market.

The first years of implementation have yielded little progress as a result of the regulation's operational architecture. The ICG system is hosted centrally by the EU Commission and has been successfully connected to the EU Single Window Environment for Customs. It is accessible to all competent cultural authorities, customs authorities, and operators across the EU. Despite the database infrastructure being in place and mandatory, significant uncertainty remains regarding the regulation's practical application (Clark & Meho, 2025). The EU has had to publish multiple rounds of Q&A documents to clarify basic operational questions, which suggests that confusion and inconsistency across member states persists. Without harmonized

due diligence standards across the single market, or bilateral treaty mechanisms with major source countries, the regulation will function as a patchwork law rather than a unified approach. This is crucial to address because it prevents "port-shopping," where smugglers select Member States with relatively lax import supervision.[10]

The regulation's structural weaknesses are amplified through a series of practical vulnerabilities, including the narrow scope of specific high-risk categories that may omit a considerable volume of illicit materials entirely, but most notably the licenses and certification requirements that place the greatest compliance burden on already law-abiding actors such as established auction houses and reputable dealers, while sophisticated bad actors retain the capability to forge documentation (as prior cases have demonstrated they are willing to do).[11] Critically, the regulation is directed primarily at the public-facing auction sector, whereas the private dealer market (which operates with considerably less transparency and oversight) remains the more significant conduit for illicit goods.

This misdirection of regulatory attention reflects a broader pattern in cultural property law, where enforcement mechanisms are most stringent where illicit activity is least likely to occur, in the formal, documented, and publicly visible segments of the market, while the informal and private channels through which the majority of illicit goods actually flow remain comparatively unimpacted. Private dealers operate through often unrecorded and anonymous transactions, and the goods themselves may never appear in any publicly accessible database or registry. Regulation 2019/880's import licensing framework does not meaningfully penetrate this

[10] Learn more about Port-Shopping in: Art-Law Centre, University of Geneva. (2018, February 27). *The legal and illegal trade in cultural property to and throughout Europe: Facts, findings and legal analysis* [Report submitted to UNESCO]. https://art-law.org/application/files/1915/9342/2620/UNESCO_Report_-_SUBMITTED_27.02.2018.pdf

[11] See SDNY. 2019. USA v Douglas Latchford a/k/a Pakpong Kriangsak. Indictment 19-CR-748: US District Court, Southern District of New York.

sector, as private dealers operating below the regulation's categorical thresholds or dealing in goods predating its temporal scope face no equivalent documentation obligations.

This enforcement gap is compounded by the regulation's reliance on importer self-declaration as the primary mechanism of compliance. Where the regulation does apply, it requires importers to demonstrate through documentation that goods have been legally exported from their country of origin; a requirement that presupposes the existence of reliable export certification infrastructure in source countries, many of which are severely affected by looting and institutional collapse. In conflict-affected states such as Syria, Libya, and Iraq, the administrative capacity to issue and verify export certificates has been severely degraded or entirely absent during the periods of most intensive looting, meaning that the documentation the regulation requires either does not exist or can be fabricated with relative ease. The regulatory burden therefore falls most heavily on goods with clear and legitimate provenance which are least in need of scrutiny. These vulnerabilities suggest that (EU) 2019/880's enforcement architecture is structurally oriented toward managing the appearance of compliance rather than disrupting the reality of illicit trade. The regulation creates a documented, bureaucratically visible layer of cultural goods importation that generates paper trails, licensing records, and compliance costs, while leaving the informal, undocumented, and private dimensions of the market substantially untouched. The compliance costs generated by this architecture fall disproportionately on legitimate actors, while the deterrent effect on sophisticated illicit networks remains marginal at best. (EU) 2019/880 has a fundamental misalignment in its design logic, assuming that illicit trade operates primarily through formal import channels without understanding the reality of how illicit antiquities actually move through the market.

Limitations

The Methodological Challenge of Evaluating Regulation 2019/880

Any rigorous assessment of Regulation 2019/880 must confront a foundational methodological difficulty: the regulation is designed to achieve two simultaneous competing objectives. On one hand, it seeks to facilitate the legitimate trade in cultural goods by providing a standardised framework for compliant actors. On the other hand, it aims to suppress the illicit movement of objects by raising the cost and complexity of non-compliant importation. These objectives exist in tension with each other. A regulatory framework that succeeds entirely on suppressive terms would score well against illicit trafficking metrics while simultaneously failing the legitimate market it is also designed to serve. Conversely, a regulation that preserves trade volumes but fails to alter the underlying ratio of documented to undocumented imports achieves its goal at the expense of its core purpose. Any meaningful evaluation must therefore capture both dimensions simultaneously, and the absence of a widely adopted metric capable of doing so represents a significant limitation in the existing literature.

Of the available quantitative indicators, the most analytically robust is the ratio of documented to undocumented imports over time, controlled for total import volume. This measure functions as a compliance rate with trajectory, tracking whether market actors are submitting documentation, and whether that proportion is improving as the regulation embeds itself into commercial practice. Several features recommend it above the alternatives. First, it is directional: one would expect the ratio to improve progressively as awareness of the regulation increases, enforcement capacity matures, and compliant behaviour becomes normalised across the market. Second, it is resistant to the enforcement-effort distortion that makes seizure counts an unreliable primary indicator, since seizure figures reflect the intensity of enforcement activity

as well as the underlying prevalence of illicit trade. A jurisdiction that dramatically increases customs inspections will record more seizures regardless of whether the market has actually become less compliant; the documented-to-undocumented ratio corrects for this by focusing on the behaviour of market actors rather than the activity of enforcement authorities.

The metric is not without its own limitations. Documentation can still be forged, as prior cases have demonstrated,[12] meaning that an improving ratio does not straightforwardly imply an improvement in actual legitimacy, but this issue does not disqualify the metric so much as contextualise it. It remains the measure most resistant to gaming, most structurally aligned with the regulation's dual purpose, and most useful as a basis for policy adjustment over time.

By contrast, the two indicators most commonly cited in early assessments of the regulation (seizure counts and the volume of entries in the ICG database) should be treated as supporting indicators rather than primary measures. Database size is a metric of administrative uptake, not market change; a large number of entries may reflect either genuine compliance or the bureaucratic processing of applications that would have occurred regardless of the regulation's existence. Seizure counts, as noted above, are too sensitive to enforcement decisions to serve as reliable proxies for market behaviour. Both indicators have a role to play in the evaluation framework, but as supporting rather than primary measures.

---

[12] See: New York County District Attorney's Office. (2021, December 6). *Statement of facts: In the matter of a New York antiquities collector* [Legal document filed in support of non-prosecution agreement]. https://images.law.com/contrib/content/uploads/documents/292/102693/2021-12-06-Steinhardt-Statement-of-Facts-w-Attachments-Filed.pdf; Sitavanc, M., Ferland, J., & Renold, M.-A. (2019, June). *Case Nedjemankh and his gilded coffin – Metropolitan Museum of Art and Egypt* [Case note]. Platform ArThemis, Art-Law Centre, University of Geneva. https://plone.unige.ch/art-adr/cases-affaires/nedjemankh-and-his-gilded-coffin-2013-metropolitan-museum-of-art-and-egypt/case-note-2013-nedjemankh-and-his-gilded-coffin-2013-met-and-egypt; Corte di Cassazione. (2011, December 7). *Sentenza n. 287/2004* [Final judgment on appeal]. Corte Suprema di Cassazione. https://www.unodc.org/cld/case-law-doc/criminalgroupcrimetype/ita/2011/sentenza_n.287204.html; United States Department of Justice, Office of the United States Attorney, Eastern District of New York. (2017, July 5). *United States files civil action to forfeit thousands of ancient Iraqi artifacts imported by Hobby Lobby* [Press release]. https://www.justice.gov/usao-edny/pr/united-states-files-civil-action-forfeit-thousands-ancient-iraqi-artifacts-imported.

Structural Impediments to Applying the Swiss Model

While the Swiss Federal Act on the International Transfer of Cultural Property offers a compelling proof of concept for cultural property import regulation, the prospect of transplanting its architecture directly onto the EU framework encounters a series of structural impediments rooted in the fundamental differences between the two jurisdictions. The governance assumptions that underpin the CPTA such as a unitary state, a single customs administration, a coherent national enforcement apparatus, and a centralised diplomatic framework do not hold in the EU context, and attempting to replicate Swiss mechanisms without accounting for these differences risks producing reforms that are inoperable.

The most immediate difficulty is one of scale. Switzerland is a small state with a population of approximately nine million (Presence Switzerland, 2026) and a single, highly professionalised federal customs authority. Its ability to enforce the CPTA derives in part from the fact that there is only one enforcement agency, operating under unified command. The European Union, by contrast, is comprised of twenty-seven member states, each with its own customs administration, prosecutorial tradition, and institutional capacity. Regulation 2019/880's delegation of enforcement and penalty-setting to individual member states was a political accommodation of this reality, but it is precisely this accommodation that has produced the fragmentation the regulation was designed to overcome. Mandating Swiss-style enforcement across twenty-seven jurisdictions with vastly differing resources, legal cultures, and institutional priorities would require a degree of administrative harmonisation that the current EU constitutional architecture does not easily permit.

The bilateral agreement model presents another challenge. The CPTA's network of bilateral cultural property agreements functions because Switzerland speaks with a single

diplomatic voice and can offer source countries a clear, legally binding commitment on behalf of a unitary state. The EU, by contrast, operates through a complex division of competences between the Union and its member states, and cultural policy has historically been an area of particular sensitivity for national governments reluctant to cede sovereignty (Jakubowski, 2026). Negotiating a coherent bilateral treaty framework with major source countries would require either the explicit conferral of exclusive EU competence over cultural property diplomacy, or a degree of member state coordination that has thus far proved elusive even in less contested policy domains. Switzerland concludes such agreements relatively swiftly because the institutional actors involved are few and the decision-making chain is short; replicating this agility at EU level is highly unlikely.

There is also the question of market diveristy. The Swiss art market, though significant, is relatively concentrated geographically and commercially, centred primarily on Geneva and Zurich (Presence Switzerland, 2026). Compliance obligations imposed under the CPTA fall on a manageable and reasonably well-defined population of dealers, auction houses, and intermediaries. The EU art market is by contrast extraordinarily diverse and encompasses the major continental centers of Paris, Amsterdam, and Vienna, and a long tail of smaller national markets. A due diligence standard that is proportionate and workable for a Geneva dealer may impose prohibitive costs on a small auction house in Bratislava or Riga, producing a compliance asymmetry that could distort competition across the single market while doing little to deter the sophisticated actors most likely to engage in illicit trade.

Switzerland's adoption of the CPTA benefited from a relatively compact policy community, a tradition of direct democratic engagement with cultural heritage questions, and the absence of the supranational negotiation dynamics that characterise EU lawmaking. Amending

Regulation 2019/880 to incorporate Swiss-style provisions requires consensus among twenty-seven member states with divergent interests, an engaged European Parliament, and a Commission willing to expend political capital on what remains a niche legislative area. These are not insurmountable obstacles, but they impose a pace and complexity of reform that has no equivalent in the Swiss constitutional context. The CPTA thus remains an important reference point for EU advocates, but it is best understood as a source of substantive inspiration rather than a transferable institutional blueprint.

Data Deficits and the Challenge of Measuring Regulatory Effectiveness

One of the most major obstacles to effective cultural property regulation is the absence of reliable, comprehensive data on the volume, composition, and provenance of cultural goods entering global and European markets. Without a credible baseline understanding of the scale and nature of cultural goods trade, both licit and illicit, it is very difficult to design regulatory interventions, and it is almost impossible to determine with any confidence whether those interventions, once enacted, are actually working. The result is a policy environment in which regulation is built upon assumptions rather than evidence, and in which claims are rarely verifiable by reference to empirical data.

International trade statistics, including those compiled by UN Comtrade and Eurostat, aggregate cultural goods into Harmonised System categories that are too broad to distinguish between licit antiquities, legally exported contemporary art, and objects of potentially illicit origin. The art market itself has historically resisted transparency, operating through private dealer networks, discreet auction arrangements, and freeport storage facilities that generate little publicly accessible transactional data. Regulation (EU) 2019/880's online ICG system, which only became operational in June 2025, is designed to generate the kind of transactional data that

has previously been missing. However, the system's effectiveness as a data-generating instrument is contingent on consistent and comprehensive use by market actors and national authorities across all member states, a condition that, given the fragmented implementation history documented earlier in this thesis, cannot be assumed. Where data does exist, it tends to reflect the priorities and capacities of individual member state enforcement authorities rather than market-wide patterns, making cross-jurisdictional comparison unreliable and aggregate EU-level analysis largely speculative.

This data deficit gives rise to a deeper challenge: even where regulatory measures are in place, it is exceptionally difficult to determine whether they are causally responsible for any observed changes in market behaviour. The fundamental problem is one of counterfactual inaccessibility. Suppose seizure rates of illicitly imported cultural goods decline following the implementation of Regulation 2019/880. This outcome is consistent with at least three distinct explanations: genuine deterrence, where the regulation has successfully discouraged illicit imports displacement, whereby traffickers have redirected goods through jurisdictions with weaker controls; or enforcement fatigue, whereby customs authorities have reduced inspection intensity. Distinguishing between these explanations requires precisely the kind of longitudinal data that does not currently exist publically at EU level.

The same ambiguity afflicts positive indicators. An increase in the number of import licences issued through the ICG system might reflect genuine market compliance or a bureaucratic processing of applications that would have been made regardless. Database growth is a simply a measure of administrative activity rather than regulatory impact, and conflating the two produces a dangerously misleading picture of effectiveness. Similarly, the absence of reported violations in a given member state may reflect genuine compliance, limited enforcement

capacity, political reluctance to pursue prosecutions, or simply a lack of the data infrastructure necessary to identify violations in the first place.

Without investment in harmonised data collection, standardised reporting obligations across member states, and independent academic access to transactional records, the EU's ability to evaluate, refine, and legitimise its cultural property import regime will remain severely constrained.

Recommendations

The structural weaknesses of (EU) 2019/880 are all features of a regulatory architecture that intervenes at a point of market entry rather than point of origin, which reflects a deeper structural limitation that is inherent to supply-side import regulation aimed to address trafficking. Tighter border controls and import regulation, however well-designed, address the supply side of illicit cultural property trafficking at a late stage in the chain: after objects have already been excavated, removed from their context, and set in motion through criminal networks. By the time a looted antiquity has reached EU borders, it has already been stripped of its contextual, cultural, and scientific meaning. This observation is not unique to (EU) 2019/880, and this gap directs scholar's attentions towards a structurally different category of intervention. Rather than asking how import controls can be made more effective at the border, perhaps the more productive analytical question is how the conditions that incentivize looting can be changed. Communities that have a genuine stake in the preservation and interpretation of local heritage are less likely to tolerate or participate in looting, and less susceptible to the economic incentives that traffickers exploit (Mayfield & Simmons, 2018). Therefore, the answer may not lie primarily in legislation, but rather in the relationship between local communities and the heritage that surrounds them.

The El-Kurru community archaeology project offers a case study of how this engagement can be operationalized in practice (Bradshaw, 2025; Emberling & Davis, 2022). The El-Kurru project acknowledged that the goals which motivate professional archaeologists and conservators (education and preservation) are frequently not the goals most resonant with local communities, and the form of engagement derived from those professional priorities risks replicating what they describe as "a contemporary version of an extractive, colonial approach to archaeology" (Emberling & Davis, 2022, p. 144). Recognizing this, the team at El-Kurru adopted an iterative,

dialogue-driven process, conducting formative focus groups with village residents, local business owners, schoolteachers, and university students to surface community interests before imposing scholarly frameworks. This model reorients the relationship between archaeologists and communities, and creates the conditions under which local heritage becomes a source of pride rather than an exploitable resource. The El-Kurru project is not an isolated example. Community-centered archaeological practice has been documented across diverse contexts, suggesting that the model is transferable across backgrounds. Moser et al. (2002) documented the Community Archaeology Project at Quesir, Eygpt, in which collaboration with local reisdents produced a sustained investment in site protection. Similarily, Moreno (2018) documented a collaborative archaeology initiative at an Afro-Ecuadorian cemetary in northern Ecuador, which transformed the site from a vulnerable and neglected area into an actively protected cultural landmark. Each project demonstrates that when local communities are treated as active participants rather than bystanders, the social, cultural, and economic conditions that make looting an attractive option are materially altered.

It is important to note that regulation and community engagement are not mututally exclusive mechanisms, and pathways for integration are key. The most direct mechanism would involve leveraging the EU's existing development cooperation frameworks to embed community involvement investment obligations within the bilateral cultural property agreements proposed earlier in this thesis. The EU's Neighborhood, Development and International Cooperation Instrument (NDICI) already provides a legal basis for funding heritage protection and capacity-building activities in third countries (Regulation EU 2021/947, 2021). Amending the NDICI's priorities to explicitly include community involvement initiatives alongside its existing provisions could create a funding stream that source country governments and local heritage

organizations could access as a complement to the bilateral agreement requirements of a reformed Regulation 2019/880, thus transforming the structure into a reciprocal framework where traditional source countries would be supported in building the community engagement programs that reduce the supply of illicit objects in the first place.

A more immediate pathway could involve expanding the scope of the regulation's implementation reports, which the European Commissions is required to produce under Article 16 of (EU) 2019/880 to include an assessment of source community engagement initiatives funded by EU's NDICI. This would not require legislative amendment (only Commission guidance) and would create an institutional accountability mechanism that keeps the relationship between supply-side enforcement and demand-side prevention visible.

Together, these mechanisms would embed community engagement as a structurally integrated complement to the goals of (EU) 2019/880 that addresses the conditions enabling looting at the source while the regulation continues to manage market entry at EU borders. The combined effect would be a two-tier intervention architecture that is more coherent and preventative than current regulatory framework alone.

References

Alva, W. (2001). *Destruction of the archaeological heritage of Peru.* ICOM International Observatory on Illicit Traffic in Cultural Goods. https://www.obs-traffic.museum/sites/default/files/ressources/files/Alva_destruction_looting_traffic_0.pdf

Arts Economics. (2025). *The global market. The Art Basel & UBS art market report 2025*. Art Basel & UBS. https://theartmarket.artbasel.com/the-art-market-2025/global-market

Art-Law Centre, University of Geneva. (2018, February 27). *The legal and illegal trade in cultural property to and throughout Europe: Facts, findings and legal analysis* [Report submitted to UNESCO]. https://art-law.org/application/files/1915/9342/2620/UNESCO_Report_-_SUBMITTED_27.02.2018.pdf

Association of Art Museum Directors. (2013). *Guidelines on the acquisition of archaeological material and ancient art (revised 2013).* https://cms.aamd.org/sites/default/files/document/AAMD%20Guidelines%202013.pdf

Balestrieri, B. A. B. (2020, March). *Do archaeologists have an ethical obligation to report looting?* Policy Brief No. 6. The Antiquities Coalition. https://thinktank.theantiquitiescoalition.org/do-archaeologists-have-an-ethical-obligation-to-report-looting/

Barker, A. W. (2012). Provenience, provenance, and context(s). In M. A. Adler & S. B. Bruning (Eds.), *The futures of our pasts: Ethical implications of collecting antiquities in the twenty-first century* (pp. 19–30). SAR Press.

Barker, A. W. (2018). Looting, the antiquities trade, and competing valuations of the past. *Annual Review of Anthropology, 47,* 455–474. https://www.jstor.org/stable/48550917

Bennett, N. (n.d.). *Antiques and collectibles market: Global.* DeepMarket Insights. https://deepmarketinsights.com/vista/insights/antiques-and-collectibles-market/global

Berro, Ž. (2025). Hidden in plain sight: The role of free ports in the illicit trafficking of cultural property. *The Journal of Cultural Heritage Crime*. https://www.journalchc.com/2025/12/08/hidden-in-plain-sight-the-role-of-free-ports-in-the-illicit-trafficking-of-cultural-property/

Brady, A. (2025, June 3). *About to throw a wrench in the market — a legal expert's view on upcoming changes to E.U. import law.* The Art Newspaper. https://www.theartnewspaper.com/2025/06/03/about-to-throw-a-wrench-in-the-market-a-legal-experts-view-on-upcoming-changes-to-eu-import-law

Brodie, N. (2010). Archaeological looting and economic justice. In P. M. Messenger & G. S. Smith (Eds.), *Cultural Heritage Management, Policies and Issues in Global Perspective* (pp. 261–277). University Press of Florida.

Brodie, N. (2026). EU Regulation 2019/880 on the import of cultural goods: The pernicious effect of poor evidence upon legislative regulation. In *Research Handbook on Art, Culture and Heritage Law* (pp. 504–516). Edward Elgar Publishing. https://doi.org/10.4337/9781800374225.00038

Brodie, N., Kersel, M. M., Mackenzie, S., Sabrine, I., Smith, E., & Yates, D. (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. https://doi.org/10.1080/00934690.2021.1996979

Brodie, N., & Mackenzie, S. (2014). Trafficking cultural objects: Introduction. *European Journal on Criminal Policy and Research, 20,* 423. https://doi.org/10.1007/s10610-014-9256-4

Carrigan, M. (2025, June 7). *New E.U. import regulations are causing "procedural paranoia" for the art trade.* Artnet News. https://news.artnet.com/market/eu-import-regulations-2653480

Carollo, E. (2025, June 9). *A new E.U. antiquities law adds burdens for dealers amid AML, tariffs.* Observer. https://observer.com/2025/06/eu-antiquities-dealers-regulation-2019-880-antiquities-trade

Clark, F., & Meho, A. (2025). *Legal update: What does the latest EU Q&A reveal about the new EU import laws for cultural goods?* Boodle Hatfield. https://www.boodlehatfield.com/articles/legal-update-what-does-the-latest-eu-qa-reveal-about-the-new-eu-import-laws-for-cultural-goods

Corte di Cassazione. (2011, December 7). *Sentenza n. 287/2004* [Final judgment on appeal]. Corte Suprema di Cassazione. https://www.unodc.org/cld/case-law-doc/criminalgroupcrimetype/ita/2011/sentenza_n.287204.html

Convention on Cultural Property Implementation Act, 19 U.S.C. §§ 2601–2613 (1983).

Dafoe, T. (2022, December 5). *Authorities have confiscated almost two dozen antiquities from the collection of Met trustee Shelby White.* Artnet News. https://news.artnet.com/art-world/met-trustee-shelby-white-have-been-confiscated-by-the-das-office-2223188

Darraby (2006, May 2). *To have & to hold.* Daily Journal. https://www.dailyjournal.com/articles/320647-to-have-to-hold

de Jong, A. M. (2021). The Cultural Goods Import Regime of Regulation (EU) 2019/880: Four potential pitfalls. *Santander Art and Culture Law Review, 7*(2), 31–50. https://doi.org/10.4467/2450050XSNR.21.017.15262

European Commission. (2019). *Illicit trade in cultural goods in Europe – Characteristics, criminal justice responses, and applicability of technologies in combatting the trade.* Final Report.

Federal Act on the International Transfer of Cultural Property (CPTA), SR 444.1 (2003). https://www.fedlex.admin.ch/eli/cc/2005/317/en

Giardini, G. (2021). A commentary to Commission Implementing Regulation (EU) 2021/1079 of 24 June 2021 laying down detailed rules for implementing certain provisions of Regulation (EU) 2019/880 of the European Parliament and of the Council on the introduction and the importation of cultural goods. *Santander Art and Culture Law Review*, *7*(2), 183–192.

Gibson, M. (2026). Relics & regulation: Evaluating the EU approach to the introduction and importation of cultural property. *NYU Journal of International Law and Politics*. https://nyujilp.org/eu-regulation-on-the-introduction-and-importation-of-cultural-goods/

Gisler, J.-R. (2016). Switzerland addresses the traffic in cultural goods. *WCO News*, *80*. https://mag.wcoomd.org/magazine/wco-news-80/switzerland-addresses-the-traffic-in-cultural-goods/

Harwood, R. (2003). Dealing in Cultural Objects (Offences) Act 2003. *Art Antiquity & Law, 8,* 347.

Iannuzziello, M. (2025). Protecting arts and antiquities through soft-law: The role of market players in preventing wrongdoings. *New Journal of European Criminal Law, 16*(1), 68–69.

International Committee of the Red Cross. (1954). *Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict.* https://ihl-databases.icrc.org/en/ihl-treaties/hague-conv-1954

Interpol. (2021). *Assessing crimes against cultural property.* Interpol.

Jakubowski, A. (2026). Heritage and sovereignty. In *Research Handbook on Art, Culture and Heritage Law* (pp. 136–152). Edward Elgar Publishing. https://doi.org/10.4337/9781800374225.00015

Koldehoff, S., & Timm, T. (2022, January 11). How stolen cultural artifacts made their way to a major museum. *Literary Hub.* https://lithub.com/how-stolen-cultural-artifacts-made-their-way-to-a-major-museum

Lasaponara, R., Leucci, G., Masini, N., & Persico, R. (2014). Investigating archaeological looting using satellite images and georadar: The experience in Lambayeque in North Peru. *Journal of Archaeological Science, 42,* 216–230. https://doi.org/10.1016/j.jas.2013.10.009

Lerici, C. (1969). *The future of Italy's archaeological wealth.*

Mackenzie, S., & Yates, D. (2017). What is grey about the "grey market" in antiquities? In J. Beckert & M. Dewey (Eds.), *The Architecture of Illegal Markets.* Oxford University Press. https://doi.org/10.1093/oso/9780198794974.003.0004

Mark Van Hoecke. (2015). *Methodologies of legal research: Which kind of method for what kind of discipline?*

Mashberg, T. (2021, November 21). He sold away his people's heritage. *The New York Times.* https://www.nytimes.com/2021/11/21/arts/design/toek-tik-cambodian-artifacts.html

Mayfield, T., & Simmons, S. (2018). Why the present matters: The importance of community outreach and public engagement in archaeology. *Anthropology Now*, *10*(1).

Merryman, J. H. (1985). Thinking about the Elgin Marbles. *Michigan Law Review, 83*(8), 1881–1923. https://doi.org/10.2307/1288954

Moreno, D. C. (2018). Collaborative archaeology to revitalize an Afro-Ecuadorian cemetery. *Journal of Community Archaeology & Heritage*, *5*(3), 42–69. https://doi.org/10.1080/20518196.2018.1480026

Moser, S, et al. (2002). Transforming archaeology through practice: Strategies for collaborative archaeology and the Community Archaeology Project at Quseir, Egypt. *World Archaeology*, *34*(2), 220–248. https://doi.org/10.1080/0043824022000007071

Murali, M. (2012). How Schultz and the trial of Marion True changed museum practice. *Criminal Law Brief.* https://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1059&context=clb

New York County District Attorney's Office. **(2021, December 6).** *Statement of facts: In the matter of a New York antiquities collector* [Legal document filed in support of non-prosecution agreement]. https://images.law.com/contrib/content/uploads/documents/292/102693/2021-12-06-Steinhardt-Statement-of-Facts-w-Attachments-Filed.pdf

Noth, M. G., & Noth, E. K. (2005). Switzerland's new federal act on the international transfer of cultural property. *Art Antiquity and Law*, *10*(1), 95.
Presence Switzerland. (2024). *Population*. Federal Department of Foreign Affairs. https://www.aboutswitzerland.eda.admin.ch/en/population

Reitz, J. C. (1998). How to do comparative law. *American Journal of Comparative Law, 46*(4), 617–636.

Regulation (EU) 2019/880. (2019). Regulation … on the introduction and the import of cultural goods. *Official Journal of the European Union.*

Regulation (EU) 2021/947 of the European Parliament and of the Council of 9 June 2021 establishing the Neighborhood, Development and International Cooperation Instrument – Global Europe, amending and repealing Decision No 466/2014/EU of the European Parliament and of the Council and repealing Regulation (EU) 2017/1601 of the European Parliament and of the Council and Council Regulation (EC, Euratom) No 480/2009, 2021 O.J. (L 209) 1. https://eur-lex.europa.eu/eli/reg/2021/947/oj

Roosevelt, C., & Luke, C. (2006). Looting Lydia: The destruction of an archaeological landscape in western Turkey.

Schreiber, H. (2021). Regulation (EU) 2019/880 and the 1970 UNESCO Convention – A note on the interplay between the EU and UNESCO import regimes. *Santander Art and Culture Law Review*, *7*(2), 173–182. https://doi.org/10.4467/2450050XSNR.21.023.15268

SDNY. 2019. USA v Douglas Latchford a/k/a Pakpong Kriangsak. Indictment 19-CR-748: US District Court, Southern District of New York.

Sentenza n. 287/204 (Corte di Cassazione, Italy). (2011).

SHB Intelligence. (2025, September). Senate proposes new anti-money-laundering legislation to regulate the art market. *SHB Intelligence Newsletter.*

Sitavanc, M., Ferland, J., & Renold, M.-A. (2019, June). *Case Nedjemankh and his gilded coffin – Metropolitan Museum of Art and Egypt* [Case note]. Platform ArThemis, Art-Law Centre, University of Geneva. https://plone.unige.ch/art-adr/cases-affaires/nedjemankh-and-his-gilded-coffin-2013-metropolitan-museum-of-art-and-egypt/case-note-2013-nedjemankh-and-his-gilded-coffin-2013-met-and-egypt

Stanish, C. (2009). Forging ahead: Or, how I learned to stop worrying and love eBay. *Archaeology, 62*(3), 58–60, 65–66.

TEFAF. (2025, May 10). *Opening Sales TEFAF New York 2025*

UNESCO. (2025). *Reframing the return and restitution of cultural property in Southern Africa as healing: A new bold step toward putting communities first*. https://www.unesco.org/en/articles/reframing-return-and-restitution-cultural-property-southern-africa-healing-new-bold-step-toward

UNESCO. (1970). *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.* https://unesdoc.unesco.org/ark:/48223/pf0000115194

United States Department of Justice, Office of the United States Attorney, Eastern District of New York. (2017, July 5). *United States files civil action to forfeit thousands of ancient Iraqi artifacts imported by Hobby Lobby* [Press release]. https://www.justice.gov/usao-edny/pr/united-states-files-civil-action-forfeit-thousands-ancient-iraqi-artifacts-imported

Visconti, A. (2021). The illicit trade in cultural objects. In N. Boister et al. (Eds.), *Histories of Transnational Criminal Law.* Oxford University Press. https://doi.org/10.1093/oso/9780192845702.003.0017

White, S. (2023, July 17). At the Met, she holds court. *The New York Times.* https://www.nytimes.com/2023/07/17/arts/design/shelby-white-the-met-antiquities-investigation.html

Wood, P. (2012). Display, restitution and world art history: The case of the "Benin Bronzes." *Visual Culture in Britain, 13*(1), 115–137. https://doi.org/10.1080/14714787.2012.641854

Appendix A

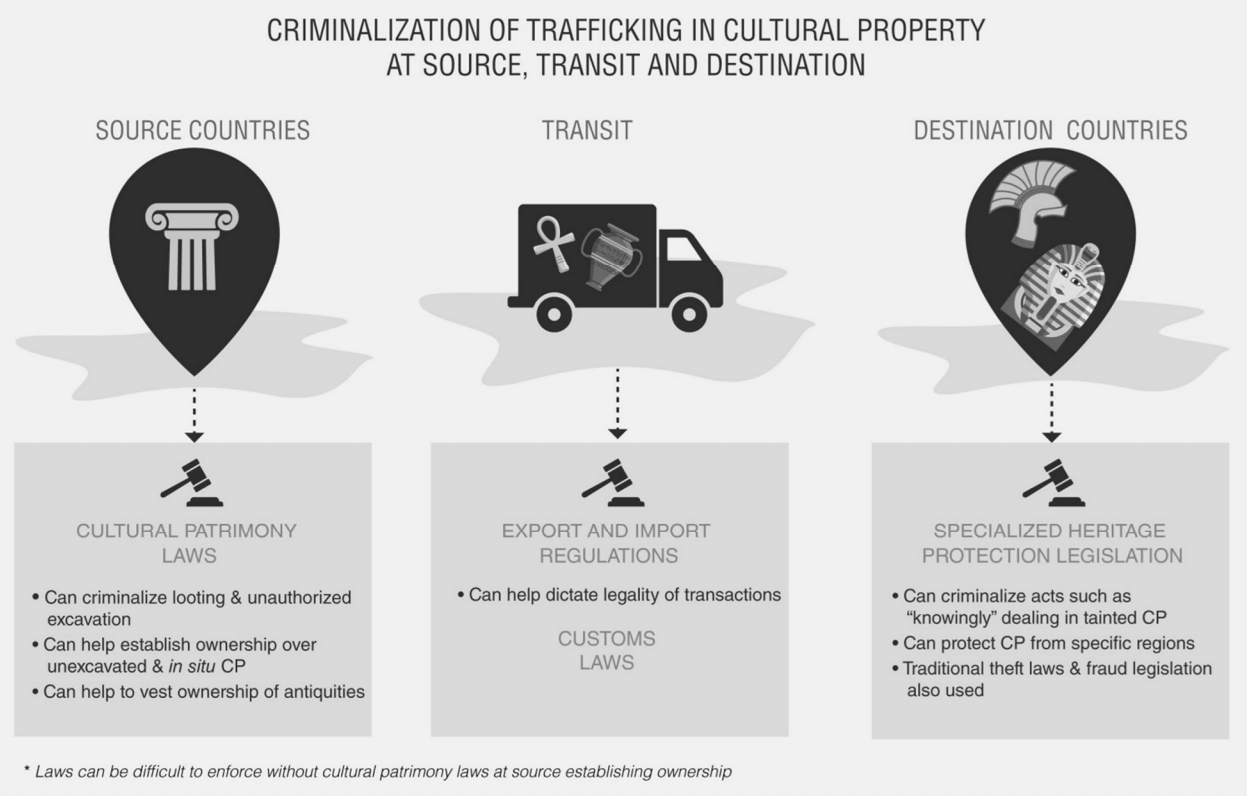


Figure 2. **"Criminalization of Trafficking in Cultural Property at Source, Transit and Destination**." From *False Trades: Uncovering the Scale and Scope of Trafficking in Cultural Property* (p. 11), by UNODC, 2022.

Appendix B



Figure 2, "Geographical overview for illicit flow of cultural goods." Schubert, J. (2021). "Illicit trade in cultural property: Looted in the Global South, sold in Europe." In *Geopolitics of the Illicit*. (pp. 222). https://doi.org/10.5771/9783748935940-217