



International Conventions

One of the main reasons for the amendment to the Antiquities Act was to allow New Zealand to sign up to two international conventions.

The illicit trade in significant cultural objects is an international problem against which domestic legislation is not applicable. Increasing demand for and interest in New Zealand cultural objects, including Maori taonga tūturu, mean that it was imperative that law enforcement agencies should not only work to prevent the illegal export of such items, but also have powers to retrieve them once they had been illegally exported.

Thus on 1 May 2007, New Zealand became a signatory to the *UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property* and the *UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects*. The conventions work in tandem to provide for the better protection of protected New Zealand objects. New Zealand is the first country to sign up to both conventions at once.

The Conventions are not retrospective. This unfortunately means that significant cultural items illegally exported before 1 May 2007 cannot be retrieved using powers under the Conventions.

The relevant section of the Protected Objects Act is Section 10.

UNESCO Convention

This Treaty establishes a framework for

cooperative action between State Parties for the prevention of unauthorised trade in cultural property and the return of illicitly traded cultural property through diplomatic channels.

New Zealand's signing of the Convention should also prevent the country being used as a possible transit state for illegally exported objects.

UNIDROIT Convention

The proposal to participate in the Convention was included in consultation on the review of the Antiquities Act in 2003. Some 170 culture and heritage sector organisations and individuals, including 40 iwi authorities, were consulted.

This treaty means that New Zealand cultural property illegally exported **to** another member state signed to the Convention can be returned to New Zealand. That also means that international cultural objects exported **to** New Zealand **from** a member state can be retrieved by that state.

The treaty requires states which are signatories to establish common, minimal legal rules for the restitution and return of illegally exported cultural objects. These are set out in Section 10 of the Protected Objects Act.

Information and Enforcement

The Ministry relies on many sources for information. If you are aware of any items which can be defined as protected objects that have been or are being exported illegally since 1 May, please let us know. You can speak to Joanne Rees or to Ailsa Cain on (04) 499 4229 or e-mail us at protected-objects@mch.govt.nz. Please provide as much detail as possible.

The Ministry works closely with NZ Customs, the Ministry of Foreign Affairs and Trade and Interpol on the enforcement of the Conventions.

Register of Nationally Significant Objects

Objects placed on this Register can never be permanently exported from New Zealand. This is one further way to prevent the illegal export of nationally significant objects as details of objects on the Register can be supplied to law enforcement agencies immediately on request.

To have an object you own put on the register, visit our website for an application form.