

V Seminar – 1 April 2022
Trafficking of cultural goods

Leonardo Lo Cascio

Theft and trafficking of cultural property: between normative evolution and concrete application of the discipline

The paper is aimed at a careful analysis of the phenomenon of trafficking in cultural property and especially, the normative and concrete study of the theft of cultural property.

First, the notion of cultural property protected by the Constitution and current legislation is recalled, highlighting the main criminological aspects of trafficking in cultural property in relation to its theft. Next, a reflection is made on the problems of the now-repealed discipline of Article 176 of Legislative Decree No. 42/2004 regarding the theft of cultural property. Next, the international and European normative provisions that have provided a fundamental impetus for the change in the national discipline are highlighted, with particular reference to the Nicosia Convention. The features characterizing the reform of crimes against cultural heritage, which came into force on March 23, 2022, are then analyzed for aspects related to theft of cultural property.

Attention is then turned to the 'concrete application of the normative discipline through the work of the Carabinieri Command for the Protection of Cultural Heritage.

Finally, an overall assessment of the reform is presented referring also to elements of particular criticality highlighted recently by the doctrine.