

Cultural property at the border

*Dr Alexander Ressos, TEP
Attorney-at-Law (Switzerland), Solicitor (Hong Kong),
Solicitor (England & Wales)*

Cultural property occupies a special place among the goods that customs officers control. Switzerland ratified the UNESCO Convention of 1970 on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property in 2003 and implemented it through the Cultural Property Transfer Act of 20 June 2003, in force since 1 June 2005. Before that date, Switzerland was regarded as one of the weak points in the international control of the antiquities trade, partly because of its free ports and its liberal rules on the acquisition of stolen goods in good faith. The new act introduced due diligence obligations for dealers and auctioneers, extended limitation periods and created a legal basis for the return of illegally imported cultural property.¹

At the border, the act requires that cultural property be declared on import, with information on its nature and country of origin. The FOCBS may withhold suspicious objects and report them to the competent authorities. The act also allows Switzerland to conclude bilateral agreements with other states on the import and return of cultural property. The Confederation has concluded such agreements with a number of countries, including Italy, Greece, Colombia, Egypt, Cyprus, Peru, Mexico and China, among others. Under these agreements, objects belonging to categories defined in the annex may be imported only if the export rules of the country of origin have been respected. Chapter V of this Part discusses the art market, free ports and provenance in greater depth.²

The border region has a particular significance for the control of cultural property because of the art market of Basel. Art Basel, the galleries of the city and the private collections of the region generate a continuous flow of works across the border, often under temporary admission procedures. Most of these movements are lawful and well documented. The customs officers' task is to identify the rare cases in which an object lacks a proper export licence from its country of origin, has been stolen or is subject to

sanctions, such as cultural property removed from Iraq or Syria, which is covered by specific prohibitions in Swiss sanctions ordinances. The chapter on the art market will return to these questions.³

1 Notes

1. UNESCO Convention of 14 November 1970 on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (SR 0.444.1), ratified by Switzerland on 3 October 2003; Federal Act of 20 June 2003 on the International Transfer of Cultural Property (Cultural Property Transfer Act, CPTA/KGTG, SR 444.1), in force since 1 June 2005. To be verified. ↩
2. Articles 7 and 19 et seq. CPTA; on the bilateral agreements concluded under Article 7 CPTA, see the list published by the Federal Office of Culture. List of partner states to be verified. ↩
3. On the prohibitions concerning cultural property from Iraq and Syria in the Swiss sanctions ordinances, see the Ordinance on Economic Measures against Iraq (SR 946.206) and the Ordinance on Measures against Syria (SR 946.231.172.7). To be verified. ↩

For general information only. This article does not constitute legal or tax advice, does not replace advice on an individual case and creates no lawyer-client relationship. It reflects the legal position as of September 2026.

Online version: helveticaregister.com/basel-cultural-property-at-the-border