UNESCO Sub-regional Symposium for the Prevention of Illicit Traffic in Cultural Heritage in Myanmar

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Department of Archaeology implemented the national legal systems for moveable cultural properties -

1. Antiquities act (1957)
2. Amended act (1962)

We adopted the definition of cultural properties in 1957 act.
The definition of cultural properties in 1957 act as follow:

**Antiquity** means any object of archaeological interest and includes any land on or in which any such objects exists or is believed to exist.

“**Object of archaeological interest**” means and includes:

- Any fossil remains of man or of animal;
- Any object or implement believed to have been used by early man or animal;
- Any engraving, drawing, painting or inscription which is of ethnological or historical interest
- Any sculpture, carving, coin, amulet, epigraph, manuscript or any other article object or thing of metal, stone, clay, wood, textile, leather, basketware or other material, which is illustrative of life in former times.

- Any other article, object of thing declared by the president by notification in the gazette to be an antiquity for the purpose of this act.
The acts provides that

- Protect the ancient monument and prohibit or restrict the trafficking in antiquities out of country or any specified part of the region

- Any person have not permission the transferring of the antiquities in domestic area are also prohibited
The custom officer or police officer has reason to believe that goods are antiquities, they can find and open the package or baggage at any place (land, water or air)

The illegally trafficking out of the country or any specified part of the country: imprisonment from minimum of 6 months to 3 years

Any antiquity in respect of which and offence has been committed shall be liable to confiscation
Other Related law

- The control of Money laundering law prohibit theft and taking out of the country of antiquities and articles of cultural heritage.
- The law shall apply to the offence of illegally converting, transferring, concealing, obliterating or disguising of money and property obtained from the commission of any of the following offences to legalize the same:
  - Theft and smuggling out of the country of antiques and articles of cultural heritage.
Whoever converts, transfers, conceals, obliterates or disguises money and property obtain any offence, be punished with imprisonment for a term which may extent to 10 years and may also be liable to a fine.
The specialist unit have not been yet however we do have connection with other departmental cooperation in terms of Ministry of Home affairs (Myanmar Police Force) and Ministry of Finance (Custom Department)
Inventories and Identification

- Be informed to the respective regional authorities when the risks of misappropriation and theft.
- The definition of “cultural property” at national level are covered by the 1970 convention.
- Rising awareness to the local community
- Collecting data inventory
- National treasure list are tentative (checking with National Central Committee of Culture)
- Exhibit ID, registration ID, collection ID (different Museum different own ID)
Inventories and Identification

- Initiative with international agencies (LERICI Foundation, UNESCO, ASEAN)
- Monitoring by departmental level
Archaeological Excavations

- Legal excavation procedure
- After promulgation of 1998 cultural heritage law, illegal excavation was less than before
- Lack of public awareness as well as financial problem (the reason)
- Begin since the British colonial period
- Granting permission for excavation by law
Bronze-age implements, Stone-Ring and Beads excavated from Nyaung Kan Site
Export Prohibitions

Common types of goods prohibited from exportation out of Myanmar are as follows:

1. Arms and ammunitions
2. Pornographic articles
3. Antiquities
4. All kinds of narcotic drugs and psychotropic substances
Import Prohibitions

Common types of goods prohibited from importation into Myanmar are as follows:

1. Counterfeit coins and currencies
2. Pornographic articles
3. Piece goods without stamped measurement
4. Goods having counterfeit trade mark
5. All kinds of narcotic drugs and psychotropic substances
6. playing cards
7. Goods bearing the imprint or reproduction of the flag of the Union of Myanmar
8. Goods bearing the emblem of Buddha and pagodas of Myanmar
Export and Import

According to the law any art objects (Paintings, Lacquer Wares, Carvings, etc..) which any person or agency wants to export needs to get no objection certificate from Department of Archaeology.

Department of Archaeology has prescribed forms to apply for permit and also prescribed form of certificate.
The arts objects must be less than 100 years from now
System for trade-in acquisition ownership and transfer of cultural properties

- Market, art galleries, pagoda street market, private collectors
- No specific rules governing trade in cultural goods
- According to 1957 Act antiquities not allowed for treading.
Antiques objects are acquired by Department of Archaeology by giving incentive reward money (more than current value of the gold market price) and also offer certificate of honor.
Bilateral Agreement

- Bilateral agreement with Chinese government
- Five bronze figurines of Pyu artistes to Myanmar from New York Metropolitan Museum, United States
- Returning of Royal Lion Throne from India and Royal regalia from Victoria and Albert museum in United Kingdoms (by the request)
- Due to bilateral negotiation some stolen cultural objects from Bagan was returned to Myanmar.
- No specific cooperation with neighboring countries
Five Bronze Figurines of Pyu Artistes
Royal Lion Throne
Royal Regalia
Encountering the administrative, legal procedure (e.g. when Myanmar artifacts which were stolen by theft in 1988, returned to Myanmar 2013)
Code of Ethic, awareness raising and education

- The people are not familiar with UNESCO code of Ethics.
- Checked by our own system
- Awareness raising and education is really needed
- Implementing the awareness to the community, schools, monasteries (particularly in heritage region)
Code of Ethic, awareness raising and education

- Cooperation with UNESCO in terms of holding seminars, workshops as well as training for capacity building activities
Code of Ethic, awareness raising and education

Awareness Raising and Education of Cultural Heritage
Code of Ethic, awareness raising and education
Code of Ethic, awareness raising and education
The Villager donated the cultural objects when Ms. Susan (ICOMOS Expert) arrived in Myanmar.
UNESCO Training for preservation of Cultural Properties
Workshop on Design of Updated Inventory System for Bagan with UNESCO
Cooperation with other international and regional agencies

- Cooperation with national cooperation with INTERPOL in terms of criminal cases, human trafficking, drug etc…..
- Be informed to police forces and take legal action
- Training is provided by international agencies for reduction of criminal cases
- Taken action by existing legal law
- cooperation with UNODC
Cooperation with other international and regional agencies

- Myanmar became a member of World Custom Organization on 25.3.1991
- Myanmar custom participated the WCO training and workshop regularly concerning the custom affairs
- We are trying to establish the UNESCO –WCO model export certificate for cultural objects.
Cooperation with other international and regional agencies

- ASEAN Socio – Cultural Community Blueprint also mention to promote the protection of cultural properties against theft, illicit and illegal trade and trafficking and transfer within and outside ASEAN.

- Myanmar hosted the Workshop on preservation of illicit transfer and illicit trafficking of cultural properties in ASEAN region on 16-20, January 2009 at Bagan.
Myanmar has not yet a member of 1995 UNIDROIT Convention

Ministry of Culture is now in the process of promulgating (2) new laws: one on protection of Antiquities and another on protection of ancient monuments and gazette buildings.

Myanmar has already posted (three cultural heritage laws) on the UNESCO database website.
UNESCO database of National Cultural Heritage Laws
Website (Myanmar)
Thank You For Your Attention