Legal and Operational Tools for Facilitating the Restitution of Cultural Objects

• The Sub-regional Symposium for the Fight against Illicit Trafficking of Cultural Heritage in South-East Asia Bangkok, Thailand
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Case study on the return of Archaeological Artifacts from the United States to Thailand in 2014
In 2013, 76 pieces had been returned from US
On October 3, 2014, the Royal Thai Government, through the Ministry of Culture, received 554 Thai archaeological artifacts from the U.S. Government, through the United States Attorney’s Office for the Central District of California. The artifacts consisted of

- 222 pieces of pottery,
- 197 bronze ornaments,
- 79 bronze equipment and tools,
- 35 bead items of various materials,
- 11 stone tools and adzes and
- 10 sandstone molds.
The handover process for the artifacts began in mid-2009. The Royal Thai Consulate-General in Los Angeles informed the Cultural Relations Division of the Ministry of Foreign Affairs’ Department of Information about the U.S. Government’s request that the Fine Arts Department of Thailand’s Ministry of Culture should send experts to inspect the artifacts at Bowers Museum. The results indicated that the artifacts were cultural properties or heritage belonging to Thailand.
The Fine Arts Department forwarded the inspection results to the Ministry of Foreign Affairs and further to the U.S. Attorney’s Office in order to request that the artifacts should be returned to Thailand under coordination between the Ministry of Foreign Affairs’ Department of Information and the U.S. Embassy Bangkok Homeland Security Investigations.
The Bowers Museum organized the transfer of eight crates containing the artifacts by door-to-door sea shipping on August 24, 2014. The packages arrived in Thailand on October 2, 2014, with assistance from the Customs Department in facilitating customs clearance.

The Fine Arts Department, through its Office of the National Museum, received the packages on October 3, 2014, and stored the packages at the National Museum’s storage at Pathumthani province.
The Fine Arts Department, through its Office of the National Museum, checked the condition of the artifacts and found that most pottery vessels were damaged and cracked. Bronze equipment and tools had not been preserved and stains of dirt and rust could be found on the objects. Many of the tools were broken into separated parts and required repair by preservation scientists.
According to an initial inspection by advisory archaeologists and specialists on archaeological artifacts and art objects

60-70 percent of the artifacts likely originated from the prehistoric Ban Chiang culture, while 25-30 percent may come from other prehistoric archaeological sites in Northeastern and Central Thailand and 5-10 percent from the historic period.
New part attach to the original pot
• Act on Ancient Monuments, Antiques, Objects of Arts and National Museums, B.E. 2504(1961)
Section 22

• No person shall export or take out of the Kingdom any antique or object of art irrespective of where ever it is registered or not, unless a licence has been obtained from the Director-General
Section 24

- Antiques or objects of art buried in, concealed or abandoned within the Kingdom or the Exclusive Economic Zone under such circumstances that no one could claim to be their owners shall, whether the place of burial, concealment, or abandonment be owned or possessed by any person, become the State property.
Section 25

• There shall be national museums for keeping antiques or objects of art which are the State property
• What kind of the law that the United State of America used in this case. Do they have a special law or a common law?
Thank you