Sub-Regional Symposium for the Fight Against Illicit Trafficking of Cultural Heritage in South-East Asia

Bangkok (Thailand), 19-21 November 2014

Prevention, Restitution and International Cooperation for the Fight against Illicit Trafficking of Cultural Heritage

The 1970 Convention
Ratifications: 127 States Parties
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3 components

- Interconnectivity
- Complementarity

Preventive measures

Restitution provisions

International cooperation
Preventive measures to be taken

- Educational campaigns
- National inventories
- Export certificates
- Laws for the protection of cultural property
- Promotion of museums
- Sanctions
- National services
- Rules for curators & dealers
- Ethics
- Values
- Fairness
- Sanctions
Article 6

Export of cultural objects not accompanied by such an export certificate is prohibited

- States Parties undertake to introduce a system of export certificate
Article 7 (a) prevent museums and similar institutions from acquiring illegally exported cultural property originating from another State Party;

- Importance of the knowledge of foreign law

Article 7 (a) prohibit the import of cultural property stolen from a museum or a religious or secular public monument or from similar institution in another State Party (provided that such property is in the inventory of that institution);

- Importance of inventories and information about thefts
States Parties undertake to impose penalties or administrative sanctions when:

- Exportation without export certificate
  
or

- Importation of cultural property from museums, religious or secular public monument or institution in another State Party

(Article 8)
Restitution provisions

Article 7 (b), (ii)

States Parties undertake, at the request of the State of origin, to take appropriate steps to recover and return any such cultural property imported after the entry into force of the Convention in both States concerned, provided, however, that the requesting State shall pay just compensation to an innocent purchaser or to person who has a valid title to that property. Requests for recovery and return shall be made through diplomatic channels.
- after the entry into force of the Convention in both States concerned: no retroactivity of the Convention

- “just compensation” is paid to an innocent purchaser or to person who has a valid title to that property: no definition of just compensation and innocent purchaser

- diplomatic channels: the requesting State has to produce the evidences

- only applies to inventoried objects stolen from a museum, a religious or secular public monument or a similar institution: not from private collection
International cooperation

Article 9

any State to the Convention whose cultural patrimony is in jeopardy from pillage of archaeological or ethnological materials may call upon other States Parties who are affected;

The State Parties are invited to participate in a concerted international effort to determine and to carry out the necessary concrete measures, including the control of exports and imports and international commerce in the specific material concerned

- Especially in case of Emergency situations (Afghanistan, Iraq, Haiti, Libya, Syria and Mali)
Special case: The Mallawi Museum

The turmoil in Egypt is having a serious impact on the country’s famous and ancient cultural heritage. At the beginning of August, thieves broke into the Mallawi Museum in the Upper Egypt city of Minya, burning and destroying 48 artifacts and stealing 1041 objects, including coins, jewels and statues dating from the beginning of the Egyptian history to the Islamic period.

On 14 August, the Egyptian Ministry of State for Antiquities informed UNESCO of the looting. The UNESCO Director-General firmly condemned “this irreversible damage to the history and identity of the Egyptian people” a few days later, on 19 August.

Furthermore, the Director-General sent a mission of UNESCO experts to Egypt, from 11 to 16 September, which confirmed the looting and devastation suffered by the Mallawi National Museum.

UNESCO is continuing to work closely with the Egyptian authorities as well as with its partners (INTERPOL, WCO, ICOMOS, ICOM, etc.) to fight, by all possible means, the illicit trafficking of these stolen cultural objects. This included providing support, through the UNESCO Office in Cairo, to the museum staff and the Ministry of State for Antiquities, to rapidly refine the list of looted objects, and make the updated list available in English.

Inventory from the Mallawi National Museum (Egypt):
- In Arabic (PDF)
- In English (PDF)

This enabled UNESCO and its partners, including INTERPOL, to give visibility to the list of stolen objects, and made it easier to monitor the circulation of the looted objects in order to recover as many as possible.

At the international level, UNESCO urged the international community to ensure maximum vigilance on anticipated attempts to illegally export the most valuable pieces that would subsequently appear on the black market. Through this alert, UNESCO reminded that the objects originating from the museum are internationally identified and recorded and that as such, selling and purchasing them inside and outside of Egypt is illegal.
In October 2014, the Egyptian authorities announced that 950 stolen artefacts (out of 1041) have been recovered!
Article 13

The Parties to the Convention are required to have their police forces and other competent authorities cooperate to ensure speedy return and restitution of trafficked items.

**COOPERATION**

Sandstone of statue of gods
Stolen on 18 September 2009 in a temple in Atru, Baran / Rajasthan, India
Recovered in New York, US in 2010
© INTERPOL
Bilateral agreements

Article 15

The Parties can conclude special agreements among themselves or continue to implement agreements already concluded regarding the restitution of cultural property removed from its territory of origin before the entry into force of this Convention.
The impacts of the Convention

- 1970 considered as a legal and moral time-limit
- Measures implemented by States Parties (legislations, specialized units, export documents, international cooperation, etc.)
- Change of attitude
  - with governments which are parties to the Convention
  - with governments which are not parties to the Convention
  - with some museums (adoption of codes of ethics on the acquisition of cultural property) → ICOM Code of Professional ethics
- Legal and moral pressure on the art market and dealers who are now more aware of what is considered by the international community to be right and wrong
- Increasing interest of the medias
Next steps: our mission

• The illicit traffic of cultural property is a problem for every region of the world. The practices of looting, theft and other illegal exports affect museums, public and private collections, cultural institutions, places of worship as well as archaeological sites worldwide.

• Aware of this problem, UNESCO deploys normative, ethical and operational mechanisms to provide appropriate responses to the challenges posed by the restitution of cultural property and, more generally, for the protection of all cultural heritage.

• UNESCO’s mission is to ensure mechanisms are in place to prevent the illicit trafficking of cultural property, and to provide channels for the return or restitution of stolen cultural heritage to its place of origin.
Next steps: our objectives

- Increase the number of ratifications to the 1970 and 1995 Conventions
- Train police forces, custom officers, culture professionals and relevant national authorities on protecting cultural heritage and fighting against illicit trafficking of cultural property
- Protect vulnerable cultural property during times of political crises or natural catastrophes
- Sensitize the general public to issues related to the trafficking of cultural property through UNESCO tools and media campaigns
- Develop closer ties with actors of the art market
RESTITUTION CASES THROUGH THE 1970 CONVENTION
Successful bilateral restitutions through the implementation of the 1970 Convention (international level)

How?
The 1970 UNESCO Convention and the laws which are subsequent to its implementation at the national level are useful for the national authorities of State Parties which would like to return one or several cultural objects to another country.
US - Thailand, October 2014

Hundreds of antiquities looted from Thai archeological sites have been returned.

Earlier in the year, the Bowers Museum in California agreed to ship 8 containers of the antiquities to Thailand after US authorities ordered the museum to return them or face trial for illegally obtaining the items. US federal agents seized the items from the museum in 2008 after years of investigation into the connection between the looted antiquities from Southeast Asia and tax fraud in the US.
In 2006, Turkish experts noted 16 Roman funerary stelas in the digital catalogue of a US-based gallery. Scientific research and an examination of criminal records related to the illicit excavations detected in the source area of the stelas indicated that the stelas were stolen from West Anatolia.

Following the registration of these stelas in the INTERPOL Database as stolen, the FBI’s New York Field Office and the Art Crime Unit opened an investigation and facilitated the return of ten of the funerary stelas to Turkey in 2014.
Switzerland – Serbia, June 2014

Switzerland returned to Serbia a batch of some 150 ancient coins dating back to the Roman Empire. The majority of the coins are in bronze, and date from the 4th century, and some are Roman coins known as *antoninianii* from the 3rd century, and the aces are from the 2nd century.

This restitution followed their illegal importation into Switzerland by a Serbian resident in 2011. The coins, illegally excavated and imported from Serbia, were intended for resale in Switzerland on a platform.

This restitution highlighted the fruitful cooperation between Switzerland and Serbia and embodied the shared commitment of the two countries to protect cultural heritage.
Germany-Egypt, April 2014

On 30 April 2014, Germany returned three antique Egyptian objects – a stela, an obelisk and a shrine – to Egypt. Coming from Switzerland the illegally exported objects had been confiscated by German custom investigators at the border checkpoint. A court in Freiburg decided their return to Egypt.
Tunisia-Algeria, April 2014

On 13 April 2014, the Algerian and Tunisian authorities signed an agreement for the restitution to Algeria of the Mask of Gorgon. This rare archaeological object made from 320 kilograms of marble which was stolen from the site of Hippo Regius, Annaba (in Algeria) in 1996 and recovered in Tunisia.
USA-Zimbabwe, October 2013

Six African artifacts stolen from Zimbabwe’s main art gallery in 2006 are back on display in the country since a recovery operation by U.S. law enforcement agents (FBI and CIA) in Poland.

The artifacts included two tribal face masks and four intricately carved wooden headrests from the early 20th Century.
Germany - Cyprus, July 2013

Germany returned some 170 frescoes, mosaics and icons to Cyprus. They had been stolen from churches in Cyprus and were seized by the German authorities in 1997.

A Court in Munich had given the go-ahead for their return to Cyprus after it issued a final ruling on the question of ownership. The illustration below depicts a detail of a wall mosaic of the apse of the church of the Panagia Kanakaria in Lythrangomi, dating from the 6th century.
Successful bilateral restitutions through the implementation of the 1970 Convention (national level)

How?
Actions taken by States Parties to the 1970 Convention to implement its provisions are crucial for the efficient fight against illicit trafficking of cultural property as well as for the recovery of stolen objects inside the national borders.

Among the most useful measures to be adopted:
- development of inventories (museums, cultural or religious monuments, etc.),
- creation of national specialized services such as police and customs (or specific training/awareness-raising workshops for general police units and customs officers),
- control of exportations,
- Obligation for art dealers to keep and maintain a register
- etc.
Example with Albania: role of the police

In October 2013, the Albanian police seized more than 1,000 stolen icons and other religious works of art dating back to the 15th century, and arrested two men suspected of planning to sell them abroad.

The icons, frescoes and other pieces of art were stolen from Orthodox churches in various towns across southern Albania and neighbouring Macedonia.
THANK YOU

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