



United Nations
Educational, Scientific and
Cultural Organization

Executive Board

Hundred and seventy-seventh session

177 EX/38

PARIS, 20 September 2007
Original: English/French/Spanish

Item 38 of the provisional agenda

EXAMINATION BY THE EXECUTIVE BOARD OF THE NEW REPORT BY MEMBER STATES AND OTHER STATES PARTIES ON MEASURES TAKEN TO IMPLEMENT THE CONVENTION ON THE MEANS OF PROHIBITING AND PREVENTING THE ILLICIT IMPORT, EXPORT AND TRANSFER OF OWNERSHIP OF CULTURAL PROPERTY (1970)

SUMMARY

Pursuant to 32 C/Resolution 38, in which the General Conference invited "Member States and other States Parties to the 1970 Convention to submit for examination to the General Conference at its 34th session a new report on the measures taken by them in application of the Convention, after their examination by the Executive Board", this document sets out the general framework for this new report. It also presents, in Annex I, the methodology proposed by the Secretariat in order to facilitate the preparation of the national reports and, in Annex II, the summaries of the reports received from States. This document is submitted to the Executive Board pursuant to 15 C/Resolution 12.2, in which the General Conference invited the Board to make appropriate arrangements for reports by Member States on the implementation of conventions or recommendations to be examined by a subsidiary organ of the Board, and by the Board itself, before being examined by the General Conference.

Decision proposed: paragraph 9.

1. The 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property was adopted by the General Conference at its 16th session, on 14 November 1970. As at 1 July 2007, there were 113 States Parties. This list of States Parties is available at www.unesco.org/textes_normatifs.

2. At its 32nd session, in October 2003, the General Conference of UNESCO, after examining the reports of States on the action taken by them to implement the 1970 Convention, noted with satisfaction that the symbolic number of 100 deposits of instruments of ratification or acceptance of the Convention had been reached in 2003. It also encouraged States that had not yet done so to become Parties not only to the 1970 Convention but also to the 1995 UNIDROIT Convention. That appeal has been heard for, in a matter of four years, 13 new States have ratified the UNESCO

instrument and another 10 have ratified that of UNIDROIT which now has 28 States Parties, 10 of which have become Parties since the Secretariat's last report in 2003.

3. At its 32nd session, the General Conference also set the periodicity for reporting by Member States and other States Parties at four-year intervals with reference to Article 16 of the 1970 Convention under which the General Conference determines the dates of reporting. In that connection, it should be pointed out that reporting by Member States on action taken by them to implement conventions and recommendations adopted by the General Conference is required both under the Constitution of the Organization and under the Rules of Procedure concerning recommendations to Member States and international conventions.

4. Article 16 of the 1970 Convention also requires States Parties, on dates determined by the General Conference of UNESCO, to submit to the Organization a report on the legislative and administrative provisions that they have adopted and on other measures that they have taken to implement the Convention. The purpose of the report is to illustrate the action taken to implement the Convention and the progress achieved or obstacles encountered by States Parties.

5. In accordance with 32 C/Resolution 38 adopted by the General Conference at its 32nd session, the Assistant Director-General for Culture invited States Parties to the Convention, by letter dated 5 January 2007 (Ref. CLT/CH/02/7.2/196/02) to submit to the Organization their reports on the implementation of the Convention, if possible by 30 June 2007. In a letter bearing the same date and reference number, the Assistant Director-General for Culture also invited Member States of UNESCO that are not Parties to the Convention to provide to the Organization information on progress towards ratification or, as the case may be, on obstacles to the successful completion of such action, if possible by 30 June 2007.

6. As at 27 August 2007, the Secretariat had received 31 replies: (i) 25 from the following States Parties to the Convention: Armenia, Bangladesh, Belarus, Bhutan, Bolivia, Bulgaria, Canada, Cyprus, Colombia, Croatia, Finland, Greece, Islamic Republic of Iran, Japan, Kuwait, Lithuania, Mauritius, Mexico, Poland, Portugal, Romania, Slovakia, Slovenia, The former Yugoslav Republic of Macedonia and Turkey; and (ii) six from the following States that are not yet Parties: Benin, Cook Islands, Indonesia, Latvia, Philippines and San Marino.

7. This document is submitted to the Executive Board in accordance with 15 C/Resolution 12.2, in which the General Conference invited the Board to make appropriate arrangements for reports by Member States on the implementation of conventions or recommendations to be examined by a subsidiary organ of the Board, and by the Board itself, before being examined by the General Conference.

8. The methodology followed and the guidelines provided to States in order to facilitate the preparation of the national reports, and the summaries by the Secretariat of the national reports received are set out in Annexes I and II to this document respectively. They are submitted for examination to the Board, which will take a decision in the light of the Member States' discussions on the subject. The full reports submitted by the States Parties and not Parties are available from the Secretariat on request.

9. In view of the information contained in this document, the Executive Board may wish to adopt the following draft decision:

The Executive Board,

1. Recalling 32 C/Resolution 38,
2. Having examined document 177 EX/38 on the examination by the Executive Board of the new report by Member States and other States Parties on measures taken to implement the Convention on the Means of Prohibiting and Preventing the Illicit Import,

Export and Transfer of Ownership of Cultural Property (hereinafter “the 1970 Convention”) and the two annexes to that document which contain, respectively, the guidelines issued to facilitate the preparation of national reports on measures taken to protect and monitor cultural property and the summaries of those reports,

3. Noting that the number of reports submitted by States Parties to the 1970 Convention remains very inadequate in view of the obligation of each State Party to report under Article 16 of the Convention,
4. Noting with satisfaction that several Member States not yet Parties to the 1970 Convention have provided information regarding their intention to ratify the Convention,
5. Stressing the importance of transmitting to UNESCO precise information on the measures taken by States to protect cultural property on their territory, particularly in regard to the successes, failures and obstacles encountered in implementing the Convention, and on any requests for assistance that they might make in that respect,
6. Considering that action to combat trafficking in cultural property needs to be strengthened at the national as well as the international level,
7. Invites the States which are not yet Parties to the 1970 Convention and to the 1995 UNIDROIT Convention, which complements it, to accede to them;
8. Reminds States Parties of their obligations under the 1970 Convention in respect of effective implementation, and in particular their obligation to report under its Article 16;
9. Emphasizes that the content of such reports should be as detailed as possible to enable an accurate understanding and evaluation of the implementation of the 1970 Convention;
10. Encourages States Parties to the 1970 Convention to assess the national measures taken to implement the Convention so that areas of weakness may be identified and appropriate adjustments or improvements made;
11. Invites Member States and the Director-General to pursue activities aimed at strengthening regional and worldwide cooperation, particularly by encouraging an international system to facilitate the restitution of stolen or illicitly exported cultural property;
12. Recommends that the General Conference adopt at its 34th session the following draft resolution:

The General Conference,

Having examined the reports by Member States and other States Parties to the 1970 Convention on measures taken by them to implement the Convention, and the information provided by the States Parties on measures taken to protect cultural property and monitor its illicit import, export and transfer of ownership,

Stressing the importance of transmitting to UNESCO precise information on the measures taken by States to protect cultural property in their territory, particularly in regard to the successes, failures and obstacles encountered in implementing the Convention, and on any requests for assistance that they might make in that respect,

Considering in particular the obstacles and progress mentioned by States in regard to action to combat the growing traffic in cultural property on the Internet,

Aware of the very great usefulness of these national reports to the Director-General and of the additional activities that he has undertaken since the 32nd session in regard to the protection of cultural property,

Noting with satisfaction the growing number of States Parties to the 1970 Convention and *noting* the intentions of those that plan to become Parties and thus strengthen the effective scope of this international instrument,

1. *Calls on* all States that are not yet Parties to it to accede to the 1970 Convention;
2. *Also recommends* that States accede to the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects (1995), which complements the UNESCO Convention;
3. *Encourages* States to take cognizance of and apply without delay the Basic Actions concerning Cultural Objects being offered for Sale over the Internet, drawn up jointly by UNESCO, Interpol and the International Council of Museums (ICOM);
4. *Invites* States and the Director-General to pursue activities aimed at strengthening regional and international cooperation, in particular through the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation;
5. *Also invites* the Director-General to support States in their efforts to prepare reports on the implementation of the 1970 Convention, or on the means of becoming Parties thereto and to consider other arrangements for the examination of the reports submitted by States, outside of the framework of the General Conference, after prior examination by the Executive Board.

ANNEX I

GUIDELINES TO FACILITATE THE PREPARATION OF NATIONAL REPORTS

1. In 32 C/Resolution 38, the General Conference of UNESCO requested the Secretariat of the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (hereinafter “the 1970 Convention”) to facilitate the work of States Parties in preparing their reports by providing them with a questionnaire and appropriate categories of information and measures to be included in their reports having regard to Article 16 of the 1970 Convention under which the General Conference determines the manner of reporting.
2. The General Conference also stressed that the content of such reports should be as detailed as possible to enable an accurate understanding and evaluation of the current or future implementation of the Convention. States were also encouraged to identify the strengths and weaknesses of their national measures to implement the Convention, and the necessary adjustments and possible improvements to be made for that purpose.
3. The guidelines issued to facilitate the preparation of national reports by **States Parties** to the 1970 Convention required States, in particular, to:
 - (a) to give a **general overview** of the situation of cultural property and, if possible, provide an estimate regarding the scope of the illicit export or import of such property;
 - (b) describe the measures taken to prevent the **illicit transfer of ownership of cultural property** (for example the setting up of national services for the protection of cultural heritage and the establishment and updating of inventories of protected cultural property whose export would constitute a considerable impoverishment of the national cultural heritage);
 - (c) describe the measures taken to prevent **illicit excavations** (for example the supervision of archaeological excavations, *in situ* preservation and the reservation of areas for future archaeological research);
 - (d) describe the measures taken to control the **export of cultural property** (for example an appropriate certificate specifically authorizing the export of the cultural property in question);
 - (e) describe the measures taken to control the **acquisition of cultural property** (for example mechanisms to prevent museums and similar institutions from acquiring cultural property exported illegally from another State);
 - (f) describe the measures taken to control the **import of cultural property** (for example prohibition of the import of inventoried cultural property stolen from a museum or a religious or secular public monument or similar institution in another State Party to the Convention and exported illicitly after the entry into force of the Convention for the States concerned, or any arrangements made to prohibit the import of cultural property exported illegally from its country of origin);
 - (g) describe the **educational means** used to raise public awareness of the importance of the Convention, stress its values and goals and promote it as a tool for protecting cultural heritage;
 - (h) assess the **adequacy and effectiveness of the measures taken** to implement the 1970 Convention (weaknesses, adjustments and so on);

- (i) describe **any other measures** relating to the 1970 Convention and add any **further comment** to make the report easier to understand.

4. In regard to the national reports requested from **States not Parties** to the 1970 Convention, in addition to the information requested from States Parties in (a), (b), (c), (d), (e), (f) and (g) above, information was also sought regarding:

- (a) the stage of the **ratification process** reached by the State concerned (close to ratification, actively preparing for ratification, not considering ratification in the short, medium or long term);
- (b) **obstacles or difficulties** encountered in completing the ratification process (whether legal, political or practical) and the means of overcoming them;
- (c) how UNESCO could assist in completing the process;
- (d) the **committees, authorities or institutions** that are in charge of the protection of cultural property/cultural heritage in the country;
- (e) **any other measure** taken to protect the cultural heritage.

The comprehensive and detailed information contained in the 31 reports¹ received by the Secretariat have been summarized in Annex II to this document, which follows, as far as possible, the headings listed above.² The reports by States Parties to the Convention (Part I) are provided first, followed by those of States that are not Parties (Part II).

¹ Armenia, Bangladesh, Belarus, Bhutan, Bolivia, Bulgaria, Canada, Colombia, Croatia, Cyprus, Finland, Greece, Islamic Republic of Iran, Japan, Kuwait, Lithuania, Mauritius, Mexico, Poland, Portugal, Romania, Slovakia, Slovenia, The former Yugoslav Republic of Macedonia and Turkey; and the following six States, which are not yet Parties: Benin, Cook Islands, Indonesia, Latvia, Philippines and San Marino.

² The summaries are provided by country, in French alphabetical order.

ANNEX II

SUMMARIES OF REPORTS RECEIVED

This annex contains for information and consideration summaries of the Member States' and other States Parties' reports submitted as at 27 August 2007 on measures taken to implement the Convention. It also draws the attention of the Executive Board to the summaries of reports submitted by States not Parties to the Convention on steps taken to ratify the Convention and on measures adopted to protect cultural property. All additional information reaching the Secretariat after 27 August 2007 will be submitted in an addendum to this document.

I. SUMMARIES OF REPORTS RECEIVED FROM STATES PARTIES TO THE CONVENTION

ARMENIA

General overview

The processes of export and import of cultural property in Armenia are mostly regulated by the 1994 Law on “The Export and Import of Cultural Property” amended in 2005. For the proper implementation of the latter, the Government of Armenia has adopted several decisions (on criteria and rules of voluntarily registering non-State-owned cultural property in the list of safeguarded cultural property; on criteria and rules on the issuing of certificates authorizing the export or temporary export of cultural property; on criteria and rules of holding artistic and cultural expertise of cultural property; on the form and issuance of licences for the expertise of movable cultural property; on the establishment of the list of the significant cultural property of the cultural heritage; on the establishment of the list of authors who have passed away during the last 50 years and whose works are allowed to be exported or temporarily exported only on the basis of a corresponding certificate; on establishing rules for temporarily importing cultural property).

According to the aforementioned legal instruments, the list of cultural property which is not allowed to be exported or temporarily exported is clearly stated and the process of creating the list of safeguarded cultural property is regulated. The mentioned list includes the list of State-owned and non-State-owned cultural property which may be exported only temporarily. Due to these legal instruments, the processes of export, temporary export, import and temporary import of modern works and objects of cultural significance have been simplified. However there are still some evident cases of illegal export of cultural property. According to the data at hand, during 2003-2006, 12 cases of illegal export, involving attempts to export 114 objects of cultural property, and one case of illegal import of cultural property have been registered.

Measures to prevent the illicit transfer of ownership of cultural property

The safeguarding of cultural heritage is mainly realized by the Agencies on the Conservation of the Historical and Cultural Monuments and the Safeguarding of Cultural Property of the Ministry of Culture and Youth Affairs. Some other agencies, such as the State Committee on Customs, National Security Service and Police (including the National Bureau for Interpol) also provided assistance in the above-mentioned activities.

For the purpose of establishing a national registration system for safeguarded cultural property the Agency on the Safeguarding of Cultural Property has initiated action to establish an information-register of movable cultural-historical heritage. For that purpose, a decree has already been issued. According to the latter, the general data of the registers of cultural property of all the depositories will be generalized and a unified electronic register will be created, which will also include the cultural property held by some organizations and individuals. This list will periodically be renovated and reinforced, generally becoming the electronic version of the national register of safeguarded cultural property.

Measures to prevent illicit excavations

For the purpose of preventing illegal excavations and of supervising excavation works, the law and a decree of the government determine the procedures, the objectives and aims of the expertise of monuments and archaeological excavations, the form of permission for holding archaeological excavations, as well as the parties who are eligible for such activities. To regulate the aforementioned issues, the Law on the “Examination of archaeological heritage and excavations” has been drafted. Some articles concerning the prevention of illegal excavations can also be found in the civil, criminal and customs legislation.

Measures to control the export of cultural property

The export and temporary export of cultural property is realized in accordance with the above mentioned Law and other legal instruments. Export and temporary export are permitted only on the basis of a certificate or endorsed photocopy issued by the Agency on the Safeguarding of Cultural Property. Besides this, as musicians periodically travel for concert tours, the procedure for the temporary export of their musical instruments has been simplified and a special certificate is thus now issued for musical instruments as well.

Measures to control the acquisition of cultural property

Illegally imported cultural property is confiscated by the authorities at the customs service, thus preventing their further acquisition: thus museums and other institutions cannot acquire such cultural property. In addition, the aforementioned institutions are informed of the necessity to make an inquiry on whether the object has been legally imported or not before acquiring it.

Measures to control the import of cultural property

Cultural property is imported under the supervision of the customs service, which compares it with the data available for the cultural property under investigation. Besides the latter, the Agency on Safeguarding Cultural Property distributes information fly-sheets to the institutions and organizations which possess, acquire or sell cultural property, concerning the commonly accepted moral norms and requirements which should be followed when acquiring cultural property originating from other countries. By comparing the cultural property acquired by these institutions and organizations with the data available, the Agency exercises supervision so that museums and other similar institutions could not acquire illegally imported cultural property.

Educational means and raising of public awareness

The convention has officially been translated, printed and distributed to interested parties, museums, libraries and other organizations. Information sheets concerning separate provisions of the Convention provide information on the importance of the latter and present the responsibilities of States Parties and interested organizations in safeguarding cultural heritage.

Adequacy, effectiveness, weakness and adjustments or improvements to be made

The activities implemented concerning the prohibition and prevention of the illegal import, export of cultural property and the transfer of intellectual property rights can be considered to be successful. For the purpose of making the aforementioned process more inclusive and the activities more fruitful, it is planned that the trade of cultural property will be regulated as well.

Other measures and additional comments

In the framework of the CIS countries, the draft of an Agreement on the Cooperation among Member States in the Struggle Against the Theft of Historical-Cultural Property is now being prepared, which will provide for the creation of a register of such property to make the efforts more successful.

BANGLADESH

General overview

Cultural properties are comprised of temples, mosques, old palaces, forts and various archaeological sites and sculptures, manuscripts, arms and weapons. They are located on many sites, 391 of which have been declared national heritage. There are also innumerable movable

cultural properties which are stored or displayed in various museums and which are illicitly exported from Bangladesh from time to time.

Measures to prevent the illicit transfer of ownership of cultural property

The museums own their respective cultural properties. Law-enforcing agencies assist in controlling the illicit trafficking or transfer of the cultural property. The Department of Archaeology of the Ministry of Cultural Affairs takes care of illicit trafficking or transfer under the provision of the Antiquities Act of 1968. Bangladesh does not have national inventories but some museums have their own.

Measures to prevent illicit excavations

It is the work of the Department of Archaeology (DOA). Universities and some organizations have also the right to excavate, under the DOA supervision.

Measures to control the export of cultural property

The DOA does not allow the export of cultural objects defined as antiquities. It issues certificates to export recently made cultural objects.

Measures to control the acquisition of cultural property

Illegal acquisition of cultural property originating in another State Party is prohibited.

Measures to control the import of cultural property

Cultural properties are not imported to Bangladesh.

Educational means and raising of public awareness

So far no formal education means have been introduced to raise public awareness of the importance of the Convention. Only small groups of intelligentsia who deal with the cultural property are more or less aware of it. However, nowadays, this issue is being discussed in seminars, symposia and conferences. Electronic and news media are also participating in raising public awareness.

Adequacy, effectiveness, weakness and adjustments or improvements to be made

Measures taken to implement the 1970 Convention are inadequate. So it is not very effective. To implement it, concerted effort by various organizations and law-enforcing agencies is essential.

Adequacy, effectiveness, weakness and adjustments or improvements to be made

Several attempts can be made to build awareness among the law-enforcing agencies, educational institutions, intelligentsia and other sections of the society, by distributing copies of the Convention. Publicity may be made through mass media and electronic media. Seminars, symposia and workshops will be useful in this regard.

BELARUS

General overview

The library, the National Archives and the Museum funds are divided into republican, regional and city levels and are formed on the basis of appropriate legislation documents. Less cultural property are private property and belong to religious organizations of various faiths and private persons.

Theft of cultural property is not widespread in Belarus. At the same time, Belarus is a transit State, customs and boundary services may seize cultural property of other States or of unstated origin.

Measures to prevent the illicit transfer of ownership of cultural property

Museum objects are transferred in accordance with a 2006 Presidential Decree. Questions of cultural property transfer across the borders of Belarus are regulated by a 2006 Resolution of the Council of Ministers. The Ministry of Culture regulates the temporary export of movable historical and cultural property across the borders of the country. The Committee of State security, the State Customs Committee, the State Committee of the Boundary Armies control the temporary export and transfer of cultural property. The Ministry of Culture manages the State list of historical and cultural property of Belarus (monuments, archaeological sites, town planning, historical documentation and reserved districts).

Measures to prevent illicit excavations

Research on archaeological objects of historical and cultural property must be authorized by the Ministry of Culture and approved by the National Academy of Sciences. Protection of archaeological objects during earthwork and building is regulated by a 2002 decision of the Council of Ministers. Experts on heritage protection from local agencies lead the direct control over objects, including archaeological monuments and complexes of archaeological objects.

Measures to control the export of cultural property

It is adjusted by a 2006 Council of Ministers' decision. Organizational functions are assigned to the Ministry of Culture. The control is carried out by the Committee of State Security, the State Customs Committee and the State Committee of Boundary Armies. All cultural property is transferred according to certificates in a form established by legislation. All leading museum establishments are now State bodies, which creates additional opportunities to control their acquisitions for updating exhibitions.

Measures to control the acquisition of cultural property

The Commissions on Acquisition and Storage controls the acquisition of cultural property for museums, libraries, archives, under the guidance of experts. They also identify the origin of purchased cultural property. Decisions of the Council of Ministers interfere with illegal cultural property transfer through borders and their subsequent acquisition by museums, libraries, archives, etc. The import of cultural property to the territory of Belarus is considered lawful after presentation of a certificate established under the legislation. Customs services and boundary armies carry out the control over the border of the State.

Measures to control the import of cultural property

These measures are similar to those carried out in respect of export and rest on the Council of Ministers' Decision of 2006. Customs, armies and the Committee of State Control participate in these controls. Cases of illegal import of cultural property from its countries of origin are not publicized, except for the import of cultural property from the Russian Federation, that forms a common customs area with Belarus. The Commission on the Distribution of Cultural Property resolves matters relating to the use of confiscated cultural property.

Educational means and raising of public awareness

The mass media spread information on laws currently in force, including the 1970 Convention. Such work is conducted before the International Day of Monuments and Historical Places and during European Heritage Days. Museums experts and specialists teach in State universities.

Annually, the Belarus State Institute of Cultural Problems conducts an educational course on the protection of historical and cultural heritage for experts who work in local agencies.

Adequacy, effectiveness, weakness and adjustments or improvements to be made

The measures taken are adequate for solving problems concerning the illegal import and export of cultural property through customs border, carrying out of illegal excavations, other infringements, changes of property rights, and so on. The desirability of assigning experts at checkpoints on the customs border is under discussion.

BHUTAN

General overview

Bhutan has a very rich cultural property heritage. While the State and local communities own much of this heritage, much is also owned by private individuals. Many of these objects are of religious or spiritual significance and hence are normally found in temples and monasteries. Cultural property in Bhutan exist in the form of immovable structures, ancient cantilever bridges, temples, stupas, sacred sites and heritage houses, and moveable objects in the form of sacred objects, handicraft products and household goods. Bhutan has also a rich oral and other intangible heritage, much of which is still not properly documented. The open air stupas, called Chortens, and the temples in Bhutan are rich repositories of highly valuable art and artefacts. Despite the stringent laws and security vigilance, these structures are often subjected to theft, vandalism and desecration.

Measures to prevent the illicit transfer of ownership

The Division for Cultural Property under the Department of Culture, Ministry of Home and Cultural Affairs, is mainly responsible for the inventorying and maintaining of the cultural property database in the Kingdom. According to the Movable Cultural Property Act of 2005, all cultural property, within the country, has to be registered with this Division. Accordingly, the Division has initiated the inventorying of all the cultural property in the Kingdom and about 60% of the objects have been properly recorded. The recording of the remaining objects will be completed soon. The Division works closely with the monastic institutions, police and customs personnel, district administrations and communities to ensure protection of the national cultural treasures.

Bhutan is also party to UNESCO and other international and regional conventions, including Interpol, for preventing illicit trafficking of cultural property and also for the repatriation and restitution of Bhutanese art objects that are illicitly trafficked out of the country.

Measures to prevent the illicit excavation

Although a number of potential archaeological sites have been found in the country, the Royal Government has deliberately deferred their excavation as it still lacks the necessary knowledge and skills to carry out such works in a professional manner. Offers by some countries to carry out such works have also been declined as there are no competent national counterparts. Right now the focus of the Royal Government is on training people in the field of archaeology. The Department of Culture will be establishing a Division for Archaeology as soon as it has adequate number of national archaeologists. All excavations will then be carried out in a well-planned and phased manner, taking into consideration in the process, local beliefs and sensitivities, and also ensuring safekeeping of the excavated items for proper study and record. In other words archaeology is still largely untouched in Bhutan.

Measures to control the export of cultural property

According to the Movable Cultural Property Act, no one in Bhutan is authorized to take any cultural property out of the country without the approval of the Royal Government. For those objects that are permitted to be taken out of the country for exhibition, worship or for other reasons, the Division for Cultural Property crosschecks the items with the data available in its records and then the object is sealed for later identification. A permit is then issued to the person bearing the object(s), and copies are sent to all relevant police and customs checkpoints. The border security personnel, police and customs officials are also properly briefed on illicit trafficking of cultural property and the Department of Culture receives utmost cooperation from them.

Measures to control the acquisition of cultural property

No museums or other similar institutions in Bhutan have the authority to acquire any cultural property directly. At present all acquisitions are routed through the **Cultural Property Acquisition Committee** appointed by the Royal Government. The Committee ensures that no illegal objects are acquired for museums.

Measures to control the import of cultural property

Since the price of antiquities of value is much higher on the international market, Bhutan's concerns have, so far, been focused on illegal trafficking in such objects out of the country. In regard to the import of valuable cultural objects, Bhutan continues to respect all international norms and conditions relating to such imports.

Educational means and raising of public awareness

The National Commission for UNESCO, the Department of Culture and other institutions such as the National Museum, the National Library, the Royal Academy of Performing Arts and the Institute of Language and Cultural Studies are helping to raise the awareness of the safeguarding of and illicit trafficking in cultural property by holding workshops, training courses and a series of colloquia on the tangible and intangible heritage of Bhutan. As part of value education, children in Bhutan have also the opportunity to study the significance of cultural property. Training courses for the caretakers of monasteries and temples are held periodically and cultural property is handled most carefully and in the presence of all stakeholders.

Adequacy, effectiveness, weakness and adjustments or improvements to be made

The "Movable Cultural Property Act of Bhutan – 2005" was framed on the basis of the 1970 UNESCO Convention on the Prevention of Illicit Trafficking of Cultural Property. So far the Act and the mechanisms in place have been very effective in controlling illicit trafficking in cultural property.

Other measures and additional comments

The 1970 UNESCO Convention has served its purpose very well. However, in this new information age and globalized world, it may be necessary to review the convention and update some of its clauses according to the needs of the time. While it may not be possible to repatriate objects that may have been legally exported and are either displayed in museums or are in the possession of private collectors, it is important to establish and declare the origin and significance of such objects either through the labels on the objects or in the records maintained by the collectors. UNESCO can help to sensitize people to and promote such needs.

BOLIVIA

General overview

There is a marked and continuous upturn in criminal acts that cause irreparable damage to the national community. Cultural expressions, be they works of art or popular, individual or collective creations, are the true testimony of the societies and cultures that existed in the past and continue together in the country today.

Statistics show that the number of thefts has increased during this administration, given that four thefts of artistic heritage were reported in 2006, while five have already been reported countrywide at the midpoint of this administration. Nonetheless, the general public values cultural property and there is a constantly growing demand from the communities for work to be done on registering, cataloguing, protecting and restoring cultural property and putting physical security measures in place for monuments and places of worship in which cultural objects are located.

Measures to prevent the illicit transfer of ownership of cultural property

Through the National Cataloguing and Museums Unit and with budgetary support from the Embassies of the Netherlands and of the United States of America, the Vice-Ministry of Culture has in the last six and a half years considerably increased the national inventory and catalogue of historical artistic cultural property, now totalling 23,059 catalogue items.

The Bolivian Institute of Culture, now known as the Vice-Ministry of Culture, was established in 1975 and has since then undertaken a systematic inventory and cataloguing enterprise that continues today with the present Cataloguing Unit. In addition, in September 2005, work began on organizing and establishing a national committee to prevent and combat illicit trading in cultural property. We have included a technical report on the progress of this activity in Annex I.

Measures to prevent illicit excavations

Specific regulations have been enacted governing permission for archaeological excavations, establishing the National Institute of Archaeology, which is dependent on the Vice-Ministry of Culture, as the body empowered to authorize and supervise requests by national or international institutions to conduct archaeological excavations. Excavations are allowed strictly for research purposes.

Measures to control the export of cultural property

The Vice-Ministry of Culture, through the Cataloguing and Museums Unit, issues export permits for contemporary works of art to control the export of protected cultural property. Protected property can only be exported temporarily under a Supreme Decree enacted by the Executive Branch and providing the necessary insurance and transport requirements are respected.

Measures to control the acquisition of cultural property

In this regard, the Vice-Ministry of Culture publishes announcements of thefts of cultural property, supplying technical details and photographs to alert museums and other institutions acquiring cultural objects.

Measures to control the import of cultural property

Bilateral agreements have been concluded with Peru, Ecuador and Brazil for the return of cultural property illegally exported from its country of origin. Another such agreement is being prepared with Uruguay. A number of colonial paintings and archaeological artefacts that were stolen from Peru and illicitly exported to other countries – including Bolivia – have been returned.

Educational means and raising of public awareness

The Cataloguing and Museums Unit provides training in such forms as courses, workshops and talks, during which mention is regularly made of the importance of the 1970 Convention and its applicability. Among the most important of these are training courses and workshops in preventive security at places of worship and museums housing cultural property. During the current administration, preventive security plans for 20 places of worship with national priority status are being carried out.

Adequacy, effectiveness, weaknesses and adjustments or improvements to be made

The most effective measure, which has already produced good results, is the ongoing listing and cataloguing of artistic and historical cultural property, in accordance with Article 5(b). The applicability of the Convention has further permitted the return of cultural property under each individual country's procedures.

Other measures and additional comments

The implementation of the 1970 Convention should be publicized more widely, for many entities are unaware of the importance of the Convention. To do this, we suggest holding workshops to train not only people from cultural institutions, but also the public at large.

BULGARIA

General overview

Bulgaria has many archaeological monuments, as do Greece and Italy. Their classification, identification, recording, study, preservation and conservation, and the means for managing and monitoring the activities carried out, are governed by the Law on Cultural Monuments and Museums which provides that cultural monuments form part of the national heritage and are owned and protected by the State. The acquisition of historical and cultural property by legal entities and individuals is governed by a 2005 Directive. Management, control over research, the study and the safeguarding of monuments are the prerogatives of the Ministry of Culture and its specialized agencies: the National Institute for Cultural Monuments and the National Centre for Museums, Galleries and Fine Arts.

The preservation and conservation of the heritage are a priority objective of the Police Force and the Public Prosecutor's Department. A review of operational data shows however an increase in transnational crime organized in this sphere – not only with regard to excavations by "treasure hunters" but also the subsequent trafficking in movable cultural property through export smuggling. The illicit domestic market is controlled by Bulgarian and foreign organizers of smuggling networks. The "treasure hunters" carry out illicit excavations on agricultural lands rented for the so-called "construction of golf courses". On the basis of the situational analysis, the relevant authorities draw up and introduce practical modern measures to prevent offences relating to movable cultural property and to update documentation on cases of previously recorded offences.

In the 2003-2005 period, the Bulgarian customs authorities thwarted 74 attempts at trafficking in ancient art works. The cultural objects, sent by parcel post or transported without an export certificate, were confiscated as proof of these attempts at smuggling, discovered through customs checks on items entering or leaving Bulgaria.

In 2003-2004, up to 60% of the offences were committed by Bulgarians (43 attempts) (objects discovered in the parcel post, in the baggage holds of buses or discarded in customs areas) and in 40% of the cases the criminals were foreign. Bulgaria is identified, in the international traffic of

cultural goods, as an exporting country, providing the Western market with works of art, coins and icons.

Measures to prevent the illicit transfer of ownership of cultural property

The Ministry of Culture is the central authority in charge of coordinating, organizing and managing activities relating to the return or restitution of illegally transferred movable cultural property, in liaison with the central authorities of other member countries of the European Union, responsible for coordinating such activities in their respective territories.

The purchase, sale, exchange and donation of cultural goods between owners and natural or legal persons require the prior agreement of the National Institute for Cultural Monuments (for cultural monuments of national or international significance) and the Municipal Council of the respective municipality (for other cultural goods). The sharing of movable and immovable cultural property is allowed only if it is not jointly owned or if the division does not undermine its preservation. The law also provides for tax relief in the event of sales, exchanges, donations and bequests of movable and immovable cultural property for the benefit of ministries, administrative units and public organizations.

The provisions of the Criminal Code stipulate legal proceedings for infringements of the law and for offences relating to the legal property system (destruction, demolition, damage, alteration or export of cultural property, effective exportation or expropriation with the intention to have such property exported abroad, deliberate concealment of a cultural object or a precious historical find; unauthorized execution of archaeological excavations, geophysical research, underwater studies or excavation work on land appertaining to archaeological cultural monuments or within their protected perimeter; exchange or exchange offer and sale or sale offer of archaeological discoveries or movable archaeological cultural objects).

Measures to prevent illicit excavations

On receiving information on such activities, the specialized sectors of the Ministry of the Interior inform the local management authorities and take charge of the provisional preventive protection of the site concerned. They also inform the Ministry of Culture's National Institute for Cultural Monuments which, in conjunction with the local authorities, is required to take measures to preserve, conserve and protect the cultural site in question.

The tasks of the National Police Force include the prevention and detection of illegal archaeological excavations. All police resources and staff are engaged in preventive measures to forestall the actions of "treasure hunters". The archaeological sites where traces of invasions by "hunters" have been discovered are kept under surveillance by police patrols. Problems arise owing to the large number of unregistered archaeological sites, which makes it very difficult to ensure police surveillance. The police officers are authorized to impose administrative sanctions on the mayors and their deputies if the measures to protect archaeological sites have not been respected.

Measures to control the export of cultural property

The police force is in charge of the prevention, detection and punishment of such crimes. In this field, the specialized bodies of the Ministry of the Interior work together with the National Customs Agency and the Ministry of Culture.

Following its accession to the European Union, Bulgaria strictly applies the Community standards relating to control over the export of movable cultural property. For the export of items, in addition to the customs declaration, the authorities require the presentation of a standard, special or general, licence delivered by the Ministry of Culture's National Centre for Museums, Galleries and Fine Arts.

The licence to export cultural property to third countries may be issued only when the age and the value of these movable cultural monuments do not exceed the threshold of the respective category, given in the Annex to the EEC Council Regulation of 1992. The customs authorities are empowered to require the owners of movable cultural property who do not have a valid export licence to prove the age and the value of the items as declared by the persons carrying out the export (presentation of invoices, evaluation certificates, valuations, insurance policies, etc). In this context any natural or legal person owning an object that does not have the status of movable cultural property must take the object to the local, regional, specialized or national museum, recognized as such by the Ministry of Culture, so that a certificate attesting to the object's lack of historical value may be issued.

The export of movable cultural property that belong to the national heritage is governed by the Law on Cultural Monuments and Museums. Such property may be exported only on a purely temporary basis for the purposes of exhibition overseas or for conservation or restoration work, valuations and scientific research studies. To export movable cultural property that does not belong to the national heritage and does not fall into one of the categories given in the EEC Council Regulation, a certificate must be issued by the Director of the Ministry of Culture's National Centre for Museums, Galleries and Fine Arts. On receipt of information on the preparation of a crime, joint operations by various control bodies in border areas are initiated to prevent the export of historical and cultural property. In 2006, 11 cases of trafficking in cultural and historical goods were detected (in particular at airport border inspection posts) – the items discovered were on their way to various countries in Western Europe

Measures to control the acquisition of cultural property

The acquisition and the legalization of movable property of historical or cultural value by natural or legal persons are regulated by a 2005 Directive. The monitoring and recording of the constitution or dissolution of museum collections are the responsibility of the Ministry of Culture. This Ministry is required to inform the legal authorities or police bodies of any infringement that constitutes a general crime.

The Ministry of the Interior makes every effort to ensure the physical and technical protection of publicly and communally owned museums (regular rounds by police officers) monitor compliance with the prescribed security requirements, especially in view of the heavy flow of visitors. Police officers and officials of the Public Prosecutor's Department conduct random rounds in national and communal museums for routine on-the-spot checks of the museums' documentation (the numbering of the objects and keeping of inventories) and respect for the special protection system.

Measures to control the import of cultural property

It is prohibited to import or trade, export or remove cultural property from the territory of the European Union and to sell Iraqi cultural items or other items of archaeological, historical, cultural, scientific or religious importance if they have been unlawfully removed from Iraq, in particular:

- if these objects belong to public collections that are part of the holdings of Iraqi museums, archives and libraries, or if they are religious objects that belong to Iraqi religious institutions;
- if there is a reason to suppose that the objects have been exported from Iraq without the consent of their legal owner or in violation of Iraqi legislation and standard-setting instruments in force in the country.

These prohibitions do not apply if :

- the objects were exported from Iraq before 6 August 1990, or

- the objects were returned to Iraqi institutions, in accordance with the provisions of paragraph 7 of resolution 1483/2003 of the United Nations Security Council.

The list of objects, with their description and technical code under the complex Classification of the European Union, is published in Annex 2 to the Regulation. In addition, Community-wide measures to protect Iraqi cultural property have been introduced under the European Union's Information System of the Integrated Tariff (TARIC).

Interpol and Europol play a major role in this field.

Educational means and raising of public awareness

Since 2004, induction seminars have been organized for customs officers on the most recent developments in national and European legislation on the protection of the cultural heritage (export of cultural property and compliance with existing European practice).

Negotiations with the National Customs Agency and the Ministry of Culture are under way to heighten control over the export of objects classified as cultural monuments.

Adequacy, effectiveness, weakness and adjustments or improvements to be made

The State's commitments to preserving and conserving the historical and cultural heritage are set out in Article 23 of the Constitution of Bulgaria. The Ministry of the Interior's work to detect and prevent offences in this field is governed by the Criminal Code, the Law on Cultural Monuments and Museums and the various international conventions ratified by Bulgaria. The Law on Cultural Monuments and Museums was adopted in 1969 and amended in 2006.

To improve the adequacy and effectiveness of the measures taken by the Ministry of the Interior, it is absolutely necessary to limit the sale of metal detectors and other specialized geophysical techniques by introducing a registration scheme, severely punishing their illegal production and criminalizing "the purchase" of artefacts of unknown or doubtful origin, stolen or acquired after illegal excavations.

Other measures and additional comments

The various national laws (liberal or conservative) and increasingly dynamic globalization are increasingly raising problems and difficulties and fostering the establishment of new practices nationally and internationally.

CANADA

General overview

Canada's history has resulted in many of the same challenges as other former colonies with respect to cultural property, namely the early loss of significant aspects of our cultural heritage (indigenous and otherwise) to other countries during an extended period of exploration and colonization. As is the case with other UNESCO Member States, many unique and irreplaceable items of cultural property that originated in Canada are now housed in public and private collections abroad. With the gradual establishment of a varied infrastructure for protection of our heritage, much of our cultural property is now subject to legal protection, or is preserved and made accessible to Canadians and visitors to Canada by public institutions such as museums, galleries, libraries and archives.

While it cannot be said that Canada is a major "source country" for illicit traffic in cultural property, our heritage nevertheless continues to be at risk: the size of our country and the existence of vast, largely uninhabited areas poses significant problems for monitoring archaeological sites and

remains, and the growing desirability of Canadian aboriginal cultural property and Canadian art (aboriginal and non-aboriginal) on the international market elevates the risk of looting and of illicit export. Further, while Canada is not considered a major “market country” for illicit traffic, our experience has shown that such material can be destined for Canada, either as a final destination or en route to the larger U.S. market.

Measures to prevent the illicit transfer of ownership of cultural property

In Canada, as a federal state, protection of cultural heritage takes place at the federal, provincial/territorial and municipal levels of government. At the federal level, for example, legislative and regulatory responsibilities are shared among a number of departments and agencies, most notably by the Department of Canadian Heritage and the Parks Canada Agency of the Department of the Environment.

Specifically with respect to export/import protection, the Department of Canadian Heritage, aided in part by the Canadian Cultural Property Export Review Board (an arm’s length administrative tribunal), is responsible for the national administration of the Cultural Property Export and Import Act, Canada’s implementing legislation for the 1970 UNESCO Convention. The Act establishes Canada’s system of cultural property export and import controls, as well as a system of tax incentives to encourage the sale and donation of nationally significant cultural property to public institutions in Canada, where it is preserved and made publicly accessible. The Act also provides for the possibility of financial support to institutions to allow the acquisition of significant cultural property threatened with export, or to repatriate significant items that become available for purchase abroad.

The Canadian Conservation Institute (an agency within the Department of Canadian Heritage) was established as the national centre of expertise for the preservation of cultural property and to advance the practice, science and technology of conservation. From an inventories perspective, the Canadian Heritage Information Network (also an agency within the Department) was established to foster sound management of the knowledge and collections developed by Canadian museums, and to provide public access to those collections through a national inventory. The Artefacts Canada national database is not limited to those objects whose national significance makes them controlled for export purposes. It is important to note that all such significant heritage in Canada is not owned by the state or even by public institutions - some objects may be owned privately. As a result, cultural property that is subject to export control, and which may be of outstanding significance and national importance, is defined in regulation through the Canadian Cultural Property Export Control List, rather than listed in the form of an inventory.

Measures to prevent illicit excavation

In Canada, a wide variety of measures are in place at all levels of government, in legislation, policies and programs, to protect Canada’s archaeological heritage. Although consistent with the spirit of the 1970 Convention, they have not been established as a direct response to Canada’s obligations under that agreement, and so are not reported on herein.

Measures to control the export of cultural property

Under the Cultural Property Export and Import Act, a range of cultural property, both Canadian and non-Canadian in origin, is subject to export control, and is described in the Canadian Cultural Property Export Control List. Any cultural property contained in the List requires a permit to leave Canada, either temporarily or permanently. No cultural property is prohibited from export, but the export of objects deemed to be of “outstanding significance and national importance” may be delayed to provide public institutions with an opportunity to acquire it, so that it may remain in Canada, preserved and accessible to the public. Violations of the export permit provisions of the Act are subject to penalties in the form of fines and/or imprisonment.

Measures to control the acquisition of cultural property

Under Canadian law (the Cultural Property Export and Import Act), it is prohibited to import any cultural property that has been illegally exported from a country with which Canada has a cultural property agreement, if the illegal export took place after the agreement has entered into force in Canada and the other State in question. In practice, this includes, but is not limited to, the 1970 UNESCO Convention. Because the import of such material is prohibited altogether, it was deemed unnecessary to take additional steps to prevent its acquisition by Canadian institutions. However, to further discourage international illicit traffic beyond the specific requirements of the Convention, the Government of Canada is currently consulting with Canadians to determine whether legislative changes should be made to eliminate the provision of tax benefits for the sale or donation of cultural property to public institutions where the recent licit provenance (i.e. since 1970) cannot be demonstrated.

Measures to control the import of cultural property

Under Canadian law (the Cultural Property Export and Import Act) it is illegal to import any item of cultural property illegally exported from any fellow State Party to the 1970 Convention, when that illegal export occurred after the coming into force of the Convention in Canada and the state concerned. In such instances, the law provides for penalties of fines and/or imprisonment, as well as the means to facilitate the return of cultural property to the country from which it has been illegally exported, and the possibility for compensation to be awarded to good faith purchasers of such objects in Canada.

Educational means and raising of public awareness

Public awareness of the legal obligations of Canadians under the Cultural Property Export and Import Act, the implementing legislation for the 1970 Convention, is promoted in a variety of ways, including information available through the websites of the departments of Canadian Heritage and Foreign Affairs and International Trade, in stakeholder workshops presented across the country, and (with specific respect to illegal import) through a pamphlet that is included with every new Canadian passport.

Adequacy, effectiveness, weakness and adjustments or improvements to be made

Experience has shown that the measures taken by Canada to implement the 1970 Convention are effective, both in protecting Canada's heritage and in allowing the return of illegally exported cultural property to fellow States Parties. Over the past decade, Canada has successfully returned cultural property to a number of countries, including Bolivia, Colombia, Egypt, Mexico, Peru, and the Syrian Arab Republic.

However, the Government of Canada is conscious of the need to continually seek ways to increase the effectiveness of its efforts against illicit traffic in cultural property. As a result, a number of additional measures are under consideration to enhance the effectiveness of those efforts as part of a comprehensive review of the Cultural Property Export and Import Act, which has been in force for 30 years as Canada's implementing legislation for the Convention.

Other measures and additional comments

Canada notes that while there are currently 112 States Parties to the 1970 Convention, less than half have provided their national legislation to the UNESCO Cultural Heritage Laws Database. In Canada's experience, access to an authentic text of the relevant foreign cultural property export control legislation is key to facilitating the identification and pursuit of cases of illegally exported cultural property from other States Parties to the 1970 Convention. To that end, Canada would encourage all other States Parties to the 1970 Convention to participate in this important tool in the fight against illicit traffic in cultural property.

CYPRUS

General overview

Several cases of trafficking of archaeological objects through the recently opened checkpoint suggest an increase in illegal trading, the outcome, most probably, of illegal excavation activities. The almost daily offer of Cypriot ancient objects (provenance not indicated) **for sale on the Internet** is indicative of tomb-looting and smuggling, particularly in areas not accessible to the Department of Antiquities.

Measures to prevent the illicit transfer of ownership of cultural property

All private collections have been inventoried and are managed in accordance with the Antiquities Law. The export of antiquities from the island is forbidden except for loans of exhibitions/scientific study without an export licence issued by the relevant authority.

Measures to prevent illicit excavations

Measures taken to prevent illicit excavation include the survey, identification of sites and scheduling of sites to protect important heritage sites from threats, through the law. Looted cemeteries are excavated as far as possible to remove available areas of prospective looting. Rescue excavations are undertaken before development and preservation of sites is ensured *in situ*. Parts of archaeological sites are reserved unexcavated for future research – in other words, excavation is carried out only where it is absolutely necessary.

Measures to control the export of cultural property

The export of cultural goods is monitored under the Antiquities Law and two new laws enacted since the accession of Cyprus to the European Union, which include the appropriate licences and are posted on the Department of Antiquities' website.

Measures to control the acquisition of cultural property

The Government of Cyprus has signed a bilateral agreement (Memorandum of Understanding) with the United States of America to allow Classical, pre-Classical and Byzantine objects to be imported into the United States of America without a certificate from the competent authorities. A similar attempt is being made to conclude an agreement with other third countries where import of antiquities from illicit activities was noted.

Educational means and raising of public awareness

The above legislation and protection measures are publicized through the website of the Department of Antiquities in an effort to educate the public in this matter. Also, a pamphlet was issued in five languages explaining to the public that it is illegal to purchase ancient objects with an unknown provenance and is available at checkpoints along the "green line".

Adequacy, effectiveness, weakness and adjustments or improvements to be made

An increase in the numbers of archaeologists employed is required for survey work and rescue excavation as well as for the digitalization of museum collections.

COLOMBIA

General overview

Since the end of the nineteenth century, Colombia has been developing and implementing a series of national regulations in order to prevent the pillaging and sale of national cultural property. In particular, removal of pre-Columbian statuary is prohibited and since 1938, the National Archaeological Services (now the Colombian Institute of Anthropology and History (ICANH)) has been the body responsible for ensuring the application of this law and other laws relating to the archaeological and anthropological heritage.

Owing to the gradual promulgation of later laws and decrees, the coverage of and mechanisms for the protection of a wide variety of cultural property have grown and, in 1968, a governing body, namely the *Instituto Colombiano de Cultura – Colcultura* (today the Ministry of Culture), was established through which alliances with enforcement bodies (police) were first developed to provide effective punishment for illicit activities. Private individuals have been permitted to conduct archaeological and palaeontological explorations and excavations on their own account, under a licence obtained from the competent authorities. Authorization from the National Monuments Council is required if any object is to be taken out of the country, under penalty of confiscation by the customs authorities. The rights of the State have been safeguarded over historical monuments, objects and elements of archaeological and palaeontological interest found on the surface or underground at the time the work was checked.

The Colombian Government's accession to the 1970 Convention, pursuant to Act 63 of 1986, the promulgation in 1991 of a new political constitution which explicitly protects the cultural heritage, the Act of 1997, the regulatory decrees, the decisions adopted by the Heritage Department of the Ministry of Culture and the Colombian Institute of Anthropology and History, the 2001-2010 National Plan for Culture, the Document on the sustainability of the 2001-2010 National Plan for Culture and the National Development Plan have strengthened the national framework for the preservation of the cultural heritage, thereby fostering compliance with international commitments and legal obligations.

Similarly, the standards thus set have been reinforced by the establishment of the national system of cooperation to combat illicit trafficking in cultural property, a cooperation strategy involving institutions and citizens and designed to raise national awareness of the scale of trafficking and its consequences for regional and local identity referents and for the various ethnic and cultural groups that make up the nation. This campaign has today been strengthened by the adoption of a decision in 2004 by the Member States of the Andean Community of Nations to combat the import and sale of those countries' cultural property and by the 2005 Inter-administrative Cooperation Agreement, signed by 11 public bodies and two advisory bodies in order to formulate strategies for the reduction and punishment of illicit acts against cultural property.

Measures for preventing the illicit transfer of ownership of cultural property

Legal measures: Since the establishment of Colombia's 1991 political constitution, specific regulations on the ownership of cultural property have been in force. Accordingly, all archaeological property and property belonging to public entities are State property and must be inventoried and registered. Registration applies to property declared to be of cultural interest to the nation, department and district and to the indigenous territories.

Furthermore, it is prohibited to market such archaeological property which may not be transferred by its voluntary owners by way of gift, donation or inheritance. Once ownership has ceased for whatever reason, such property must be handed over to the competent authority (ICANH), which decides where it should be placed.

In addition, the following categories of movable property have been declared to be property of national cultural interest: paintings, drawings, sculpture, monuments and plaques, photographs and other visual material, and religious, everyday, scientific, musical, numismatic and bibliographic objects.

Competent authorities: Heritage Department – Ministry of Culture

Colombian Institute of Anthropology and History (ICANH)

The Handbook on the Inventory of Archaeological and Ethnographic Property was published in 2006. Once each object in a collection and information about the collector has been registered, ICANH issues a registration number to the owner and monitors subsequent management. This procedure also applies to all museums that hold archaeological objects and is effected jointly with the National Museum Network, through its Colombian Collections database.

Since 2006, ICANH has been running the *National Network of Archaeological Laboratories* programme, through which it promotes the inventorying of outstanding archaeological collections found at the site of excavations conducted by universities or research centres. Since these collections comprise both whole objects and fragments, the inventory procedure is based on scientific reports and the single number assigned for each excavation.

ICANH also includes in the national register of archaeological sites lists of the archaeological materials that they contain. The same procedures are used for ethnographic cultural property. Lastly, ICANH and the **national Police Force** working together through the Cultural Heritage Group have confiscated property used for illicit activities.

National General Archive: The National General Archive is a national public institution of a technical nature that promotes the conservation and consultation of the historical legacy that it holds as well as the collection and dissemination of the country's documentary heritage.

Inventory of cultural property/Programme for the inventorying and registration of the Colombian cultural heritage: The inventorying and registration of the cultural heritage are fundamental to the recognition and appropriation of that heritage by communities and are crucial programmes and projects in that field. Field work and archiving are among the methods used to compile information on the tangible (movable and immovable) and intangible cultural heritage. The identification and appraisal of movable cultural objects owned by individuals or legal entities is being promoted. For that purpose, a *Handbook on the Inventorying of Movable Cultural Property* was published recently.

Inventory of archaeological property – ICANH: A total of 130,418 national archaeological objects have been inventoried. It is estimated that 1 and 2 million archaeological objects may be held by individuals or cultural institutions in Colombia. ICANH deals only with cultural institutions that hold archaeological collections designed to raise the awareness of communities.

As the period for the legal registration of archaeological property has expired, archaeological collections have been confiscated, especially in galleries where genuine objects are being openly sold in violation of the regulations and in collections owned by individuals who are known to be involved in the illegal art trade. In general, most items have been confiscated in buying and selling transactions, while only a few have entailed illegal export deals, and some others for acts of pillaging. This action has on the whole produced positive results in removing archaeological objects from the market and in legalizing the system of ownership of 266 collections held by private individuals and cultural institutions.

Lastly, private individuals have turned over archaeological property to ICANH for various reasons, including death of the property owner, travel abroad and inability to conserve the objects;

furthermore, the sharp rise in the number of objects surrendered by private individuals in 2004 can be attributed to their decision to relinquish their collections out of fear of they being confiscated.

Measures to prevent illicit excavations

Legal measures and competent authority: As mentioned above, the Colombian Institute of Anthropology and History (ICANH) was initially in charge of archaeological research and excavation. Authorization was subsequently required for archaeological excavations in the country, which may be conducted under a licence granted by ICANH. The Institute holds responsibility for monitoring the country's archaeological heritage, including the functions of establishing scientific and technical criteria and planning the conduct of research in the fields of social anthropology, archaeology, bioanthropology, indigenous linguistics, colonial history, ethnohistory and the Colombian archaeological and ethnographic heritage.

Procedures to prevent pillaging: ICANH has introduced a procedure for issuing excavation licences under and, as a result, a register is kept of excavations throughout the country, by year and specifically by municipality. To request authorization, applicants may download from the ICANH website the forms required for the submission of research projects and the guide to preventive archaeology: <http://www.icanh.gov.co/secciones/tramites/arqueologia.htm>.

ICANH also exercises policing functions, under which it may act or take measures in response to activities that impinge on the archaeological heritage. Such measures include authority delegated to local mayors to halt illicit excavations or works. Last year for example, ICANH requested 19 municipalities throughout the country to take such action, and once the archaeological excavation has been suspended, a qualified archaeologist must be brought in to ensure that the excavation is conducted properly.

ICANH has also, since 1993, been keeping a permanent national inventory of archaeological sites, which can be consulted by the public on its website: <http://www.icanh.gov.co/sig/index.htm>.

Archaeological management plans: Since 1997, management plans have been drawn up for the protection of archaeological sites and property. In that connection, Colombia now has archaeological sites that are protected as reserves under a declaration and an archaeological management plan to that effect.

Measures to control the export of cultural property

The 1997 Act contains specific measures on the export of cultural property. Pursuant to the Act, the Ministry of Culture has regulated the requirements and procedures for the export of movable property of cultural interest and the export of movable property belonging to the cultural heritage. The regulations also apply to the archaeological heritage. In addition, ICANH holds responsibility for authorizing the export of copies dispatched together with household goods, while individual objects require a seal or certificate identifying them as copies.

Measures to control the acquisition of cultural property

The Colombian National Museum, working through the National Museum Network, is the body in charge of overseeing the country's museums' acquisition of cultural property. The acquisitions policy is based on the Code of Ethics for Museums of the International Council of Museums (ICOM).

Measures to control the import of cultural property

International cooperation: The Ministry of Culture and the Ministry of Foreign Affairs consider it vital to strengthen cooperation with the States Parties in order to reduce the illicit import and export of cultural property. Bilateral agreements are in force with Peru, Ecuador and Bolivia. Cooperation

among all the Andean countries has been strengthened since 2004. The Regional Andean Committee to Combat Trafficking in Cultural Property, composed of delegates from each Member State, was established for that purpose.

Bilateral agreements with Panama, Switzerland, Italy and Argentina are currently being negotiated. With a view to strengthening action to combat trafficking and to learning more about other countries' issues and strategies, the Ministry of Culture has participated in meetings that have afforded an opportunity to take debate on the subject into the society, to outline Colombia's wide-ranging experience of action against the scourge of trafficking, to build knowledge about the situation and about progress achieved in other countries and to reflect on the issue.

National institutional cooperation: National cooperation is a powerful means of implementing measures to protect cultural property in the country as public and private institutions are thus committed to achieving common goals. The Ministry of Culture, ICANH, DIAN (Office of Taxes and National Customs Services) and AEROCIVIL (Special Unit for Civil Aviation) have accordingly strengthened the continuous monitoring system in airports, ports and border areas by providing better training to airport officials and staff and increasing checks to prevent the illicit export of property from the country. To lower the risk of forgery of documents authorizing or rejecting export requests, the Heritage Department has begun using security documents and the Heritage and Art Information System (SIPA).

An important step forward in the establishment of cultural heritage groups within bodies responsible for security was taken by the national police which set up the Cultural Heritage Group under this agreement. It is therefore necessary to train the members of the Group and improve their knowledge of the movable cultural heritage.

Education and awareness-raising strategies concerning protection of the cultural heritage

Heritage Department: Training and awareness-raising are important in supporting the preservation of cultural objects, for it is only by heightening collective awareness of the importance of the cultural heritage that genuine protection can be instituted in the society and existing cultural heritage items can be prevented from leaving Colombian territory.

Training: Launched in 1991, the training course on *Measures to prevent trafficking in culture property* has, as at June 2007, been attended by 1,627 persons throughout the country, including civil servants, museum staff, parish priests, teachers, businessmen, managers and diplomats. In 2007, the National General Archive and DIAN will provide support for courses for airport staff and conferences/workshops will be held for the national police force's Cultural Heritage Group.

Online training: This project is implemented jointly by the Ministry of Culture's Heritage Department, ICANH, DIAN, the National Library, the National General Archives and the National Training Service (SENA). The *Somos Patrimonio* (We are the heritage) course is in the development stage and involves the use of tools such as the Internet, multimedia resources and animation. This new strategy is designed to raise individual and collective awareness of the movable cultural heritage and to teach the different kinds of heritage and the laws that protect such property. It is targeted at national bodies and civil society.

Publications: Between 2003 and 2006, Colombia published guides to facilitate the recognition and safeguarding of its movable cultural heritage. These guides include a CD-ROM in HTML for use online and are the outcome of a joint project carried out by the Heritage Department and ICANH. Research is now under way with a view to publishing other guides for those involved in the export of cultural property, namely, transporters, customs intermediaries (SIA), bodies commissioned to confiscate property and those generally involved in such matters, in order to build a culture of care for cultural objects.

Heritage Guide: In order to promote knowledge of the cultural heritage, the Heritage Department has published the Heritage Guide which consists of five handbooks, 10 photographs of cultural and natural property and cultural expressions, a CD-ROM and a video. This educational material is meant to encourage teachers to incorporate the idea of the cultural and national heritage based on the relationship between community, territory and memory into the education provided by their schools. Its distribution is determined in conjunction with the Ministry of Education.

Posters and leaflets: A leaflet entitled “Guide for residents and visitors in Colombia” has been published. Posters bearing the wording “Stop the heritage drain” were distributed to museums, airports and bodies party to cooperation agreement. New posters for the “Don’t travel with our heritage” campaign are being printed and will be distributed to accredited embassies in Colombia, Colombian delegations abroad, museums, airports, ports and other bodies.

Training and awareness-raising

To strengthen the action taken so far, ICANH professionals are making their knowledge of the archaeological heritage available for educational workshops held to build the capacity of oversight bodies to recognize archaeological heritage objects; they also provide advice and evidence in support of the application of legal, judicial and police measures in proven cases of unauthorized action, marketing or destruction of archaeological property. In addition, to prevent acts detrimental to the archaeological heritage, customs officials, the national police force and others must also take preventive action on a larger scale with a view to changing gradually the attitude of those who commit such illegal acts or those who, out of ignorance, act detrimentally to the heritage.

Effectiveness of the measures taken

An evaluation of the illicit import, export and transfer of cultural property between 2003 and 2007 leads to the conclusion that pillaging and plundering of archaeological property and trafficking therein are the most frequently occurring activities in Colombia. Unfortunately, no estimates are available on the number or dates of illegal exports of such archaeological objects, but it is obvious that the foreign market for Pre-Columbian objects from Colombia has grown, given the display in auction houses of archaeological objects originating in recognized cultural sites in the country, especially from the Malagana area, pillaged between 1992 and 1993.

The Ministry of Culture and ICANH generally believe that action to combat the theft, pillaging, illegal sale of and trafficking in cultural property must be continuous and unremitting. The government has formulated various strategies that must be reinforced by enlarging the cooperation networks and launching new initiatives to allow the community to participate more actively in safeguarding its heritage. This arduous task is the responsibility of both national bodies and territorial bodies, which are legally bound to protect and preserve the regional heritage in close harmony and cooperation with the participating community.

Observations

Despite all the efforts made, the other side of the coin, not so much the internal measures to protect cultural property, but the enormous efforts made to recover such property when it has been illegally removed from the country, has been found to be completely fruitless. In March 2006, Colombia and the United States of America signed a Memorandum of Understanding against trafficking in cultural property, with the support of the Colombian Foreign Office.

In 2006, Colombian archaeological objects in France were repatriated and were returned to the country in June 2006. During the same mission, an expert survey of a collection of archaeological objects confiscated in Denmark was conducted and it was found that 143 of the objects belonged to the Colombian archaeological heritage. On the basis of this technical information, a recovery process was initiated through diplomatic channels and the claim was brought before the police authorities and the Danish Public Prosecutor. In addition, the sale of six Colombian archaeological

artefacts in the United States of America was condemned. The auction that was to take place at Sotheby's Auction House in New York was suspended and Colombia provided the information required to set in motion the recovery process.

Other activities were carried out jointly with the Ministry of Foreign Affairs and the Ministry of Culture, such as a study of international treaties adopted to strengthen action to combat trafficking. The UNIDROIT Convention, for example, complements the UNESCO 1970 Convention. UNESCO must therefore encourage more countries to accede to the Convention and should also supervise the development of national legislation to render cooperation among the States Parties more effective.

CROATIA

General overview

Movable cultural goods and works of contemporary authors have increasingly been exposed to theft, illicit traffic and illegal export. Along with general international trends this is also a result of the rapid development of tourism in Croatia, the opening of its borders and thereby the greater access to the values and variety of our cultural heritage. The majority of stolen cultural property has been taken from sacred buildings, hydro-archaeological sites and some from restoration workshops. Museums, galleries and private collections have also become increasingly exposed to theft and numerous archaeological sites have been devastated. Theft of cultural property is closely connected with illicit traffic and illegal export of objects from the country. This fact places Croatia among the so-called art-exporting countries. As far as the status and trends in the last years are concerned, a decrease in the number of thefts has been recorded as a result of a more effective implementation of various prevention measures. Another characteristic of recent tendencies is the increased number of break-ins and forced entries into private apartments and houses and an increase in the number of stolen works of contemporary authors. In addition, it is necessary to draw attention to the fact that in the last few years the art market has been expanding considerably thus increasing not only the welcome possibility of legal trade, but also the undesirable possibility of illicit traffic and illegal export of cultural goods from the country. Organized forgery of works of art is also expanding.

Measures to prevent illicit transfer of ownership of cultural property

The Department for the Protection of Cultural Heritage fulfils the task of the national service for the protection of cultural heritage and undertakes legal and other measures on a regular basis to prevent illicit transfer of ownership of cultural property. The Law on the Protection and Preservation of Cultural Goods and a number of by-laws provide restrictions on transactions involving a cultural good. Pre-emption right is established in favour of cities, counties and the State, whereby a transfer of ownership is controlled by the different bodies. Furthermore, transactions in cultural goods may be performed by specialized legal entities or individuals licensed for such activities, pursuant to the above-mentioned law and the regulations. The inspection service for the protection of cultural goods monitors, inspects and directly intervenes in any case of violation of legal provisions related to cultural heritage. In addition, there is a large number of other legal acts and by-laws dealing with specific issues such as movable cultural property, combating illegal trade, customs regulations and provisions of the Penal Code adopted in 1998. Bearing in mind the large number and the frequency of thefts of cultural property and works of art, the Directorate for the Protection of Cultural Goods initiates and performs, in cooperation with other competent services and institutions, numerous activities, in addition to undertaking/implementing a range of measures aimed at preventing the illegal trade and devastation of valuable cultural heritage (cooperation with church authorities, installation of alarm systems, training of conservators, protection of hydro-archaeological sites, training of customs and police personnel, educating art owners and traders, improvement of international cooperation, particularly with Interpol and the police in the neighbouring countries).

Measures to prevent illicit excavations

Archaeological excavations can be undertaken only on the merit of qualification, under the supervision and by virtue of a permit issued by the Directorate in cooperation with the Department of Archaeological Heritage of the Croatian Conservation Institute. Over the past years there has been an increase in the number of operations by divers, which poses a grave threat to cultural property in the Adriatic. As a result of this situation – in addition to ongoing work on the production of archaeological topography, protection-prompted research and documenting of submarine archaeological localities undertaken in cooperation with the Ministry of the Interior, and in particular with special units and marine police – checks are being carried out and vitally necessary emergency measures are being undertaken aimed at preserving hydro-archaeological localities.

Measures to control the export of cultural property

According to the law, a cultural object, as well as property under preventive protection, may not be taken out of the country, except temporarily and for justified reasons. The procedure for export is laid down, in accordance with European Union legislation, by a regulation which stipulates the conditions under which licences are granted for the export of cultural property and the conditions under which certificates are granted for the export/taking out of objects that do not have characteristics of cultural property. It also imposes the requirement to keep records on issued licences and certificates. The Ministry of the Interior maintains a database to facilitate quick checks of objects of doubtful origin and the attribution of works of art.

Measures to control the acquisition of cultural property

By means of installed mechanisms which restrict transactions related to cultural property (pre-emption right of the subject of public law, obligatory entry in the Register of Cultural Property, licensed persons engaging in transactions), the origin of the title of ownership is to be clarified first and foremost. In this way, museums and similar institutions are efficiently prevented from acquiring cultural property which originates in another Signatory State and was illegally exported after the entry into force of the Convention.

Measures to control the import of cultural property

A cultural object may be imported only with the approval of the country from which it is being imported or brought from. The importer is required to report the arrival of the cultural property to conservation departments. In this way, an import ban can be imposed on the cultural property illegally exported from its country of origin. Competent Croatian bodies are in contact with the relevant bodies of other Signatory States with a view to verifying the origin of cultural goods in transit. If a suspicion exists that an object has been either stolen or illegally exported, the Ministry of the Interior of the Republic of Croatia, in cooperation with Interpol, undertakes necessary measures.

Educational means and raising of public awareness

The Directorate regularly engages in activities aimed at drawing the attention of the public to the overall importance of the protection of cultural property, as well as raising public awareness about the importance of the Convention. It stresses its values and goals, and promotes it as a tool for the protection of cultural heritage. This body proposes legal instruments and gives its opinion on issues related to the better protection of cultural heritage. Lectures are also organized for museum employees, curators and restoration experts with a view to enhancing their knowledge in relation to the problems of illegal trading in cultural objects, modalities for uncovering this form of illegal trade and measures which must be taken to effectively combat such trade. Likewise, lectures on the value of cultural heritage, and the problems related to threats facing it are organized for members of the police force. The general public is regularly and frequently informed about stolen and

missing works of art on the web pages of the Ministry of the Interior and through the press, professional journals, television, etc.

Adequacy, effectiveness, weakness and adjustments or improvements to be made

Protection against illicit traffic is increasingly recognized and treated as an integral part of the overall care for the preservation of monument heritage. However, the persistence and constant growth of illicit traffic, whether in Croatia or on the international level, requires further promotion of activities and cooperation with all relevant services and organizations.

The most important problems in Croatia are the lack of specialized organizational units, an insufficient and inadequate documentation of movable cultural property, especially those in sacred and private collections; an insufficient engagement of customs services in supervising the export and import of cultural property; an insufficient protection against break-ins, forced entries and theft offered by modern security systems in buildings hosting monument collections, primarily due to the lack of funds and an undeveloped system of implementing effective supervision of the market and trade in cultural property.

Other measures and additional comments

Croatia fully complies with the Convention and undertakes all the measures envisaged by its provisions and by national legislation. Croatian national law is already in line with the established standards for the protection of cultural heritage in the European Union, which is a further guarantee of an effective implementation of the above-mentioned measures and goals.

THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

General overview

In the period between the two national reports, 2003-2007, Macedonia adopted a new Law on Cultural Heritage Protection in 2004 and special attention is paid to issues that arise as obligations from this Convention.

Measures to prevent the illicit transfer of ownership of cultural property

Institutions: There are 48 specialized institutions by the 2004 Law on Cultural Heritage Protection. The Directorate for Cultural Heritage Protection is a special legal body established in 2004 and in charge of administrative, legal and other control functions for the protection of immovable, movable and spiritual cultural heritage. The functions relating to the protection of immovable cultural heritage are discharged by the conservatory centres. According to the law, there should be a reorganization of the existing institutes for the protection of culture monuments, whereby they would continue to work as conservatory centres, with the status of national institutions and holding competencies in the area of protection of immovable cultural heritage. The functions relating to the protection of movable cultural heritage are performed by the museums, libraries and film libraries.

In accordance with the law, a National Council on Cultural Heritage has been established in order to follow, manage and advance the protection and use of cultural heritage. It coordinates the implementation of the 1970 Convention and other ratified international agreements, as well as the implementation of the action plan for the prevention of crimes against cultural heritage.

The non-governmental organizations also conduct certain activities to implement the Convention, especially the national ICOM, ICOMOS and Blue Shield committees. Under the new legislation, the position of the NGO sector in the implementation of the Convention has been significantly improved.

Inventories: In Macedonia, there are central and municipal registers of immovable and movable cultural monuments, and the new legal framework also requires that a National Register of Cultural Heritage be kept. Besides this, other public books and records are kept on the movable cultural heritage. The maintenance of the Inventory as a separate record in accordance with an international agreement falls within the competence of the Directorate.

Under the new legal regulations, Macedonia has fulfilled its obligation to create the legal basis for keeping the national inventory (Article 5b of the Convention). Its practical implementation, as a systematic issue, because of objective reasons, will need more time, that is, it will last for several years.

Measures to prevent illicit excavations

Archaeological excavations and research are conducted under a *permit* issued by the Directorate to legal entities and individuals who meet the given conditions, taking into consideration the character of the site and the work done as well as the need for archaeological supervision of the works (average of 35 permits issued per year). The bearer of the permit is required by law to submit a report on the excavations, protection measures and finds within three months after the end of the excavations and hand over the movable finds to the museum according to the law. Conducting archaeological excavations without a permit is an offence punished by a fine. Any damage or destruction to monuments during the illegal excavations is considered to be a crime.

The novelties with respect to the carrier of the permit are the possibility of the participation of foreigners or of independent international and other foreign archaeological missions. A control mechanism, the archaeological research licence, has been introduced. The obligations of the bearer of the permit and licence are precisely defined. At the same time, appropriate attention is paid to the issue of scholarly ownership regarding the archaeological research. Regulations have also been issued on accidental finds. The conditions for conducting archaeological excavations are sent out in a special rulebook on archaeological excavations.

Illegal excavations are a serious problem and were most present from 1992 to 1997. For example, 800 graves in a single archaeological site (Isar at v. Marvinci, near Valandovo) were destroyed. The law stipulates several measures against this problem including a National Action Plan for the Prevention of Crime against Cultural Heritage. In addition, more than 6,000 valuable archaeological artefacts have been seized in organized actions.

Measures to control the export of cultural property

The Law on Cultural Heritage Protection defines several measures to control the export of cultural property, including a general ban on the export of the cultural property of special significance as well as unprotected property, public information on movable cultural heritage whose export is generally banned, a list of protected goods in the National Inventory and the existing export ban of specific objects.

The same law also defines issues on the temporary export of protected goods abroad. It is considered that the Republic of Macedonia fully fulfils the obligation of Article 6 of the Convention through these regulations.

Measures to control the acquisition of cultural property

Museums and other related institutions in Macedonia enrich their funds almost solely with cultural property of domestic origin obtained through finds, research, excavations, purchases, gifts, bequests, exchanges, donations and confiscation. There is an obligatory procedure for fulfilling the legal right to priority buy-out by the State through the Directorate. According to the available data, there have been no cases of receiving or accepting offers for buy-out of foreign cultural property

that was illegally brought into the country. In this respect, there was no need to undertake special measures in line with Article 7(a) of the Convention.

Measures to control the import of cultural property

On the basis of existing experience, it can be concluded that cultural property (originating from other countries) which is illegally imported is mostly not intended for the local market. As a matter of fact, Macedonia is much more a source of than a destination for cultural property. Nevertheless, it is not unknown for foreign cultural property to transit through the territory. In that connection, the law generally bans export of cultural goods stolen from museums, religious and other similar public faculties or institutions to the territory of another State. Other movable cultural heritage that is not under the general import ban may be imported in accordance with the regulations of the foreign trade work. There is also the obligation to produce an import licence when importing cultural property, if such licence is needed according to the regulations of the country from which the import comes. By accepting these regulations, Macedonia fully fulfils not only the obligation of Article 7(b)(1) of the Convention, but also makes a step forward with respect to the control of the import of cultural property.

Educational means and raising of public awareness

Since the ratification of the Convention, a number of scholarly and expert publications have been issued, covering and elaborating on various aspects related to the implementation of the Convention. A series of lectures has been held for the customs services on the character and types of cultural property and their security and protection. At the end of 2003 there was a seminar for training of the authorized officials within the Ministry of the Interior who would work to discover and prevent illegal trade in cultural property.

The Directorate, in cooperation with the National Commission, supported by the UNESCO Office in Venice, organized a regional meeting on the Prevention of Illicit Trade and Other Illegal Activities involving Cultural Property (Ohrid, 15-18 March 2006). It is also the established practice to announce each case of illegal excavations, illegal export, theft or other types of illegal activities related to cultural heritage in the media.

Adequacy, effectiveness, weakness and adjustments or improvements to be made

Macedonia has significantly fulfilled the obligation of Article 8 of the Convention. By introducing new crimes and offences related to the issues that are covered by the Convention, it can be considered that the obligation has been fulfilled, and even surpassed, with respect to penalty policies related to cultural heritage.

Other measures and additional comments

The Directorate, in cooperation with the Ministry of the Interior, has already started to implement a special programme for the preparation of draft projects on security assessment of the endangerment of archaeological sites, sacred facilities and public museums.

Between 2003 and 2007, great progress was made in effectively implementing the Convention and through changes and additions to the Penal Code. This legal framework has contributed to more efficient coordination and cooperation among all institutions involved in identifying, discovering and combating this type of crime.

FINLAND

General overview

The Ministry of Education, the Ministry of Justice, the Ministry of the Interior/the Police, the Ministry for Foreign Affairs, the Finnish Customs, the National Gallery and the National Board of Antiquities launched a review in early 2007 to explore the need to legislate concerning importation and anti-seizure arrangements within the context of the 1970 Convention, to amend legislation in order to ensure adherence to the Convention, to plan inventory of national cultural property and to organize and clarify cooperation between national authorities. **A particular challenge is to supervise electronic trade in cultural property.**

Measures to prevent the illicit transfer of ownership of cultural property

There are 163 professionally managed public museums (central, specialized, military and provincial) in Finland which take care of 321 museum units. The National Board of Antiquities is a cultural research institute and conservation authority, which protects environments and cultural property with special cultural historic value together with other authorities and the museum system. This work is governed by the Antiquities Act, the Act on the Protection of Buildings and the Act on Restrictions on the Export of Cultural Property. Provisions concerning protection are also included in the Land Use and Building Act and the Church Act. All the 5 million objects in the collections of the professionally managed museums in Finland have been appropriately inventoried and catalogued, and the register is kept up to date. As regards archaeological heritage, the protected sites have been listed and the list of underwater heritage has been further elaborated. The National Board has taken measures to catalogue built cultural heritage. Development needs relating to cataloguing and the protection of the sites will be reviewed together in 2007.

Measures to prevent illicit excavations

Archaeological excavation and underwater research: Under the Antiquities Act, the National Board of Antiquities has the right to investigate immovable antiquities or to authorize others to do so. During the period under review, the National Board has undertaken some 45 investigations and granted some 45-50 authorizations to universities, museums and competent researchers. Annually, two or three underwater sites are studied and two to 10 authorizations for studies granted.

Protection and in situ preservation: Immovable antiquities are protected under the Antiquities Act, which prohibits their excavation, covering, alteration, damaging, removal and other interference. Shipwrecks and parts of shipwrecks which are over 100 years old come under these provisions. Success in protecting sites entails active exchange of information with the environmental authorities, the National Forest Administration, the Maritime Administration, universities and research institutes, and other public partners.

When a public or a major private works project concerning immovable antiquities necessitates special impact studies or special measures, the party undertaking the project must compensate, or contribute towards, their cost, unless, in view of the circumstance, this is considered unreasonable. The perimeter and area of an antiquity may be determined by the landowner or by the National Board. The aim is to protect the sites for future generations and for future research. A joint international project on monitoring, safeguarding and visualizing North European shipwreck sites was conducted to inform European citizens about our underwater heritage, its significance and the importance of protection.

Measures to control the export of cultural property

The Act on Restrictions to the Export of Cultural Property (1999) contain provisions concerning the licensing procedure, the authorization forms to be used, sanctions and the duties of the customs in

supervising exportation. This legislation applies both to the transit and export of objects which have been in Finland for 50 years or more over the past 100 years. It is also applied to objects made abroad which have special significance in terms of Finnish history, irrespective of how long they have been in Finland. The Act is not applied to objects that are in the possession of the maker or designer of the object or some other natural person. In addition, exportation comes under European Community regulations which contain provisions regulating the export of cultural objects irrespective of their origin or the purpose of exportation.

Measures to control the acquisition and import of cultural property

In joining ICOM, museum professionals and organizations pledge to adhere to the **ICOM Code of Ethics for Museums**, which is the cornerstone of ICOM activities. The revised Code, was translated into Finnish and adopted by ICOM-Finland in 2005. Work has begun this year to prepare regulations concerning the import of cultural objects. These national regulations, as well as the Code of Ethics, address the origin and legal ownership of objects acquired temporarily, i.e. objects on loan. The European Union has started a review of anti-seizure arrangements and the legal immunity of cultural objects temporarily in a country.

Educational means and raising of public awareness

A joint network has published a number of instruction booklets for cultural heritage education. The national cultural institutions located in Helsinki are pooling their resources to cooperate in school education for the first time in partnership with the National Archive, the Finnish Literature Society, the National Museum, the National Theatre, the National Opera, the Society of Swedish Literature in Finland, the Swedish Theatre in Helsinki, and the National Gallery. Finnish museums online is a service on which different museum collections can be browsed and viewed. The aim is to develop a comprehensive search mechanism which allows the user to find the image of an object in whatever museum it is located.

Cultural heritage education is a service maintained by the National Board of Antiquities, which develops and provides cultural heritage education together with other operators in the field and with different clientele and visitor groups, making full use of the potential of its own museums and other units, the cultural environment, collections, archives and experts. An important vehicle for cultural heritage education is the Archaeology Days during which museums, local cultural authorities, heritage and home area societies and archaeology students and amateurs arrange events, such as excursions, workshops, lectures, guided exhibitions, competitions and guidance for children and adults. The European Building Heritage Days in September enhance knowledge about and appreciation of the built environment, motivating people to work for the preservation of cultural heritage.

The end of 2007 will see the completion of a multi-annual project, **Sea Centre Vellamo**, which will house the Finnish Maritime Museum and the Kymenlaakso Provincial Museum. The Centre, located in Kotka, will also house the joint research library and information service of the Kotka unit of the Helsinki University extension centre Palmenia, the Kymenlaakso University of Applied Sciences, Kymenlaakso Provincial Museum and the Maritime Museum. The **Information Centre Vellamo** will be a progressive project of national relevance, geared to promote regional, national and international research, education, learning and hobby activities.

Adequacy, effectiveness, weakness, adjustments and improvements to be made

An expert group (2007) led by the Ministry of Education and representing the Ministry of the Interior/the Police, the Ministry of Justice, the Ministry for Foreign Affairs, the Customs, the National Gallery and the National Board of Antiquities was set up to explore the need for legislation on the import and illicit import of cultural objects (Convention, Articles 5(a), 7(b)), to arrange and clarify cooperation between authorities in returning illicitly imported cultural heritage and to develop

the inventory of cultural heritage to be protected, especially as regards cultural property in private ownership.

GREECE

General overview

Up to 1830, the protection of movable and immovable cultural property fell within the protective and strict framework of the National Heritage Law. It provided sanctions but there was nonetheless an increase of illicit trafficking and illicit export of movable cultural property due to the increase of organized crime at the international level.

Measures to prevent the illicit transfer of ownership of cultural property

The Ministry of Culture is the main authority responsible for the protection of cultural heritage, museums, etc. It is helped by regional services that keep inventories and are competent for the protection of antiquities and cultural heritage, the performance of every archaeological task concerning cultural property dating up to 1830 and for the classified works dating after 1830. For the implementation of the measures, the Ministry of Culture is helped by the Ministry of Public Order, the police departments, the Ministry of Economy and Finance and the customs services, the Ministry of Merchant Marine and the National Interpol Central Bureau.

Measures to prevent illicit excavations

It is the main task of the Services of the Ministry of Culture which conducts rescues and systematic excavations. This task is also accomplished by the Greek universities and by the foreign archaeological schools or institutes operating legally. Security staff guard the archaeological sites and monuments on a 24-hour basis and patrol the countryside as clandestine excavations usually take place in remote areas or in unknown sites. Marine police patrol sea areas where there are known shipwrecks or sites or if it is a potential area of archaeological content. The use of metal detectors is prohibited and the Ministry keeps an inventory of all the permits granted. The law provides sanctions for illicit excavation of up to 10 years' imprisonment.

A lot of discovered archaeological sites are preserved *in situ* and the Greek State can expropriate or buy parts of land for the protection of discovered archaeological sites and to conduct research. Underwater archaeological sites are also preserved and protected. No work or activity can take place in these sites unless permission is granted.

Measures to control the export of cultural property

In general, the export of cultural property is prohibited according to the Law of 2002. An export licence may be granted provided that the property is not of special significance to the cultural heritage of the country and the unity of an important collection is not affected or if it is legally in the possession of the concerned person. A temporary export may be permitted for the purpose of exhibition in museums or for conservation, educational or scientific purposes. An export/movement certificate is obligatory. Any attempt to export in violation of the law is punishable by a prison term not exceeding 10 years. The acquisition of protected cultural property in a legally punishable manner constitutes aggravating circumstances.

Measures to control the acquisition of cultural property

The museums are prohibited from acquiring or accepting as loan or security cultural objects suspected of originating from theft, illegal excavation or other illegal activity in violation of the legislation of their country of origin and are obliged to inform without delay the competent archaeological service of any such offer. Any potential acquisition is declared to the competent

authority. Dealers and merchants are obliged to keep record books where they register the cultural property that enters into their premises. The new buyer is obliged to declare the object to the Ministry so that a certificate of ownership can be granted. Dealers are prohibited from trading in cultural objects suspected of originating from theft, illegal excavation or other illegal activity.

Measures to control the import of cultural property

Such import is subject to the 2002 provisions of the law and the 1970 Convention. The holder of an imported object has to declare it to the competent authority as well as the manner in which he became the possessor. The issuing of an import/movement certificate for all protected cultural property imported is obligatory. If there is a suspicion of illicit trafficking, the object is confiscated. If the object has been illegally removed from museums or religious or public monuments, this is punishable by imprisonment.

Educational means and raising of public awareness

The archaeological services, museums and Ministry of Culture organize educational programmes aimed at raising public awareness about the importance of the cultural heritage per se and for the identity of a nation.

Adequacy, effectiveness, weakness, adjustments and improvements to be made

Greece has made laws and regulations, established a national inventory, central and regional services and museums, organized the control of the archaeological excavations and established rules for State institutions and private persons, given publicity to any disappearance of cultural property, returned smuggled objects to their States of origin and maintained constant collaboration with all the competent authorities.

Additional comments

The requirement of import certificates is essential for protecting the cultural heritage of other Member States and for preventing the illicit import, export and transfer of ownership of cultural property. We propose that the requirement of import certificates be added to the provisions of the UNESCO Convention so that it could be extended to other States Parties.

ISLAMIC REPUBLIC OF IRAN

General overview

The Islamic Republic of Iran joined the Convention in 1971 and legally entered in the campaign against the trafficking and illegal transfer of cultural and historical properties as well as for the restitution of such properties. Since then, Iran has respected its practical obligations under the provisions of the Convention:

- establishment of a National Committee for the Restitution of Iranian Cultural Properties in 2002;
- agreement for the restitution of cultural and historical properties of Iran and of the neighbouring countries.

Measures to prevent the illicit transfer of ownership of cultural property

In recent years, several cargoes of cultural and historical properties of Iran that have been illegally smuggled out of the country and confiscated in Italy, the United Arab Emirates and Kuwait were returned to Iran through goodwill processes and without any international judicial actions. Iran is also the destination of the cultural and historical properties smuggled out of other countries and

undertook similar actions, the most important of which being the restitution of the properties to Turkmenistan. Furthermore, a number of Iranian cultural and historical items have been smuggled to some countries such as Belgium, England, France, Russia, Switzerland and Turkey.

Despite Iran's respect for its practical obligations in regard to the 1970 Convention, it has not yet been able, within the framework of this Convention, to attain its due rights in full measure in the field of the restitution of its cultural and historical properties smuggled out of the country. The following cases are given as examples: the Persepolis Tablets at the Oriental Institute of Chicago University (United States of America); the Embossed Stone and the case of the Barakat Gallery (London).

JAPAN

General overview

Cultural properties are designated, recognized and safeguarded under the Law for the Protection of Cultural Properties. Since the conclusion of the UNESCO Convention, nine designated cultural properties have been stolen, all of which have been reported to other countries through Japan's Ministry of Foreign Affairs. Of these, four items have been discovered within Japan and five are still missing.

Measures to prevent the illicit transfer of ownership of cultural property

The Agency for Cultural Affairs was set up as a domestic institution for the protection of cultural heritage and maintains a periodically updated list of Important Cultural Properties for items that have been designated, or otherwise recognized.

Measures to prevent illicit excavations

Buried cultural properties are protected under the Law for the Protection of Cultural Properties.

Measures to control the export of cultural property

The export of Important Cultural Properties, and Important Tangible Folk Cultural Properties, is prohibited under the Law for the Protection of Cultural Properties. Export is allowed only in cases where the Commissioner for Cultural Affairs deems it very necessary, and grants permission; the same law provides for the punishment of violators.

Measures to control the acquisition of cultural property

These measures include the establishment of screening committees for the acquisition of artworks and other cultural property at national public and private museums, based on the regulations set at each museum. In addition, in the interests of making the aims of the Convention widely known, various meetings, curator training sessions, and other such opportunities are used to ensure that people involved with museums and prefectural Boards of Education are fully informed about the Convention's contents; a pamphlet is also being created and distributed, and other measures are being taken to spread awareness of the ethical regulations set by the International Committee on Museums.

Measures to control the import of cultural property

Based on the Law Concerning Controls on the Illicit Export and Import of Cultural Property, those items which have been reported as stolen from other countries are designated as Identified Foreign Cultural Properties, and consent is required for their import.

Educational means and raising of public awareness

Opportunities have been created both through the public school system and social education, for learning about the preservation and utilization of Japan's cultural properties as well as those of other countries, and for learning about the principles of the Convention. In addition, various meetings and curator's training were used as opportunities to inform museum staff and other interested persons about the Convention and the Law. Cooperation on the prevention of illicit export and import was also encouraged through the distribution of a pamphlet and other means. Steps were also taken to promote awareness of the ethical rules set by the International Committee on Museums.

KUWAIT

General overview

The State of Kuwait attaches great importance to the protection of cultural property against theft, looting and illegal acquisition. The Decree of 1960 is aimed at the control of the import and export of cultural property and at tackling related problems.

The legal authority, represented by the Ministry of Justice, and the executive authority, represented by the Ministry of the Interior and the Directorate of Customs, work in perfect coordination taking due repressive actions on the matter. In addition, they cooperate closely with UNESCO to identify the origin of seized cultural property.

Measures to prevent the illicit transfer of ownership of cultural property

Kuwait consults the Directorate of Customs in the airports as well as at borders.

Measures to prevent illicit excavations

Regarding foreigners, signing a protocol and obtaining a licence from the National Council for Culture, Art and Letters is an absolute requirement for archaeological excavations. For Kuwaiti nationals, an administrative decision must be obtained for this purpose.

Measures to control the export of cultural property

No measure has been taken yet.

Measures to control the acquisition of cultural property

No measure has been taken yet.

Measures to control the import of cultural property

Kuwait informs the United Nations after seizing any stolen cultural property.

Educational means and raising of public awareness

Kuwait has just started to raise public awareness about the importance of protecting cultural heritage.

LITHUANIA

Measures to prevent the illicit transfer of ownership of cultural property

The Department of Cultural Heritage, under the responsibility of the Ministry of Culture, administers the export licences of cultural property. The irreversible export of protected cultural objects inscribed on the Register of Cultural Property is not allowed.

Measures to prevent illicit excavations

The Department of Cultural Heritage protects the archaeological sites which are objects of immovable heritage according to the Law on the Protection of Immovable Cultural Heritage.

Measures to control the export of cultural property

An appropriate export licence for the export of cultural property and an official identification form are required for each cultural object.

Measures to control the acquisition and import of cultural property

Information about cultural property stolen in another State Party is stored in an Internet database of the Department of Police. Museums and other institutions have access to this data.

Educational means and raising of public awareness

There are not enough educational measures and qualified employers who can identify stolen cultural property in customs.

MAURITIUS

General overview

The National Heritage Fund (NHF) is a corporate parastatal body established by the Mauritius Government in 2003 for the purposes of the National Heritage Act 2003, and is entrusted to:

- (a) safeguard, manage and promote the national heritage of Mauritius;
- (b) preserve the national heritage sites as a source material for scientific and cultural investigation and as an enduring basis for the purposes of development, leisure, tourism and enjoyment of present and future generations worldwide; and
- (c) educate and sensitize the public about cultural values, national heritage and to instil a sense of belonging and civic pride with respect to national heritage.

To date, the NHF supervises a total of 168 sites, monuments and natural landscapes [Annex I] that have been declared national heritage through government laws. Most of these are public cultural heritage under the control of the government but a few are in private custody.

Measures to prevent the illicit transfer of ownership of cultural property

Regarding the scope of the illicit export or import of cultural property, the National Heritage Act 2003 stipulates that the Board may do all such things as appear requisite and advantageous for the furtherance of the objects of the Act and, in particular, shall ... (k): work in collaboration with the international community to trace and recover any national heritage which may be outside the territory of Mauritius or to restore foreign heritage or to jointly manage shared heritage.

Measures to prevent illicit excavations

To prevent illicit excavations through action such as supervising archaeological excavations, ensuring the preservation *in situ* of certain cultural property, or protecting certain areas for future archaeological research (Art. 5(d) of the 1970 Convention), the NHF Act 2003 empowers the NHF Board to have access to and control of any heritage site and to take such measures as may be necessary to maintain, protect and promote the national heritage. All archaeological excavation projects should be submitted to the NHF for approval by the Board.

Measures to control the export of cultural property

Control over the export of cultural heritage is regulated under the National Heritage Fund Act 2003, paragraph 16.

Measures to control the acquisition of cultural property

To prevent museums and similar institutions from acquiring illegally exported cultural property in another State Party, the NHF Board is required to have a say on such matters and to work in collaboration with the international community to trace and recover any national heritage which may be outside the territory of Mauritius or to restore foreign heritage or jointly to manage shared heritage. The NHF is also bound to cooperate with any local or public authority or other body concerned in the objects of the Fund.

Measures to control the import of cultural property

The Board works in collaboration with the international community to trace and recover any national heritage which may be outside the territory of Mauritius or to restore foreign heritage or to jointly manage shared heritage.

Educational means and raising of public awareness

The National Heritage Fund is to produce and publish materials to sensitize the public to the existence of an item of national heritage and to hold meetings, lectures and exhibitions and give advice or other information pertaining to the pursuit of objects of the Fund.

Various corporate bodies have organized activities and workshops at different levels to sensitize the public and school children to cultural heritage awareness, protection and preservation. The recent listing of the Aapravasi Ghat as a World Heritage site on the basis of both tangible and intangible heritage properties was greatly acclaimed at the national level, and this has further enhanced local interest in cultural heritage at national and international levels. However there is still more to be done at the public level as regards awareness of the 1970 Convention.

Adequacy, effectiveness, weakness and adjustments or improvements to be made

The National Heritage Fund is faced with new issues on heritage as greater importance has been given to the sector in the last few years. There is a need to extend the scope of the National Heritage Fund Act 2003 which is lacking in some respects. The enforcement of the law at the national level will be further enhanced. Weaknesses include the shortage of effective staff to impose controls at the national level on cultural property preservation and conservation and the observance of strict restoration guidelines by stakeholders. The National Heritage Fund is reviewing its existing law so as to be able to address these issues.

MEXICO

General overview

The Mexican State has played a leading role in ensuring that Mexican cultural property is protected, acting to that effect in accordance with the political Constitution, under which the Congress of the Union has sole authority to legislate on the archaeological, historical and artistic heritage of national interest, the 1972 Federal Law on Archaeological, Historical and Artistic Monuments and Sites and related Regulations relating to the conservation, protection, restoration and study of the national cultural heritage and nationally-owned immovable cultural property that is in the public domain, the Law on Religious Associations establishing the rules governing tenure by churches that own and use national property, Minimum Security Standards for the Protection and Safeguarding of the Cultural Heritage, legislation prohibiting the definitive export of archaeological heritage and regulating the export of historical and artistic heritage in order to prevent trafficking in such cultural property, and bilateral cooperation agreements and treaties.

Measures to prevent the illicit transfer of ownership of cultural property

The National Institute of Anthropology and History (NIAH) follows up confiscation procedures in respect of nationally owned archaeological or historical monuments, making the necessary representations until such heritage has been recovered. It also takes action to recover national cultural property outside the country (19,084 archaeological objects recovered between 1994 and 2006).

Responsibility for the cataloguing and inventorying of the cultural heritage has been entrusted to three NIAH bodies, namely the Office of the National Coordinator of Historical Monuments, the Office of the Director of the Public Register of Monuments and Archaeological Sites and the Office of the Deputy Director of the Cultural Heritage Inventory. More than 1.1 million items have been entered in the Register of Movable Archaeological Property.

In regard to cultural property protected by NIAH itself, an inventory of palaeontological, archaeological, historical and ethnographical property held in museums, administrative offices and storerooms has been compiled. The inventory is in the form of a periodically updated, revised and validated electronic database.

Work, in which universities, institutions of higher education and other bodies participate (providing initial and further training), is under way to compile, consolidate and complete the national inventory of movable cultural property, for which NIAH is responsible.

Measures to prevent illicit excavations

All material tasks entailed in finding or exploring archaeological monuments may be performed by NIAH or approved institutions. Similarly, no item may be exported definitively unless it is swapped with or donated to a foreign government or scientific institution.

In regard to *in situ* conservation, technical and scientific assistance is provided for excavated archaeological property, and objects are treated on the spot for conservation purposes. The parties involved are also advised on the means of protecting areas reserved for future research. Once archaeological research work has been completed, the material is analysed and catalogued and its end use is determined, but it remains in the region in which it has been found.

Measures to control the export of cultural property

Items may be exported temporarily for exhibitions, as long as their integrity is not adversely affected. A permit for the temporary or definitive export of private property must be requested from

NIAH, as such property may be barred from export under the relevant provisions of the above-mentioned Regulations.

Measures to control the acquisition of cultural property

The agency established to issue documents authorizing the purchase, in legal circumstances, of works abroad by auction houses or galleries requires photographs and other documentary evidence depicting the work to be submitted so that they may be checked against Interpol's Stolen Works of Art database. The final verdict on the work is issued on arrival at the airport's customs office.

Measures to control the import of cultural property

The Museum Security Directorate, which submits requests for support in documentary form and places pictures on magnetic media, has established support coordination with federal, State and municipal administrative bodies to conduct investigations and find the archaeological, historical, artistic and cultural heritage belonging to Mexico and to countries that request NIAH's assistance.

Cooperation on cultural heritage forms part of the foreign policy of the Government of the United States of Mexico and a key activity has thus been the signing to date of a number of cooperation treaties, conventions on heritage protection and restitution, protocols and other agreements.

Particular care has been taken in educational and cultural cooperation programmes to promote bilateral cooperation against trafficking in cultural property.

Educational means and raising of public awareness

Under the auspices of the National Conservation Coordination Office, posters have been designed to be posted in customs offices, antique shops and schools. The Coordination Office has formulated a national strategy to streamline the items register, alert society to the importance of the Register and thus secure its involvement. Courses have also been held on conservation, theft prevention and other matters for persons involved in the handling of cultural property, journalists, religious authorities and the police. An agreement has been signed to disseminate documents in order to raise awareness of the importance of protecting the cultural heritage.

Adequacy, effectiveness, weakness and adjustments or improvements to be made

NIAH has made good use of the Convention to protect and conserve cultural heritage within its remit.

POLAND

General overview

The act on the protection of cultural goods (1962) regulates a number of issues mentioned in the Convention. The 2003 Act on the Protection of Relics and Care of Relics specifies the subject, scope and forms of protection of relics and care thereof, the principles for the preparation of the national programme for the protection and care of relics, the financing of the conservation and renovation works as well as building works on relics and organization of the organs established for protection of relics. In Poland, protection and care is provided for immovable and movable relics irrespective of their state of preservation. Relics are protected through entry on the register of relics, recognition as a historical monument, the creation of cultural parks and the establishment of protection measures in the local spatial development plan. The General Conservator of Relics also keeps, in the form of record cards, the Domestic list of stolen or illegally exported relics.

Measures to prevent the illicit transfer of ownership of cultural property

The following bodies carry out activities designed to prevent the illegal transfer of ownership of relics: the General Conservator of Relics and the *voivodship* conservators of relics. Specialized units have also been established (the National Centre for Research and Documentation of Relics, the State Centre for Protection of Public Collections, and the State Centre for Protection of Archaeological Heritage). Measures against an illegal transfer of ownership are taken in cooperation with the police, border guards, Customs Service and the General Conservator of Relics. The Act on the Protection and Care of Relics provides standards for the functions and tasks which are to be fulfilled by the *voivodship* conservators of relics.

Measures to prevent illicit excavations

The register of archaeological sites contains 427,000 objects, of which 7,480 particularly valuable sites are listed in the register of monuments. It is estimated that almost half of all registered archaeological sites in Poland are permanently threatened by building investments, agrarian works and treasure hunters.

The conservation services are responsible for the protection and supervision of archaeological sites. Besides, the National Heritage Board of Poland plays a significant role in the Polish cultural heritage protection systems (implementation of the national policy within the sphere of monument protection). The conservation doctrine in Poland aims to limit excavation works; however, archaeological excavations are permitted only if the site is seriously threatened by destruction or in the event of justified scientific inevitability.

Illicit excavations of archaeological sites have been growing in the last several years (at least 8,180 archaeological sites threatened) in connection with the illegal market. The Polish legal system provides that every discovered relic/monument, accidentally found or obtained due to archaeological research, is the property of the State Treasury. Such legal status facilitates action to combat the unlawful market for monuments. To protect sites that are being destroyed, the Board takes action to protect cultural heritage. Such activities contributes to the creation of social responsibility for the non-renewable archaeological heritage as well as raise awareness within the range of particular legal regulations. The Board's educational activity concerns both potential treasure hunters and land owners, whose actions can threaten archaeological sites.

Measures to control the export of cultural property

Poland has established a system of permits for export of relics abroad by way of introduction of special certificates. Relics may be exported abroad permanently, if such export does not cause harm to the cultural heritage, and temporarily, if the condition of their preservation allows and if the natural person or the organizational unit which possesses the relic guarantees that it will not be destroyed or damaged and that it will be brought back to the country before the validity of the permit expires. If no permit is required for an exported object, a certificate to that effect is issued.

Measures to control the acquisition of cultural property

In order to control the purchasing of cultural goods, a number of information and educational actions have been taken with regard to cultural institutions to propagate knowledge about the necessity to verify thoroughly the legal basis of ownership while purchasing cultural goods. The Polish National Committee of ICOM promotes the ethical code of a museum worker, which addresses the relevant issues. The national list of stolen or illegally exported relics has been placed on a website so that purchasers of relics may check whether or not the object in question is listed. Claims to recovery by the owner of the lost or stolen cultural goods are recognized by legal decisions of courts. The Polish legal system, however, provides for a limitation in this respect. Improved cooperation with antiquarians has been observed for several years, especially with those who are members of CINOA. Antiquarians submit auction catalogues that are checked against the

National Register of Stolen or Illegally Exported Relics, or provide information concerning actively sought relics that have been lost in other countries (notification sent through UNESCO).

Measures to control the import of cultural property

The State bodies responsible for the protection of relics cooperate with the police, border guards, customs service and international institutions such as Interpol and Europol in fighting the illegal export or import of relics and aim to facilitate cooperation in the subject matter of the Convention and to improve the exchange of information between the respective State institutions. An agreement was signed in 2005 between the General Conservator of Relics and the Chief Commander of the Police to cooperate in combating crime against relics. On the basis of these agreements, representatives of State agencies are trained to prevent the import of listed cultural goods stolen from a museum or a sacred or secular building or similar institution of another Member State Party to the Convention. The police, customs service and border guards have regular access to the national register of stolen or illegally exported relics, which is published on the Internet. By the end of 2008, an English version of the national register of stolen or illegally exported goods is to be prepared and made available, which will facilitate international searches for lost relics.

Educational means and raising of public awareness

Conferences organized by the Ministry of Culture and National Heritage in consultation with the police, customs service and border guards are held. They address the problems of controlling the transport of cultural goods. Specialist faculties have been established at universities, which focus on the achievement of the objectives of the Convention. Training sessions organized each year by the institutions responsible for the protection of the national heritage and non-governmental organizations lay strong emphasis on propagating respect for the cultural heritage of all the States and for the provisions of the Convention. Several specialist periodicals are also published. The State Centre for the Protection of Public Collections keeps the national register of stolen or illegally exported relics. The catalogue is available on the Internet, affording full access for the police, customs service and border guards and limited access for citizens. The Department of the Cultural Heritage Abroad of the Ministry of Culture and National Heritage keeps a catalogue of objects lost as a result of the Second World War, which is also available on the Internet.

Adequacy, effectiveness, weakness and adjustments or improvements to be made

Cooperation among State institutions in preventing the illegal import, export and transfer of ownership of cultural goods facilitates the implementation of the rules of the State's legal system. However, in spite of many successes in implementing the provisions of the Convention, there are still many unsolved problems and postulates for realization. A high level of crime against relics is yet to be addressed, even after accession to the European Union. Another major problem is the unambiguous identification of cultural goods by customs services and border guards. International cooperation in the search for lost relics should be steadily improved. One of the problems is illegal export of relics by foreigners who are not informed by antiquarians about the law in force.

Other measures and additional comments

In order to prevent illegal trading and export of cultural goods the European Commission has drawn up complementary acts to the Polish 2003 Act on the Protection and Care of Relics, thus creating a system that protects and controls the import and export of cultural goods. In order to accomplish the tasks of the Convention, Poland uses European Union procedures and calls on European Legal Assistance in Criminal Cases. By implementing European Union law, Poland concomitantly fulfils the provisions of the Convention.

PORTUGAL

General overview

The procedures for the import and export of cultural property are governed by the Law of 8 September 2001 in conjunction with Community law. The Portuguese Institute of Museums (IPM) is the department of the Ministry of Culture that is responsible for controlling the import and export of cultural goods. To date, it has registered two lawsuits for the return of cultural property illegally imported into Portugal, one involving Spain and the other Mali.

Measures to prevent the illicit transfer of ownership of cultural property

The IPM and the General Directorate for Customs and Special Taxes on Consumption are in charge of the protection of the cultural heritage and the fight against the illicit transfer of ownership of cultural property. The IPM handles the inventory of legally protected cultural property and also manages and updates the database of listed objects. The Portuguese Institute of Archaeology (IPA) is responsible for the control of archaeological excavations.

Measures to prevent illicit excavations

Excavation procedures are governed by the Law of 2001, the Regulations on Archaeological Excavations, the certificate regarding the protection of underwater cultural heritage and the Law on the Use of Metal Detectors, in conjunction with the European Convention on the Protection of the Archaeological Heritage, which was ratified by Portugal in 1997.

Archaeological works of any kind can only be performed if duly sanctioned by the IPA, the department of the Ministry of Culture authorized to do so. Archaeological works can only be performed by registered archaeologists and according to an IPA-approved work plan. Whenever irregular or illegal works are detected, the police are called upon to take adequate measures. As to the conservation and destination of the items, the decision is made on a case-by-case basis, and a network of deposits for the archaeological material is currently being developed.

Measures to control the export of cultural property

The Ministry of Culture controls the export of cultural property over 100 years or 50 years old (based on pre-established categories) and requires that the *European Community – Cultural Goods* export licence form be submitted 30 days before the desired date of exit. This allows the Ministry to verify the legal status and the origin of the property and compare it against the “red lists” of cultural objects reported stolen or whose ownership has been illicitly transferred. For contemporary works of art, Portuguese law stipulates that owners must inform authorities if they transport such property outside the country. Thus, authorities can record and keep track of all exported cultural heritage.

Measures to control the acquisition of cultural property

In addition to its role as administrator of all national museums, the IPM is entrusted with the acquisition of cultural objects for these museums in compliance with the 1970 Convention. Museums must also adhere to the ICOM Code of Ethics for Museums.

Measures to control the import of cultural property

The IPM, the Customs directorate and the Office of International Cultural Relations work together to ensure that cultural objects are returned to their respective countries of origin.

Educational means and raising of public awareness

The IPM provides information on the legal and administrative instruments governing the procedures for the export and import of cultural goods on its website (<http://www.ipmuseus.pt/en/servicos/A265/SL.aspx>).

IPA has signed several agreements with schools in order to increase student awareness of the importance of preserving their cultural heritage, teaching ancient manufacturing techniques and enlightening them on the context of their various regions of origin. Such activities do not aim in particular to curb the illegal trade of cultural historic goods, but to make the students aware of their importance and help raise awareness of the civic importance of the cultural heritage, its value and the need for its preservation.

Adequacy, effectiveness, weaknesses and adjustments or improvements to be made

The effectiveness of these measures is guaranteed by the fact that there is a permanent central authority in charge of defining national museum policy, transmitting best practices relating to the movement of cultural objects, and providing sound training for museum professionals, particularly in ethical conduct vis-à-vis the origin of museums' cultural property.

There are no laws governing all trafficking activities of archaeological cultural objects. **The situation is aggravated by the inability to take action against the e-commerce sites such as E-Bay, where prevention and intervention are virtually impossible.**

ROMANIA

General overview

Most of the cultural property is publicly owned (museums, public institutions). It is estimated that there are approximately 14 million cultural objects in the inventories of public museums. There are about 450 museums in Romania (and about 250 public collections). Cultural objects are also owned by religious bodies and private collectors. Currently, the County Directorates for Culture, Religious Affairs and National Cultural Heritage and the Police Compartments for the Protection of the Cultural Heritage are working on the inventory of religious bodies (including photograph databases). According to the information provided by the General Police Inspectorate and the National Customs Authority, the situation regarding the illicit export and import of cultural property, between 2003 and 2006, is as follows: three illicit imports and 69 illicit exports.

Measures to prevent the illicit transfer of ownership of cultural property

The Ministry of Culture and Religious Affairs is in charge of the formulation and implementation of the policies and strategies in the fields of art and culture – including the protection of cultural heritage – through several distinct units. An online database on the protected national cultural heritage is available at: <http://www.cimec.ro/scripts/PCN/Clasate/Clasate.asp>.

Measures to prevent illicit excavations

In accordance with an ordinance of January 2000, all archaeological excavations must be authorized by the Ministry of Culture and Religious Affairs. The specific legislation provides for prosecutions and penalties in the event of damage to archaeological sites. Under the State regulations development plans may be modified to permit the *in situ* conservation of items of archaeological heritage that have been found during development work. In regard to private development plans, private resources will be used in order to cover the costs of the *in situ* conservation and restoration of some archaeological finds. The National Commission of Archaeology and the National Commission of Historic Monuments approve town planning and

territorial development in archaeological heritage areas, having due regard to the need to protect and reserve for future archaeological research some important heritage areas.

Measures to control the export of cultural property

The relevant texts are the 2000 Law on the Protection of National Cultural Movable Heritage and the 2004 government decision approving the norms for the export of cultural objects (including the model export certificate). Since 2007, the export certificate introduced by the European Commission Regulation is also in force in Romania. A free movement certificate (compulsory for movement within the European Union) will enter into force by the end of 2007.

Measures to control the acquisition of cultural property

The government established in 2003 the legal framework for trade in cultural objects. Thus, only economic actors authorized by the Ministry of Culture and Religious Affairs may trade in cultural objects and they are required to keep inventories of the objects available for sale. Museum acquisitions must be approved by the public authority coordinating the respective museum institution. The civil law provides that an acquisition contract should be based on documents stating the provenance of the objects of the contract. However, Romanian legislation does not contain specific provisions on acquisitions made by museums or similar institutions.

Measures to control the import of cultural property

Romania has ratified the UNIDROIT Convention. The EEC Directive of 15 March 1993 is also currently in force. There is no specific national legislation on the import of cultural property.

Educational means and raising of public awareness

Public museums are developing education services for the public, including education in the field of the protection of cultural heritage. The Ministry of Culture and Religious Affairs initiated, in 2006, a proposal to collaborate with the Ministry of Education, Research and Youth in integrating cultural heritage education into pre-university curricula. Therefore, by stimulating knowledge of cultural heritage, from a younger age, the goal of raising awareness of the value of the cultural heritage and of the requirements relating to its preservation and protection will be more efficiently achieved.

Adequacy, effectiveness, weakness and adjustments or improvements to be made

The measures taken with a view to controlling the export of cultural property are effective at a very high level. The recent establishment of specialized police forces has also proved to be highly effective, regarding control operations (frontier control, trade monitoring, checking on the conservation conditions of collections owned by the religious bodies) and, more particularly, the improvement of the inventory of cultural objects belonging to religious bodies. Furthermore, the databases of the movable heritage classified as “national treasures” are a positive factor in monitoring the circulation of valuable cultural goods.

A topical problem is the illicit trade in cultural goods; at present, not enough personnel are involved in controlling the market of cultural goods. Since increasing the number of personnel is not an immediate possibility, a solution for now would be to amend national legislation in order to reinforce the system of penalties. The lack of specific legal provisions on illicit import will also be taken into consideration for remedial action. However, at present, illicit import is not a common phenomenon, but mostly isolated acts.

A database accessible to police, customs and other public servants in the field of cultural heritage, containing information on stolen and missing cultural goods would be an extremely useful tool and is a goal to be achieved in the coming years.

SLOVAKIA

General overview

Apart from the protection of the archives heritage, which falls under the jurisdiction of the Ministry of the Interior, the protection of the cultural heritage is under the jurisdiction of the Ministry of Culture. The protection of cultural heritage is anchored in the Constitution, in a Declaration of the National Council and in Acts specially regulating the protection of individual types of cultural heritage in accordance with scientific knowledge and international agreements in the field of European and world cultural heritage. These Acts regulate the organization, jurisdiction and tasks of the administrative and governmental bodies, museums, galleries, libraries and archives and the rights and obligations of the owners and administrators of the objects of the cultural heritage.

The protection of the cultural heritage is also anchored in the Penal Code, specifically referring to criminal acts (damaging and devaluation of cultural heritage, misuse of ownership, theft of antiques and artistic objects if they are objects of interest to the offender, embezzlement, legalization of income from criminal activities, fraud, concealment of an object, endangering of cultural values).

Cultural heritage consists of archive documents, archive funds and archive collections regardless of the manner of the recording of information, historical library documents and funds, letters, scenographic, cinematographic, television and audio-visual works, collections of museums and galleries, works of fine, utilitarian and folk art, design, architectonic objects, urban sets, archaeological findings and sites, objects of folk construction, monuments of production, science and technology, historical gardens, parks and cultural landscapes. Cultural property is administered by various legal subjects.

It is difficult to estimate the extent of the illegal export of objects of cultural property from the Slovak Republic. A sharp increase in criminal acts in the field of cultural heritage has been recorded in the course of the last 15 years (similar to the situation in other transitional countries of Central and Eastern Europe). This refers specifically to artistic and historical objects contained in collections of museums and galleries and listed movable objects in the ownership of individual churches. According to statistical data, criminal activity in this field decreased in 2006 in comparison to the previous year (in 2005 a total of 142 cases were recorded compared to 105 cases in 2006). It is presumed that criminals try to illegally export the majority of stolen items to foreign countries, most frequently illegal artistic and antique item markets, where it is possible to sell them more safely and profitably. It is indisputable that since 1989 various artistic objects have been exported abroad, and after the Slovak Republic's accession to the European Union it is safe to assume that these criminal activities have not ceased, they have only become better organized. Objects are sold in antique shops and exchange markets without any control. Thus, the possibility that the thefts of artistic objects recorded by the police are only the tip of the iceberg of this kind of criminal activity in the country can not be ruled out. Cases of the illegal import of artistic objects have also been recorded in the Slovak Republic; in most cases they were transported by a person heading to other countries.

Measures to prevent the illegal transfer of ownership of cultural property

The central bodies of the State administration and the Ministry of the Interior are the authorities responsible for the preservation and protection of cultural heritage. They also establish specialized institutions whose role is to either supervise the administration of the cultural property (State archives, national fund institutions – museums, galleries, libraries) or provide for the work of a specialized State administration in order to protect the historical monument collection that is not preserved and protected in funds.

The central bodies of the State administration, self-governing regions, municipalities and other legal entities are the founders of museums and galleries. Historical library funds are administered by selected libraries. Archive funds and archive documents are administered by archives founded

and managed by the Ministry of the Interior. Various churches and religious communities are among significant owners of cultural property found on the Central List of the Fund of Historical Monuments. The Ministry of Culture also maintains the Register of Objects of Museum and Gallery Value in the ownership of legal entities (except for churches and religious communities) and natural persons protected outside the fund of institutions that are part of the cultural property, but only an insignificant fraction of such cultural property is listed. The above-mentioned records are kept in classical and electronic form. They are continuously supplemented and updated; the physical status of the objects is also periodically checked on site according to a special methodology elaborated specifically for individual types of cultural heritage.

Changes in the ownership of cultural property are governed by special legal regulations contained in the response to the first question. Any change in the ownership of collection objects linked to permanent export is only possible with the consent of the Government. In the case of the objects of museum or gallery value entered in the register of objects of museum and gallery value, their owner is obliged to report any change to the Ministry of Culture. The owner of archive documents and cultural monuments listed in the Central List of the Fund of Historical Monuments is, in the case of their sale, to propose them first of all to the State under the priority claim provision. If the State fails to exercise its right to the priority claim, these objects may be transferred within the territory of the Slovak Republic. The owner is obliged to inform the new owner upon the transfer of the ownership of these objects that they are subject to the regime of protection pursuant to special regulations and to report any change of ownership to the records.

Measures to prevent illicit excavations

Illegal archaeological research and excavations on cultural monuments, historical monument sites and sites with archaeological findings, the illegal collection and relocation of movable findings and searching for them with the help of detection devices are banned. The Archaeological Institute and the Ministry of Culture are entitled to conduct searching, identification, assessment, documentation and saving of archaeological findings and sites, using specific procedures. Based on their historical monument value, intangible findings, their sets and archaeological sites may be proclaimed historical monuments, reservations of historical monuments and monument zones. Rescue research is conducted prior to the setting up of construction sites and other production activities on territory where the endangerment of historical monument values and archaeological findings is expected. Within the framework of preventive measures to eliminate illegal excavations, the sites are monitored by units of the police department on heightened alert. Due to the size and workload of the police department and the small size of the premises, the most effective way of combating illegal activity in the context of archaeological findings is the **systematic control of Internet pages specializing in the offer of excavation products**.

Measures to control the export of cultural property

Specific Acts for the protection of individual types of tangible cultural heritage (contained in the response to the first question) regulate the permission procedure for the export of cultural property. The permanent export of a collection, museum or gallery object is possible only in exceptional cases based on written permission by the Ministry of Culture and, in some cases, the consent of the government. The permanent export of a historical monument or a part of it is impossible and its temporary export is possible only up to three years and with the authorization of the Ministry. The temporary export of collection items is permitted for the museum or gallery founder. The export of archive documents is only possible with the written permission of the Ministry of the Interior. In the process of awarding permission for export beyond the borders of the European Union, specific forms are used under the relevant legal acts of the EEC/EC. The Ministry of the Interior also uses these forms within the framework of the customs territory of the EC (identification of the applicant, recipient and object and photographs of the object, opinion of the relevant expert institution or of specialized commissions). The number of applications for permanent export is gradually decreasing. This is probably related to the entry of the Slovak Republic into the European Union

and the cancellation of customs inspections on the internal borders of the European Union countries.

Measures to control the acquisition of cultural property

Specific Acts for the protection of individual types of tangible cultural heritage (contained in the response to the first question) regulate the import and acquisition of cultural property that originate from another State, ban the import of cultural property which is protected by the legal code of another State or which was illegally exported from another State or when it is obvious that it is a stolen item. At the same time, the Act bans museums from acquiring objects that are tangible archaeological findings that originated from illegal research and excavations and from criminal activity. An object of historical monument value may only be imported to the national territory based on the written permission of the pertinent body in the country of export. A foreign archive document that is listed in the records of a foreign State may only be imported to the territory of the Slovak Republic with the permission of the pertinent body of the foreign State. The import and acquisition of a foreign archive document stolen in the State of its origin or in a third State or illegally exported from the State of its origin or from a third State is banned. Museums and galleries have the possibility of screening works before their purchase in an international database of stolen art work with the cooperation of the Interpol National Headquarters.

Measures to control the import of cultural property

In addition to the ban on the acquisition and import of cultural property in the national legal regulations above, the questions relating to the detection and return of stolen or illegally imported cultural property are also regulated: the Ministries of Culture and of the Interior cooperate with the bodies of other States which carry out searches or require the return of archive documents or objects of cultural value exported without their permission. To date, the Slovak Republic has not been one of the target countries for illegal import; recorded cases of illegal imports of works of art usually involve their transit by persons heading to other countries.

Educational means and raising of public awareness

Enhancement of the information level and improvement of the education of the general public regarding the goals of the Convention are in the preparation phase and serve as training activities prepared by the Slovak National Museum and the Slovak National Gallery for the employees of museums, galleries and general public (with the Police Department and the Interpol National Central Bureau). The UNESCO Information and Documentation Centre operates within the framework of the activities of the University Library, which is at the same time the National Coordinator of Associated UNESCO Schools. Serving in this role since 1998, it systematically pays attention to the education and upbringing of youth also in the field of the protection of cultural heritage. However, systematic activity in this field is targeted on the protection of world cultural and natural heritage. An independent NGO concerned with lifelong education strives to enhance the professional level of the public and private sectors with respect to both the general and expert public by organizing year-long specialized programmes and short-term courses, seminars, conferences and workshops oriented to the protection of cultural heritage.

Adequacy, effectiveness, weakness and adjustments or improvements to be made

Issues of the Convention were incorporated into the partial Acts of the Slovak Republic. The Declaration of the National Council on the protection of cultural heritage was adopted, together with strategic measures valid until 2010. Information regarding given issues is accessible to the general public on the Internet. Present legal regulations on the protection of collection objects do not allow for trading in collection items from museums and galleries. Nor does it allow for their illegal export. A similar situation also pertains to the export of cultural monuments listed in the Central List of the Historical Monument Fund.

After the opening of the borders in 1989 and as a reaction to the growing number of church burglaries, a nationwide photo documentation of sacred tangible objects of monumental value was carried out in cooperation with the Ministry of Culture, the Office for the Protection of Historical Monuments and the police department from 1993 to 1995. At the same time, electronic safety signalling systems were installed in many sacred buildings. Since 2000, the Office for the Protection of Historical Monuments has carried out a detailed updating of the records of the fund of historical monuments. The results are electronically processed so the modern information system is designed to seek out monuments. In 2005 and within the framework of its control activities, the Historical Monuments Inspection of the Ministry of Culture carried out a specialized screening targeted on the status of the protection of tangible cultural monuments from theft, damage, illegal change of ownership and export. It noted the continuously growing value of the objects on the market and their relatively fast sales, the insufficient technical safety equipment of individual buildings in which the objects of cultural heritage are located, the low level of ongoing recording and control of the property and the absence of a system of regular training of administrators of church buildings in the given area, etc. These are the most significant factors which are directly related to the increase of criminal acts in this field. As a result, the Minister of Culture has established the Commission for Protection of Tangible Objects of Cultural Heritage.

Measures in the field of the merchandizing of unlisted cultural property are insufficient. This year an amendment to the legal regulation is being prepared. National legislation which would enact the obligation of auction houses and their employees to verify the legality of the acquisition of merchandized items and their responsibility for merchandized work including recourse in the case of the failure to adhere to the law is missing. This act must be preceded by the creation of the possibility of screening merchandized work in the national database of works of art stolen in Slovakia. These requirements are unambiguously met through the accessibility of the database on Internet

Weaknesses include the insufficient knowledge of the issues involved by the bodies concerned (police, customs authorities) as well as the status of the police which is not satisfactory in terms of the number of employees working in the field of this type of criminal activity and in terms of the absence of specialized employees and prevention. Specialized training of selected employees began in 2005, but this training can barely bring desirable effects given the currently low level of the stability of the employees.

Other measures and additional comments

The Slovak Republic acceded to the UNIDROIT Convention in 2003. Regarding the described situation and experience from the neighbouring countries, the tightening of national legislation penalizing the theft and illegal merchandizing and the export of objects of the cultural heritage, i.e. the creation of a special paragraph or an extension of already existing paragraphs in the Penal Code by the specification of the theft and illegal export of a work of art of significant value, similar to the provisions established for archaeological finds, is being considered. The solution of the legal regulation of the activities of organizations and individuals dealing with merchandizing works of art (auction houses, antique shops, exchange markets, etc.) is also under consideration. In the future, attention will be paid to the training of workers in all involved bodies of the State administration in the creation of the standardized, hidden and resistant marking of tangible objects of cultural heritage to allow for the more effective control and search for lost or stolen items, their screening on borders and abroad and especially their reliable identification.

SLOVENIA

Measures to prevent the illicit transfer of ownership of cultural property

The 1999 Cultural Heritage Protection Act and its regulations provide protection against the illicit import, export and transfer of ownership of cultural property. Slovenia is still a country in transition

but the traffic of objects from South and East to West Europe has diminished. Since Slovenia became a member of the European Union, it has proved difficult to supervise the traffic in cultural objects to other Member States, although the licence for removal of objects of cultural heritage to the Member States is obligatory.

The Minister of Culture has issued a Regulation on the Categorization of Cultural Heritage Objects which classified the cultural objects in different categories and defined national treasures. Criteria for determining whether an object belongs to the cultural heritage are its type and historical period. In regard to Article 5(b) of the 1970 Convention, the Cultural Heritage Protection Act states that the permanent export of cultural monuments shall be prohibited and that collections of items and individual movable heritage items managed by the public institutions shall be deemed to be monuments under the Act.

Measures to prevent illicit excavations

A permit from the Minister of Culture must be obtained for all archaeological excavations and research, and for the use of metal detectors and equipment which may damage the archaeological site. The permit shall set out the contractors, the borders of the site, the conditions for and methods of research, and the prohibitions and restrictions which shall apply to the owner of the site and to other persons during the research. The permit shall also set out one or more supervisors of the archaeological excavation or research. The archaeological areas are otherwise supervised by the Public Institute for Cultural Heritage Protection and the Inspectorate for Culture and Media. We have to mention the great effort of the police and customs officers to combat illicit import, export and transfer of ownership of cultural property.

Measures to control the export of cultural property

Exporters are obliged to obtain an export licence or a licence for removal of objects of cultural heritage to other Member States of the European Union. The issuing authority is the Ministry of Culture. The permanent export of cultural monuments is prohibited. The Minister of Culture may, however, exceptionally permit such export of a monument if this involves the exchange of museum material.

Measures to control the acquisition of cultural property

According to the Cultural Heritage Protection Act, museums must check the origin of the material they seek to acquire. Traders or legal persons who trade in cultural heritage must maintain a register of sales and other transactions related to heritage. The register must also contain data on the origin of heritage items.

Measures to control the import of cultural property

The import of cultural heritage items shall be permitted. If the country of origin requires an export permit, this permit must be produced upon import. According to the Penal Code of the Republic of Slovenia, not only the illegal export of the item of exceptional cultural and historical significance but also the import of such item(s) in contradiction with international law is a criminal offence.

Other measures and additional comments

Traders in cultural heritage must maintain a register of sales and other transactions relating to the heritage. In addition to the origin of heritage items, the register must also contain the description and sale price of items, and data on the buyer. The seller must inform the purchaser of the export prohibition to which such item may be subject. In 2005, the Ministry of Culture published general information for the police and customs officers regarding the export and import of objects of cultural heritage. This information is very useful also for museums, galleries and trading in cultural heritage.

TURKEY

General overview

The protection of the cultural property is the task of the Ministry of Culture and Tourism, General Directorate for Cultural Heritage and Museums. It carries out intensive studies with the aim of the conservation of the national, historic cultural properties. However, the desire of the European people to search and learn about their own civilization caused the ancient artefacts in the rich Mediterranean countries to be transferred to Europe and America as a result of the demand in the beginning of the nineteenth century. Antiquities Regulations related to the prohibition of the export of ancient artefacts were made during that period; however, numerous artefacts were taken abroad. Furthermore, the existence of antique dealers who illegally paid high prices, the presence of cultural property markets abroad and the high prices such property command prevent citizens from bringing the artefacts back to museums at home and cause cultural properties to be exported. Today, many Anatolian cultural properties are in European countries and the United States of America. The demand from abroad encourage and provide an incentive for cultural property smuggling.

In the countries with a strict tax system such as the United States of America, the tax reductions which are granted for the artistic and historic artefacts donated to the museums are higher than the amount paid to the smugglers for the artefact. Thus, the person who grants the artefact that he acquired to the museums benefits from tax reduction. This tax exemption abroad creates a market for and supports the smuggling of ancient artefacts, and private institutions continue their demand, unknown to the countries rich in cultural heritage.

Turkey suffers most from illegal excavations in terms of cultural property smuggling. It is hard to detect the illegal excavations. Detailed information relating to specific cases or the smuggled artefacts cannot be obtained. Since at the level of Interpol and concrete evidence demonstrating that our artefacts found abroad are smuggled from our country cannot be obtained, effective and preventive measures cannot be taken.

Studies relating to the return of our artefacts which are illicitly exported are carried out by consulting the local and foreign press, auction catalogues, web pages and publications and via cooperation with the Ministries of Internal Affairs, Foreign Affairs and Justice and with international institutions.

Since the primary solution to the problem involves the protection of cultural properties at home, supplying staff and equipment for museums and taking necessary security measures, updating legislation in response to the changing conditions and preventing their export, important steps are being taken in this regard by the Ministry.

Measures to prevent the illicit transfer of ownership of cultural property

Under the law, the movable and immovable cultural properties are State-owned and the properties owned by natural and legal persons are also under State control. Thus, cultural properties bought by natural citizens or discovered during scientific excavations are kept and inventoried in the museum directorates attached to the Ministry. Furthermore, collectors and private museums are also under the control and supervision of the Ministry.

Concerning the stolen cultural properties, photographed inventories of the artefacts are forwarded to all museum directorates attached to the Ministry, private museums, collectors, art dealers, and auction houses. With the aim of preventing their export, their photographed inventories are sent to Ministries of Foreign Affairs and Internal Affairs, the Under-Secretariat of Customs, the Under-Secretariat for Maritime Affairs, Coast Guard Command and all our customs posts are warned. With the aim of catching the smugglers, it is coordinated with governorships, museums and with the Ministry of Internal Affairs, General Directorate of Security, General Command of Gendarmerie,

Coast Guard Organization, and the Under-Secretariat of Customs. The intelligence on cultural property smuggling is evaluated and the cases are prepared for legal prosecution.

With the aim of the protection of movable and immovable cultural and natural properties, the circulars prepared by the Ministry are updated and forwarded to all institutions.

The smuggled artefacts are sought at international level through the Ministry of Internal Affairs, the General Directorate of Security and Interpol.

Measures to prevent illicit excavations

Under the law, the right to carry out surveys, soundings and excavations belongs only to the Ministry of Culture and Tourism. The scientific excavations carried out with the permission of the Ministry are witnessed by one or two official representatives and all the excavation areas and sites are protected by Security and Gendarmerie Forces. However, in addition to the fact that it is impossible to pursue and retrieve illicitly exported artefacts that are illegally excavated, such excavation causes the destruction of the environment where the artefact is found.

Within the framework of the law, treasure excavations can be made by the citizens with the permission of the Ministry, excluding the sites and cemeteries. The applications made are considered, appropriate ones are processed, and final reports are evaluated by the Ministry.

Measures to control the export of cultural property

Under the law, State-owned cultural and natural properties in State ownership and museum collections cannot be exported. For this reason, the issuing of an export certificate related to the export of cultural properties is not deemed necessary. Also, it is thought that such a document would facilitate cultural property smuggling besides encouraging the international circulation of cultural properties through the forgery of documents.

Measures to control the acquisition of cultural property

The holding, protecting and evaluating of State-owned cultural and natural properties is the exclusive right of the State. Individuals who find movable and immovable cultural property, who know of the existence of cultural and natural property on the land under their possession or usage are obliged to inform within three days the nearest museum directorate or headman in the village, or other civil authorities. A reward is paid to individuals providing information about cultural properties violation.

Control belongs to the State. Records of the artefacts stolen from other countries which are distributed by Interpol are found in the museums. Thus, in case of transfer of a cultural property stolen from Member States to the museum directorates, its return to the related country is obtained by the Ministry.

Measures to control the import of cultural property

Movable cultural and natural property can be freely imported. The importers of these cultural properties should declare during entry into the country the photographed inventory lists which indicate the characteristics of each property (name, type, size, etc.) and give a copy of this list to the concerned museums. The priority right to purchase imported cultural properties which are deemed complementary to museum collections belongs to the concerned museums. The ones that cannot be purchased by the museums can be sold. The document relating to the ones sold at home is given to the concerned museum. It is removed from the inventory list made during entry into the country. Export of the ones on the inventory list but that are not sold is free. If it is established by museum directorates that the imported cultural properties are stolen from any country, the necessary procedures for their return to the concerned country are realized.

Educational means and raising of public awareness

Within the context of the protection of cultural properties and prevention of their smuggling, the experts working in the Anti-smuggling and Intelligence Division give seminars on the “Protection of Cultural Properties, Prevention of Their Smuggling and Our National Legislation” to the staff of the institutions cooperating with the Ministry (Ministry of Internal Affairs, General Directorate of Security, General Command of Gendarmerie, Under-Secretariat of Customs), and proposals about the solution of the problems are considered. Since 1992, seminars and conferences with respect to the protection of cultural properties and prevention of their smuggling and legislation are organized every year by museum directorates within our Ministry. Conferences and seminars are organized also for Province Security Members, for citizens living at or near sites, for primary and secondary schools, and guided tours introducing museums and sites are made.

Adequacy, effectiveness, weakness and adjustments or improvements to be made

Cultural properties are inherited from past times, are invaluable in terms of historic, artistic, and scientific aspects, are under protection but penal sanctions are insufficient, all of which make trading in them attractive despite the fact that it is illegal. Therefore, it is rather difficult to pursue and to seek internationally the illicitly exported artefacts from illegal excavations; illegal excavations also cause the destruction of the environment where the property is found. The law has been in force since 1983 but both the penal provisions and rewards are insufficient in the present context.

It is also planned to upgrade history of art classes at educational institutions and to give lectures in the concept and protection of cultural property, to effectively use mass media, to publish informative and educational programs with articles on television and radio channels and using print media.

Other measures and additional comments

When artefacts originating from illegal excavations and other ways are exported and discovered abroad, claims for their return may fail since it is impossible to give information about the theft as inventory information does not exist. The return of such artefacts is claimed under the 1970 UNESCO Convention or through bilateral negotiations; in case the claims for the return are not accepted, an action is filed through law firms affiliated to the Ministry of Foreign Affairs.

In this connection, the support and assistance of UNESCO’s Director-General is expected regarding the organization of meetings with countries with massive illegal excavations in order to obtain cooperation towards solutions, to provide international legislation with more effective and applicable solutions concerning illegal excavations and to investigate the main reasons in the countries where cultural property smuggling is deemed illegal and to develop measures at an international level.

II. SUMMARIES OF REPORTS RECEIVED FROM STATES NON-PARTIES TO THE CONVENTION

BENIN

General overview

Isolated thefts are organized by touts, masquerading as traders or negotiators, who take advantage of the good faith of owners of cultural objects and the poor socio-economic conditions in rural areas. This has led to an increase in various forms of trafficking, made possible by the obsolescence of the law governing the protection of cultural property.

Ratification process

Benin is actively organizing the ratification of the Convention.

Obstacles and difficulties in the ratification process

The country is encountering administrative difficulties arising from the involvement of several ministries (Foreign Affairs, Justice) in the process. In addition, renewal of the Parliament is currently under way.

UNESCO's assistance

UNESCO draws the attention of the Government of Benin to the need to ratify the 1970 Convention at the earliest opportunity.

Committees, authorities or institutions in charge of the protection of cultural property

Directorate of Cultural Heritage and the National Council on Monuments and Sites

Measures to prevent the illicit transfer of ownership of cultural property

A preliminary inventory of tangible and intangible cultural property is under way, in order to establish a general inventory of tangible and intangible cultural property. The new law on the protection of the cultural heritage and the natural cultural heritage has been transmitted to the National Assembly by the government.

Measures to prevent illicit excavations

Implementing orders are currently being elaborated and will be applied following the vote on the new law on the protection of the cultural heritage.

Measures to control the export of cultural property

Once the National Assembly has voted on the new law on the protection of cultural property, training sessions will be organized for security and control agents such as customs officers, police officers and gendarmes. Nonetheless, the export of any cultural object must be authorized by the Directorate of Cultural Heritage.

Measures to control the acquisition and import of cultural property

No specific provisions have been made. However, special lookout for cultural objects is in order during surprise or routine searches at airports and land and maritime borders.

Educational means and raising of public awareness

Measures have been taken within the framework of activities organized by museums for public and private schools.

Additional measures and comments

Following the vote on the new law, teams of heritage professionals will be formed in collaboration with municipal authorities to explain the law to the general public and raise awareness of the need to protect the cultural heritage. Awareness-raising meetings will be held in the various State and private institutions and enterprises.

COOK ISLANDS

General overview

Cultural property is protected legally through tough measures to guard against trafficking but there is still a shortage of trained personnel and finance and insufficient commitment. It is difficult to estimate the illicit import of cultural property since no proper study to track the magnitude of the problem has been done.

Ratification process

Conventions might not yet be ratified owing to lack of understanding of the issues or to ignorance of the ratification process.

Obstacles and difficulties in the ratification process

Primarily, there is a legal problem given a need for a major overhaul of or amendments to current laws. Politically, ratification is not a priority of sustainable development, especially for most import-dependent countries like the Cook Islands. Practically, a UNESCO Office in the Cook Islands would be necessary to implement the projects and ensure that the commitments are carried through sensibly.

Committees, authorities or institutions in charge of the protection of cultural property

Ministry of Cultural Development, Ministry of Education, Cook Islands Library and Museum Society, Cook Islands Visual Arts Society, Cook Islands Christian Church, Cook Islands Religious Council, House of Ariki, Koutu Nui, Ministry of Immigration and Ministry of Agriculture Quarantine Division

Measures to prevent the illicit transfer of ownership of cultural property

The Ministry of Cultural Development has a heritage division, which is now recording all historical sites and keeping an inventory, as is the Cook Islands Library and Museum Society.

Measures taken to prevent illicit excavations

Preservation and protection of cultural sites are basically in the hands of the various tribes who own the property and commodities. Government plays a part through customs and immigration officers at the various ports and airports border control points who seize products that are being smuggled.

Measures to control the export of cultural property

This complex stage has not yet been reached, except for botanical and marine specimens for which approval is required from the ministries concerned, such as the Ministries of Health and of Agriculture.

Measures to control the acquisition of cultural property

The responsibility is left to the families and tribes who are the guardians and owners of the property. They report themselves to the proper authorities.

In 2006, some traditional fishing canoes were sold on the Internet by family tribal carvers who received a price 1,600% higher than that offered by the Ministry of Cultural Development. Budgetary constraints can be an obstacle.

Measures to control the import of cultural property

The Library and Museum Society does require approval first from the Board. The Ministry of Cultural Development Act and the Antiquities and Heritage Act do provide some powers to the Minister to control the import of cultural property, such as prohibiting the import of inventoried cultural property from a museum, religious or secular public monument.

Educational means and raising of public awareness

Public awareness is raised by the radio, newspaper and television and schools under their curriculum. We also have a Ministry of Cultural Development.

Other measures and additional comments

It would be important to have more workshops and fellowships in order to teach people about the important role of cultural economics and cultural policies as powerful and positive agents of wealth creation, job creation and nation building by combining essential knowledge of cultural economics and cultural policies to produce cultural goods and services, thus ensuring cultural development.

INDONESIA

General overview

Indonesia has numerous and various types of tangible cultural properties, either abandoned or still used by its community but there is a lack of coordination among stakeholders in controlling cultural properties as well as a lack of human resources in the field of conservation and a lack of understanding and appreciation from the community.

Obstacles and difficulties in the ratification process

In the last two years, the possibility of ratifying the Convention was actively discussed as it has similar principles to those of the 1992 Law concerning Items of Cultural Property in dealing with illicit traffic of cultural properties. The obstacle to ratification is that the mechanism takes time. Ratification could be effected through a Presidential Decree.

Cultural property in Indonesia is protected under the 1992 Law and by ratifying the Convention. The Government of the Republic of Indonesia expects certain items of the national heritage abroad to be returned to its original place.

UNESCO's assistance

UNESCO could assist in disseminating the Convention through consultative meetings with related institutions and stakeholders.

Committees, authorities or institutions in charge of the protection of the cultural property

The authorized institutions in charge at the national level are the Directorate of Archaeology Property, the Directorate-General of History and Archaeology and the Department of Culture and Tourism. The Directorate has nine branch offices throughout the country. These branch offices work together with the local government.

Measures to prevent the illicit transfer of ownership of cultural property

Cooperation with the Police Department, Directorate-General of Customs, Department of Finance, Airport Authority, PT. Indonesian Post and Interpol. The Permit Service facility for the export of

cultural property is a control measure, ensuring that antique shops and dealers are monitored on a regular basis and that the cultural property database is updated.

Measures to prevent illicit excavation

A reward or compensation is given to all citizens who find cultural properties, and to land owners. Active legal protection for archaeological sites is afforded and the public awareness is raised of the need to protect archaeological sites.

Measures to control the import of cultural property

This entails cooperation among related institutions/departments to control the export of cultural property. Authorized institutions issue a certificate for each object exported abroad. Every object collected in the museum should have legal documentation and clear ownership.

LATVIA

General overview

Cultural property consists of cultural monument, museums, libraries and archives, State and private collections (Cultural Monuments Protection Law of 1992). Procedures for the registration and protection of cultural values kept in museums and libraries are set out in legal acts on depositories of museums and libraries. Procedures for the registration of documentary materials are set forth in the State Archive Law.

It is prohibited to export cultural monuments permanently from Latvia. Temporary export is authorized by the State Inspection for Heritage Protection according to regulations issued by the Cabinet of Ministers. The rules on the export and import of cultural property are laid out in a 2003 regulation "Export and import of art and antiques to/from Latvia".

Member States of the European Union are required to respect common agreements relating to the free movement of goods; therefore they have loosened border controls, which leads to the risk of trafficking in cultural property. Latvia is on the external border of the European Union. Its territory is often used to import unlawfully cultural goods that are further disseminated either on the local market or to other European Union Member States.

Ratification process

Latvia is actively preparing the ratification, which would boost cooperation among countries investigating illicit dealing in cultural property and ensure exchange of up-to-date information among counterparts working in different States. Ratification of the Convention would be helpful to Latvia in cases requiring legal assistance from another country to secure the return of illegally removed cultural property.

UNESCO's assistance

It would be helpful to have UNESCO's information support to make the ratification process swifter.

Committees, authorities or institutions in charge of the protection of the cultural property

Public administration of cultural heritage (cultural monuments) preservation and use is regulated by the Cabinet of Ministers and executed by the State Inspection for Heritage Protection, which works under the Ministry of Culture. Inspection is effected pursuant to the Cultural Monuments Protection Law, the 1972 Convention and 60 different laws and regulations on cultural heritage.

Measures to prevent the illicit transfer of ownership of cultural property

The Cultural Monuments Protection Law (1992) prohibits acts that ruin, remove and transform cultural monuments. Inspectorates are responsible for identification of objects of cultural value, assessment of their compliance criteria for according national or local significance status and addition of new objects of historical, scientific, artistic or other cultural value to the national protection list. Therefore, Inspectorates have set up and maintained a national information system.

Measures to prevent illicit excavation

Measures to prevent illicit excavations are set out in the 2003 Regulation. Applications should give a clear justification for excavation, including a schedule and description of examination, as well as guarantee that the object will not be damaged during works, that it will be restored to its initial condition after the works and that external elements will be conserved. Archaeological excavations may be managed only by a qualified specialist duly certified by the Inspectorate, who has higher education qualifications in the humanities and no less than two years' experience of archaeological excavations. If necessary, the Inspectorate may also impose special requirements with regard to the excavations to leave some parts of a monument untouched or maintain them as part of cultural and historical environment.

Measures to control the export and import of cultural property

The 2003 Regulation defines the procedures for the export and import of cultural property and for the temporary export of such property. The Inspectorate holds the power to authorize the transport of cultural property by issuing a particular type of permit for categories of goods in the list annexed to the Regulation, thus protecting cultural property of national significance and preventing the export of stolen or lost property.

Protection of cultural property held in museums, libraries and archives is regulated by laws and regulations on depositories of museums, libraries and archives.

Measures to control the import of cultural property

The State Inspectorate for Heritage Protection is entitled to search antique and second-hand shops, art galleries and auction houses for art to prevent any illegal activities with cultural monuments as part of its State management and control responsibilities for the protection of cultural monuments. The Inspectorate conducts expert examination of cultural monuments, issues licences authorizing the export of art and antiquities, and assists customs authorities in enforcing of customs legislation on the removal of monuments.

Educational means and raising of public awareness

The Information Centre of the State Inspectorate for Heritage Protection has comprehensive and easily accessible data on cultural heritage and holds a number of awareness-raising events aimed at drawing the public's attention to cultural heritage protection and conservation trends. Financial support from the Culture Capital Foundation allows the State Inspectorate for Heritage Protection to organize annual European Heritage Days and an Annual Cultural Heritage Award. On European Heritage Days, property usually closed to the public is open to visitors. Ownership of many objects has been transferred in the last few years and repairs and restorations are yet to be completed. The State Inspectorate for Heritage Protection publishes materials for children, organizes creative camps and encourages young people to participate in Council of Europe events that help young people to understand the essence and role of cultural heritage protection.

The State Inspectorate for Heritage Protection has established a good level of cooperation with Latvian universities. Emerging specialists attending cultural heritage protection courses have

opportunities to receive extensive information about the Inspectorate's core activities and the intricacies of its work and are granted access to its documentation centre.

Additional measures and comments

The State Inspectorate for Heritage Protection plans to establish a voluntary register for private collections of cultural property. However, to implement that idea, private collectors must be identified and surveyed to ascertain their thoughts on such a catalogue. The Inspectorate is also trying to gather information on categories of properties in collections and to assess the scope of work required to have a quality system. Of course, the financial side of the whole project cannot be overlooked. This register would help to resolve issues relating to cultural property protection, avert the illegal export or import of cultural property and simplify procedures for identifying stolen or lost property.

PHILIPPINES

General overview

This issue is addressed through local legislation on the protection/preservation of cultural property. For the past decade, the Philippines have had only two incidents of illicit export crossing national borders.

Ratification process

The Philippines are actively preparing the ratification of the 1970 Convention.

Obstacles and difficulties in the ratification process

The cultural agencies have had the opportunity to convince the Department of Foreign Affairs (DFA) to revisit/restudy the ratification of various conventions, protocols and understandings which could very well improve the legal processes for violations of the same. Perhaps it is high time for the DFA to put into action the idea of ratification.

Assistance of UNESCO

Yes, by initiating a workshop/symposium on how to tie all loose ends together insofar as the cultural agencies, enforcement agencies and the DFA contribute to these Conventions together as one.

Committees, authorities or institutions in charge of the protection of cultural objects

The National Museum, the National Historical Institute, the Cultural Center of the Philippines, the National Commission for Culture and the Arts, the Philippine Center for Transnational Crime and the Department for Justice.

Measures to prevent the illicit transfer of ownership

There is standing legislation on registry which implies the registration of all movable and immovable cultural property to allow its exportation. The Cultural Heritage Bill calls for the mandatory registration of all cultural property held by government institutions and by private entities.

Measures to prevent illicit excavations

The cultural legislation outlaws illegal excavations. Penal sanctions are attached to these acts. Only the National Museum can issue permits to explore/excavate archaeological sites and

supervision is done only by archaeologists from the National Museum or with a certification from this institution.

Measures to control the export of cultural property

The National Museum has to register the cultural property to have comprehensive object identification. Then, it issues an export permit for the items after all legal documents have been submitted and dues paid.

Measures to control the acquisition of cultural property

The existing legislation calls for presentation of papers from the country of origin before cultural property can be allowed to enter the country.

Measures to control the import of cultural property

Whenever inquiries are made about importation, the Cultural Properties Division of the National Museum (NM) requires proof of ownership and valid and legitimate export permits from the exporting State. The same division of the NM is also apprised of stolen property by international agencies through direct information or official publications from ICOM or other international agencies.

Educational means and raising of public awareness

Cultural agencies organize symposia and workshops and an annual Heritage Month is also organized to highlight the significance, cultural value and substance of cultural property to national heritage. The NM declares tangible and movable heritage as either National Cultural Treasures or Important Cultural Properties, thus emphasizing their eminence, fundamental values and significance.

Other measures and additional comments

A pending National Heritage Bill will buttress present legal and advocacy measures that endeavour to protect cultural property, including landscapes and context within which they are located. There is also an effort to create a special cultural desk within the Philippine National Police system to address cultural crimes such as illicit traffic. The coordinating agency, the Philippines Cultural Heritage Council, includes cultural and education agencies that meet monthly to inform one another of activities that violate protective legislation.

Legislation must be strengthened and awareness and active public mindfulness and intervention are needed to make the implementation of legal instruments truly effective by ensuring that suspicious activities are reported. Illicit traffic could be mitigated by considering cultural property for its cultural value rather than for its monetary one.

SAN MARINO

General overview

San Marino has no customs barriers, nor does it belong to the European Union. With regard to the export and import of cultural goods, the customs regulations and practices of Italy are used as a reference.

Committees, authorities or institutions in charge of the protection of cultural property

The Commission for the Preservation of Monuments, Antiques and Art Works, the State Museum, the State Library and the State Archive.

Measures to prevent the illicit transfer of ownership of cultural property

The Republic of San Marino has compiled a list of all public cultural property whose disposal is forbidden by law as it is considered to be “non-disposable cultural property”.

Measures to prevent illicit excavations

The territorial Master Plan demarcates archaeological zones and the Law of 1919 regulates the procedures for archaeological excavations, regardless of where they are carried out in the State, and even in the event of chance finds. All archaeological finds belong to the State and, when they are discovered on private land, the law provides for one quarter of the finds or the equivalent value to be paid to the owner. The State Museum is responsible for monitoring archaeological zones and carries out regular inspections. The 2005 Law lists all artefacts or immovable goods of historical, monumental, archaeological and paleoethnological interest, as well as tangible cultural objects and commemorative monuments.

Measures to control the export of cultural property

The 1919 Law forbids the export of objects of historical, archaeological and artistic interest. Private owners wishing to export works of art must so inform the Commission for the Preservation of Monuments, Antiques and Art Works and obtain its authorization. The Commission can, if need be, exercise the prerogative of the State to acquire the objects.

Measures to control the acquisition and import of cultural property

The legality of the acquisition of cultural property from other States is only monitored for acquisitions made for public collections.

Educational means and raising of public awareness

Educational means to raise public awareness of the importance of the protection of cultural heritage can be found in the regular educational activities organized, from time to time, by museums and public cultural institutes for the benefit of students and the general public.

Additional measures and comments

The Restoration Centre, within the State Museums, is in charge of verification and identification, and also maintains and restores cultural property as part of its yearly programme and in cases of emergency.