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CONVENTION FOR THE PROTECTION OF THE
WORLD CULTURAL AND NATURAL HERITAGE

WORLD HERITAGE COMMITTEE

Twenty-first session

Naples, Italy
1-6 December, 1997

Item 13 of the Provisional Agenda: World Heritage and the
Prevention of Illicit Traffic of Cultural Property

SUMMARY

This document has been prepared at the request of the World Heritage Bureau at its twenty-first session (June 1997). It explores ways and means of protecting World Heritage sites from the problem of illicit traffic in cultural property.

Decision required: The Committee is requested to adopt the recommendation proposed in paragraph 15

World Heritage and the Prevention of Illicit Traffic in Cultural Property

1. At the 21st session of the Bureau of the World Heritage Committee it was decided, following discussion of the problem of illicit traffic in cultural property at World Heritage sites, that an item on this point should be included in the Agenda of the next session of the Committee.
2. At this session of the Bureau there was a discussion of the losses at the Albanian site of Butrinti and problems at other sites such as Angkor and Hatra have been before the Committee and Bureau on previous occasions. An oral and graphic presentation will be given at the Committee illustrating these problems. Theft from sites before their inscription, sometimes for a very long time, (therefore indicating a problem already existing which was likely to be exacerbated) was known. For example, at Angkor, Ban Chiang, Chan-Chan, Katmandu Valley, Quedlinburg, Rapa Nui and Teotihuacan.
3. Serious problems of theft since inscription have been reported from Butrinti, Djenne, Hatra and Saqqara. Continuing pillage at large densely decorated complexes and archaeological sites must be expected as evidenced in the Kathmandu Valley and Djenne. Isolated incidents of theft have occurred in Kakadu. Other sites have undoubtedly been affected, but the losses have only been reported locally, or their disappearance has not been immediately noted, a problem which is hard to avoid on very large sites.
4. In view of the huge illicit traffic in icons from the Russian Federation, it is difficult to imagine that St. Petersburg has not been affected, and the theft of church items from the Czech Republic is also notorious and likely to have affected Prague. Illicit traffic is also a concern on important sites being considered for inscription or on the tentative list, such as Bagan (Myanmar). It should be noted that illicit traffic in any type of location (museum, monument, archaeological site) is not a problem only of developing or poorly resourced States: it affects also the wealthiest with established, well resourced cultural heritage protection authorities such as, for example, the United Kingdom, United States, France and Italy and whether or not the sites are remote or easily accessible, as the experience of countries such as Peru, Guatemala and Turkey have shown.
5. While illicit traffic is a problem on non-world heritage sites as well, inscription on the World Heritage List can make a site more vulnerable. Firstly, it advertises the importance of the site. Secondly, it exposes it to many more visitors, among whom it is easy for thieves to conceal themselves. Thirdly, it popularizes the culture concerned, so that objects become fashionable and therefore more easily marketable and at higher prices than ones from lesser known cultural areas, thus attracting criminal activities.

6. There are several ways in which action can be taken to hinder the loss of important cultural and museum objects from World Heritage sites. The first is to take care to secure as much movable material as possible and to safeguard material, such as frescoes, which is removable from monuments. This should be already done before the site is listed. Not only objects in site museums, but all movables and removables on World Heritage sites should be inventoried. An "Object ID" (a core data standard for the minimum data to uniquely identify an object so that it can be traced) has been developed. It now exists in 10 languages and is being further translated (copies available). The Committee might like to consider including in the Guidelines a requirement that the management plan include measures to prevent illicit traffic, and ICOMOS, and, where relevant (as in the case of site museums), in consultation with ICOM, be asked to take account of the vulnerability of the site and the adequacy of measures for its protection in its assessment for inscription.

7. Secondly, national legislation should be examined to see that it takes adequate measures to illegalize and penalize severely the removal of any protected object from the site.

8. Thirdly, full advantage should be taken by all States with sites on the World Heritage List of means of international support. All States party to the World Heritage Convention should express their determination to prevent the illicit trade in cultural objects and to return illicitly traded objects to their sites of origin by adhering to the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property 1970. There are 187 Member States of UNESCO, 151 States Parties to the World Heritage Convention and only 87 States Parties to the 1970 Convention. The 28th General Conference adopted Recommendation 3.11 (Annex) which included a call to Members States not party to the 1970 Convention to become Parties and invited them to consider becoming party to the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects 1995. This Convention was specifically formulated so as to be complementary to the 1970 UNESCO Convention.

9. Seventy-seven States are party to the Protocol to the Convention for the Protection of Cultural Property in the Event of Armed Conflict (The Hague Convention) 1954, which is applicable to the return of cultural objects exported illegally from occupied territories during or immediately after a conflict and has particularly relevance at present for objects taken from Bosnia-Herzegovina, Cambodia, Croatia, Cyprus, Iraq, Kuwait and Somalia in those circumstances and which are still on the market, even where the conflict has now subsided. Resolution 3.1 of the 28th General Conference invited the Director-General to invite States party to the Convention concerning the Protection of the World Cultural and Natural Heritage 1972 to sign also the Convention for the Protection of Cultural Property in the Event of Armed Conflict (The Hague Convention) 1954.

10. The Committee might wish to consider a recommendation that States nominating sites give information on their participation in these Conventions or on the reasons why they are not party to them in the information accompanying the nomination, together with information on any other measures which they are taking to ensure international collaboration in the event of losses from their world heritage site.

11. The World Heritage Convention recognizes a duty in the international community to cooperate to protect the world heritage (Article 6(1)) and undertake to give help in the identification, protection, conservation and of cultural and natural heritage where the State in whose territory it is situated so requests (Article 6(2)). States whose World Heritage sites suffer from looting should, therefore, request the assistance of States which have major markets for cultural objects to assist in the identification and return of illicitly traded objects since their absence from the looted site directly affects the preservation of the site as a whole and the values for which it was inscribed on the World Heritage List.

12. The Director-General can also assist States who request help to prevent illicit traffic: by sending experts to consult with the States concerned on reinforced legislative measures; by regional training sessions for curators, police and customs officers, by publicizing losses through notices of Stolen Cultural Property, by assisting contact with specialized bodies such as INTERPOL and ICOM and commercial theft registers or searchers such as Art Loss Register (London and New York) and Thesaurus-Trace (U.K.). There is also information available on the applicable export controls of over 140 countries and a hand book for organizers of national training seminars on illicit traffic.

13. The Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation, which meets every two years, passed two recommendations at its last meeting in September 1996 concerning World Heritage sites: Recommendation 4 (Annex I) concerning Angkor and Recommendation 7 (Annex II) which applies to Hatra. States with problems concerning illegally trafficked objects covered by the 1970 Convention (which includes "rare collections and specimens of fauna, flora, minerals and anatomy and objects of palaeontological interest" (Article 1(a) relevant to natural sites) should report them to this Committee so that they can be further publicized.

14. In the case of an emergency situation, such as war or civil disturbance immediate action should be taken. If the Director-General is alerted quickly, a Press Release can be issued (as has been done for Afghanistan and Iraq) warning dealers and acquirers to check the provenance of any object which may have an origin in those countries. Information about such objects can be collected and made available so that the victim country can take legal action to have the material concerned. The Director-General has supported the publication by ICOM of the series "One Hundred Missing Objects from . . ." (Vols. 1 and 3, Angkor; Vol. 2, Africa, Vol. 4 (forthcoming) Latin America) through which there have been items located and returned (specifically 10 for Angkor, of which six have already been returned).

15. The Committee may wish to consider adopting the following Recommendation:

Noting the alarming increase in illicit traffic of cultural property throughout the world and its impact on many World Heritage sites:

Conscious of the often increased vulnerability of sites to this type of crime after inscription on the World Heritage List because of increased publicity, access, popularity and marketability of objects associated with the culture concerned,

Urges States Parties to the World Heritage Convention to

- (i) secure movable and removable material at World heritage sites;
- (ii) avail themselves of the assistance of UNESCO for the reinforcement of their legislation, networking with appropriate organisations and publicity for losses;

Invites ICOMOS, where appropriate in consultation with ICOM, to include in its evaluation of a site nominated for the World Heritage List an assessment of the vulnerability of the site to illicit traffic and the adequacy of measures for its protection;

Invites all States Parties to the World Heritage Convention to

- (i) become party to the Convention for the Protection of Cultural Property in the Event of Armed Conflict (The Hague Convention) 1954 and its Protocol as well as to the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property 1970
- (ii) consider becoming party to the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects 1995

Calls attention of States Parties to the need for constant vigilance of the market to ensure that illegally trafficked goods from World Heritage sites are not traded on their territory contrary to the obligation of mutual assistance according Article 6 of the World Heritage Convention.

Invites the World Heritage Committee to include the following new paragraph in the Operational Guidelines “State Parties are requested to supply information on physical measures to protect the site against illicit traffic and on the international agreements against illicit traffic to which they are party, with the understanding that this provision shall be included in the nomination form, at its next revision”.

ANNEX I

3.11 **Implementation of the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970)**¹

The General Conference,

Having examined the reports of States on the action taken by them to implement the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970),

Recognizing the importance and value of the action taken on the implementation of the Convention as described in the reports received,

Noting however that, as at 1 November 1995, only 82 States had deposited their instrument of ratification or acceptance of the Convention, a fact which limits its effective impact,

Noting the activities undertaken by the Director-General relating to training, the preparation of publications and the encouragement of more effective international collaboration,

Considering that action against illicit traffic in cultural property urgently needs to be strengthened at national as well as international level,

1. *Reiterates* the invitations which it addressed to States in 22 C/Resolution 11.4 and 24 C/Resolution 11.3, concerning measures to be taken to strengthen action against illicit traffic in cultural property at the international and national levels;
2. *Calls the attention* of all States not yet party to the Convention to the Director-General's appeal of 30 December 1990 to such States to become parties to the Convention and invites them to respond to that appeal;
3. *Invites* States and the Director-General to pursue activities aimed at strengthening regional cooperation in this field;
4. *Recommends* that States consider the possibility of concluding bilateral agreements for the restitution of illicitly exported cultural property;
5. *Further recommends* that States consider becoming party to the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects which was opened for signature at Rome on 24 June 1995 and which complements the 1970 UNESCO Convention;
6. *Invites* Member States and other States Parties to the 1970 UNESCO Convention to forward a further report on the action they have taken to implement the Convention for examination by the General Conference at its thirty-second session.

¹ Resolution adopted on the report on Commission IV at the twenty-second plenary meeting, on 15 November 1995

ANNEX II

Original: French

RECOMMENDATION 4

The Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation,

Learning with satisfaction of the activities of co-operation undertaken in Cambodia by UNESCO to protect cultural property at the site of Angkor against illicit acts such as theft and pillage,

1. Invites the Director-General to undertake as a priority other such initiatives making use of possible synergies between the application of the various Conventions on the protection of the heritage (of 1954, 1970 and 1972) which require co-ordinated and complementary action by the different services of the Secretariat and the different institutions concerned such as ICCROM, IDLI¹, INTERPOL, IUCN, UNIDROIT, ICOM, ICOMOS, etc.;
2. Invites the Director-General, taking into consideration the most highly developed experience in each of the areas concerned in the application of the 1970 Convention (training of officials, security, inventories, suppression of illicit activities, information and education of the public), to fully utilise the potential of co-operation between all the Member States.

¹ International Development Law Institute

ANNEX III

Original: English

RECOMMENDATION 7

The Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation

Invites the Director-General to do his utmost to help in the tracing and returning of the cultural and archaeological properties stolen and smuggled from Iraq.