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## **ILLICIT TRAFFIC OF CULTURAL HERITAGE IN CROATIA**

Ladies and Gentlemen,

Allow me first of all to thank the organizers and hosts of this Regional Workshop for giving us the opportunity to meet and consider the issues and problems we face in our activities on the prevention of the illicit traffic of cultural heritage.

I would like to say a few words about the situation in the Republic of Croatia and the basic preventive measures we are implementing, particularly those discharged by the Ministry of Culture while my colleague from the Ministry of Interior will give you a more detailed overview of the activities of the police.

### **Basic Characteristics of Illicit Traffic of Cultural Heritage in the Republic of Croatia**

Speaking of the characteristics of the illicit traffic of cultural heritage in the Republic of Croatia it should be pointed out that movable cultural goods, as well as works of contemporary authors, have increasingly been exposed to theft, illicit traffic and illegal export, particularly since the early 70's. Along with general international trends it is also the 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.

Since that time, the majority of items (75%) have been stolen from sacral buildings and numerous hydro-archaeological sites have been devastated. Museums, galleries, private collections have also become increasingly exposed to theft. There have also been cases of thefts from archaeological sites, restoration workshops and premises where temporary exhibitions are held.

The most frequently stolen cultural goods are paintings, liturgical items, wooden carvings and hydro-archaeological finds, especially amphora. These art works make up about 80% of the total number of stolen items. Other stolen cultural goods include antique weapons and coins, architectural fragments and old books.

The problem of the theft and plunder of cultural heritage particularly escalated during the Homeland War in the Republic of Croatia, waged from 1990 to 1995, when hundred of thousands of movable cultural goods from sacral buildings, museums, galleries and private collections were stolen from the war ravaged areas.

The theft of cultural goods is closely connected with illicit traffic and illegal export of goods from the country. As a rule, stolen works of art become objects of illicit

traffic and leave the country by smugglers routes to be sold on developed art markets. This fact places Croatia among the so called art exporting countries.

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As far as the status and trends in the last few years are concerned, a decrease in the number of thefts has been registered, particularly in comparison to the critical 80's. We believe it is the result of the more effective implementation of various prevention measures. The other characteristic of recent tendencies is the increased number of breakings and entering in private apartments and houses and a larger number of stolen works of contemporary authors.

Likewise, it is necessary to draw attention to the fact that in the last few years the art market in the Republic of Croatia has been expanding considerably thus increasing not only the welcome possibility of legal trade, but also the undesirable possibility of illicit traffic and the illegal export of cultural goods from the country.

In addition, along with the mentioned forms of illicit traffic, the organized forgery of works of art is also expanding.

### **Prevention of Illicit Traffic in Cultural Goods - The Role and Tasks of the Ministry of Culture**

From the mid-seventies, the competent services, especially the cultural heritage protection service and the police, began systematically dealing with this issue. Since that time a series of preventive and repressive measures have been taken. The decreased number of thefts after the initiation of joint actions confirms the necessity of continuous co-operation and better qualified personnel in the police and services competent for cultural heritage protection.

Within the Ministry of Culture, and particularly its Directorate entrusted with the realization of the overall protection of cultural heritage, constant efforts are made to enhance activities on the protection of movable cultural goods, thereby contributing to the prevention of illicit traffic. I would like to point out some key activities:

- Legal protection of cultural goods by recording collections or individual items in the register of protected cultural goods;
- Documenting, professionally processing and entering into databases the most valuable collections, particularly sacral ones;
- Co-operating with church authorities in order to drawing up as detailed as possible inventories of numerous church collections;
- Exerting efforts aimed at raising the quality and scope of the documentary evidence of museum and gallery holdings, and encouraging the installation of theft and fire alarm systems;
- From the 80's implementing special measures of installing modern alarm systems in so called priority facilities for the protection of the most

valuable sacral collections and protection of restoration workshops against theft and fire;

- Providing specialized training of conservators for work on protecting cultural heritage from illicit traffic;
- Informing, through seminars, the owners of monument collections, and particularly museum and gallery personnel with this problem matter;
- Inventorying, documenting and organizing protection and supervision over numerous hydro-archaeological sites, in co-operation with the police, harbour authorities and divers' clubs;
- Authorizing and supervising the export of cultural goods and works of art from the Republic of Croatia;
- Participating in the training of customs and police personnel;
- Establishing intensive and continual co-operation with the Ministry of Interior;
- Recent signing of a special Agreement between the Ministry of Culture and the Ministry of Interior on co-operation in the protection of cultural and natural heritage with emphasis on the prevention of illicit traffic of cultural goods, promotion of co-operation with customs authorities, implementation of joint training programmes for police officers and experts working on the protection of cultural heritage, educating art owners and traders, analytically monitoring of illicit activities, drawing up evaluations of risk factors in structures hosting collections of cultural goods and initiating the implementation of security measures, co-operating in investigations, developing international co-operation, etc.

I believe these few mentioned tasks indicate that protection against illicit traffic is increasingly recognized and treated as an integral part of the overall care for preservation of monument heritage. However the persistency and constant growth of illicit traffic, regardless of whether in Croatia or on the international level, requires the further promotion of activities and co-operation with all relevant services and organizations.

I would like to draw attention to the most important problems in Croatia:

- The lack of specialized organizational units, particularly in the Ministry of Interior as well as the insufficient number of experts specialized for work in this area;
- The still insufficient and inadequate documentation of movable cultural goods, especially those in sacral and private collections;
- The insufficient engagement of custom services in controlling the export and import of cultural goods;

- The insufficient protection against breaking, entering and theft by modern security systems in buildings hosting monument collections, primarily due to the lack of funds;
- The undeveloped system of implementing practical control of the market and trade in cultural goods.

### **National and International Regulations Connected with Control Trade in Cultural Goods**

In order to act as effectively as possible to prevent the illicit traffic, in recent years efforts have intensified in drafting better legislative enactments. Among the most relevant regulations, special consideration should be given to the Law on the Protection and Preservation of Cultural Goods, the Penal Law and the Customs Law.

The Law on the Protection and Preservation of Cultural Goods from 1999 and its amended version from 2003 as well as its by-laws contain numerous provisions which regulate issues relevant for the prevention of illicit traffic, such as:

- The obligation of owners to apply technical and other protection measures in buildings, namely, valuable inventories and items, against destruction, damage and theft;
- The obligation of owners of cultural goods to immediately inform the competent body about the disappearance or theft of the cultural good;
- Limitations of the trade in cultural goods; methods of monitoring trade and obligations of sellers and dealers in the trade in cultural goods;
- Conditions on selling cultural goods at auctions;
- Regime of exporting cultural goods from the country which stipulates only the temporary export of items from the country for exhibitions, restoration or expert appraisals on the basis of the special permits issued by the competent body of the Ministry of Culture;
- Regime of importing cultural goods which provides the obligation of the prompt reporting of the import of a cultural good into the country and presentation of adequate documents issued by the state from which the good is exported;
- Supervision, licensing and modalities of executing archaeological and hydro-archaeological explorations and excavations on the basis of special permits issued by the Ministry of Culture.

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The Republic of Croatia has ratified all the relevant international conventions connected with the protection of cultural heritage including those that wholly or

partly relate to the issue of illicit traffic. I would like to mention The Hague Convention on the Protection of Cultural Property in the Event of Armed Conflict, UNESCO's Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, Convention on the Protection of Underwater Cultural Heritage and UNIDROIT's Convention on Stolen or Illicitly Exported Cultural Property.

The ratification of conventions mentioned above is important initiative for preventive measures implementation in Croatia. Also it is very important instrument for efficient cooperation with other signatory countries to combat against illicit traffic.

I would also like to emphasize that in the process of harmonizing its legislation with that of the European Union the Republic of Croatia has integrated in its laws, as part of its obligations as a candidate country, the provisions of two relevant EU documents which regulate the supervision of the export of cultural goods, as well as the issue of the return of cultural good illicitly taken from the territories of the Member States. Preparations for the practical implementation of the integrated norms are now underway.

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By mentioning these international documents, I wish to emphasise the significance and necessity of international co-operation in the prevention of illicit trade in cultural goods and in that context the special role of international organizations. UNESCO and INTERPOL are certainly the most deserving organizations for the continuous promotion of activities and for bringing together all those on whose experience, knowledge, joint work and agreement depends a degree of success of cultural heritage protection. Regional co-operation is also exceptionally important. I therefore believe that this Regional Workshop and the exchange of our experiences and problems, exchange of information on the actions we are planning will also be indicators of what we have to do better and contribute to the desired concerted efforts in the prevention of illicit traffic.