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“ANTI-TRAFFIC IN CULTURAL HERITAGE, THROUGH LEGISLATION AND PRACTICE” ACHIEVEMENTS AND PERSPECTIVES

1. Current Situation:

The traffic of cultural heritage object as a negative phenomenon, in Albania, like in other countries of East Europe, has been shown-up in the last decade. For this reason, the anti-traffic forces have not enough experience, thus, the fight against it is weak. So, this meeting has a great value for us, because we need to absorb the methodologies and the good practices of art anti-traffic from the participant countries.

In the first decade, the main damages heritage, are consequences, related mainly to the lack of appropriate legislation. The law of 1994 “On Cultural Heritage”, couldn’t meet the demands of that time and moreover couldn’t “protect” the heritage itself from damages, looting etc.

The protection of heritage, from 2003, was put on a strong legal basis because of the new law Nr. 9048, date 07.04. 2003 “*On cultural heritage*”. The law provides the right and concrete actions to control the movement of objects and intervention on them, despite of the ownership, by creation of a central computerized database, equipment of each object with a passport and ID. Articles 7, 19 and 51 of the Law establish the obligations of the owners for registration as well as the rules for movement of objects.

Article 7

- 1. The Institute of the Cultural Monuments, the National Centre of the Cultural Properties’ Inventory, the Institute of Archaeology, the Institute of Folk Culture and the General Directorate of the State Archives, in pursue to the scientific criteria, ascertain the values of the tangible and intangible cultural heritage, as such already declared, which are property of any physical or legal person, and make up their certification.*
- 2. These objects, must be obligatorily recorded in the National Center of the Cultural Property Inventory, which issues the certification passport of the object based on the above mention data.*
- 3. Whatever some change into the proprietorship of the objects should be registered in the National Center of the Cultural Property Inventory.*

While:

Article 51

Obligates

Each physical or legal person, owning objects comprising movable cultural heritage, must declare them to the cultural bodies of local government and record them into the National center of the Cultural Property Inventory following the procedures set by this Center, within a time of two years starting the entering into force of this Law.

Centralization in one digital database centre, doesn't deny the right and responsibilities of the local authorities, on the contrary, it encourages them and the state *itself* to have all kind of information on the objects including their current location and situation.

The main issues for stopping the illegal trafficking of the cultural objects are:

1. Digital ID and cataloguing of cultural properties are a state property.
2. Identification and cataloguing of the objects in private ownership or religious institutions not identified previously therefore not catalogued.
3. Identification and return to the owners the objects previously lost.
4. Prohibition of movement of objects without the relevant necessary documentation (the computerized card and ID).

(The computerized card and ID)

During these 10 years, we have achieved to make the cataloguing of the cultural objects owned by state institutions and are starting the cataloguing the objects of owned by religious institutions and private individuals.

We have also compiled a specific single database of all stolen objects, which is also accessed by other relevant authorities. The weak point of this catalogue is that not all the objects are equipped with respective photos, especially the objects of the museums as well as those of galleries of art.

The catalogue has served to prove the ownership of the Albanian state, of the objects found elsewhere. For instance, in 2003 the Interpol could trace and bring back three marble heads of statues from Greece, stolen in Butrint, based on the international Illicit Convention.

This year, the collaboration between the Albanian and Italian Interpol, hope to bring back one of the most important objects of Butrint archaeological site: "The head of Zeus", which passport we have been given to the Italian authorities.

2. Problems of controlling the movement of objects

The fight against the traffic of cultural objects is a difficult process, maybe the most difficult. Undercover valuable objects may be hidden behind the art works produced in last years. Their identification becomes more difficult because of the fact that the experts specialized in the field of identification cannot be provided in all customs offices. The establishment of rules to equip with passport or card of each art work which moves abroad, as well as retrieve of Transactions in the

Custom offices, will very much improve in the prevention of illegal trafficking. The illegal trafficking can be diminished or stopped by also equipping the Custom offices with a network which will serve to the specialized persons, to stay online with the central database. This will also help to protect the copyright.

The card (or passport) of the object which is given to the owner, records also the data of the new owner or movement of ownership. In order to prevent the export of archaeological, ethnographic or art objects, as provided also by international Conventions, a STATE COMMISSION FOR EVALUATION is established. It proposes to the Minister the permission or not for movement of certain object.

The role of this Commission becomes crucial considering also the fact that there has never existed in Albania, a full and accurate record of the private ownership and secondly this will serve to fill the actual gaps in the museums and galleries of arts, since the state has the right to be the first purchaser, by law.

3. Proposals for anti traffic fight

Being convinced that no one of the states can fight this phenomena alone, without a regional cooperation, especially without the trans-border cooperation, it is crucial to get aquatinted with the ways of permission of movement of these objects, with relevant documentation etc, so as to create a common balcanic standard. The creation of trans-border connections is more then necessary.

The hosts of this activity today have been introduced with the documentation issued by Albania for the movement of objects, while tomorrow, we are convinced that no object will pass without the documentation of the Ministry of Tourism, Culture, Youth and Sports and National Centre for Inventory of Cultural Properties. The prohibition of movement under other signatures, being illegal, will give its positive results.

Finally, we would like to express to the initiators of this event the sincere thanks of the Minister of Tourism, Culture, Youth and Sports of Albania, Mr. Bujar Leskaj, and would like to extend the proposal to organize if possible, bilateral meetings: Macedonia – Albania, Italy – Albania, Greece – Albania etc, which will serve for the standardization of the control and establishment of anti traffic relationship.

Thank YOU!