

# Report on the application of the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property

## CROATIA

### I. Information on the implementation of the UNESCO Convention of 1970

#### 1. Ratification of the Convention

Croatia is party to the Convention by means of Notification of Succession as of 6 July, 1992.

#### 2. Implementation in the national legal system and in the organization of services

##### (a) References of the principal national regulations adopted in order to implement the 1970 Convention.

The 1999 Law on the Protection and Preservation of Cultural Goods (amended 2003), the 1998 Penal Code, and the Customs Law implement the Convention by articulating the obligations to document objects, inscribe objects in the Register of Cultural Goods, take protective measures, report the theft or disappearance of objects, monitor trade, establish conditions for auction sales, issue export permits, present documents for imported objects, supervise and authorize excavations, and oversee motions for restitution.

##### (b) Definition of "cultural property" used by the national laws

The Law on the Protection and Preservation of Cultural Goods uses the following parameters to define "cultural property": Collections of items in institutions, administrative bodies, and with individuals; church inventories; archives and documents; film; archaeological finds; works of art and design; ethnographic items; rare books, currency, and printed material; theatre goods; furniture; clothes; weapons; vehicles; science and technology equipment.

The Law further lists certain items as subject to export and import control: Archaeological items older than 100 years, archaeological finds and collections; items older than 100 years from artistic, historic, or religious monuments; paintings and drawings by hand; water-colors, gouaches, and pastels; mosaics; original engravings with accompanying plates; sculptures; photographs and negatives; manuscripts, portfolios, and sheet music; books older than 100 years; maps older than 200 years; archives older than 50 years; zoological, botanical, mineralogical, and anatomical samples; means of transportation older than 75 years; and historical, paleontological, ethnographic, and numismatic collections.

##### (c) Specialized units

The Directorate for Cultural Heritage Protection works with its 19 departments – the Department for Moveable and Intangible Cultural Heritage, in particular – to protect heritage. Additionally, the Criminal Police Directorate's Department for Organized Crime and the Customs Directorate's Department for the Prevention of Trafficking work towards the prevention of illicit trade.

##### (d) Administrative coordination

The Directorate for Cultural Heritage Protection promotes intensive cooperation with the Ministry of Interior to investigate crime, cooperate with customs authorities, and implement police training programs.

##### (e) Working meetings

The Ministry of Culture, Ministry of Interior, and the Customs Administration hold meetings to coordinate activities.

#### 3. Inventories and identification

#### (a) Inventories

The Register of Cultural Goods of the Republic of Croatia contains the list of registered cultural goods, the list of cultural goods of national significance, and the list of cultural goods under preventive protection.

#### (b) Definition of “cultural property” and “national treasures”

Articles 8, 67, and 69 of the Law on the Protection and Preservation of Cultural Goods define cultural property. See 2(b) above.

#### (c) Reference to the Object ID standard

In describing cultural objects, the Object ID is used in conjunction with the aforementioned Register.

#### (d) Systems to combat theft and to train staff

The Ministry of Interior maintains a database of stolen objects with the INTERPOL informatics program.

### **4. Archaeological excavations**

#### (a) Basic principles of the regulations on archaeological excavations and on the monitoring of excavations in force

Excavations can be undertaken only with a qualifying permit issued by the Directorate for Cultural Heritage Protection, with special rules governed by Regulations (Gazette 22/09). Underwater excavations are conducted in cooperation with the Department of Archaeological Heritage of the Croatian Conservation Institute, with special rules governed by Regulations (Gazette 102/10). Only licensed legal entities and individuals may qualify for research.

#### (b) Illegal excavations

The recent increase in diver operations poses a threat to submarine cultural objects. The Ministry of Interior works with special units and marine police to take measures to preserve hydro-archaeological sites. The Inspection Service for the Protection of Cultural Goods may issue fines for illicit excavations.

### **5. Monitoring of the export and import of cultural property**

#### (a) Estimate of the scale of the illicit export or import of cultural property (statistics)

The Customs Administration regularly keeps records of the discovered illicit attempts to transfer objects across state borders. Additionally, a list of stolen cultural objects is kept by the Ministry of Interior.

#### (b) Problem of the illicit export of cultural property

#### (c) Main rules for monitoring the export and import of cultural property

A cultural object may be taken out of the country with the approval of a competent body for an exhibition, expert opinion, protection and preservation, or other justified reason. The procedure for exportation is in keeping with E.U. legislation, including the conditions under which licenses and permits are granted.

An object may be imported with the approval of the exporting country and must be reported to the conservation departments.

#### (d) Rules provided for the restitution of illicitly imported cultural property

Article 70a of the Law on the Protection and Preservation of Cultural Goods stipulates procedures and obligations by which Croatia returns items illegally exported from other countries.

- (e) Obstacles encountered in securing the restitution of illicitly exported cultural property
- (f) Circumstances in securing the restitution of a stolen cultural object

In recent years, several illegal attempts by foreign nationals to transfer cultural objects and works of art across borders were discovered through collaborative efforts of the Ministry of Interior and INTERPOL.

## **6. System for trade-in, acquisition, ownership and transfer of cultural property**

- (a) Description of the cultural goods market in the country (financial volume of the market, number and turnover of auction houses including via the Internet).

The market has grown in recent history, thereby increasing both licit and illicit trade. Croatia has one registered auction house and a number of art galleries and antique fairs. Domestic art is in highest demand. The Ministries of Culture and Interior have intervened in verifying the provenance of objects sold online. In most cases, the object in question is of archaeological nature.

- (b) Rules governing trade in cultural goods, measures in place for such trade (maintenance of a police register), in particular through the Internet (reference to the basic measures proposed by UNESCO, INTERPOL and ICOM)

The Ministry of Culture monitors the trade of items inscribed in the Register of Cultural Goods. Licensed entities or individuals may supervise transactions of cultural objects in accordance with the regulations for issuing permits. The Inspection Service may intervene in cases where legal provisions are violated.

- (c) Existing Measures to control the acquisition of cultural property

In accordance with the 1970 Convention and ICOM Code of Ethics, museums are prevented from acquiring cultural property that has been illegally exported from a co-signatory state.

- (d) Existing legal system concerning ownership of cultural property:

The Law stipulates that found artifacts that are presumed to have the characteristics of a cultural object are property of Croatia; however, an individual may try to establish ownership in a competent court.

- (e) Special rules on the transfer of title deeds with respect to cultural property

The various bodies of the Ministry of Culture supervise transfers of ownership.

## **7. Bilateral agreements**

- (a) Bilateral agreements concluded with other countries on the import, export and return of cultural property
- (b) Conditions settled by the importing country with regard to the admissibility of requests for restitution from a country of origin
- (c) Administrative aid or any other type of cooperation with neighbouring countries, particularly with respect to police and customs services?

Croatia has signed many bilateral agreements with other countries that provide for cooperative prevention of and measures for restitution of illicitly trafficked cultural objects. A special agreement was concluded with Serbia for the restitution to Croatia of objects stolen during the Homeland War (1991-95).

## **II. Code of ethics, awareness raising and education**

### **1. Ethical standards**

(a) Application of the UNESCO International Code of Ethics for Dealers in Cultural Property and the ICOM for museums

The UNESCO and ICOM Codes of Ethics are made known to museum employees, conservators, customs officers, etc. at special seminars. The codes, along with other recommendations and documents, are also available on the Ministry of Culture website.

## 2. Awareness raising and education

(b) Dissemination of the “One hundred missing objects” series and the ICOM Red Lists  
(c) Description of activities carried out to raise the awareness of the authorities and educate the public, children in particular, regarding the serious damage that can be caused by illegal excavations, theft of cultural property and illegal export.  
How far can UNESCO contribute to these activities?

In addition to the aforementioned seminars, lectures are organized for museum employees, archivists, conservators, and restoration experts to raise awareness of illicit trafficking. The public is informed of stolen or missing works of art by the media and the Ministry of Interior website.

## III. Cooperation with other international and regional agencies

### Police

(a) State of national cooperation with INTERPOL. Specialized police services to whom the heritage officials can call on for enquiries, legal proceedings and punitive measures

Croatia’s Ministry of Interior has established a Department for International Police Cooperation that works directly with INTERPOL.

(b) Check on the INTERPOL database on stolen objects when a cultural object is stolen. Transmission of information on the persons implicated in the theft of cultural property

INTERPOL is immediately informed of cases of theft. INTERPOL works with the police force of the country in which the stolen object is found for restitution and prosecution.

(c) Specific training program for members of police services

Police officers whose investigations concern cultural heritage objects must attend specialized courses on applied circumstantial behavior. Lectures on the value of cultural heritage are also made available.

(d) Punishment of fraud and theft related to cultural property via criminal law provisions. Specialized judges in this field

The Penal Code allows for the imposition of fines or imprisonment for theft (up to 3 years), grave theft (up to 8 years), and fraud (up to 5 years) for violations related to cultural heritage.

(e) Cooperation with the United Nations Office on Drugs and Crime (UNODC)

Police officers do not have direct contact with the UNODC; however, the Ministry of Culture is familiar with its activities.

### Customs

(f) Status of cooperation with the World Customs Organization. Specialized customs services which could assist heritage officials in preventing the illicit export of cultural property

The Croatia Customs Administration regularly registers attempts at illicit trafficking with the CEN database of the WCO.

(g) Specific training program for members of the customs administration

(h) Reference to the UNESCO-WCO Model Export Certificate for Cultural Objects

**European Union** - Application of the Council of the European Communities Directive 93/7/EEC of 15 March 1993 on the return of cultural objects unlawfully removed from the territory of a Member State

Croatia has implemented the provisions of Regulation ECC No. 3911/92 on the exportation of cultural objects and Directive 93/7/CEE on the restitution of illicitly trafficked objects.

#### **IV. Other legislative, legal and administrative measures taken by the State**

##### **1. Accession to the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects**

Croatia signed the UNIDROIT Convention on 24 June, 1995 and ratified it on 20 September, 2000.

##### **2. Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation**

Croatia was a Committee Member from 2001-2005. In other years, Croatia has attended as an Observer.

##### **3. UNESCO Database of National Cultural Heritage Laws – contribution and update**

Croatia has submitted all relevant laws and regulations to the database.