

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

CYPRUS

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

1. Ratification of the Convention

The Republic of Cyprus ratified the 1970 Convention on 19 October, 1979.

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 provisions of the 1970 Convention are mainly implemented by the Department of Antiquities and the Ministry of Communication and Works (which is the National Heritage Department), and partly by the Cultural Services of the Ministry of Education and Culture.

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

- Cultural property of archaeological value, as described in Article 1 (a), (c), (d), (e), (f) and (k-part) of the 1970 Convention is defined by the term "antiquities" and is managed by the Antiquities Law;
- Cultural property of artistic, scientific, and historical value, as described in Article 1 (b), (g), (i), (j), and (k-part) of the 1970 Convention is defined by the term "cultural goods" and is managed by the Cultural Services of the Ministry of Education and Culture;
- Cultural property of archival value, as described in Article 1 (h) of the 1970 Convention is managed by the State Archives and Ministry of Justice.

(c) Specialized units

A specialized unit to prevent trafficking and ensure international cooperation has been established by the Cultural Heritage Office of the Police Headquarters (Department C).

Duties of monitoring archaeological sites that are under threat of clandestine excavations have been assigned to the Game Fund of the Ministry of Interior, which regularly patrols large areas of the countryside.

The Department of Customs and Excise of the Ministry of Finance is charged with the prevention of the illegal import and export of cultural property.

(d) Administrative coordination

Government departments that manage cultural property have direct communication with police and customs authorities.

(e) Working meetings

From time to time, for special occasions and when coordination on specific issues is needed, meetings of police, customs, and cultural heritage officers take place in order to organize action.

3. Inventories and identification

(a) Inventories

An inventory of antiquities is kept by the Department of Antiquities in paper form. As of 2009, the Department has started digitalizing its hardcopy inventories for additional safety and security.

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

Cultural property of archaeological value is termed as “antiquities”, defined very specifically in the Antiquities Law [see point 2 (b)].

For the rest of the categories of cultural property as defined by the 1970 Convention, the term “cultural goods” has been imported from relevant European Union legislation.

No list of national treasures has been compiled. Nevertheless, the Antiquities Law stipulates that all antiquities dated before 1940 are property of the State.

(c) Reference to the Object ID standard

All the elements of the Object ID checklist are included in the Department of Antiquities inventories. Within the framework of the digitalization of the inventories of the archaeology museums, the standardization of the ID is further promoted.

As far as cultural property other than antiquities is concerned, this could be divided to (a) State and (b) private museums:

- a) The standardization of the Object ID in State museums under the authority of the Cultural Services of the Ministry of Education and Culture is more uniform.
- b) As far as private museums are concerned, the 2009 “Law providing for the recognition of the private museums and the museums of the local authorities (procedures and requirements)” is being implemented, the aim of which is to monitor private museums standards. One of the main objectives of the new law is the standardization of the Object ID in private museums.

(d) Systems to combat theft and to train staff

Museums and libraries are protected by different security systems. There are no specialized units established to monitor these security systems.

4. Archaeological excavations

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

According to the Antiquities Law, the Director of the Department of Antiquities is the only authority that can issue permits for archaeological excavations in Cyprus. Moreover, native or foreign archaeological missions that have a permit to excavate must refer directly to the Director of the Department of Antiquities, who implements a system to monitor every excavation.

Special efforts are also made for prompt publication of the excavation finds as a measure to promote their safety. By consequence, at the end of each excavation season, the director of every archaeological mission in Cyprus has to deliver to the Director of the Department of Antiquities preliminary reports for the excavation results, full inventories of their findings, as well as drawings and photographs.

As every antiquity that is found during excavation is property of the Republic of Cyprus, the director of every mission has to deliver all finds from his/her excavation to the district or local archaeological museum of the Department of Antiquities.

(b) Illegal excavations

The illegal occupation of the northern part of the island by the Turkish military forces has a direct negative impact on the efforts to protect and preserve cultural heritage. As the northern part of the island is inaccessible to the Republic of Cyprus, its authorities are unable to prevent illicit excavation there. In addition to the clandestine excavations conducted by individuals, the Turkish occupying regime has

recently been promoting an organized plan to attract foreign archaeological missions to the occupied part of Cyprus, a violation of the Hague Convention of 1954 for the protection of Cultural Property in the Event of Armed Conflict.

At the part of the island which is under the control of the Republic of Cyprus, progress has been made against illicit excavation, but this phenomenon has been limited to certain areas.

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 occupation by the Turkish military forces on the northern part of the island creates a favorable place for illicit alienation of cultural property. It has been estimated that since 1974 (when Turkey invaded Cyprus), more than 60,000 cultural artifacts have been stolen from museums, dig-houses, and private collections, as well as 16,000 icons and mosaics stolen from 500 churches.

The Department of Antiquities inspects the antiquities market on the Internet to prevent the circulation of illicitly acquired Cypriot antiquities. The Internet market is used by private collectors to import cultural property which is on sale there.

(b) Problem of the illicit export of cultural property

The illicit export of cultural property cannot be monitored in the northern part of the island for the political reasons described above.

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

According to the Antiquities Law, the export of Cypriot antiquities is illegal. Antiquities can be exported for a limited period and for specific reasons after an export certificate is issued by the competent authorities:

- For exports to EU countries, the certificate is issued by the Director of the Department of Antiquities,
- For exports to non-EU countries, the certificate is issued by a Committee, after a proposal by the Director of the Department of Antiquities.

As far as non-Cypriot antiquities are concerned, these are covered by the Return of Cultural Goods Law 183(1) of 2002 (see also point 6 (c)).

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

The Return of Cultural Goods Law 183(1) of 2002 provides for the restitution of illicitly imported cultural property.

(e) Obstacles encountered in securing the restitution of illicitly exported cultural property

As demonstrated in cases where Cyprus has asked for the restitution of stolen Cypriot cultural property, the main obstacle is often that a given country's national legislation concerning cultural property is not in accordance with the provisions of the 1970 Convention.

(f) Circumstances in securing the restitution of a stolen cultural object

A German court secured the restitution of Byzantine icons which had been stolen by an art smuggler from various sites and churches in the part of Cyprus occupied by Turkey. However, most of these cultural artifacts are still subject to ongoing trials in Germany.

A US court provided for the retrieval of the Byzantine mosaics stolen from the church of Panagia Kanakaria in the occupied part of the island.

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).

According to the Antiquities Law, the trade of antiquities is illegal. No legal antiquities market or auction houses exist in the country. Private collectors buy antiquities from auction houses abroad or through the Internet.

(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 northern part of island, illegally occupied by the Turkish military forces, is inaccessible to the authorities of the Republic of Cyprus. Thus, the State cannot fully implement the provisions of neither national nor international legislation concerning cultural property.

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

In 2002, the Republic of Cyprus adopted two laws regarding the prevention of illicit trafficking of cultural property. The two laws were enforced in an attempt to reconcile Cyprus legislation with the relevant legislation of the EU, of which the Republic of Cyprus is a full member.

These laws are:

- The Return of Cultural Goods Law 183(1) of 2002
- The Export of Cultural Goods Law 182(1) of 2002

Both comply with the EU Directive 93/7/EEC on the return of Cultural Objects.

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

According to the Antiquities Law, archaeological artifacts found in scientific or illegal excavations or by chance, as well as antiquities yet unfound, are owned by the State and cannot be alienated. Archaeological artifacts possessed by private collectors are also inalienable property of the State and, thus, subject to the provisions of the Antiquities Law. Inventories of the antiquities possessed by private collections are kept in the Department of Antiquities. The possession of any archaeological artifact not included in these inventories is illegal and subject to confiscation.

(e) Special rules on the transfer of title deeds in respect of cultural property

There are no rules for the transfer of title deeds, as the trade of antiquities is illegal.

7. Bilateral agreements

(a) Bilateral agreements concluded with other countries on the import, export and return of cultural property

Bilateral agreements were concluded between Cyprus and other countries based on the provisions of the 1970 Convention:

- A bilateral agreement between the United States of America and the Republic of Cyprus was signed in 2002 in the form of a Memorandum of Understanding. The MOU was reaffirmed, amended, and extended in 2006 and 2007. By this agreement, the import to the USA of Cypriot antiquities dating to the Pre-Classical, Classical, and Byzantine periods is restricted.
- A bilateral agreement between the People's Republic of China and the Republic of Cyprus was signed in 2008 concerning the prevention of the theft, clandestine excavation, and illicit import and export of cultural property.
- A bilateral agreement between Russia and the Republic of Cyprus was signed in 2010 concerning the prevention of illicit import and export of cultural property.
- A bilateral agreement with Switzerland is to be signed in the near future.
- A bilateral agreement with Israel is in preparation.

(b) Conditions settled by the importing country with regard to the admissibility of requests for restitution from a country of origin

No conditions govern the restitution of stolen artifacts to the country of origin.

(c) Administrative aid or any other type of cooperation with neighbouring countries, particularly in respect of police and customs services?

The Republic of Cyprus generally has good diplomatic relations, particularly in regards to cooperation in cultural matters, with all neighboring countries except Turkey. However, no special custom relations specific to trafficking of cultural property exist.

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

These codes are known to the cultural heritage professionals in Cyprus.

2. Awareness raising and education

(b) Dissemination of the “One hundred missing objects” series and the ICOM Red Lists

These publications are not sent to the Cypriot authorities (Department of Antiquities, Police and Cultural Heritage Office).
Lists of stolen cultural objects are sent to the Cyprus Police by INTERPOL.

(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?

Publications

A press release on the results of every excavation in Cyprus is disseminated to all Greek and English language Mass Media of the island. Special efforts are also made to have the results of scientific excavations published in relevant publications.

Workshops

Series of public lectures and workshops open to the public are organized annually to disseminate new archaeological discoveries.

Exhibitions

Exhibitions of archaeological matters are organized both in Cyprus and abroad.

Education

Educational projects are organized by the Ministry of Education for public museums, while private museums sponsor their own. Cultural Heritage has been introduced to the curriculum of primary and secondary education. A rich and active program for the conservation of monuments on the part of the island controlled by the Cyprus government also raises public awareness for cultural heritage.

Internet

The webpage of the Department of Antiquities disseminates information about archaeological matters in Cyprus.

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

The Republic of Cyprus Police is a regular member of INTERPOL, and it is represented by a permanent liaison officer in Lyon. The branch specialized in cultural matters is the Cultural Heritage Office of the Police Headquarters (Department C).

(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

When a cultural artifact is stolen, Cyprus Police immediately updates the INTERPOL database on stolen objects. No information on the persons implicated is transmitted.

(c) Specific training program for members of police services

Police members specialized in cultural property matters follow specific training programs in the European Police College, CEPOL. Special cooperation on these matters exists with the Carabinieri (Italy).

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

The Antiques Law provides for punishment of crime related to cultural property. There are no specialized judges in this field.

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

No cooperation exists with UNODC on cultural property matters; however, cooperation concerning illicit cultural property trafficking with UNESCO, ICOM, ICOMOS, ICCROM, the Council of Europe, and the Council of Churches is frequent.

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 Department of Customs and Excise (Cyprus) is a full member of the WCO. Heritage officials receive assistance in preventing the illicit traffic of cultural property from the Investigation Section and the Intelligence and Risk Analysis Section of this Department.

The Department of Customs and Excise has ratified the Memorandum of Understanding between the WCO and UNESCO on Combating Illicit Traffic of Cultural Property.

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

Officers of the Department of Customs and Excise are specialized on matters of illicit cultural property trafficking, and they have attended special seminars and workshops, both in Cyprus and abroad.

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

The Cypriot authorities use as a model for export certificates the European Communities Directive 93/7/EEC of 15 March 1993.

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

The Republic of Cyprus has adopted the European Communities Directive 93/7/EEC of 15 March, 1993 and incorporated it in the Export of Cultural Goods Law 182(1) of 2002.

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

The Republic of Cyprus ratified the UNIDROIT Convention on 2 March, 2004.

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

The Republic of Cyprus has participated as an Observer to meetings of this Committee. Cyprus was elected a Member of this Committee during the 36th session of the UNESCO General Conference in November 2011. Its mandate will expire at the end of the 38th session of the General Conference of UNESCO in 2015.

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

The existing laws concerning cultural property of the Republic of Cyprus are included in this database.