

# 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

## LATVIA

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

#### 1. Ratification of the Convention

Latvia has not yet ratified the UNESCO Convention of 1970. In January 2007 a report was prepared on the implementation measures in order to accede to the Convention. For the time being the process has been suspended due to insufficient funds and that the State has other priorities regarding the protection of cultural property.

#### 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 Law on Protection of Cultural Monuments of 11 March 1992 (hereafter "The Law of 1992") governs cultural protection in Latvia. Two Cabinet regulations have come out of the Law of 1992:

- "Exportation of Works of Art and Antiques from Latvia and Importation into Latvia", 7.01.2003;
- "Procedures for Return of Unlawfully Removed Art and Antique Objects", 16.09.2003.

There are, furthermore, the Law on Museums of 15 December 2005, the Law on Libraries of 21 May 1998, and the Law on Archives of 11 February 2010.

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

According to the Law of 1992, "cultural property" is defined as cultural monuments, which are a part of the cultural and historical heritage. Within this definition are immovable and moveable monuments. Immovable monuments are subdivided into individual objects and complex objects. Moveable monuments are also divided into the same two categories. Also included in the definition are museum collections, library stocks, archive materials, and cultural objects and collections owned by legal entities and individuals.

##### (c) Specialized units

Protection of cultural monuments in Latvia falls under the domain of the State Inspection for Heritage Protection (hereinafter – the Inspection). It is a direct administration authority under the supervision of the Ministry of Culture. The Inspection operates under the two aforementioned Cabinet Regulations, and issues permits for the exportation of cultural property.

##### (d) Administrative coordination

The Inspection cooperates with the Competent State Police authorities, the Economic Police Department and the International Cooperation Bureau of the Central Criminal Police

Department. Specialists of the Inspection are authorized to receive information from the “Mantas” (“Items”) System operated by the Information Centre of the Ministry of the Interior. The system collects data on stolen, seized, found and lost items. Since 2009 the Inspection has been the national partner in the project “Improvement of record keeping on stolen and lost cultural values to promote the prevention of/fight against smuggling” managed by the Information Centre of the Ministry of the Interior. The aim of the project is to improve accounting of stolen and lost cultural property.

Cooperation with the Customs Administration of the State Revenue Service is established in the Law of 1992, which grants the Inspection the right to take part in the work of the customs service by controlling the legality of exportation of cultural monuments. The Inspection gives expert support on issues concerning identification and examination of cultural objects. In 2010 the Inspection organized a series of lectures for customs officers on the most typical characteristics of archaeological valise and methods for recognizing objects. The internal cooperation is complemented by meetings to avoid misunderstandings and uncompleted customs documents when crossing the border.

International cooperation is accomplished by participation in conferences and meetings. In the interim period of the report Latvia has participated in conferences organized by INTERPOL in 2007 and 2010 as well as in meetings of experts organized by UNODC in 2009.

### **3. Inventories and identification**

#### **(a) Inventories**

The list of state protected cultural monuments has been combined into a single register: general catalogue of the national collection of museums, national catalogue of printed matter and other documents, and central catalogue of archived material. These are all publicly available.

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

The Law of 1992 (in preamble and sections 1, 12, 14, 18,) with reference to Cabinet Regulation which governs the return of unlawfully removed cultural objects. The Annex of this Regulation contains a list of categories of objects which also includes property categories that correspond to the term “cultural property” used in Article 1 of the Convention of 1970.

There are also further specifications in the Law on Museums, the Law on Libraries and the Law on Archives.

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

The information system “Mantas” is a database that collects information on stolen, seized, found and lost items. Currently the technical aspects as well as its content are being improved. A unified methodology is being developed for creating standardized descriptions and photos of cultural objects. This methodology is based on the Object ID standard. Within the framework of the project of improving “Mantas” the Object ID is being adapted to national needs.

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

There is currently no system has been developed to train museum staff in preventing theft and no special units to supervise this process. However all employees who work with collections are trained on how act in such situations. The same applies to staff of libraries and archives. Store-rooms of museums, libraries and archives are all fitted with security systems.

### **4. Archaeological excavations**

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

Measures to prevent illegal excavations are outlined in the Cabinet Regulation of 26.08.2003 "Regulations Regarding the Registration, Protection, Utilization and Restoration of Cultural Monuments, the Right of First-Refusal of the State and the Granting of the Status of an Environment-Degrading Object". Archaeological excavations can only be commenced after the receipt of a permit. In the request, the purposes of the excavation must be outlined together with a research program and a guarantee that no damages will be caused to the cultural monument and that such monument will be restored to order after finishing the work, and that the preservation of uncovered elements shall be insured.

Archaeological research work can only be managed by qualified specialists who have at least two years of experience and who have received the permit from the Inspection.

If necessary the Inspection shall provide for special archaeological conditions for the performance of archaeological work in order to preserve particular parts of archaeological monuments or to restore the image thereof. These special conditions shall be entered in a permit for archaeological work issued by the Inspection.

According to section 27 of the Law of 1992, cultural monuments, the owner of which fails to ensure the preservation thereof, may be alienated by judicial process.

(b) Illegal excavations

Following a worsening economic situation the issue of illegal digging has become increasingly problematic. The aim of these is mainly to simply dig out metal items from ancient burial sites, castle mounds and other cultural monuments. The purpose is to sell these to archaeological collectors or even as scrap metal. Furthermore, the widespread availability of metal detectors has aggravated this problem.

To prevent these diggings, control and monitoring of the condition of archaeological monuments is intensified and also discussions with owners of the monuments are held to explain to them Latvian legislation governing archaeological excavations. In addition, the Inspection also works with the press and organizes seminars for customs staff on identification of archaeological artifacts. The most significant problem is that the unsanctioned digging is performed in remote locations and it is difficult to detect the digging on the site at the moment of digging which makes it difficult to submit the case for further excavation.

**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 Inspection does not have information on the level of illicit exports or imports of cultural property. Since 2007, 19 expert examinations of 144 intercepted objects have been performed in cooperation with state regional customs authorities and the Customs Criminal Investigation Board.

(b) Problem of the illicit export of cultural property

Taking into consideration the regulatory system governing the protection of cultural property, illicit movement of cultural property is not a growing or irreversible problem.

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

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

Issues connected with export and import of cultural property are governed by the Regulation No.8 "Exportation of Works of Art and Antiquities from Latvia and Importation into Latvia" (07.01.2003). (The Regulation is publicly available [here](#) and on the Inspection's website [here](#)). The Regulations provides protection of national cultural values by preventing export of stolen and lost cultural objects and sending of these by mail, and lays down the requirement to obtain from the Inspection a permit for exporting a cultural object. Annex 1 of the Regulation defines the categories of cultural property which require a permit for their exportation.

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

The Law of 1992 provides for the return of illegally imported cultural property. Section 18 lays down that an action may be brought to court regarding the return of an illegally exported art or antique article not later than one year from the day that the information regarding the article was received.

The right to claim an illegally exported art or antique article shall lapse:

- 30 years after the moment it was illegally exported;
- After 75 years if it is subject to special protection;
- After more than 75 if such time period as been provided for in a mutual agreement with the relevant country.

Procedures for the return of these articles are regulated by Cabinet Regulations.

According to Latvia's experience, the legal basis is not the decisive factor in solving the problem of return. It is mostly based on mutual negotiations between the countries involved.

**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).

Trade in cultural property is practiced by antique shops and art galleries. Also individual dealers operate in the market and provide their service to a certain circle of clients. Since 2005 auctions have become increasingly commonplace. In 2008, 5 art galleries organized 10 regular auctions in 2010 three galleries organized a total of 20 auctions.

(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)

There are no specific regulations governing the operation of antique shops, auction houses or dealers. The State Police is responsible for dealing with issues of protecting the rights of individuals and property against criminal threat.

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

Regulation n. 956 "Regulations Regarding the National Museum Holdings" stipulates the order of acquisition of items for the National Museum Holdings. It states that contract regarding the acquisition of the object in the ownership of the museum should be concluded between the museum and the vendor, in signing the contract, the vendor certifies his or her title to the object and its legal origin.

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

Section 13 of the Law on Museums prohibits alienating individual objects from collections in the National holdings, Section 8 of the Law of 1992 prohibits alienating separate parts part of one

cultural monument or a complex of monuments, as well as dividing land if, as a result of preservation of a cultural monument is endangered. Section 17 of the same Law states that the finder shall within 10 days notify the Inspection of the objects found in the ground, above ground, in water, in ancient buildings or parts and remains thereof and which might have historical, scientific, artistic or other cultural value.

## **7. Bilateral agreements**

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

Currently, Latvia has not signed any bilateral agreement. According to EU Council Directive 93/7/EEC and Cabinet Regulation n. 526 "Procedures for the Return of Unlawfully Removed Art and Antique Objects", in 2006 Latvia began negotiations with Poland for a candlestick and a readings desk which were removed from Latvia to Poland at the end of the Second World War. Currently there are no further obstacles for the return of the reading desk. In late 2010, another issue was resolved concerning a painting lost by the National Museum of Art in Latvia during the Second World War and discovered in the possession of a Swedish citizen. The object was returned to the Museum in January 2011.

Latvia has managed the return of cultural objects through cooperation and negotiation, therefore no case has yet been decided in court. The countries receiving the requests have not placed any conditions or requests for proof.

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

There are no special cooperation agreements. Cooperation of this nature is organized on the basis of personal contacts, using public communications information and by communicating online.

## **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 ICOM Code of Ethics is well-known and used among museum employees thanks to the activities of ICOM-Latvia and the Department of Museums and Visual Art of the Ministry of Culture. The Code has been translated into Latvian and is available to all museum specialists. Each year seminars and conferences have been held around issues in the ICOM Code. Paragraph 4.4.1 of the Code of Ethics of the Inspection prescribes that the Employee shall not collect works of art, antiques or ancient artifacts if his or her work is related to the respective area.

### **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?

Latvian museums and heritage institutions are aware of the “One hundred missing objects” series and the ICOM Red Lists. The Inspection ensures the freely available exchange of information. In addition, educational events are organized which draw the attention of the public. On European Heritage Days, sites that are usually closed to the public are open. Furthermore, seminars are organized for specialists on theoretical and practical issues of conservation. Cultural Heritage Days also provide the opportunity to exchange experience.

The Inspection prepares information materials for children, organizes creative camps and encourages young people to participate in events organized by the Council of Europe. The Inspection has also developed cooperation with Latvian universities. Prospective specialists who study the subject of protection of cultural monuments have the opportunity to study information on the main directions and specific works of the Inspection, and to use the documents of the Inspection on cultural monuments. The Inspection has prepared thematic publications on maintenance and conservation of cultural monuments within the framework of European Heritage Days. Furthermore it has published booklets for owners of cultural and historical sites.

### **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

Cooperation with the General Secretariat of INTERPOL is done through the Latvian national bureau of INTERPOL. The State Police does not have a specialized unit dealing with heritage issues; they are usually dealt with by the law enforcement bodies.

(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

The International Cooperation Bureau of the Central Criminal Police Department has the technical facilities to access the INTERPOL databases. Employees of the Inspection also use the database to check the legality of the origin of objects to be exported from Latvia.

Currently the Information Centre of the Ministry of the Interior in cooperation with enforcement and culture institutions is developing the EU co-financed international project “Improvement of record keeping on stolen and lost cultural values to promote the prevention of/fight against smuggling”. One of the results of the project is connected with a semi-automated data transfer mechanism from national information systems of accounting of stolen property to the INTERPOL database.

(c) Specific training program for members of police services

The 2011 work plan of the State Police College does not include a special training program for the illicit movement and transfer of ownership of cultural property.

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

The Criminal Law of Latvia provides different penalties for theft of cultural property and smuggling, also if the cases are connected with destruction of cultural and national heritage, destruction or damaging of cultural monuments. There are no judges specialized in issues of cultural property in Latvia. The spheres that delineate judges’ competences are criminal and civil.

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

In November 2009, experts of the Inspection participated in a meeting of the UNODC Intergovernmental Panel on protection against trafficking in cultural property. This was the only case for the Inspection for cooperation with the Organization.

**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

Currently, Latvian customs and the WCO do not cooperate in this area. If cooperation were to arise in the future, officials from the Restrictions and Prohibitions Unit of the Customs Permits Control Division of the State Revenue Service would be in charge of these issues.

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

There is no special training program, however in October 2010, the Inspection organized and conducted training of customs officials on the identification of archaeological objects.

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

This has not yet been applied. Authorities check for the submission of a permit from Latvia and the European Union.

**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

Latvia, as an EU Member State, is party to the Council Directive 93/7/EEC on the return of cultural objects unlawfully removed from the territory of a Member State, which has been included in the aforementioned Cabinet Regulation n. 526 of 16.09.2003.

**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**

Latvia has not ratified the UNIDROIT Convention and is not planning to do so.

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

As it is not party to the 1970 Convention, Latvia does not plan to participate in the work of the Committee.

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

If necessary Latvia is prepared to provide information about public sites where it is possible to get access the newest changes to legal acts developed for the protection of heritage.