Cooperation between Law Enforcement Agencies in the Netherlands in relation to the Protection of Cultural Heritage

Marja van Heese, sr inspector
Cultural Heritage Inspectorate: Tasks

- Central authority for European and UNESCO legislation (1970, 1954) on the protection of cultural heritage and for Sanction measures Iraq and Syria

- Authorization of export licences

- Inspection of collections of the state and of objects which are irrereplaceable and indispensable for Dutch cultural heritage
- Inspection of archaeological objects/monuments
- Inspection of governmental archives/records

- Cooperation with Dutch Customs and Police

- Cooperation with relevant (inter)national organizations
Legal Framework

**Heritage Act (1 July 2016)**
Included in this Act, a.o.:

- Council Regulation No. 116/2009 (export of cultural goods)
  *< new EU legislation on the import of cultural goods into the EU >*

- Cultural Property (Return from Occupied Territory) Act (2007)

UNSC Resolution 2347/2017, (Mali Sanctions Order 2017)
> 20 years cooperation with Customs

Since 1995 cooperation with Dutch Customs (formally since 2000, Agreement between the Ministries of Finance and Culture: policy and enforcement)

- Policy and Executive level
- Special contact persons
- Exchange of information
- Training/education
- Risk analysis
- Pilot projects

>> Effective and efficient
import and export of cultural objects
Export licences


Concurrence:
Directive 2014/60/EU
UNESCO 1970 and 1954
Sanction Orders Iraq and Syria

Administrative handling:
Central Licensing Office
Digitized procedure

Authorization: CHI

Control: every Customs office NL
Some figures on export licences

Average export licences: ca 350 annually (def. ca. 100, temp. ca. 250)

Main categories: antiques, paintings, archaeological objects

Main destinations: USA, Japan, Switzerland, Russia, Singapore

Applicants: heritage institutions vs. art trade: 1 : 2,5
ILLEGALE HANDEL IN KAART


Latijns-Amerika
Bijna 60% van alle Maya-stenen in Latijns-Amerika is beschadigd door roof. Pre-Columbiaanse oudeheden zijn gebiedsverzaamteobjecten, veel waargenomen deodens van roof en illegale handel. Het kunstgoedseven ontbinding vast.

Afrika
De helft van alle archeologische sites in Afrika is geplunderd en 15% is weinig beschadigd.

Europa
Van maar 1 op de 10 Apollonische beelden in het westen van Europa is niet beschadigd door roof. Pro-Colonialistische overheden zijn gebiedsverzaamteobjecten, veel waargenomen deodens van roof en illegale handel. Het kunstgoedeven ontbinding vast.

Australië
Het laatste decennium is Thailand het toeval van grootschalige plundering van archeologische artefacten. Locaties in Saraburi, Siem Reap, Ann Prana en Bang Pakai zijn gemeend verwoest en ook in tempelcomplexen genomen.

Midden-Oosten
Na de eerste Golfoorlog zijn archeologische sites in de hand en in privatee handen, vaak zonder wetenschappelijke documentatie. Aangakken worden gedoemd en op een doorlopende weg ontbinding in trant.
Risk Analysis

- Countries at risk
- Vulnerable cultural heritage
- Alerts UNESCO
- Alerts EU member states
- Alerts Interpol
- Red List ICOM
- Research studies
Information and training
Information and training
Training: registration, handling, photographing
Cooperation with Police

Since 2013 special contact persons within the regional police forces

Special unit art and antiques criminality with a database on stolen works of art (analysis)

National Public Prosecutor for art and antiques criminality

➢ Training, awareness raising (recognition, legislation)

➢ Mutual assistance
National cooperation
TEFAF and dialogue with art trade
Due diligence and provenance

Cf. legislation and soft law
➢ EU Working Group on Provenance

ICOM Code of Ethics (Museums)
And CoE for Archives, Archaeology

Dialogue with Art trade

- Check the provenance of ALL objects in the inventory
- The museum inventory, stating for each object a.o. how it was acquired and from whom/where, should be accessible to the public
- Exercise due diligence when considering an acquisition or loan: verify ownership, is current holder legitimately able to transfer title or lend
- Not just a matter of legal self-protection, but of conscience
International Cooperation

ICA, ICOMOS, IFLA

UNESCO

Convention for the fight against the illicit trafficking of cultural property

United Nations Educational, Scientific and Cultural Organization

UNODC (United Nations Office on Drugs and Crime)

INTERPOL

UNIDROIT

World Customs Organization (WCO)

European Union (EU)
Problems we encounter when unlawfully removed and discovered in NL

- Legally protected cultural heritage? (legislation, inventories, report of the offence, photo documentation)

- Provenance: rightful owner / country of origin?

- Contact persons/cultural authorities and response within certain period (24 weeks)

- Authentication of objects and documents: fake or real?

- Reported in Interpol database of stolen works of art?
Contact

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