

# **PAKISTAN**

## **NATIONAL REPORT ON THE IMPLEMENTATION OF THE 1970 CONVENTION ON THE MEANS OF PROHIBITING AND PREVENTING THE ILLICIT IMPORT, EXPORT AND TRANSFER OF OWNERSHIP OF CULTURAL PROPERTY**

**2011 – 2015**

I. **Information on the implementation of the UNESCO Convention of 1970 (with reference to its provisions)**

1. **Ratification of the Convention**

(a) Has this Convention already been ratified?

**Yes**

(b) If not, please indicate, where applicable:

- the stage of the ratification process reached by the State concerned (close to ratification, under way, actively under preparation, not considering ratification in the short, medium or long term);
- obstacles or difficulties encountered in completing the ratification process (whether legal, political or practical) and the means of overcoming them;
- the extent to which UNESCO can assist in completing the process?

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

(a) **Give the references of the principal national regulations adopted in order to implement the 1970 Convention?**

- i. **Antiquities Act, 1975 (Act VII of 1976). (An Act to repeal and re-enact the law relating to the preservation and protection of antiquities)**
- ii. **Gazette Notification No. SRO 449/(i) 1/76 dated 12th May, 1976 prohibiting movement of antiquities in certain specified areas for five years.**
- iii. **Gazette Notification No. SRO 1378/(i) 1/78 dated 21st November, 1978, Excavation and Exploration Rules, 1978**
- iv. **Gazette Notification No. F.4-27/78-AA-II dated 19th August, 1979, Export of Antiquities Rules, 1979**
- v. **Gazette Notification No. S.R.O. 647(I)89 - dated 20<sup>th</sup> June, 1989, Dealing in Antiquities Rules, 1989**
- vi. **Gazette Notification No. SRO 1037(1)/80 dated 4th October, 1980, Cinematographical Filming of protected Antiquities Rules, 1980.**
- vii. **At present "The Antiquities Act, 1975" is prevailing (which repeals Ancient Monuments Preservation Act VII of 1904 and Antiquities Act, 1968). The Antiquities Act, 1975 was passed by the Parliament of Pakistan, which repeals and re-enacts the laws relating to the prevention and protection of antiquities. As per provisions under Section 26 of the Antiquities Act, 1975, export of antiquities for the purpose of sale is not allowed. Only temporary export of antiquities to other countries is allowed which is for the purpose of treatment, and exhibitions, under the rules called as "Export of Antiquities Rules, 1979". The export of antiquities is also prohibited under section 16 of the customs Act, 1969 (IV of 1969).**

(b) A definition of "cultural property" agreeing with the definition proposed by the 1970 Convention is important in order to increase the effectiveness of international cooperation. State what definition is used by the national laws of the country concerned.

**The definition of "Cultural Property" is provided in Antiquities Act, 1975, the said definition is in accordance with the 1970 Convention.**

(c) Have specialized units been established in order to prevent and combat trafficking and ensure international cooperation for the protection of cultural heritage? Within the Heritage Department? In other government departments (police, customs)?

**Yes, After the ratification of UNESCO Convention on the “Means of Prohibiting and Preventing the illicit Import, Export and Transfer of Ownership of Cultural Property, 1970” by Pakistan in 1981, the Department of Archaeology and Museums established Special Cells/Branches which are known as Antiquities Trade Control Branches located at Department of Archaeology and Museums, Islamabad and all the four Provincial Headquarters at Lahore, Peshawar, Quetta and Hyderabad with the specific purpose to control illicit trade in antiquities.**

- (d) Describe briefly the administrative coordination of the activities of these specialized units, especially with the police and customs authorities.

**These units check and control the illegal activities in the country and have close coordination with the Pakistan Customs, Police, Border Security etc.**

- (e) Are working meetings held to enable police officers, customs officials and ministerial representatives to meet and coordinate their activities?

**Yes, as and when required meetings are held for better coordination between the concerned agencies.**

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

- (a) State briefly the extent to which inventories provide for the risks of misappropriation and theft.

**All museums in Pakistan have prepared inventories of the Cultural Property. All the protected sites and monuments have been inventoried under the Antiquities Act, 1975 by the Department of Archaeology and Museums, Government of Pakistan.**

- (b) Specify the degree of precision, at the national level, of the definition of “cultural property” covered by international conventions (see above 1.2(b)). State whether “national treasures” are identified in an official, tentative or exhaustive list.

**Almost all protected cultural property is inventoried**

- (c) To what extent is the Object ID standard used? Is the standard adapted to the State’s needs?

**All basic information about the objects of cultural property are inventoried and Object ID standards are used.**

- (d) Are there systems to combat theft and to train museum staff and have specific measures been adopted for libraries, archival and manuscript repositories, and any specialized units established to monitor them?

**Department of Archaeology and Museums, Government of Pakistan within its Financial Resources is doing its level best to control on looting/pillaging of archaeological and ethnological objects. However, there are many challenges being faced by the Department of Archaeology such as; limited financial resources, technical and professionals staff as well as lack of mechanism for proper coordination between the relevant agencies i.e. Police and Customs Authorities.**

**For the proper protection of cultural property against illicit trafficking specific provisions have been provided under the Antiquities Act, 1975 and these rules are exercised by the Department of Archaeology and Museums with the specialized services and cooperation of Magistrates/Judges, Police Department as well as Custom Authorities vide their Customs Act, 1969 which is integrated with the Antiquities Act 1975. There are specific provisions under Customs Act, 1969 for**

the protection of cultural property against illicit trafficking. During the last 10 years total 13801 Antiquities have been saved from smuggling at different exit points of the country with the active help of Pakistan Customs and Police Department.

The Customs Authorities are empowered to control illicit trade in antiquities or their transfer vide their Custom Act, 1969 as well as Antiquities Act, 1975 of Department of Archaeology and Museums, Government of Pakistan. Similarly, the Police Authorities are also empowered to control on illicit trade in antiquities. It is a matter of satisfaction that these Departments are helping the Department of Archaeology and Museums in the retrieval of antiquities from the smugglers and due to vigilance of the Customs Authorities at International exit points several consignment of antiquities which were being exported unlawfully have been confiscated.

#### 4. Archaeological excavations

- (a) Summarize the basic principles of the regulations on archaeological excavations and on the monitoring of excavations in force in the country.

All excavations are carried out under the Antiquities Act, 1975 and Archaeological Exploration and Excavation Rule, 1978. Under well-planned schemes, extensive archaeological exploration in the different areas of Pakistan in addition to regular excavation / exploration programme as well as salvage operations at the potential sites have been started. The main thrust of these schemes, is to check the archaeological wealth of the country, retrieve and rescue whatever is possible for proper preservation and maintenance of the cultural heritage of Pakistan.

- (b) Is there a recurrent problem of illegal excavations? If so, what are the reasons and when did it begin? What steps have been taken to combat this scourge?

Yes, special Cells/Branches have been established which are known as Antiquities Trade Control Branches located at Department of Archaeology and Museums and all the four Provincial Headquarters with the specific purpose to control illicit trade in antiquities. SO for a large number of antiquities have been confiscated. These branches also take due notice of the activities of the antique dealers and illegal diggers.

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

- (a) Give an estimate of the scale of the illicit export or import of cultural property. Are up-to-date statistics compiled on the theft of cultural property?

Examples of Restitution of the Cultural Artifacts of Pakistan Origin from other countries, under UNESCO Convention 1970		
VENUE	Detail of Cultural Property	Remarks
New Jersey, USA	38 Gandhara Art Artifacts detained by US Customs Department at New Jersey in 2004	Dr. Fazal Dad Kakar, Director General, Department of Archaeology and Museums successfully established the prominence of the detained artifacts as Gandhara Pakistan through study of the mineral composition of the stone from which artifacts were made. The Artifacts were repatriated to Pakistan in 2007.

London, UK	198 Antiquities of Pakistan origin detained by UK Customs Authorities at Heathrow Airport, London in 2007	UK authorities handed over the antiquities to the Pakistan High Commission, London for restitution to Pakistan
Rome, Italy	Italian Police intercepted 96 antiquities of Pakistan origin at Rome in 2007.	Italian Ministry of Culture handed over the antiquities to the Pakistan Embassy, Rome.
New York, USA	61 antiquities of Gandhara Art illicitly trafficked to USA appeared at Christi's Auction House, New York in 2011.	The case has been taken up with the US Authorities for repatriation of the Pakistan origin antiquities under provisions of the UNESCO Convention, 1970.
Washington, USA	US Custom Authorities detained a shipment containing 60 artifacts of Pakistan at Washington in October, 2013	Case has been taken up with the US Authorities for repatriation of the said artifacts under UNESCO Convention, 1970. The US Government has informed that a bilateral agreement is required for further processing the case. The said agreement will be signed shortly.

- (b) Is the illicit export of cultural property a recurring problem? If so, for which reasons (lack of financial and human resources, shortcomings in the legal supervision framework, etc.)?

**Yes illicit export of cultural property is a recurring problem due to financial constraints and dearth of trained staff.**

- (c) What are the main rules (administrative and legal) for monitoring the export and import of cultural property (existence of an export certificate, public information about the rules in force)? What categories of cultural property are covered by the rules?

- Protection of local archaeological and heritage sites by the public **Yes**
- Return of objects to relevant authorities **Yes**
- Sharing information on stolen objects with authorities **Yes**
- Placing pressure on museums to change acquisition policies **Yes**
- Advocating for policy change **Yes**

- (d) Do the rules provide for the restitution of illicitly imported cultural property?

**Yes**

- (e) What are the main obstacles encountered in securing the restitution of illicitly exported cultural property? What type of obstacles are they (administrative, legal or political) and why do they arise (legal loopholes, unwillingness by importing countries, lack of international cooperation, etc.)?

- (f) If the country has succeeded in securing the restitution of a stolen cultural object, describe the circumstances and state whether that involved legal proceedings, arbitration or alternative dispute resolution.

**Yes, Pakistan has succeeded in securing the restitution of illicitly exported cultural property. However in the case of United States the Government of Pakistan shall has to sign a bilateral agreement for restitution of cultural property of Pakistan illicitly exported to United States.**

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

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

**As Pakistan is not a market nation for cultural goods therefore, there are no markets or auction houses of cultural goods in Pakistan.**

- (b) What are the main rules governing trade in cultural goods? Are control measures in place for such trade (maintenance of a police register), in particular through the Internet (for example, reference to the basic measures proposed by UNESCO, INTERPOL and ICOM)?

**Yes, Dealing in Antiquities Rules 1989 framed under Antiquities Act 1975 provides effective control on trade of cultural goods. Under these rules all dealers of cultural goods are required to maintain a register of all purchases and sales and to provide all data to the Government for verification.**

- (c) Do measures exist to control the acquisition of cultural property (for example, mechanisms to prevent museums and similar institutions from acquiring cultural property exported illegally from another State)?

**Yes, Acquisition of Antiquities Rules 1989 framed under Antiquities Act 1975 provide mechanism to prevent museums and similar institutions from acquiring cultural property exported illegally from another state.**

- (d) Specify the existing legal system concerning ownership of cultural property:

- Is the principle of inalienability applied to cultural items in national collections and objects originating in heritage sites?

**Yes, Section 13 A and 26 of the Antiquities Act 1975 and Export of Antiquities Rules 1979 provides this principle and no cultural good of Pakistan origin can be exported to other countries permanently.**

- What is the status of yet unfound cultural objects, of cultural items found by chance and archaeological artefacts found during legal or illegal excavations?

**Section 13 A of the Antiquities Act 1975 provides that all buried antiquities (Archaeological material) is the property of the Government of Pakistan.**

- Are there any due diligence requirements in place?

**Yes**

- What are the rules governing the search of provenance?

**Our National law i.e. Antiquities Act 1975 and rules framed under this Act.**

- (e) Are there special rules on the transfer of title deeds in respect of cultural property? If so, please summarize their content.

**There is no such special rule.**

## 7. Bilateral agreements

- (a) List the bilateral agreements concluded with other countries on the import, export and return of cultural property and comment briefly on their results.

**Signing of a bilateral agreement with the United States is under process.**

- (b) What conditions are set by the importing country with regard to the admissibility of requests for restitution from a country of origin?

**To sign a bilateral agreement**

- (c) Apart from these agreements, is there administrative aid or any other type of cooperation with neighbouring countries, particularly in respect of police and customs services?

Yes. Customs Intelligence Department provides such

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

### Ethical standards

- (a) Are the UNESCO International Code of Ethics for Dealers in Cultural Property and that of ICOM for museums known to the professionals concerned (in particular, curators, antique dealers, merchants and collectors)? How is their observance checked?

**ICOM's Code of Ethics are followed by all museum professionals; ICOM's Code of Ethics are included in the curriculum of Museology at university level. However, there are no registered antique dealers, merchants and collectors.**

#### **Awareness raising and education**

- (b) Are the "One hundred missing objects" series and the ICOM Red Lists disseminated and read?

**Yes**

- (c) Briefly describe 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 order to raise awareness workshops are arranged at institutional level, lectures are delivered in the universities and colleges, archaeology as a subject has been introduced in universities and at college level. Lessons on history and cultural heritage are included in the school curricula. UNESCO collaborates with the local concerned institutions for arranging workshops on cultural heritage and helps in preservation and promotion of the World Heritage sites. UNESCO Office also arrange events and programmes to raise awareness about the cultural heritage.**

### **III. Cooperation with other international and regional agencies**

#### **Police**

- (a) What is the state of national cooperation with INTERPOL? What specialized police services can heritage officials call on for enquiries, legal proceedings and punitive measures?

**Federal Investigation Agency (FIA) has liaison with INTERPOL. There is no special police to deal with the cultural heritage cases, however, FIA and Police Department are called for enquiries. Legal proceedings and punitive measures are taken under provisions of the Antiquities Act 1975 and Customs Act 1969.**

- (b) If a cultural object is stolen, is the INTERPOL database on stolen objects checked? Is information on the persons implicated in the theft of cultural property transmitted to INTERPOL?

**Yes**

- (b) Do members of police services follow a specific training programme?

**No**

- (c) Do criminal law provisions allow for the punishment of fraud and theft related to cultural property? Are judges specialized in this field?

**Yes criminal law provisions allow for the punishment of fraud and theft related to cultural property. However, Judges are not specialized in this field.**

- (e) Does cooperation exist with the United Nations Office on Drugs and Crime (UNODC)?

**Yes, at country level the Director General, Department of Archaeology and Museums, Government of Pakistan is the focal person for the purpose.**

#### **Customs**

- (f) What is the status of cooperation with the World Customs Organization and which specialized customs services can assist heritage officials in preventing the illicit export of cultural property?

**Pakistan Customs Intelligence Department has cooperation with the World Customs Organization. Pakistan Customs staff responsible for checking at exit points assist heritage officials in preventing the illicit export of cultural property.**

- (g) Do members of the customs administration follow a specific training programme?

**There is no specific training programme for members of the customs administration.**

- (h) Is the UNESCO-WCO Model Export Certificate for Cultural Objects used?

**Export of cultural objects on permanent bases (transfer of ownership) is prohibited under Antiquities Act 1975 and for the temporary export of antiquities for the purpose of exhibition, examination or treatment for preservation the Act provides mechanism, so use of the UNESCO-WCO Model Export Certificate for Cultural Objects is not in practice.**

#### **European Union**

Have particular measures been adopted to apply 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. **No.**

#### **IV. Emergency situations and heritage at risk**

- (a) What is the strategy in place in your country to face emergency situations for heritage in case of natural disaster or conflict?

**At national level the Federal Department of Archaeology and Museums has established a Planning and Development Section which is responsible for taking preventive measures in the case of natural disasters and also mitigation measures in the case of damage caused by the natural disasters to the cultural heritage. In the case of conflict museums are closed, artifacts are packed and if necessary the artifacts are buried in the ground.**

- (b) More particularly, what are the measures undertaken to implement UNSC Resolution 2199 (paragraph 17, 12 February 2015) for the protection of Syrian and Iraqi cultural heritage?

**Red List of Syrian cultural heritage has been disseminated for general information. Import and export of all type of cultural property without valid documentation is prohibited under national laws of Pakistan, Customs staff, border security and coast guards detain such cultural heritage and after legal process hand over to the Department of Archaeology and Museums for safe custody and preservation. Whenever, Syrian and Iraqi cultural heritage will be intercepted it will be returned to its country of origin.**



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

**In order to control and curb the illicit trade of cultural properties and clandestine excavations the Federal Department of Archaeology and Museums has established Antiquities Trade Control Branch at national level. Antiquities Act 1975 and the Customs Act 1969 have been integrated to make these legislations more effective.**

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

**Not yet**

(a) Has this Convention been ratified, in addition to that of 1970?

(b) If not, please indicate, where applicable:

- the stage of the ratification process reached by the State concerned (close to ratification, under way, actively under preparation, not considering ratification in the short, medium or long term) ;  
**Considering**
- obstacles or difficulties encountered in completing the ratification process (whether legal, political or practical) and the means of overcoming them;
- the extent to which UNESCO can assist in completing the process.

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

Describe the extent to which the State concerned is following the work of the UNESCO Intergovernmental Committee (observer, member, State concerned by a case under discussion, etc.).