

Protection of Cultural Heritage in Southeast Asia

Workshop Proceedings,
Hanoi, Vietnam, 9-13 April 2001

Asia Pacific Organisation of the
International Council of Museums in
partnership with the Vietnam Ministry
of Culture and Information



Edited by Amareswar Galla

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Ministry of Foreign Affairs of the Netherlands



Contents



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2010 - Paris



INTERNATIONAL COUNCIL OF MUSEUMS
CONSEIL INTERNATIONAL DES MUSEES
CONSEJO INTERNACIONAL DE MUSEOS





United Nations Educational, Scientific and Cultural Organization
Organisation des Nations Unies pour l'éducation, la science et la culture

FOREWORD

The Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, the first world-wide instrument focused on illicit traffic in cultural property, was adopted by UNESCO in 1970. More than ninety countries, including several major importing countries, are Parties to this Convention. There are several others that are presently considering their accession. In Asia, over twenty states have also ratified this UNESCO Convention.

This Convention requires the States to cooperate in the prevention and fight against illicit traffic through various means, especially legislative, educational and administrative. It is important that States come together to develop regional approaches in such an endeavour. It is also significant for cooperative work between all the concerned agencies such as ICOM, ICCROM, ICOMOS, Interpol, World Customs Organisation, Council for the Prevention of Art Theft along with the various representative offices of UNESCO at the region level. This volume is testimony to such cooperation and significant collaborative work.

This is the UN International Year of Cultural Heritage with UNESCO as the lead agency. I would like to congratulate the Asia Pacific Organisation of ICOM and its Chairperson, Professor Amareswar Galla and his Executive Board members, for bringing out this very important volume as part of the core advocacy for cultural heritage protection in the region during this year. Such regional activities are critical for recognition of the various needs based on the cultural diversity of the Asia Pacific Region.

I wish the readers all the best in furthering the important work of protection of cultural heritage during this UN year.

A handwritten signature in black ink, appearing to read "Mounir Bouchenaki", with a long horizontal stroke extending to the left.

Mounir Bouchenaki

18th May 2002

The Assistant Director-General for Culture

Program of the Workshop

MONDAY 9 APRIL • HORISON HOTEL

Opening session

Introduction.

Dr. Dang Van Bai,
*Director, Vietnam Department of Conservation
and Museums, MoCI.*

Dr. Amareswar Galla,
Chairperson, ICOM-ASPAC.

Welcome Address.

Dr. Tran Chien Thang
Vice-Minister, Ministry of Culture and Information, Vietnam

ICOM Activities in Combating Illicit Traffic in Cultural Property.

Mr. Manus Brinkman,
Secretary General of ICOM.

Issues for the Protection of Cultural Property.

Ms. Rosamaria Durand,
Resident Representative of UNESCO in Vietnam.

Heritage Management and International Legal Instruments in Vietnam.

Mrs. Nguyen Hoi,
*Secretary General, National Commission for
UNESCO, Vietnam.*

Introduction and Objectives of the Workshop. Synthesis of Country Position Papers from Southeast Asia.

Dr. Amareswar Galla,
Chairperson, ICOM-ASPAC.

World Customs Organisation and the Protection of Cultural Heritage

Mr. Alexis Tse,
Intelligence Analyst, Tokyo Customs, Japan.

Interpol and the Protection of Cultural Heritage.

Mr. Jean-Pierre Jouanny,
Specialised Officer, Interpol.

Object ID. Analysis of Regional Pilot Projects.

Ms. Pienke Kal,
*Chief Curator Southeast Asia, KIT (Royal Tropical
Institute), The Netherlands.*

Illicit Traffic: Regional Case Studies.

Dr. Pisit Charoenwongsa,
*Director, SPAFA (SEAMEO Regional Centre for
Archaeology and Fine Arts), Thailand.*

Illicit Traffic in Cultural Property: International, Regional and Sub-Regional Cooperation.

Mr. Etienne Clément,
Resident Representative of UNESCO in Cambodia.

*Official dinner hosted by the Ministry
for Culture and Information of Vietnam.
Cruise on Hotay Lake.*

TUESDAY 10 APRIL • HORISON HOTEL

Working Groups Session

Group 1: Protection of Artifacts in Monuments and Sites, and Collections in Museums and Temples.

Facilitators: Dr. Dang Van Bai,
Mr. Etienne Clément, Ms. Bernice Murphy

Group 2: Customs, Police and National Coordination.

Facilitators: Mr. Jean-Pierre Jouanny,
Mrs. Emelita Almosara

Group 3: Capacity Building towards Sustainable Heritage Protection. Documentation Tools and Inventorying Methods.

Facilitators: Ms. Pienke Kal,
Dr. Truong Quoc Binh

WEDNESDAY 11 APRIL

Halong Bay Expedition

Bach Dang Battle site, museums, temples
and communal houses

Arrival in Halong and boarding for
5-hour cruise on the Bay

THURSDAY 12 APRIL

Vietnam Museum of Ethnology

Departure to Vietnam Museum of Ethnology

Welcome and Presentation Tour

Professor Nguyen Van Huy,
Director, Vietnam Museum of Ethnology.

What is Object ID? Case Studies and Practical Exercises with Objects.

Ms. Pienke Kal,
*Chief Curator Southeast Asia, KIT (Royal Tropical
Institute), The Netherlands.*

Tang Long Water Puppet Theatre. Traditional Vietnamese
Performing Art.

FRIDAY 13 APRIL

Working Groups Session

Group 1: Protection of Artifacts in Monuments and Sites, and Collections in Museums and Temples.

Group 2: Customs, Police and National Coordination.

Group 3: Capacity Building towards Sustainable Heritage Protection. Documentation Tools and Inventorying Methods.

Plenary Session

Presentation of Working Groups Results

Protection of Cultural Heritage in Southeast Asia

Dr Amareswar Galla, Chairperson, ICOM Asia Pacific Organisation

In recent decades, illicit traffic and looting of cultural heritage increased dramatically all over the world. Some of the factors contributing to this situation are the internationalisation of the art market, rapid growth of tourism and globalisation of the marketplace with easier flows of capital. At the same time there is a growing recognition of the inalienability of cultural property from its place of origin, and the idea that certain cultural artifacts are the property of the people of the place in which they have originated and hence should not be traded without permission by the official representatives of these people. Such recognition has convinced governments and professionals of the urgent need to make concerted efforts for the protection of cultural heritage resources and to study ways and means to implement concrete actions to his end.

To assist in the protection of cultural heritage, several corresponding conventions have been developed and adopted at the international level:

1. The Convention for the Protection of Cultural Property in the Event of Armed Conflict - also called the HAGUE CONVENTION of 1954, and its PROTOCOL.
2. The 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property - often called the 1970 UNESCO CONVENTION (ON ILLICIT TRAFFIC).
3. The 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage - known as the WORLD HERITAGE CONVENTION.
4. The UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects (1995).
5. The 2001 Convention on the Protection of the Underwater Cultural Heritage.

The 1954 HAGUE CONVENTION was adopted together with a Protocol concerning the return of cultural property illegally exported during an armed conflict. Under this Protocol, the export of cultural property from an occupied territory is prohibited. In case of illegal exportation, the cultural property must be returned to the territory where it came from. The Protocol also expressly forbids the appropriation of cultural property as war reparations. As of 15 June 1996, 75 States were parties to the PROTOCOL to the 1954 HAGUE CONVENTION. Among these, 24 are not parties to the 1970 UNESCO CONVENTION. It means that even if they are not bound by the obligations of restitution under the conditions of the 1970 UNESCO CONVENTION, these countries may under the Protocol to the 1954 HAGUE CONVENTION have to return cultural objects that were exported in situations of occupation. A new 2nd Protocol was adopted in March 1999 by 84 national delegations whose countries are in the process of ratifying it.

The UNIDROIT CONVENTION presents an international framework to contest private sector transactions in stolen art and cultural property. Among other things, it allows claimants in countries that are party to the Convention to sue in the courts of other signatory countries for the return of stolen or illegally exported cultural property. It is significant that the UNIDROIT CONVENTION unequivocally requires all objects demonstrated stolen to be returned and limits the possibilities for compensation in the case of return to holders who have been diligent in searching the title.

These measures alone force potential art buyers to seek accurate and full documentation on an object's past ownership and will make it much more difficult to claim good faith ('bona fide') with regard to suspicious objects.

In addition to these conventions that are directly related to the protection of cultural property there are a series of international legal instruments protecting intellectual property and the free circulation of educational materials (e.g. the Universal Copyright Agreement, the Berne Convention, the TRIPS Agreement, and the Florence Agreement). These conventions may at times be relevant also in the area of cultural property – especially in terms of the institutions needed to support and develop capacity in the sector.

Role of ICOM

The advocacy and professional facilitation by ICOM at the national and regional levels has contributed to efforts to protect cultural property. Museum management has become more professional, with the development of training policies, the restructuring of institutions and the development of educational programming. Many countries have adopted appropriate national legislation regulating archeological excavations and forbidding the illicit export of cultural heritage. International conventions have been signed, especially the 1970 UNESCO Convention.

ICOM has organised several workshops on the protection of cultural heritage at regional level, which have had significant results at a broader international level. These workshops have brought together museum and heritage professionals, police and customs officials and other resource persons concerned with heritage protection. So far workshops have been organised in different places: in Arusha, Tanzania, for Southern Africa (1993); in Bamako, Mali, for North and West Africa (1994); in Kinshasa, Zaire, for Central Africa (1996); in Amsterdam, The Netherlands, for the African cultural heritage at a continental level (1997); and in Hammamet, Tunisia, for the Arabic-speaking countries (1998). The workshops led to concrete actions at the national and regional levels, such as:

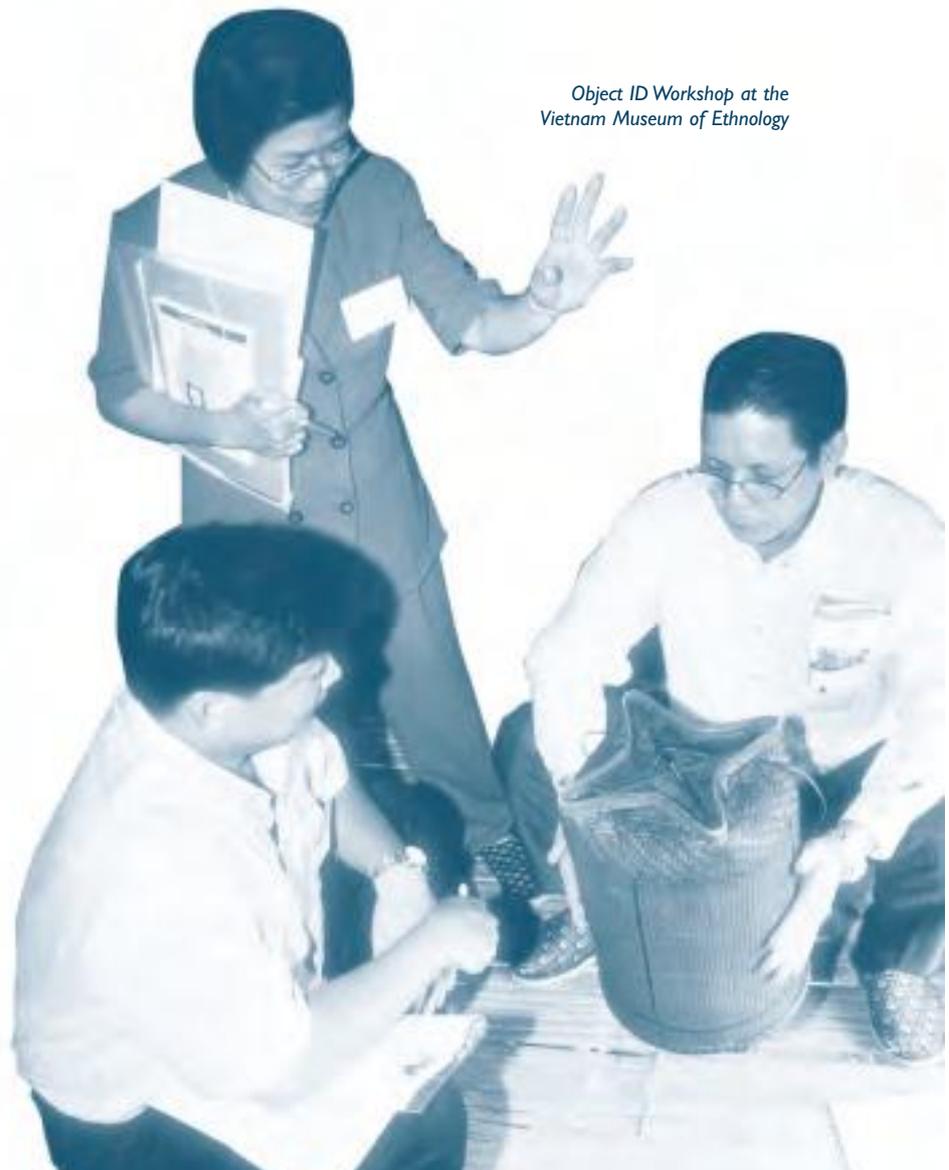
- strengthening of national legislation with which to constantly improve the status of museum and heritage personnel and give greater force to the decrees for rigorous heritage protection;
- establishing greater regional cooperation;
- strengthening security in the museums; and
- developing educational policies and public awareness campaigns on a wider scale and for different sectors of the public.

Extensive press campaigns and the publication of books in the series of One Hundred Missing Objects and the ICOM Red List have contributed to the success of these workshops.

In consideration of the efficiency and the urgent need for such workshops, ICOM decided to focus on the Southeast Asian region, which is particularly affected by theft and looting. Very few workshops or conferences had so far gathered participants from all of the ten Southeast Asian countries. It was a challenge for ICOM to organise such a gathering of diverse nationalities to share ideas on a common and urgent concern.



Object ID Workshop at the Vietnam Museum of Ethnology



Thanks to the support of the Ministry of Foreign Affairs of the Netherlands, ICOM was able to organise a Workshop on the Protection of Cultural Heritage in Southeast Asia. This workshop was held in Hanoi, Vietnam, from 9 to 13 April 2001. Its purpose was to initiate heritage protection actions for the museum professionals and to inform people of the efforts the professionals of this region are making. It established a new approach to the problems by increasing regional cooperation and developing new strategies to sensitise decision-makers, police and customs, local populations and the general public worldwide.

Eighty-seven participants coming from all Southeast Asian countries were convened. They were mostly museum and heritage professionals, customs and police officials. Representative of international organisations involved in heritage protection and some decision-makers were invited as well. The plenary and working groups sessions focused on establishing regional cooperation, strengthening security in museum, and developing policies and actions to protect the region's heritage. English and Vietnamese were the working languages of all the sessions. As a basis for group discussions, all the participants were asked to prepare country situation papers including policies or actions already taken in their countries to curb illicit traffic. During the group sessions recommendations for the future actions at national and regional levels were drawn up to protect cultural heritage in South East Asia.

Organisation

The workshop held in Hanoi was the first major regional activity in Southeast Asia that was organised by ICOM led by its Asia Pacific Organisation, ICOM-ASPAC.

As soon as the Ministry of Foreign Affairs of the Netherlands confirmed the allowance of funds for the workshop, the ICOM Program activities sector determined the precise objectives of the workshop, the content of the working group's themes and a preliminary program.

The cultural delegates from the Embassies of Southeast Asian countries in Paris were invited in December 2000 to the ICOM Secretariat for an informal cocktail. Fifteen people participated in this gathering. Its object was to present the workshop and the actions of ICOM in the protection of the cultural heritage of their countries. All those present were very enthusiastic about this workshop, and proposed their help in the organisation of such an important event in their region.

The workshop lasted five days from Monday 9 April to Friday 13 April 2001. Monday was dedicated to presentations from the international organisations concerned, such as the World Customs Organisation, Interpol, Object-ID, SPAFA (Regional Centre for Archaeology and Fine Arts, Thailand) and UNESCO's offices in Vietnam and Cambodia. These organisations presented their role and activities in the protection of cultural heritage and the fight against illicit traffic.

Keynote speakers and coordinators of working groups were chosen for their experience with the focus of the workshop. On Tuesday and Friday, participants worked through group sessions to share their own experiences and draw up recommendations. On Wednesday, an expedition was organised to Ha Long Bay with the aim of gaining insight into another aspect of the problem

concerning illicit traffic in coastal waters. Thursday was dedicated to the presentation of the Royal Tropical Institute of the Netherlands on Object-ID system for documenting objects using the Vietnam Museum of Ethnology as a pilot museum.

Selection of the Participants

Participants came from Southeast Asia, as well as international organisations concerned with the focus of the workshop. The Southeast Asia region consists of ten countries, which are Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand and Vietnam. Five to seven participants were invited from each country:

- three to five participants from cultural heritage institutions (museums, Ministry of Culture)
- one participant from the Police
- one participant from Customs

With regard to the people coming from cultural heritage institutions, the Chairpersons of the National ICOM committees (in Cambodia, Malaysia, Philippines, Singapore and Thailand) were asked to designate a list of participants to be invited. In the other countries, we addressed letters to the Directors of Ministries of Culture to assist us in the selection of potential participants. Since Vietnam was the country hosting the workshop, we asked the Director of the Ministry of Culture and Information (MOCI) to propose to ICOM their participants. In this process Vietnam also became a member of ICOM.

Interpol provided a list of the people from the respective National Central Bureaus (NCB) to be invited. World Customs Organisation (WCO) provided the participants from Customs departments in the different countries of the region.

An official invitation with a registration form was sent to each participant. It required more than three months to obtain the entire list of participants from the Southeast Asian region. This was mostly due to communication challenges such as language differences and differing communication technologies. A small number of participants had access to an e-mail address. The facsimile system or fax proved to be the best way to communicate with the majority of the participants.

Before attending the workshop all the delegates of each country were asked to prepare jointly a 'country position/situation paper' on the protection of cultural property in their country with a particular focus on illicit traffic. These papers included background information concerning the protection of the country's heritage, special problems, means and specific measures being taken to resolve those problems and curb illicit traffic. The papers were distributed to all participants and served as a basis for discussion in the working groups.

In view of the content of the workshop, different international organisations involved with the issue were invited to participate: Interpol, WCO, the Council for the Prevention of Art Theft (CoPAT), ICCROM, ICOMOS, SPAFA and local resident representatives of UNESCO. Most of them were asked to prepare a situation paper on the protection of cultural heritage in their region and the actions of their organisation in the fight against illicit traffic.

Logistics

Travel, room and board expenses were covered by ICOM for all the participants from Southeast Asia, with the exception of Brunei. Other people were invited as observers. ICOM Secretariat and ICOM-ASPAC were responsible for the content of the workshop, official invitations, contact with participants and overall coordination. Local travel arrangements and coordination as well as the ticketing for the Southeast Asian participants was ensured in conjunction with a Hanoi based travel agency and a local coordinator. The Chairperson of ICOM-ASPAC facilitated ICOM contacts with the Ministry of Culture and Information in Vietnam.

ICOM's Program Activities Officer and the Chairperson of ICOM-ASPAC made a one-week trip to Hanoi two months prior to the workshop to oversee and finalise all preparation for the workshop.

Documents to be distributed to the participants during the workshop were prepared in Paris along with a final program and all the papers submitted by the participants. These documents were sent to the Ministry of Culture and Information of Vietnam for translation into Vietnamese.

Implementation

The following OBJECTIVES were established for the workshop:

To identify concrete recommendations for future actions at national and regional levels for the protection of cultural property in Southeast Asia by:

1. Strengthening national legislation;
2. Establishing greater regional cooperation;
3. Strengthening security in the museums; and
4. Developing educational policies and public awareness campaigns.

The EXPECTED RESULTS were:

- Approximately a hundred participants from Southeast Asia trained in the protection of cultural property in their region;
- Improved regional cooperation between professionals, customs and police for the protection of cultural heritage and the fight against illicit traffic;
- Identification of follow-up activities and concrete recommendations for future actions; and
- Publication and dissemination of the proceedings of the workshop and a leaflet containing the current legislation in force in the various Southeast Asian countries to protect cultural property.

Workshop Program

Monday, 9 April – First plenary day

The plenary session was open to a maximum number of people concerned with the topic – participants in the workshop, members of ICOM's National Committees of the region, representatives of international organisations and funding agencies and representatives from a number of embassies of Southeast Asian and European countries

in Hanoi. The purpose of this plenary session was to inform the participants of the situation in Southeast Asia, as well as the actions taken and efforts made by Southeast Asian professionals over the past years to protect their heritage.

The Vice-Minister of Culture and Information of Vietnam, Dr. Tran Chien Thang, gave the welcome address followed by the Director of the Department of Conservation and Museums, Dr. Dang Van Bai, who gave an opening speech on the role of the Vietnam Ministry of Culture and Information in the protection of cultural property. Professor Amareswar Galla, Chairperson of ICOM-ASPAC and Mr. Manus Brinkman, Secretary General of ICOM presented the actions of ICOM with regard to the protection of cultural property and the fight against illicit traffic.

Keynote speeches covering the main elements of the fight against illicit traffic relating to the situation in Southeast Asia were then given by representatives of Interpol, the World Customs Organisations and the Regional Centre for Archaeology and Fine Arts based in Thailand. Representatives of the Vietnam and Cambodia offices of UNESCO presented their work in the region.

Mrs. Pienke Kal, Chief Curator for Southeast Asia, presented Object ID, a tool for documenting museum collections. It was the focus of a day's work in the workshop sessions underlining the importance of proper documentation as the foundation for the protection of cultural property and the fight against illicit traffic.

At the end of the day, a summary of the presentations and orientations for the working groups were presented by Professor Amareswar Galla.

Tuesday 10 April – Working groups sessions

All the participants, according to their profiles, were clustered into three groups whose themes were:

Group 1: Protection of artifacts in monuments and sites and collections in museums and temples.

Group 2: Customs, police and national coordination.

Group 3: Capacity building towards sustainable heritage protection; documentation tools and inventory methods

Facilitators were designated: one facilitator from the region and another facilitator from the resource persons present. Rapporteurs of the groups were also designated.

Based on the information contained in the country position papers, the participants debated the specific themes in the working groups and offered draft recommendations for future orientations for the next working group sessions.

Wednesday, 11 April – Ha Long Bay Expedition

An excursion was organised to the Bach Dang Battle site and museum and the World Heritage Area of Ha Long Bay to give participants time for reflection and interaction on the previous day's work. It also provided an opportunity for participants to consider practical aspects and the application of the content of the workshop and reflect on the protection of cultural

property in rural areas and in the wider context of challenges faced in preventing illicit traffic in coastal and maritime areas. It was a stimulus for expanded notions of protection of cultural property.

Thursday, 12 April – Object-ID Day at the Vietnam Museum of Ethnology

One of the biggest problems in the protection of cultural property has to do with the lack of documentation. Failure to identify objects conclusively is also one of the major obstacles in the prevention of illicit traffic in cultural property. Without images and detailed descriptions, it is almost impossible for police to recover such objects. In cases where the police may come across collections of obviously stolen objects, the lack of objective descriptions and documentation for ownership can make it almost impossible to trace the legitimate owners and impossible even to prove that the objects were stolen in the first place. Documentation and inventories are important for well-known and unique national treasures but they may be even more crucial when it comes to protecting less distinctive objects.

The 'Object ID' method for documenting collections was introduced in Vietnam at the Cham Museum in Danang by the Royal Tropical Institute of the Netherlands in collaboration with the Vietnamese partners. It was envisaged that this basic approach should be developed on a broader level and extended to more museums in the same country and to other museums in the region.

Mrs. Pienke Kal, Chief Curator of Southeast Asia of the Royal Tropical Institute of the Netherlands was thus invited to lead this one-day 'workshop within the workshop' to focus on the use and application of Object ID.

Morning: Plenary session in the theatre of the Vietnam Museum of Ethnology

In the theatre of the Vietnam Museum of Ethnology, a general presentation was made by Mrs. Pienke Kal, Mr. Paul Voogt, Head of the Department for International Culture Programs at the KIT, along with Dr Dang Van Bai and Professor Amareswar Galla. Following the general presentation, discussions were held in small groups to clarify issues and problems. Then each group presented them to the plenary. The situation of the Southeast Asian Museums in terms of collection computerisation was also discussed in detail.

The tools provided for this session included:

- the Object ID checklist, developed by the Getty Information Institute, which consists of a set of internationally accepted essential categories required to identify an object; and
- the documentation standards for African collections (which can be also adapted to other cultural areas) that ICOM's museum professionals, together with ICOM's International Committee for Documentation (CIDOC) developed;

Afternoon: Practical exercises with objects

Following lunch at the cafeteria of the museum, the participants regrouped into their working groups in three ethnic houses on the grounds of the Ethnology Museum. Each group was provided with four objects from the museum for study and the application of the knowledge

they had gained from the morning session. Pienke Kal, Pat Young, the President of ICOM's Committee on Documentation, and Paul Voogt, Head of the Department for International Cultural Programs of the KIT led the groups. Within each group the participants were further divided into smaller groups and were given objects to document using the Object ID form. In turn, each small group presented its work to the larger group. The reasons for choosing one term rather than another similar term were explained and discussed. These practical exercises were very valuable for obtaining 'hands on' knowledge and understanding of the procedures and methods to follow.

Friday, 13 April - Continuation of the working group sessions at the Horison Hotel and plenary closing session

Morning – continuation of the working group sessions at the Horison Hotel:

The three working groups continued their discussions on the themes of their working groups and formulated recommendations for future actions to be presented, discussed and approved during the final plenary session.

Afternoon – Final plenary session:

All participants came together in the afternoon for the presentation by each working group of the results of their work, recommendations and identification of follow-up activities. Professor Amareswar Galla presented the conclusions of the workshop.

Outcomes

It became highly evident during this workshop that there is an urgent need for strengthening actions to protect the cultural heritage of Southeast Asia on a regional level. Participants gained awareness of the necessity to work together with all sections involved – heritage, police, customs, as well as the private sector – and other countries to fight against illicit traffic. For some delegations it was the first opportunity that they have had to work with their compatriots and neighbours towards this common concern.

Assessment by the participants revealed that the workshop provided a significant learning opportunity through:

- interaction with cultural heritage specialists from other Southeast Asian countries and networking to facilitate cooperation for future actions;
- learning more about Asian and international organisations concerned with the protection of the cultural heritage;
- understanding local legislation in Southeast Asian countries;
- sharing of experiences and opinions; and
- encouragement of heightened collaboration between specialists in different countries.

It was the first activity of its kind in the region for ICOM. It was an opportunity to map the needs and urgent concerns for the protection of cultural property in Southeast Asia. It reinforced an awareness of the necessity and the sense of urgency to facilitate further actions in this direction in partnership with ICOM-ASPAC in the region.

Participants were encouraged to pursue follow up actions in their respective countries, to work at heightening Public/Government awareness and to share with each other regularly developments with regard to new legislation or specific actions and activities identified during the workshop.

The proceedings of the seminar are compiled by ICOM-ASPAC and published. They contain the participants' papers, results of working group sessions and recommendations. A document on legislation dealing with the Protection of the Cultural Heritage in the Southeast Asian Countries was compiled and included in the Proceedings. They will be diffused to all the participants in the workshop (including persons who had been invited but were unable to participate), to the international or local organisations concerned with the protection of cultural heritage, as well as to the Cultural Ministries of the Asian region. They will also be published on the ICOM-ASPAC Website.

Conclusion

It is very important to remember that there are many different ways of preventing illicit traffic in cultural property and effectiveness requires efforts both at national and international levels. Because most of the cultural property that is traded illicitly ends up on the international market the illicit traffic in cultural property is essentially an international issue. It is critical to ensure full cooperation between public administration and other institutions for the control of illicit trafficking, in particular through:

- bilateral cooperation;
- * multi-lateral cooperation, especially through the application of international agreements such as the 1970 UNESCO Convention and the UNIDROIT Convention on Stolen and Illegally Exported Cultural Property;
- requests to customs, police and cultural authorities for action even where international conventions may not apply;
- cooperation between national police and INTERPOL;
- cooperation with professional bodies and non-governmental organisations such as ICOM and ICOMOS; and
- cooperation with private institutions.

The trade in cultural heritage has reached proportions that can be compared with the international trade in drugs. Once objects are removed from the country where they originally belong they are no longer protected by national legislation and it becomes very difficult to retrieve these artifacts and to punish the perpetrators.

Trade in cultural property has become a major international business and so has, unfortunately, what we have come to call illicit traffic or illicit trafficking in cultural property. Prices of objects of cultural property may fluctuate but is ultimately always rising and international demand seems insatiable. Works of art, handicrafts, antiques and archeological finds are increasingly taken from the places where they originated to end up in the international art market. There are far too many examples of vast archeological or other cultural riches that have been taken away by stealth or force or just with money from their place of origin to end up in museums or private collections in the west.

However, such illicit trade in cultural property is increasingly acknowledged by the international community as unethical and as something that should be prevented. ICOM-ASPAC has identified this as a major area of concern in its program activities. More regional workshops are planned. The cooperation and the support of the readers through the initiation of concrete actions are strongly urged as part of their life long commitment made especially during the 2002 UN International Year for Cultural Heritage. One of the best ways to participate in global action is through becoming an active member of ICOM, which is the largest heritage non-government organisation in the world. Further information on ICOM's activities could be found on the website at www.icom.org. Or simply write to the contact addresses provided on the cover of this volume.

Opening Session and Keynote Addresses

Opening address by Dr. Tran Chien Thang

Vice-Minister, Ministry of Culture and Information

Dear distinguished Representatives, Ladies and Gentleman,

The cultural heritage of each nation confines the real value of cultural formation process, the positive expression of the historical tradition and national characteristics. Therefore, cultural heritage is not only the invaluable property of each national but also the mankind heritage.

The preservation of cultural heritage is one of activities adhered to the protection and enhancement of national characteristics creating the future development of each nation from the particular relation between the past and present.

During the historical evolution, the preservation of cultural heritage has been existed since the people had a sense of culture invention based on the occupying, reclaiming and exploring the nature to serve the development. Therefore, each nation, each state considers the protection and enhancement of cultural heritage to be a precious task.

However, the cultural heritage is often at the risk of being damaged by the nature and human beings. Flood and storm, earthquake, eruption, high humidity, temperature changes, damaged by fauna and flora... the people's conscious and unconscious activities, especially the war with the bad affect of the industrial revolution has polluted and destroyed the environment, the urbanisation and tourist development without proper control, and the looting, thefts, illicit traffic of antiquities... are global risks resulting into immeasurable effect threatening the existence of the national cultural heritage.

Today we are welcome and support the idea of ICOM and concerned Vietnamese organisations in holding this significant workshop.

Dear distinguished representatives,

As it is known, because of geological position and political condition, for a long time, the protection and enhancement of cultural heritage has been concerned in Vietnam, and has been voluntarily participated by the mass people in various ways. It can be said that during the long history of national formation and development, the protection of cultural heritage in Vietnam is also connected to the construction and struggle for national independence, protection of national sovereignty.

For many years, although it still has been faced with great difficulties in socio-economics, the protection and enhancement of cultural heritage has been and being taken into account by Vietnamese Government and people. The State encourages and facilitates in legislation, organisation and expenditure for research work, protection and enhancement of cultural heritage; at the same time, issues concrete policy and measures to mobilise the participate of social organisation, economic enterprises and mass of people in this cause.

As a member of the UNESCO "Convention concerning the Protection of the World Cultural and Natural Heritage", Vietnam has been and being actively carry out its duties to utilise at the utmost the international cooperation protection of its own cultural heritage and nature, especially World Heritage in Vietnam: Hue Ancient Capital Monuments (inscribed in 1993), Halong Bay (1994), My Son Sanctuary, Old Streets of Hoi An (1999).

We are aware that the contribution in management experience, staff training, materials and equipment of international communities in the past time has resulted into the practical effects to the cause of protection and enhancement of cultural heritage in Vietnam; at the same time, created favourable conditions, for Vietnam taking part effectively in the protection and enhancement of the world cultural property.

On behalf of Vietnamese Government, I would like to express high appreciation and sincere thanks to UNESCO and other Governments and peoples, for its support and assistance to the Vietnamese Government and people in the field.

Dear distinguished representatives,

For many years, the protection and enhancement of cultural heritage in Vietnam has been and are being considered activities involved the interest from different authorities and sectors, especially the Police and Customs. However, the looting of archeological sites, the illicit import, export and transfer of ownership of cultural property, antiquities remains a serious problem needed to be prevented and prohibited. Therefore, the Ministry of Culture and Information warmly welcome and highly appreciate the idea of ICOM and Vietnamese representative organisations in holding this significant international workshop.

We hope and expect that the participation and contribution of the representative here as well-known experts in museology conservation, security, and customs, the workshop will bring into practical productivity, giving important contribution of the protection and enhancement of cultural heritage in the world in general and Vietnam in particular.

Thanks for your attention.

Welcome Speech

by Manus Brinkman

Secretary General of ICOM, Paris

**Dear Professor Dr Luu Tran Tieu
Vice-Minister of Culture and Information and
Vice-Chairman of Vietnam National Commission for UNESCO**

Dear distinguished representatives,

Dear ladies and gentleman

Introduction

This conference is already a success before it has even started. The fact that so many distinguished guests from this important region of the world are gathered here today is not without significance. It clearly indicates the interest of all of you to intensify the struggle against the looting and plundering of your national heritage, of our common national heritage.

The region where you all come from, South East Asia is one of the most important regions with regard to the history of mankind. It has an extremely rich cultural heritage, acknowledged by the whole world. Several heritage sites have been put on the World Heritage List of UNESCO. Preserving this wealth from the past is primarily in the interest of your people, but it is also important for the rest of the world. All cultures have always played a role in our common quest for a better life and it is only by studying and learning from our common history that we will be able to continue along this road.

All gathered here are interested in the protection of our heritage and do not spare any efforts. I was very impressed by the quality of the papers that have been sent in advance. It gave a clear insight in the efforts that have already been undertaken in each of your countries, by the lawmakers, by the customs, the police and of course the cultural heritage sector. I am so proud that distinguished representatives from all these fields have come together with the clear intention to enhance the cooperation and understanding between each other.

Causes of Illicit Traffic

It is in fact the same as with much illicit international trade, like the drug trade. There is a demand from wealthy consumers and a huge supply in regions where poverty reigns. Isn't it strange that the collection of unprovenanced cultural objects by wealthy private individuals is still widely considered as socially acceptable? Human greed plays an important role. Wealthy collectors want to show off the richness of their collections, keep buying and push up the prices.

The art-traders play of course an important role in this, not only the shady art dealers, but also the big well known ones. They are stimulating illicit traffic either directly or indirectly. Let us be careful enough to state that the big art dealers and auction houses act within the limits of the law. Having said that I dare say that they use every possible opportunity the law or the lack of legislation offers them to trade. Initiatives to actively counter illicit trade of cultural objects are at best lukewarm and most of the time not existing

The trade in antiquities from illegal excavations is another matter because there is so little effective legal protection. Most of the trade in recent illegally excavated Chinese archeological objects find their way to the collectors via the Auction Houses in Hong Kong. And Sotheby's New York again offers objects from the famous temples in Cambodia in its catalogue.."

Although wealthy private collectors are major actors to stimulate the illicit traffic the general public is also to be held responsible. More and more tourists come back with artifacts that are protected in the country of origin. Although the individual objects may not be so valuable, the sheer volume of the total is staggering.

The urge to be rich is no less existing in the poor regions, but the circumstances are rather different of course. Poor farmers all of a sudden see an opportunity to make some money by selling pottery from an archeological site. Often local officials are involved in the trade, either openly with the motive of "making their village or county rich" or illegally as part of the network of illegal digging and smuggling.

ICOM explicitly addressed the plague of Illicit Traffic in objects from the famous Angkor Wat temple complex in the first of its "One Hundred Missing Objects"-series. The traffic from Cambodia has not stopped yet, it continues with pieces from the equally magnificent Banthey Chmar complex, which is looted with the use of heavy equipment and smuggled via Thailand. The Thai government recently intercepted truckloads of smuggled Khmer antiquities and sent them back to Cambodia. But as with drugs, the more one intercepts, the more this is an indication of the growing volume of the trade.

We have talked about private collectors, about tourists, but what about museums, ICOM's main "target group"? Fortunately nowadays the vast majority of museums knows about the plight of illicit traffic and prevents acquisitions without clear provenance. However I have to admit that there are still a few exceptions.

To fight and prevent illicit traffic there are five main conditions :

1. the necessity of a definition of cultural property in a country. When there is no definition, it is difficult for a state to recover lost or stolen objects. A definition of cultural property is of course difficult : in general it should cover the artifacts that are an expression of a specific culture and which stand out because there are not many others like them or because they are uniquely characteristic of that culture. Examples include : rare collections of fauna and flora ; archeological excavations, antiquities. A definition based on these will however be so wide that it is only useful if national governments establish a list of protected cultural property. For African and Pacific States that will often be native crafts and objects used for ritual purposes, for Mediterranean States antiquities and for Western European States, fine art.
2. the establishment of an inventory system and the provision of documentation is extremely important.

A very sad story is that of Nepal. Jurgen Schick a German living in Nepal conceived the plan to produce a comprehensive documentation of the art of the Katmandu Valley. But he found himself with ever-greater frequency standing in front of emptied niches, disfigured temple walls, and shrines plundered down to their last contents and the headless statues of deities. In the eighties Nepal's art treasures were systematically plundered by well-organised bands of thieves, who were stealing the images of Nepal's gods under commission to the international art theft network and were smuggling them abroad, to collections and museums of richer countries. In the past forty years more than half of the works of art that Nepal has created in two thousand years of cultural history has been stolen and taken out of the country. Schick writes that "of the hundreds of temples in the Katmandu Valley, not one single one exists that does not bear the clear marks of theft. The fact that UNESCO placed the valley on its World Heritage List did not help. Schick managed to photograph as many sites as possible, "before" and "after" the theft and by doing so providing documentation that may be used by demands for repatriation. More often than not an object, if ever discovered, cannot be returned, because there is no proof that it has been existing in the country of origin.

In all the programs of risk preparedness, registration should always be a high priority. If registration, inventories and descriptions do not exist it will be very difficult to establish afterwards where an object came from and to who it in fact belongs. Although there exist considerable backlogs in registration and documentation in most of the museums in the rich countries it is nothing to compare with the situation in the not so well off countries, where cultural heritage has most of the time not a high priority when it comes to public funding.

On an international level it is however important that all these descriptions and lists become more or less standardised. Standardisation in our field is a particularly hard struggle, in all aspects. There have been some initiatives with respect to standardisation. CIDOC published the International Guidelines for Museum Object Information in 1995. ICOM published a Handbook of Standards for African Collections in 1996, which is based on the CIDOC Guidelines. The Getty Foundation has introduced its Object Identification (object ID) card system, an international standard for recording minimal data on movable cultural property, CIDOC (ICOM's Documentation Committee) has always supported the Object ID, not as a starting point of documentation but as a tool for helping the fight against illicit traffic

If a register of objects is not established, the laws and the international conventions on the protection of cultural heritage will remain very difficult to implement.

3. Control and protection of museums, excavations etc. Although nowadays more attention is being paid to security for a number of reasons, in many museums it is still not very high on the agenda. Security is most of the time more a question of risk-prevention management and of awareness in general than technological means. It is also a question of money. To protect vast archeological sites requires at least a car and a telephone system that are not available for this aim in many parts of the world.
4. Legislation. First of all, legislation is one thing, but politics often play an important role sometimes hampering proper protection. In China in the Cultural Revolution between 1965 and 1975 Antiquities were considered old fashioned and conservative. A big part of China's Cultural Heritage has been destroyed by the Red Guards. But after the opening of the country to the world, trade in antiquities has done as much harm. I certainly do not need to tell you about the example of Afghanistan.

Politicians can also play a positive role. The President of Mali is one of the former presidents of ICOM and it may not be a surprise that he takes great interest in the protection of the Cultural Heritage in his country. Covering the national legislation are international conventions of which the most important are: + the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict (the Hague Convention). + the 1970 UNESCO Convention on illicit Traffic and the UNIDROIT-Convention of 1998. In the UNESCO Convention it is recognised that the illicit trade of cultural property is one of the main causes of impoverishment of the cultural heritage of a country and that it therefore should be prevented. It calls for legislation, registers and education, but one of the most important things is that an object that has been illicitly removed from its place of origin should be given back. The UNESCO Convention was criticised because it did not resolve some important issues such as the protection of the bona fide buyer. UNESCO therefore asked the International Institute for the Unification of Private Law (UNIDROIT) in Rome, an intergovernmental organisation, to prepare a complementary convention, which was presented in 1995 : the UNIDROIT Convention. One of the biggest problems with the UNESCO Convention was the question of good faith of a buyer. Somebody who purchased an object in good faith, not knowing that it was stolen could almost never be sued. The person could always say that he or she did not know that the object was stolen. UNIDROIT changes this by

placing the burden of proof on the holder of the allegedly stolen object. It states that the possessor of a stolen object must return it regardless of personal involvement or knowledge of the original theft. The UNIDROIT convention further denies any compensation for the return of the object unless " the possessor neither knew nor ought reasonably to have known the object was stolen. "

But take care. We must keep one thing in mind – that all the rules and regulations of UNIDROIT (and the UNESCO Convention) come into force the moment a state has signed and ratified it. Not before.

If one looks at the ICOM Code of Ethics, it is clearly indicated that a stolen object should always be given back to the owner. But the Code is about ethics and not about legal matters. Besides, it rules only on a voluntary basis. The UNESCO Convention is widely accepted and ratified by 89 countries among which the USA, France, Australia and Canada and now recently by the United Kingdom. Some countries, which have a well-developed art market, have not yet ratified the Convention, for instance Belgium

5. Maybe the most important is the raising of public awareness of the importance of cultural heritage and the need for its protection. Education is in the long run maybe as important as security on the site.

Address

by Rosamaria Durand,

UNESCO Representative, Hanoi

Your Excellency, Professor Luu Tran Tieu, Vice Minister of Culture and Information, Mr. Dang Van Bai, Director of Museology and Conservation, the Ministry of Culture and Information, Dr. Amareswar Galla, Chairperson, the International Council of Museums – Asia Pacific Organisation, Mr. Manus Brinkman, Secretary General of the International Council of Museums and Mrs. Nguyen Thi Hoi, Secretary General, the Viet Nam National Commission for UNESCO.

Distinguished Participants

Ladies and Gentlemen,

It is a great pleasure for me to be with you today at this very important workshop on the Protection of Cultural Heritage in Southeast Asia, an area of great interest and concern to UNESCO, as it is only through establishing regional co operation and developing policy measures and actions, that our Member States can fight the scourge of illicit traffic and protect the region's most valuable cultural heritage.

I should like to congratulate the organisers of this workshop and the officials of the Ministry of Culture and Information for their commitment to the preservation of Viet Nam's precious heritage and, in particular, the vision of Vice-Minister, Mr. Luu Tran Tieu. Under his leadership and through workshops such as these, I am confident that success in this area will be achieved. I can assure the Vietnamese authorities today that we are fully committed to working side by side with you in achieving this goal.

Steps to institutionalise protective measures bring us a little closer to fighting illicit traffic in cultural property, a worldwide problem, affecting many States and many cultures. The theft of cultural heritage artifacts erases the history of civilisations by tearing out each day a chapter of the history of humanity.

International cooperation is one of the answers to preserving these treasures. The importance of this cooperation can be seen most clearly in light of the destruction of pre-Islamic and Buddhist objects in Afghanistan - including the world's largest standing Buddha statues at Bamiyan, in a country which was a center of Buddhist culture before the arrival of Islam more than 1,200 years ago. Sadly, in this instance even the overwhelming international condemnation fell upon deaf ears, but this should not deter us from seeking to prevent similar acts in the future. However, I must add that the cultural crimes perpetrated by the Taliban movement pale in comparison to the current human right infractions targeting women, a large part of Afghan people, who have suffered and continue to suffer in unimaginable ways.

Cultural heritage is a wealth for all nations which has to be preserved and protected, especially in Viet Nam where glorious and ancient civilisations have left so many brilliant artistic and monumental expressions of their culture.

This is why it gives me great pleasure to be among all of you who are each day elevating one more stone to build a rampart against illicit traffic in cultural property.

One of UNESCO's major concerns is the fight against illicit traffic in cultural property. In this context, we will first examine the normative action, then the efforts made to promote the Convention 1970 with a strong emphasis on the importance of coordinating and harmonising the various national databases on stolen cultural property.

First of all, the Secretariat administers the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, the first world-wide instrument focused on illicit traffic in cultural property, which was adopted by UNESCO in 1970. To date, 91 States are Parties to this Convention. Viet Nam is not a State Party as yet, although we do hope that the Vietnamese authorities will consider joining this important Convention in the near future.

This Convention requires the States to Cooperate in the prevention and fight against illicit traffic by various means - in particular, legislative, educational, administrative and penal. I am sure that there will be an opportunity later to discuss the requirements of each of the articles of the convention. To sum it up, in its Article 7 the Convention underlines the fundamental difference between two categories of cultural property: cultural property stolen from a museum or a religious or secular public monument or similar institution; and cultural property which has been illegally exported (which could be or not to be stolen). With regard to stolen cultural property, there is an obligation to return it under conditions, which I have just mentioned. With respect of illegally exported cultural property, there is no universal obligation to return it; States are only required to Cooperate in this field and museums are prohibited from acquiring it.

The Convention has had considerable impact - it has influenced codes of ethics within the museum community - for example ICOM adopted in 1986 its Code of Ethics which forbade museums to acquire, authenticate or exhibit stolen or illicitly exported cultural objects.

To be applied, the Convention must be well known. For this reason, UNESCO organises, often together with UNESCO National Commissions, and almost always in close Cooperation with ICOM, regional seminars for countries, which suffer illicit traffic. In the last ten years, eight such seminars have taken place. For example, in June 1998, UNESCO held a national

seminar for China in Beijing, and later in that year, a regional meeting for Malawi.

To help in identifying stolen cultural property, UNESCO issues notices of stolen objects for States Parties to the 1970 Convention which are circulated to other States Parties and to the World Customs Organisation, INTERPOL, the International Council of Museums, the New York-based International Foundation for Art Research and the London-based Art Loss Register as well as to other important auction houses. To date, 34 notices of stolen cultural property covering more than one thousand objects have been published regarding thefts in fifteen countries including five American countries.

UNESCO has been cooperating very closely with UNIDROIT, the International Institute for the Unification of Private Law, for the adoption of the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects. Signed in Rome in June 1995, this instrument complements the 1970 Convention in several aspects of private law, thus enhancing chances for recuperation of stolen or illegally exported cultural objects.

The UNIDROIT Convention has advantages in comparison with the 1970 Convention. These include the placing of obligations on the possessor to return the stolen objects and, importantly for countries like Viet Nam where illicit excavation is a problem, it considers a cultural object unlawfully excavated or unlawfully retained as stolen.

Finally, UNESCO is also supporting the efforts to develop the exchange of information on stolen or missing cultural objects, notably by computerized databases of stolen cultural property.

Distinguished participants, Ladies and Gentlemen,

Today, this workshop sees a successful follow-up to these projects that gives us all cause to rejoice and the enthusiasm to continue these very important efforts. It bodes well for the future protection of Viet Nam's heritage and it is my very sincere hope that this workshop will mark a new beginning of close collaboration among all of us.

I wish this workshop much success and all of you very fruitful deliberations.

Thank you,

Xin Cam On.

Applying International Legal Documents for the Management of Cultural Heritage in Vietnam

Mrs. Nguyen Thi Hoi

General Secretary
Vietnam National Commission for UNESCO

**Dear Professor Dr Luu Tran Tieu
Vice-Minister of Culture and Information and
Vice-Chairman of Vietnam National Commission for UNESCO**

Dear distinguished representatives,

Dear ladies and gentleman

First of all, I would like, on behalf of Vietnam National Commission for UNESCO, warmly welcome the presence of representatives from UNESCO, ICOM, INTERPOL, and other countries in this workshop.

Vietnam National Commission for UNESCO would like to express our high appreciation the idea of ICOM, UNESCO, and Vietnamese concerned parties to hold this seminar in order to step up the importance in awareness and solution for preservation of cultural heritage, especially to effectively manage the movable cultural heritage, prevent the looting, illicit traffic, trade and import, export of cultural property. This workshop not only helps to continue the implementation of one of the important functions of UNESCO but also assist in the practical dimension to the protection and enhancement of cultural heritage through which protects the national characteristics of ASEAN countries, including the social Republic of Vietnam.

Dear ladies and gentlemen,

Because of the significance of cultural heritage, for years, each State, each Nation has considered the protection and enhancement of cultural heritage one of his precious tasks and duties.

However, the cultural and natural heritage is often at the risks of being damaged by the nature and human beings, in which many of them to be global risks.

Based on the practical experiences and the demand from the protection and enhancement of cultural and historical relics of the nations; at the same time, being deeply aware of global risks as well as international obligations in this field, UNESCO, though 55 years of existence and development, has taken into account the protection and enhancement of cultural heritage. Up to date, UNESCO has compiled and it is approved and conducted by most countries 3 Conventions and 12 Recommendations concerning preservation of cultural heritage. The are:

- "Convention concerning the Protection of Cultural Property in case of Arm conflicts". (Hague Convention, 1954).
- "Convention concerning the Protection of Cultural and Natural Heritage" (1972).
- "Convention on Prevention and Prohibition of Illicit Traffic, Import, Export, and Transfer of Ownership of Cultural Property" (1979).

Together with internal standards with orientation shown through proposals in concrete fields such as:

- Archeological excavation (1956)
- Preservation of archeological sites and scenic spots (1962)
- Conservation and restoration of relics (International Charter 1964).
- Protection of cultural property with participation of individuals and community (1968).
- Preservation of cultural and natural heritage (1972).
- Protection and application of advances functions for historical sites (1976).
- Bring into play the Australian ICOMOS Charter in preservation of sites with cultural significance (1976).
- Enhancement of Florence Charter on historical park (1981)
- Amendment of International Charter on management of archeological sites (1986).
- International Charter on culture and tourism.

Among these international conventions and recommendations, the "Convention concerning the Protection of Cultural and Natural Heritage" initiated by UNESCO and officially put into effect since 1972 is one of the most important initiatives of this international intellectual organisation base on the view that protection of cultural and natural heritage is not only the task of each nation but also the common task of the whole mankind.

This important initiative of UNESCO has been highly appreciated by the international community and completed supported. Until 12/2000 there has been 162 countries officially agree to participate the Convention and 691 World Heritage inscribed.

According to the Convention's stipulations, the World Heritage Committee including the representatives from 21 convention member countries has been set up to evaluate the concrete objectives in order to define the global values of cultural and natural heritage of the nations to put into the List of World Heritage; at the same time reviewed the content and effectiveness of the protection and enhancement of cultural heritage.

Also according to the Convention's stipulations, the states select themselves and build the documents for their typical heritage to register in the List of World Heritage. It is this selection and decision that each state has committed their responsibility in protection and enhancement of their own cultural heritage – a part of the world cultural heritage.

In order to prevent the illicit traffic, trade and import, export of cultural heritage, besides the past construction work, UNESCO calls upon the UNESCO member countries approve and participate in the "Convention on Preventative Measures and Protection of illicit traffic and import, export of cultural heritage", at the same time cooperate with other specialised organisations, especially ICOM to carry out the effective measures in order to strengthen the management of the moveable cultural heritage. The pilot programs in Africa and recently in Vietnam has achieved initial encouraged results.

Dear ladies and gentlemen,

For many years, the protection and enhancement of cultural heritage has been taken into account in Vietnam and participated voluntarily by masses of people in various forms. In recent years, although it is faced with much difficulties in socio-economics, the protection and enhancement of cultural heritage has been and being highly esteemed by the Vietnamese Government and people.

Since Vietnam officially participated UNESCO, the protection and enhancement of cultural heritage has been and being the first concern in cooperation between Vietnam and UNESCO. The international mobilisation for supporting Vietnam to protect Hue heritage that was conducted by UNESCO in Hanoi in 1981 has achieved remarkable productivity and both proved the effective support and assistance from UNESCO in various forms, and proved the self effort and effective utilisation of international support.

In the past years, as member country of "Convention concerning the Protection of the World Cultural and Natural Heritage" (approved in 10/1987), Vietnam has been actively carrying out their obligations to utilise at the utmost the international cooperation in protection of its national heritage, especially the World Heritage in Vietnam.

Since becoming a Convention member, the cooperation between Vietnam and UNESCO, based on the implementation of the Convention stipulations, has bring into remarkable achievement: it has been listed 4 World Heritages in Vietnam such as: Hue, (inscribed 1993), Halong bay (inscribed in 1994 for its aesthetic value, and 2000 for its geological value), My Son Relics and Hoi An Old Streets (1999).

Therefore, the protection and enhancement of cultural heritage is one of the key components of the cooperation agreement between Vietnam and UNESCO that has been signed on 25/11/1999 in Paris providing the effective continual implementation of projects concerning the protection and enhancement of Vietnam cultural heritage – a part of the world cultural heritage.

In the cooperation between Vietnam and regional countries, as member of the ASEAN, Vietnam has made great effort in order to promote the protection and enhancement of cultural heritage; at the same time create the cooperation relation among the countries in the region in order to conduct the common task in protecting the ASEAN cultural heritage that has been committed in the "ASEAN Declaration on Cultural Heritage" signed by the Ministry of Foreign Affairs in – 7/2000 in Bangkok.

Dear Ladies and Gentlemen

Based on the past reality, it can be affirmed that the self-effort of Vietnamese Government and the effective cooperation between Vietnam and the international community is the important foundation for strengthening the protection and enhancement of cultural heritage. In which the important legal documents such as conventions, recommendations of UNESCO together with other international professional organisations play a very important role. However, whenever the content and important role of legal documents is fully comprehensive, the implementation of action plans will show its deciding significance. In this workshop, the recommendations of delegates as representatives of Interpol, Police, and Customs from countries will contribute important ideas in order to put forward the cooperation among the professionals in museology conservation, finding out the effective solutions for effective management of protection and enhancement of cultural heritage, especially to prevent the illicit traffic, import, export of cultural property.

On this occasion, I would like, on behalf of Vietnam UNESCO, to show our sincere thanks to UNESCO, World Heritage committee, World Heritage Centre, other intentional organisations such as ICOM, IUCN, ICOMOS, as well as the governments and peoples who have been and is going to support, assist the renovation and development in Vietnam in general, and the protection of cultural heritage in Vietnam in particular.

We are aware that the assistance in management experience, staff training, equipment, materials and financial sources, especially the legal documents of the international communities have showed significant effect in protection and enhancement of cultural and natural heritage in Vietnam during the past time: at the same time, helped Vietnam participate effectively the protection and enhancement of the world heritage.

Thanks for your attention.

Art is beautiful, stolen art is not

Keynote Address by

Dr. Pisit Charoenwongsa

SEAMEO SPAFA Director, ICOMOS Representative

I would like to begin by redefining exactly what is at stake. So let's begin with a definition of 'illicit appropriation', which translates, as assigning possession of something that is not permitted. This sounds rather weak, almost a harmless activity like taking office stationery home for personal use. On the other hand, the definition of 'to steal' is to take another's property unlawfully. Breaking the law, stealing the unique cultural heritage of a nation is a crime and certainly no harmless unintended activity. I am not merely playing with semantics here; I want to emphasize from the outset the importance of how we project our intentions and ourselves.

Developing public awareness is a key issue in the fight to eradicate theft and looting of cultural property. Laws on the statute books alone can not provide solutions to the immense and systematic theft of cultural property worldwide. What is needed is public participation as protectors of their own heritage. If we continue to obscure the issue, making it hard for the general public to understand its seriousness, we are placing an additional burden on ourselves. If we are talking about stolen property, let's say so clearly. Our efforts to stop the theft and looting of cultural property is indeed a fight or a battle, and so let's say so. In doing this we can bypass all the complicated rhetoric and documentation wordings and get to the heart of the matter and the hearts of the people.

I will give examples later on how public participation is truly fundamental in the fight to stop theft. Antiquity laws will always be needed to protect cultural heritage; I do not dispute that. What I am saying is that an understanding of the codes of conduct and acquisition of ethics are also equally important, if not more so. My personal involvement concerning the return of the stolen Vishnu Lintel of Phanom Rung from the Art Institute of Chicago, demonstrated that unethical behaviour is not tolerated by the public at large; in this case by Americans and not just Thais. This experience convince me that all the laws in the world can not alone stop the theft of cultural property and that a more effective way is to enlist public support through educational and awareness campaigns that pinpoint and highlight a code of conduct that responsible citizens of the world can relate to and feel obliged to follow based on moral and ethical grounds. Thus all concerned will come to realise that whilst art is beautiful, stolen art is certainly not.

First, let me talk about raising public awareness in Southeast Asia by means of harmonising economic development and cultural heritage preservation. In the developing nations of Southeast Asia, the damage caused by fixations on economic factors to the exclusion of environmental and cultural factors is often very great. Examples exist, in Asia and elsewhere, of nations that have given cultural preservation such a low priority that they have become virtually cultural deserts: sterile assemblages of modern structures in 'international' style, with citizens wearing international clothing and the artists among them producing second-rate, derivative 'international' art. This demonstrates a lack of consciousness of history or roots in the past and thus it is necessary to raise the general cultural consciousness among a nation's people. The perceived benefits of rapid economic gain no matter what, and of the 'inconvenience' incurred regarding the preservation, must be actively countered by raising public awareness. Cultural heritage preservation can not be a 'second best' consideration at the whim or dictates of pure economic gain. This is the message we must aggressively put across.

Secondly, let's look at some ways to bring under control the international trade in stolen cultural property. Domestic markets for looted antiquities are often even more active than the international antiquities trade, which nonetheless is a serious problem in itself. It is symbol of the exploitation of the poor by the rich and displays an arrogant disregard for the rights of the peoples of the developing world.

I would like to suggest three avenues to pursue in order to curb the stolen cultural property trade. Relevant international agreements must be strengthened, in particular the issue of 'compensation' to retrieve stolen property must be resolved. Pressure must at the same time be brought to bear on individual institutions as well as nations to induce them to adhere to a correct ethical position with regard to the acquisition of stolen antiquities. A role reversal needs to take place whereby institutions clearly state that they require proof that objects were ethically excavated and legally exported before acquiring them.

Rather than taking the stance that they need proof that the objects were not illicitly exported. A change of attitude along these lines accompanied by, an increased accession of nation states to the 1970 UNESCO Convention, sends a clear signal that demands for the restitution of cultural property will continue to rise. The possibility of recovery is thus a deterrent, lessening the incentive of buyers of illegally acquired objects.

Finally, a practical way to augment existing legislation is for the implementation of formal or informal agreements at ministerial level among antiquity exporting nations, and also the implementation of bilateral arrangements between individual institutions. Such agreements could help instill ethical behaviour in the offending museum or institution, which becomes the subject of, say for example, a boycott on exhibition loans. This direct form of action is effective because the message is clear; unethical attitudes are no longer to be tolerated.

In conjunction with this, increased bilateral exchanges of objects between museums in antiquity, would adversely affect the illegal antiquities trade. This is because the provision of a way to acquire important objects of art that is legal and ethical, lessens the need to resort to dealings with dishonest persons and smuggled antiquities.

In conclusion, I would like to briefly mention the case of the stolen Vishnu Lintel, referred to at the beginning of this paper. This incident shows that once unethical procedures are exposed, the public is unwilling to accept such behaviour by respected 'institutional guardians' of culture. Laws, their revision and strengthening are indeed important. But as I stated at the beginning, I firmly believe that the way forward lies in categorically and explicitly stating what is at stake.

Maybe in this way we will command an army of 'public guardians' in each nation that are active in ensuring that they protect what is rightfully theirs. Public awareness on stolen cultural heritage will strengthen our efforts to limit this practice. I do not pretend that it is the magical answer, as indicated before, economic woes besetting people, greed, ignorance and vanity, will always be our enemies in this battle. However, the realisation that what is stolen is no longer beautiful will become an overriding consideration that can not be ignored. It is only fitting, after all, that when we talk of a people's heritage, it is the very people who should play a proactive role in its protection. All of us here have an important role to play, but we can not do it alone. It is indeed time to initiate a people's movement to stop the theft.

Let's work together to ensure that information reaches the public. Let's improve our educational outreach programs to sensitise the public of such wrong goings. Let's work more on laws and regulations to find out if any existing laws need revision, specially concerning heavier penalties against professional looters of religious-art objects and sites. Let's try to find new mechanisms to protect our cultural heritage. Let's network our coordination through ICT. Let's improve our research on the looting and vandalism, and finally, let's provide the public the opportunity to work with us on a voluntary basis to get to understand the real situation and to share the feeling with us of a very real loss of history every time that looting, vandalism and illegal trafficking occurs.

Thank you.

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Southeast Asian Country Position Papers

The Protection of Cultural Heritage in Brunei Darussalam

Brunei Darussalam delegation

Introduction

Brunei Darussalam is an ancient kingdom in Southeast Asia that has existed for more than 1,000 years. Brunei is recorded in the Javanese source Nagarakertogama (c.1365) as Buruneng. Arab sources of 15th and 16th centuries refer to Brunei as Barani, Burnai and Barani. Chinese sources of the 10th – 16th centuries names P'o-li, P'o-lo, P'o-ni, Wen-Lai and Bun-Lai, all refer to the same geographical entity, Brunei. Brunei is known as Bornei, Borneu, Burney, Burney, Burneo, Borneo, Burne, Bornui and Burni in European chronicles of the 16th century.

Brunei's long-standing history has left material cultures that portray the country's historical continuity. As in the case of other countries, Brunei considers cultural heritage as very precious, being the testimony of local creative acts in the course of its history, and being an expression of its cultural soul and collective personality. Cultural heritage is considered vital in shaping our cultural identity and therefore it is inseparable from our nation building. As such, Brunei cannot afford to ignore the preservation and protection of its cultural heritage with the aim to maintain its cultural identity. The country cannot surrender completely to globalisation and so surrender evidence of the country's distinct local heritage. Failure to protect its cultural heritage will make Brunei's history become invisible with only the testimony of written words or the mortal memories of older generations. Realising these consequences, the government has taken a serious position in preserving and maintaining the country's cultural heritage so that the local communities can take pride in their own history and in the aesthetic and cultural achievements of their forebears. At the same time, the local communities will preserve their unique identities, and make visible and tangible for visitors the character of local cultures as expressed in the architecture and other cultural heritage remains.

Brunei's Cultural Heritage

Most of Brunei's cultural heritage is in the form of movable cultural heritage, such as archeological and historical remains and ethnographic materials. In contrast, little is known about Brunei's immovable cultural heritage, in particular architectural remains. It is probably due to the nature of Brunei's early settlements, which were mostly made of wood and cave structures.

This paper will only deal with the movable cultural heritage. Under the Antiquities and Treasure Trove Act of 1967, revised in 1984 and 1991, antiquity means 'any object movable or immovable or any part of the soil or of the bed of a river or lake or of the sea, which has been constructed, shaped, inscribed, erected, excavated or otherwise produced or modified by human agency at

any date prior to or reasonably believed to be prior to 1st January 1894'.

Movable cultural property in Brunei is divided into two broad categories: archeological/historical artifacts and ethnological objects.

Archeological/historical artifacts mean those artifacts or other objects to which religious, traditional, artistic or historical interest is attached. These include money coins, gold, silver; plates, bullion, jewellery, precious stones or any objects or articles of value found hidden in, or in anything affixed to, the soil or the bed of the river or of the sea, the owner of which is unknown or cannot be found, but shall not include any antiquity.

Ethnological materials include:

- A household or agricultural implement, decorative article, personal ornament;
- Work of art such as carving, sculpture, painting, architecture, textile, musical instrument, weapon and other handicraft;
- Manuscript, coin, currency note, medal, badge, insignia, coat of arms, crest flag, arm and armour; and
- Vehicle, ship and boat, in part or in whole, whose production has ceased.

Special Problems

The serious problems facing Brunei's cultural heritage are:

- 1) Weather.** Brunei is a tropical country with high temperature and heavy rainfall. This type of climate is hostile to material culture items, especially for those made from organic material;
- 2) Portability.** Movable cultural heritage can be easily transported, carried, stolen, smuggled or destroyed if it is neglected;
- 3) Poor documentation.** This is especially the case with privately-owned cultural heritage;
- 4) Poor and inadequate storage.** This is especially the case with privately-owned cultural heritage;
- 5) Inadequate legislation system;**
- 6) Inadequate personnel,** especially in the implementation of protective measures;
- 7) Shortage of specialists and skilled personnel;** and
- 8) Lack of knowledge and public awareness,** especially in cultural heritage protection.

Means and specific measure to resolve problems.

In order to protect and conserve the local cultural heritage, various strategies are taken:

1) Legislation:

- The Antiquities and Treasure Trove Enactment, 1967, revised 1984, 1991;
- The Customs (Prohibition and Restriction on Imports and Exports) Order, 1984;
- ASEAN Declaration on Cultural Heritage, July 2000

2) Reference collection:

- Fieldwork
- Purchase
- Gift/exchange/loan

3) Conservation:

- Preservation and restoration
- Produce reproductions of cultural artifacts and historical objects

4) Education:

- Exhibition
- Publications
- Workshop, public lectures, seminar
- Exchange of professionals and experts

5) Code of Ethics for the Museums

- Among other things, it prohibits acquisition of objects of foreign origin without valid documents authenticating their legal import and export from the country of origin.
- The Brunei Museum Committee, which is responsible in deciding whether any object is or is not an antiquity, is strictly following such Code of Ethics.

Control of Illicit Traffic

Illicit traffic in movable cultural property poses one of the gravest threats to the protection of the cultural property. It has been said that the movable heritage is an 'endangered species' and many countries have suffered from the loss of their cultural heritage, in particular during the colonial periods of their history. This exploitation is a serious crime and therefore should be stopped by all means. Realising that this is a worldwide phenomenon, UNESCO came up with several Conventions and Recommendations in the field of protection of cultural property. One of the Conventions was the convention on the means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property on 14th November 1970.

Brunei Darussalam is not a member of UNESCO's convention on Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. However, this does not mean that Brunei is not supporting UNESCO's agenda in controlling the illicit traffic of movable cultural heritage. As like other nations, Brunei is too aware the value of cultural heritage and believes that the cultural heritage of the people is consider as a part of the heritage of mankind and hence need to be protected. This approach is in line with one statement that reads 'while the cultural heritage of a people is protected in the first instance by the people themselves who act as it custodians, the same heritage belongs also to mankind as a whole. Therefore, in conceptual terms, it would be extremely difficult to separate the national aspects of safeguarding the cultural heritage of the people from international consideration'.

Is Brunei safe from illicit traffic in cultural heritage? Although Brunei is a small country of just 5,765 sq. km, its geographical location in Southeast Asia makes it a potential place for illicit traffic of cultural heritage or other social ill activities. As like in the past, Brunei has continually attracted visitors to its calm and prosperous land. Brunei is now becoming an important center for businesses as well as a well-known tourist destination. Brunei is also an important stop over for air passengers and an important center for shipping, particularly from the BIMP-EAGA regions. The influx of visitors means growth in illegal activities, not to mention the possibility of illicit traffic of cultural heritage. Is Brunei able to face these phenomena, particularly the illicit traffic of cultural heritage? Is Brunei able to cope with international illicit trafficking since Brunei is not a member of UNESCO's Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property?

Although Brunei experiences relatively a very small proportion of illicit traffic in cultural heritage, the Government is not taking any chances with this increasing problem. Despite not being a member of the UNESCO's convention on Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, Brunei fully supports any request from other nations in tracing their lost cultural heritage. Various strategies have been put in place by the Brunei Government for controlling the illicit import, export and transfer of ownership of cultural property through various government agencies, namely, the Brunei Museums Department, Royal Brunei Police Force and Royal Customs and Excise Department.

Role of Brunei Museums

Museums play a vital role in the protection and preservation of cultural heritage – physical and non-physical. It can be in the form of immovable cultural property such as historical monuments, sites or buildings. It can be either in the form of movable cultural property, such as works of art, objects of archeological and historical value, manuscripts, books and all other kinds of

products that bear witness to man's creativity and the life of society through the ages. Cultural heritage is also reflected in non-physical forms such as music, dance, drama, folklore, unwritten languages, scriptures, prose and poetry.

The Brunei Museums Department is very young compared to the neighbouring countries in Southeast Asia. The Department was established in 1965 and it was only in 1972 that the Department moved to its permanent building in Kota Batu. The policy of the Brunei Museums Department is to promote research and stimulate interest in the rich cultural and natural heritage of Brunei Darussalam. It also aims to protect and conserve this cultural and natural heritage for present and future generations. To fulfil this policy, the Department has formulated a number of objectives focussing on research, reference collections, education and conservation. To implement these policies and objectives, the Department was given four Acts, namely, the Preservation of Book Enactment (1967, revised 984); The Antiquities and Treasure Trove Enactment (1967, revised 1984, 1991); Brunei National Archives Act (1975, revised 1993), and Wildlife Protection Act (1978, revised 1984).

Legislation

The control of Brunei's cultural heritage is under the Antiquities and Treasure Trove Act 1967. The Act also provides for the control and preservation of ancient and historical monuments, archeological sites and remains and antiquities; regulation of the law relating to treasure troves; and for all the associated matters. Among the issues that are regulated by the law are the following:

- 1) All antiquities found in Brunei Darussalam are the property of His Majesty the Sultan and Yang Dipertuan of Brunei. Under Part 11 Discovery of, and Property in, Antiquities 3(3) it stated that *'All discovered antiquities (other than ancient monuments), whether lying on or hidden beneath the surface of the ground or in any river or lake or in the sea, shall be deemed to be absolute property of the Government of His Majesty'*.
- 2) No person can export any antiquities from the country unless an export permit is issued by the Director of Brunei Museums (see Antiquities and Treasure Trove, Part VII: Export of Antiquities no. 31(1-4); no. 32; 33 (1-2) & 34).
- 3) No person can deal commercially in antiquities unless a dealer's license has been issued by the Permanent Secretary of Ministry of Culture, Youth and sports (see Antiquities and Treasure Trove, Part X Miscellaneous and Rules no. 43).
- 4) No person can excavate any archeological site, unless an excavation license is issued by the Permanent Secretary of Ministry of Culture, Youth and sports (see Antiquities and Treasure Trove, Part III,

Excavations no. 11; 12 (1 a&b, 2); 13 (a-c); 14 (1,2 a-e); 15 (1-2); 16 (1-2).

Role of Royal Brunei Police Force

The Royal Brunei Police Force started as the Police Force of Brunei Darussalam in 1906 during which its personnel were seconded mainly from the Straits Settlement Police Force. It was made into a separate organisation in 1921 and bestowed the title Royal in 1965. Apart from maintaining law and order within the country, the Royal Brunei Police Force also establishes links with other countries to combat international crimes. The Royal Brunei Police Force joined Aseanpol soon after resumption of independence in 1984, aimed to promote regional cooperation in combating crime and other activities. The Force is also a member of Interpol.

The Royal Brunei Police Force is also responsible in combating the illicit traffic of cultural heritage. To combat such illegal activities within the county, several strategies are employed, namely: close cooperation between various government agencies, in particular the Brunei Museums Department and the Royal Customs and Excise Department and strict control over Brunei's territorial water. To combat international syndicates, various steps are taken through Aseanpol and Interpol.

Role of Royal Customs and Excise Department

The Royal Customs and Excise Department is one of the major government agencies responsible for collection the country's revenue by levying taxes on certain imported goods. The Department also plays a major part in controlling, prohibiting and restricting the import and export of goods, including cultural heritage. Among the strategies taken are:

- Close cooperation between various government agencies, in particular the Brunei Museums Department and the Royal Brunei Police Force; and
- The Customs Act, 1955, Section 28 of the enactment, which stresses the power of His Majesty in Council in prohibiting imports or exports. The restriction export of cultural materials comes under the Fourth Schedule, which addresses any 'antique of historical native discovered in Brunei'

Role of Attorney-General Chambers

The Attorney General is the principal legal adviser to the Brunei Government. The Solicitor General, Principal Counsel, Deputy Senior Council, Counsel and Legal Officers assist him in advising the Government in civil and criminal cases. Attorney General is also responsible for the drafting of legislation. He works closely with other Government Ministries and Departments.

The role of Attorney-General in the protection of cultural heritage is rather by in-direct means, through:

- Advice to the responsible Ministries and Departments.
- Drafting of legislation.
- Prosecution.

Role of ASEAN

The Association of Southeast Asian Nations (ASEAN), which Brunei joined soon after resumption of independence in 1984, is very active in ensuring regional peace and stability and territorial integrity. ASEAN also plays a leading role in the protection of cultural heritage as shown by the formation of the ASEAN Committee on Cultural Heritage and Information (ASEAN-COCI). Since its formation, ASEAN-COCI has been successfully implementing the program on the protection and preservation of cultural heritage in every ASEAN country. To show its support in the protection of cultural heritage, ASEAN-COCI has declared 2001-2010 as an 'ASEAN Decade for Cultural Heritage'. As a landmark to that program, an ASEAN Declaration on Cultural Heritage was signed in Bangkok, Thailand on 25th July 2000. Brunei is committed to all aspects of this Declaration.

Conclusion and Recommendations

This Workshop on the protection of cultural heritage in Southeast Asia by ICOM is timely, when most of us in the Southeast Asian region face many critical issues in the protection and preservation of our cultural heritage. As has been said earlier in this paper, many factors have contributed to these issues and various strategies have been developed to overcome these problems. However, are we satisfied in what we have done so far or do we need to work more in order to achieve a maximum result? In Brunei's case, we will continue to work hard in the protection and preserving our cultural heritage and at the same time strive to prohibit and prevent the illicit import, export and transfer of ownership of cultural property through all appropriate means and measures.

In achieving our aims, we suggest the following in the protection our moveable cultural properties:

- 1) The present legislation should be reviewed and revised. Laws need to be as clear as possible, comprehensive and logical.
- 2) A nationwide campaign to educate the public about the importance of their cultural heritage and the preservation of cultural heritage should be conducted.
- 3) Systematic cataloguing and recording of cultural materials should be done.
- 4) The responsibility in the protection and preservation of cultural heritage should also secure collective support from various government agencies and NGOs.
- 5) Linkages to regional and international agencies in the field of cultural heritage need to be fostered.
- 6) More qualified and trained personnel in the field of cultural heritage need to be recruited.
- 7) Need an enforcement unit for handling the Antiquities and Treasures Trove Act.
- 8) Additional legislation is required to support the present Antiquities and Treasures Trove Act, 1967. One of the enhancements suggested is the Underwater Enactment.
- 9) Efforts should be made to advise private owners of cultural heritage to donate, to keep or to loan their materials to the Museums Department. This is to ensure such materials are systematically recorded, properly conserved and stored.



Members of the Brunei Darussalam Delegation

Measures for the Protection of Khmer Cultural Heritage

Cambodian delegation

The systematic looting of Khmer art objects

Since the “rediscovery” of the monuments of Angkor by European explorers at the end of the 19th century, the site of Angkor has been regularly looted by treasure hunters. During the 1950s, as Cambodia achieved its independence, this traffic in stolen objects reached such a level that it was judged necessary to transfer most of the moveable statues remaining on site to the store rooms of the Angkor Conservation, located in the town of Siem Reap.

During the 1970s, with the beginning of the war in Cambodia, many of these artifacts were in turn transferred to the National Museum in Phnom Penh. Art objects from other regions of the country were sent to Phnom Penh as well, including those stored in Vat Pothivéal in Battambang, the second large Museum of the country.

The military events, which ensued during the 1980s, created a situation of guerilla warfare throughout the country, as well as zones of great insecurity along the borders, which become home to very large camps of refugees. Khmer artifacts rapidly entered a flourishing international black-market for art; the regional base for this traffic was established in a neighbouring country.

The conservation of monuments and the protection of Khmer artifacts have always, in the past, involved Khmer authorities and specialists but also researchers, scientific institutions and international organizations. At the end of 1986, when the Archeological survey of India and the PKZ Institute of Poland were invited to study and proceed with urgent work to protect Angkor Vat and the Bayon, the Cambodian authorities began to systematically encourage and develop international cooperation at all levels.

The legal measures, international as well as national, which Cambodia has engaged in from 1991 onwards in order to protect its heritage.

1. International legal measures:

The actions, which the Royal Government has engaged in to ensure the protection of its cultural objects, rely on two international conventions:

- a. The Convention concerning the Protection of World Cultural and Natural Heritage of November 16, 1972. Cambodia's subscription to this Convention was formalised on November 28, 1991 by HM Norodom Sihanouk, then Head of State of Cambodia.
- b. The UNIDROIT Convention on the International Return of Stolen or Illegally Exported Cultural Objects, Rome, June 4-24, 1995. Cambodia was among the first countries to sign this convention.

2. The national legal measures:

The fundamental changes in the political climate of Cambodia, which took place during the 1990s, encouraged new efforts for safeguarding our cultural heritage. With the return of peace, a Supreme National

Council, headed by HM Norodom Sihanouk, was put in place to cooperate with the special United Nations Transitional authority for Cambodia (UNTAC) in order to organise the return of refugees to Cambodia and prepare for general elections.

2.a. The Constitution (1993)

After the elections in 1993, with the establishment of the first Government, a new Constitution was adopted in September 1993, thus providing the foundation for the new Khmer constitutional monarchy. Particular attention was given in the Constitution to the safeguarding of cultural heritage especially in articles 69, 70 and 71, which read as follows:

Article 69:

The State has the duty to preserve and develop the national culture.

The State has the duty to protect and to develop the Khmer language, according to needs.

The State has the duty to safeguard and protect monuments and objects of ancient art as well as to restore historic sites.

Article 70:

All infractions carried out directly or indirectly against the national cultural and artistic heritage are punishable by the maximum penalties.

Article 71:

The perimeter of sites of national heritage, as well as sites classified as World Heritage, must be considered neutral zones in which all military activity is prohibited.

2.b. The site of Angkor was declared a World Heritage and then a World Heritage in Danger (1992)

Having ratified the 1972 convention at its first meeting in 1991, and following the appeal launched by HM Norodom Sihanouk in October 1991 for the safeguarding of Angkor, the Supreme National Council immediately requested via the Secretary general of the United Nations that the Director General of UNESCO inscribe the monuments of Angkor on the UNESCO World Heritage List. The World Heritage Committee, which convened from December 7-14, 1992 in Santa Fe (USA), agreed to this request. The Committee decided to inscribe the site of Angkor at once on the list of World Heritage in Danger, but added the following reservations and conditions:

- “the Committee renounces certain conditions stipulated by the guidelines of the convention of World Heritage, emphasising that this derogation must not be interpreted as a precedent for the procedure of inscription, but rather as a response to an exceptional situation”.

- to assure the protection of the site for a period of three years (1993-1995), the Committee decided that a special in-depth study would be carried out and that reports on the state of the monuments and of the protective perimeter would be periodically presented to the Committee.
- the Committee demanded, upon the recommendation of ICOMOS, that the authorities concerned take necessary measures in order to fulfil the following five conditions:
 1. Passage of adequate protective legislation.
 2. Establishment of a national agency of protection with adequate personnel.
 3. Establishment of permanent boundaries based on the UNDP project (ZEMP).
 4. Definition of significant buffer zones.
 5. Establishment of a method to coordinate international conservation efforts.

The activities carried out

1. Enacting the recommendations of the World Heritage Committee (1993-1995).

The World Heritage Committee meeting in Merida, Mexico (December 2-7, 1996) was informed of the report that its secretariat had been presented with the progress realised by the Cambodian Government in order to satisfy obligations resulting from the inscription of the site of Angkor government as well as the list of world Heritage in Danger. The following quotes are taken from this report by the Director of the Division of World Heritage of UNESCO:

“All the conditions have been fulfilled by the Royal Government of Cambodia as of the 25th of January, 1996. The International Coordinating Committee for the Safeguarding and Development of the Historic Site of Angkor has been established at a conference in Tokyo on the 12-13th of October 1993. The establishment of permanent boundaries based on the UNDP project, and the definition of significant buffer zones have been defined thanks to the project “Zoning and Environmental Plan for the Siem Reap / Angkor Region” (ZEMP), and formalised by Royal Kret no.INS entitle “Zoning and management of the Region of Siem Reap / Angkor” signed on May 28, 1994 by His Majesty King Norodom Sihanouk. The establishment of a national protection agency with adequate personnel has given rise to the creation, by Kret No. NS 295/12 signed by His Majesty the King on February 19, 1995, of a working agency of protection under the title “Authority for the Protection and Management of Angkor and the Region of Angkor” (the APSARA Authority). The law on the protection of cultural heritage, approved by the National Assembly on December 21, 1995, was promulgated on January 25, 1996 by His Majesty King Norodom Sihanouk.

2 The creation of the Heritage Police (1994)

Policing is one of the important actions to be carried out within the territory of Cambodia in order to attempt to destroy the local network of illicit trafficking in antiquities. During the past few years, a series of seminars and informational meetings have been organised to train the Khmer police in specific techniques of surveillance and investigation, which protect cultural property. In 1994, a Central Office for the Suppression of the Theft of Cultural Objects was established within the Ministry of Interior in Phnom Penh. At the same time, a special Station of Cultural Police was established in Siem Reap. This station comprises 450 policemen responsible for the protection of the Archeological Park of Angkor. Its mission is to oversee the monuments themselves as well as to patrol outside their walls so as to investigate, uncover, and confiscate all stolen objects that are then transferred to the storerooms of Angkor Conservation. This special Station has become increasingly effective and collaborates very well with villagers living in the Park.

3 Reconstitution of the Inventory (1993)

3.a. Before Cambodia achieved independence in 1953, a Franco-Cambodian treaty of 1950 confided the management of the Angkor Park as well as the “the monopoly on all excavations or interventions concerning the monuments and within the borders of the Park” to the Ecole Française d’Extrême Orient (EFEO). This treaty was suspended in 1974 because of the war and work undertaken by the EFEO to make an inventory of Khmer art objects ceased at that time as well. With the support of UNESCO, the EFEO resumed their work when security returned and the situation stabilised. In 1993, the EFEO reconstituted the inventory of all the objects remaining in the storerooms of Angkor Conservation and in the National Museum in Phnom Penh. The objects were once again registered, described, photographed and reinstalled within the newly renovated storerooms. When this new inventory was compared to the one existing before the war, the list of objects stolen during the interceding period could be quickly established and the list of these objects was immediately widely circulated among the general public.

3.b. Outside the borders of Cambodia, very important efforts were made at the same time to facilitate the recovery of stolen objects and their return to the country. In 1993, at the request of UNESCO, ICOM in collaboration with the EFEO, published a book with photographs entitled *Looting in Angkor – One hundred missing objects*. Due to the success of this book, a second edition came out in January 1997. The book contained a clear message to those living from the illicit market for Khmer art: the trafficking of Khmer art objects would not be tolerated by art professionals of any kind, be they

those of the museum, those of the official markets of art and antiquities, or those who were private or public collectors. The impact of this publication on the professional art world has been very important. We have received much information on stolen objects and we have been able to recover some of the objects described in the publication.

Conclusion

In closing this progress report on the struggle of the royal government against the illicit traffic of Khmer art objects, we would like to mention the most recent result achieved in this regard which is the “emergency import restriction” placed on “certain Khmer stone archeological material” by the US Government. As a recent press release explains:

“this step was taken in response to a request from the Government of the Kingdom of Cambodia seeking US assistance to protect its national culture that is in jeopardy from pillage. The request was submitted to the United States under Article 9 of the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property. Both the US and Cambodia are party to this Convention. The decision to impose this emergency import restriction was taken after the Cultural Property Advisory Committee reviewed Cambodia’s request and made findings and recommendations in support of this action. The Department concurs in the Committee’s finding that the material is a part of the remains of the Khmer culture, ‘the record of which is in jeopardy from pillage, dismantling, dispersal, or fragmentation, which is, or threatens to be, of crisis proportion’”.



Members of the Cambodian Delegation

Country Paper of the Republic of Indonesia

Indonesian delegation

Introduction

Indonesia is a country consisting of 17,428 islands and inhabited by more than 500 ethnic groups. Each ethnic group has its own culture that differs from the culture of the other ethnic groups. By means of the motto “Bhinneka Tunggal Ika” (unity in diversity), the nation seeks to finite the cultural differences within one cultural framework of a national Indonesian culture.

The Indonesian culture varies with various periods, both tangible and intangible cultural heritage: from prehistoric up to Hindu-Buddhist, Islam, western in the period of 18-20 centuries as well as including chine influences.

Indonesian cultural heritage is spread all over the country. All cultural heritage is considered to be a national asset that can be used for promoting national identity and national interest. Therefore, it should be preserved, safeguarded, and protected from any other influences that may threaten its existing condition.

An awareness of the need to protect tangible cultural heritage has grown since the Dutch colonial period. In 1778 the establishment of a museum had been initiated as a place for keeping items of cultural property. It then became the Indonesian National Museum. Then, in 1931 a law on cultural property was enacted to protect items of cultural property, namely: the Monumenten Ordonnantie Staatblad No. 238 (Monument Ordinance no. 238).

After Indonesian independence in 1945, the 1945 Constitution contained a paragraph that specifically regulates the culture sector. In paragraph No. 32 it is stated that “the government will promote the Indonesian national culture”. The paragraph was clarified as follows:

“The national culture is the culture which arises as the fruit of the entire Indonesian people”

It means that since Indonesian independence, it has been recognised that the cultures of Indonesia’s ethnic groups are part of the Indonesian national culture. In the meanwhile, all the former and original cultures have also been considered to be part of the Indonesian culture with a commitment to protect and promote them as a means to national unity.

In protecting the national cultural property, the Monument Ordinance of 1931 has no more been considered as it is out of date. Therefore, Indonesian government has replaced the Monument Ordinance with a new law, namely Law Number 5 of 1992 dealing with items of Cultural Property. It has been provided with government Regulation Number 10 of 1993 concerning Implementation of the Law Number 5 of 1992 dealing with Items of Cultural Property and Government Regulation Number 19 of 1995 focussing on Preservation and Utilisation of Museum Collections. Meanwhile, for the sake of utilisation of cultural property, another national law namely Law Number 9 of 1990 concerning Tourism has also been established. The

utilisation of underwater archeological heritage is regulated under the Presidential Decree Number 107 of 2000. It has also been provided with other relevant Ministry Decree.

In addition, efforts in protecting cultural property in Indonesia is also referred to various international charters and conventions, among others the Convention concerning the Protection of World Natural and Cultural Heritage, the Convention for the Protection of Cultural Property in the Event of Armed Conflict, the Convention on Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. Moreover, the ASEAN Declaration of Cultural Heritage, which was signed by the ASEAN leaders, is also used as one of the important guidelines in protecting cultural property among the ASEAN countries.

For implementing the commitment of the government in connection with the preservation of cultural property, in the National Basic Guidelines Policy (NBGP) of 1988, representing national development of Indonesia, it is stated that “Indonesian national culture reflecting cultural high value that can be used for promoting and strengthening national identity and national interest that should be preserved and developed”.

For implementing the above National Basic Guidelines Policy, efforts in preserving and protecting cultural property which spread all over Indonesia has been intensively carried out both in the central and local governments as well as at the community level.

Protection Efforts

In the former organisational structure, the protection of Indonesian cultural heritage was under the Department of Education and Culture. This Department was then renamed as Department of National Education in which Directorate General for Culture is located.

In the current organisation structure, the Directorate General for Culture is separated from Department of National Education and it was combined with tourism as the Department of Culture and Tourism. The Directorate General of History and Archaeology is under this new department. It has responsibility for protecting cultural heritage spread all over Indonesia. In implementing this mandate, the field of protection of cultural property is supported by the Directorate of Archaeology, and museum collections management is assigned to the Directorate of Museums including the National Museum and Centre for Archeological Research.

At the provincial level, protection of cultural property is coordinated by Provincial Cultural Office (PCO) and the preservation and protection of cultural property is carried out by Provincial Archeological Office (PAO). The responsibility for keeping and displaying cultural collections is with the responsibility of State Museum of each province. Excavation and archeological research is carried out by the Office of Archeological Institute (OAI).

For developing conservation methodology and technology a new institute i.e. Borobudur Conservation Centre has also been set up in the last ten years. Regional Cultural Office (RCO) for the sake of preservation and protection of cultural property was set up for both tangible as well as intangible one.

Several efforts that has been intensively carried out in protection cultural property are as follows:

1. Assignment of keepers for preserving archeological sites (3,504 persons);
2. Assignment of archeological security teams for protecting archeological sites (316 persons);
3. Assignment of Civil Service Investigators based on the law Number 5 of 1992, for investigating illegal cases that may be occurred (90 persons);
4. Inter-governmental sector cooperation, such as:
 - a- with State Police for instance in the case of catching and investigating illegal actions;
 - b- with the local government in the case of maintaining cultural property;
 - c- with Customs and Tax office for preventing illegal transportation of cultural property abroad;
 - d- with universities for improving human resources capability in cultural research.
5. For preventing illicit transport abroad institutional cooperation has also been made with Interpol, museum, and professional organisations abroad. It is carried out in the form of providing data of cultural organisations, number of museum and archeological sites. Apart from the above matter; bilateral cooperation with other countries for preventing as well as taking action on illegal activities has also been intensively carried out. For example there was bilateral cooperation between Interpol and the Government of Singapore, which was conducted during the investigation of an illegal shipment of paintings to Singapore. For strengthening cultural cooperation, a Memorandum of Understanding between the Government of the Republic of Indonesia and the Government of Japan concerning the Cooperation in the field of conservation, restoration and management of wooden architectural heritage was signed in February 2001. Through this bilateral cooperation several technical missions have also been intensively developed for sharing and improving the knowledge and skill of human resources of both parties;
6. Installing security fences and information boards for protecting cultural property;
7. Carrying out continuously preservation and periodic conservation measures;
8. Carrying out registration and certification of cultural property; and
9. Carrying out socialisation Law number 5 of 1992 concerning items of cultural property.

Apart from protection of cultural property on the ground surface, efforts in protection of underwater cultural heritage have also been conducted. As an island country, inter-relation among the community and inter island merchandising is carried out through the sea-lanes. Therefore, Indonesian maritime heritage is important with many ships sailing through between islands and even between neighbouring countries.

There are many shipwrecks and underwater archeological sites. In addition as Indonesia lies in intercontinental sailing lanes, namely from Asia to Europe, Africa, and Middle East, with many trading ships passing through the Indonesia, both historically and at present.

Provision for protection of underwater archeological sites is found in Law Number 5 of 1992 concerning items of Cultural Property. In addition, Presidential Decree Number 107 of 2000 regulates salvage operations on shipwreck cargo. This presidential decree also delimits the authority of the national and local governments and the companies undertaking salvage efforts.

In accordance with the mandate given by the Law Number 5 of 1992 concerning items of Cultural Property, whosoever intentionally searches for items of cultural property or valuable goods of which the owner is unknown by taking away or any other means without the permission of the Government shall be sentenced to one year in prison and/or maximum fine Rp 10,000,000 and five years in prison or fine of Rp 50,000,000 and the most heavier is 10 years in prison or fine of Rp 100,000,000.

Problems Encountered

Although there have been so many various efforts in protecting cultural property and archeological sites, whether they are on the ground surface or in the form underwater archeological sites, there are still many problems to be addressed. Some of the main issues are as follows:

1. Limitation of public awareness in protecting cultural property;
2. Many criminal activities such as destroying archeological and historical buildings and stealing cultural property;
3. Frequent illegal transportation of cultural property abroad, such as fossilised Pithecanthropus to the United States; ceramics salvaged from shipwrecks to Singapore, Australia, the Netherlands and Germany; as well as a number of items of cultural property to United States; and paintings which were sent to Singapore;
4. Indonesia has not ratified yet the Convention on the Means of Prohibiting and Preventing the ownership Illicit Import, Export and Transfer of Ownership of Cultural Property;

5. Large number of items of cultural property originating from Indonesia which are still in other countries such as France, The Netherlands, Germany, and U.K.

Conclusion and Recommendation

Cultural property, valuable and sought after by many people, has become a commodity that offers considerable profit. Therefore, illegal transportation abroad has considerably increased. To prevent illegal activities, the following recommendations are suggested:

1. Improving multilateral cooperation to prevent illegal trade and shipment of cultural property;
2. Establishing regional cooperation in protecting cultural property, particularly in ASEAN region through a network information system;
3. Periodical meeting for discussing protection of cultural property;
4. Implementing the program on cultural property protection in line with the ASEAN Declaration of Cultural Heritage and the programs of such as ICOM, SPAFA, ASEAN, COCI, UNESCO and so on.

The following additional text of the Indonesian country paper is compiled by Asan Sitanggang, Deputy Director of International Affairs, Directorate General of Indonesia Customs & Excise.

Indonesian history records that museums had already existed in Indonesia since the middle of 17th century. The oldest museum was established by the famous Dutch Naturalist Rumphius in 1648. That museum was called HET AMBONSCHE RARITETENKABINET (The Ambonese Chamber of Curiosities)

Some other famous museums can be found in several cities of Indonesia such as :

- National Museum, founded in 1778 by Koninklijke Bataviaasch Genoofschap Van Kunsten en Wetenschappen (Royal Batavia Society of Arts and Sciences), located in Jakarta.
- Koninklijke Natuorkunde Vereniging (Royal Nature History Association), established by Dutch Voheren which headquarters was located at Jalan Medan Merdeka Selatan No. 11 Jakarta.
- Museum Zoologicum Bagariense, located in Bogor which collaborates closely with the Royal Natural History Association.
- Geological Museum, located in Bandung.

Until the end of the Second World War there were about 24 museums throughout the Country. (Ki Muhammad Amir Sutaarga, "Museologi and Futurology", ICOM Indonesia, Jakarta, May 1990)

Museums have long been considered symbols of the cultural and intellectual development of a society. A city with a museum or art gallery, enriched by collections

which are carefully conserved, researched and publicized is popularly believed to be inhabited by more cultured and knowledgeable society, compared to the city which has no such museum or gallery.

Indonesia employs a unique system of museum administration. Although the Ministry of Education and Culture is the responsible body for the museum system and administration, there are many museums, large and small, are still maintained and managed by other government agencies or private institutions. The only reason that administration and control are in the authority of the Department of Education and Culture is that museums today must be considered as and should play the roles of social, cultural, and educational institution, which perform the tasks of collecting, preserving, presenting and communicating material evidences of man and his environment, for the purpose of study and enjoyment, and in the service of society, such according to the International Council of Museum (ICOM) definition of the word museum.

Department of Education and Culture has established some provisions in order to protect the items of Cultural Property. Customs as the government agency who is responsible at the borders cross area provides protection for the community through detecting and deterring illicit traffic of prohibited and restricted goods, including protected Cultural Properties, across Indonesia's borders.

Cross border movement of goods is the key element in any international trade transaction and Customs presence is an essential and statutory feature of the movement of such goods. The movement in which Customs provide for swift and efficient clearance of those goods reflects the quality of service provided by the government to the public. (World Customs Organizations, Revised Kyoto Convention in 9 Questions, Brussels, November 2000, paragraph 1).

Directorate General of Customs and Excise of the Republic of Indonesia is expected by the community to be able to detect and take appropriate action to prevent or control the entry into Indonesian territory of unlawful goods that have the potential to detrimentally affect the quality of life and safety of the Indonesian community. Furthermore, Customs is also expected to take action to prevent the exportation of goods, where that exportation may adversely affect the community.

Prohibited and restricted goods are goods which are prohibited or restricted to be imported into and exported out of Indonesian territory without proper approval of the authorized government agency. The examples of goods categorized as prohibited and restricted goods are :

- Narcotics
- Psychotropic substances
- Firearms and Ammunitions
- Explosive Materials

- Endangered Species of Wild Fauna and Flora, and parts thereof
- Medicines
- Unregistered Food and Beverages
- Items of Cultural Property

and so on.

Any government agency that is supposed to protect certain goods shall establish provisions that prohibit and restrict the importation or exportation of the goods. Although this agency is generally responsible for the implementation of its regulations, but for the enforcement purpose at the borders, elucidation of Article 53 of Indonesian Customs Law No. 10/1995, clarifies that basically supervision on the implementation of prohibited and restricted regulations on the importation or exportation of certain goods cannot be carried out individually by each government agency who stipulates such regulations. Accordingly, in line with International Customs practices, the supervisions on the incoming and outgoing goods from the Indonesian Customs Territory is carried out by Customs Administration.

Therefore, to make the implementation of the supervision on these prohibited and restricted regulations more effective and coordinated, each government agency concerned is obliged to pass on the regulation to the Minister of Finance to be further governed and enforced by the Customs Administration.

In order to ensure compliance to laws and regulations of the Customs and other government agencies related to the importation or exportation of the goods, it is essential to conduct certain examination either by documents verification or physical inspection.

Physical examination is very time consuming and expensive. Business societies often blame this activity as barrier to trade. The challenge of Customs is to reconcile the apparently contradictory objectives of enforcing government regulations while at the same time passing the minimum obstacle to legitimate trade. Regarding to this challenge, the elucidation of Article 3 of the Law No. 10/1995 explains that to ensure the expeditious flow of goods, the physical inspection of the imported goods shall be done on selective basis, in a sense that the inspection shall only be focused on imported goods with high risks, goods that are dangerous to the state and community, and goods imported by "black listed" importers. The examination of goods range from 5% to 10%, but if there is any strong suspicion of an offense, Customs may undertake 100% examination of such goods. Article 4 of the Law No. 10/1995 explains that in order to encourage export, the examination of exported goods shall be kept at a minimum level by verifying document. Only under certain circumstances, physical inspection of exported goods may be performed.

Columbus Declaration noticed that, it is generally recognized today that carrying out a physical examination of all consignment not only causes major congestion at point of entry and delays to cargo clearance, it is also an inefficient and unproductive use of scarce manpower resources. In general, a high proportion of physical examination is simply not a practical proposition. Many administrations have resorted to risk management technique in order to speed up the flow of goods while at the same time maintaining an effective deterrent against fraud. The WCO Secretary General recommended that Customs authorities should ensure the effective use of scarce manpower resources by using risk assessment, profiling, selectivity and targeting techniques to identify high risk consignment for physical examination. (World Customs Organization, the Columbus Declaration, Ohio 1994, paragraph 15)

With reference to the WCO recommendation, so far the Directorate General of Indonesian Customs and Excise has been implementing a risk management approach in a simple way such as selective examination, profiles analysis and risk indicator analysis. It is realized, that it will be better if the risk management could be conducted systematically. To this end, our administration is in the process of implementing a systematic risk management approach to be an integral part of its system.

In the risk management cycle, the availability of information is a very important factor:

Source of information may be collected from:

- Information from all Customs sources.
- Normal controls of trade, e.g.: offenses recorded and deviation from normal trade routes/problem.
- Suspected operator profiles e.g. from police records and public media.
- Regular exchanges of information with other agencies and so on.

The analysis result of the collected information done by authorized Customs officers is the key element for issuing an "Intelligent Results Note". Any consignment subject to Intelligent Results Note shall be examined physically before their release. Most of method of detection of prohibited and restricted goods conducted by Customs are physical examination ($\pm 95\%$), and the basis of such seizures are caused by wrong description and/or false declaration.

The Indonesian Customs Seizure Data January 2000 - December 2000 shows that the frequency of items of Cultural Property seized by Customs is relatively rare compared to other goods such as the seizure related to Intellectual Property Rights, CITES, and Drugs.

The few number of seizures of Cultural Property done by Customs, generally because of the lack of information supply from other agencies who are responsible to enforce Cultural Property Laws, stake holders and society.

Indonesian Customs is very aware of the illicit traffic in Cultural Property. In order to create a public awareness, we developed a brochure of prohibited and restricted goods that covers also a brief of cultural property regulations. These brochures are available at every international airports.

Due to the need of accurate information, we need to establish a network cooperation by bringing together cultural heritage officers, the police, customs and professionals. In addition, we need to publicize the result of mayor investigation in the belief that publicity will help deter illicit traffic of cultural properties. Working with the media in press and television concerning the services and enforcement efforts can be considered as a good initiative to develop public awareness. By doing these efforts, hopefully it will be easier for the law enforcement agencies, including Customs, to get more accurate information.



Members of the Indonesian Delegation

Country Position / Situation Paper: Lao

Laotian Delegation

Despite a 1997 Presidential Decree being issued to provide for the protection of Lao's national cultural heritage, it is being lost at an alarming rate. This is due to theft and looting, development and construction, and natural deterioration, all of that, if not entirely prevented, are certainly able to be stalled, avoided or even reversed. There are many reasons why this legislation is not entirely effective – financial concerns play a major role, as does a deficit in education among the populace regarding the value of preserving the cultural heritage, and indeed what constitutes that heritage.

Problems

Theft, looting and souveniring

Natural threats – climate, natural disasters etc

Conservation and security issues in Museums and Keeping places (including temples)

Lack of legislation to protect heritage buildings, including temples, French-period houses, and mid-20th century concrete structures

Lack of funding to implement the necessary improvements

Ignorance

Poverty

Conservation and restoration issues in heritage buildings – use of non-original material in reparations – e.g.: cement

The government departments primarily responsible for the care of the nation's cultural heritage are the Ministry of Information and Culture's Department of National Museums, Antiquities and Archaeology and Institute of Research on Arts and Literature, as well as a number of Institutes which preserve the ephemeral culture of Laos, such as oral traditions, music and dance. The main non-government body in this area is the Association of Buddhists, which stands to reason if you consider that the primary source of material culture in Laos is the Buddhist religion. Unfortunately, Buddhism does not walk hand in hand with preservation and one problem we encounter is the removal of historic buildings which are outdated for their purpose within the Buddhist structure, and are replaced by modern buildings for continued use – it is a difficulty that is often encountered when the material culture is also in current use.

The decree covers both movable (art and artifacts etc) and immovable (sites, temples etc) national cultural heritage, as well as natural heritage. Whilst any thing over fifty years old is provided for by the Decree, the National Cultural Heritage List only includes fifteen sites. This should be broadened to a National Heritage Building, Site and Object List, and is urgent that it be formulated and published widely, together with a condensed version of the decree, and an outline of the detrimental effects for the nation of non-compliance.

Apart from the Ministry of Information and Culture, other agencies and organisations involved in cultural heritage protection in Laos are the Ministry of the

Interior, which is responsible for customs and the police, and the local branch of Interpol, Aseanpol.

There is a National Heritage Committee which has been formed as a result of the Presidential Decree, to "ensure efficient management, conservation and preservation of the national heritage (and) to provide consultations or opinions on such activities". However, this committee does not have the time and technical expertise, and it seems necessary to create a position which revolves solely around organising the national inventory of cultural heritage, actively conducting a survey of the country to identify assets that should be added to the register, making those submission to, and liaising with the committee as to the management of these assets.

While the management responsibility resides with the Ministry of Information and Culture, and filters down in theory to regional authorities, how far does it get in actuality? It seems that in clear-cut cases of national culture, for instance, the sites that appear on the National Cultural Heritage List, the local authorities are in control, but there are issues that are outside their expertise, although within their jurisdiction, that are more problematic. This includes the supervision of excavations, from which a great deal of the nation's cultural heritage disappears, when they are conducted unofficially, and also in the management of sites, buildings and objects that, although protected by the President's Decree are not in practice protected from determined thieves and developers. At this stage, too often permission is not sought before any development or demolition takes place, so it is impossible for an inspection and assessment of cultural heritage potential to take place prior to the commencement work.

To this end, a national inventory of cultural heritage should be undertaken, along with photographic documentation of more valuable items and sites, to aid in recovery and restoration in the event of theft or damage. With a certain amount of sponsorship, it should be possible to create an imaged national database. There is already one of the Champasak region's archeological sites, and other, no doubt, which can contribute to a national program. The Ministry of Information and Culture already has a list, but is certainly needs expansion, and checking against it regularly to ensure no unauthorised movements have taken place is also important. It is also important that the collections of private owners should be identified to ensure that adequate research and documentation is done on rare objects that are subject to the whims of a private individual, as it is doubtful that government funds really extend to the purchase of items of value that are offered for sale (Article 16). This inventory would not only raise the profile of the national heritage, but could also alert keeping places to security issues and documentation processes and, if properly organised, could serve as a mobile training agency throughout the country every five years (as recommended in the Decree). Buddha images should be registered, heritage buildings should be looked after, and murals and sites of cultural significance should

also be documented. Here would be tremendous amount of progress in his area if the National Inventory doubled as a nation-wide education program about the value of cultural heritage.

A major part of the cultural preservation problem in Laos is the lack of special training of Lao experts in conservation and cultural heritage management, to conduct the research, inventorying, and maintenance of the country's treasures. The scarcity of skilled human resources has been identified as one major problem in effective management. Education is necessary, not just for professionals, but for everyone to cooperate in protecting heritage from the degradation of thieves, the ravages of the elements, and the tragedy of mismanagement and short-sightedness.

In this respect, a want of training in law enforcement workers and border official must also be addressed. Whilst the law prohibits the export of items without the express permission of the Ministry of Information and Culture, the lack of screening facilities at many borders is a problem. We should like to see at least one officer in each border point trained to recognise the authenticity and value of cultural items, and for all customs and border staff to be sufficiently trained to identify what could be protect item, and to recognise the types of items that smugglers deal in.

Not only, is the training (or lack thereof) of professionals in the area a problem, and therefore a priority, the ignorance of the general populace as to their responsibilities, what they are responsible for, and why this is so important is a major impediment to improving the state of cultural heritage protection in this country. All citizens of the Lao PDK are given the responsibility to ensure that they are educated to do so. In this respect, perhaps some educational activities should be funded and organised to increase the perception of value in some of the less obvious things – e.g. an exhibition of photographs of the buildings of the Vientiane, involving children in programs to increase the awareness of future generations as to what constitutes their cultural heritage. Pride in their nation is important to Law citizens, so enabling them to understand that material culture is the visual representation of that culture, and therefore invaluable to it, is extremely important.

We also desire to establish more effective communication between the Ministry of Information and Culture and development authorities, such as the Ministry of Communication, Construction and Transport and building planners, so that we can cooperate with them in preserving the Nation's cultural heritage. It is ideal that a preliminary survey should be carried out prior to any construction work commencing, but it is also important to educate construction workers as to potential problem we encounter here is that the report of such a discovery may lead to temporary, if not permanent cessation of construction work – the workers who make such a discovery should not be discouraged from reporting it for fear that their livelihoods will be

threatened. There is a possible solution in recruiting the workers to participate in excavations or a guaranteed income, or to make it clear that there is always an alternative building plan for them to be moved to until construction resumes.

There are difficulties in enforcing the laws mostly due to the want of manpower and of funds for training. There would be slightly less need for vigilance on the part of the law enforcement services and customs workers if the general populace was more educated to fulfil their responsibilities in preserving their cultural heritage. Ignorance may be no excuse disobeying the law, but it is one of the major reasons for the ineffectiveness of these laws. We would like to ensure that people are educated to prevent damage to, and loss of, our cultural heritage rather than to educate them when it is too late.

There is a specific law forbidding the export of Buddha images, and when any image is found being illegally exported, it is sent to the Minister of Information and Culture for authentication and the owner is appropriately dealt with. But the percentage of archeological finds that are being reported to the authorities is low and the percentage of artifacts that entering the illicit market, rather than being handed over to the government is high. It is clear that the measures being taken to prevent the illicit trade in Lao cultural items, and measures to prevent this are inadequate. We must not only prevent the export of Buddha images, but also develop actual strategies for the destruction of smuggling rings, and this may be something we need the cooperation and advice of other countries for.

What more can we do?

Whilst anything over 50 years old is included under the Decree, there is a strong need for the experts of the various fields to be called upon to make specific recommendations concerning particular objects, sites and buildings to provide for their protection. The laws provide for, indeed proscribe, restoration and conservation and research of historical artifacts and sites, but there isn't the budget for following through with this. The National Heritage Fund should be established as soon as possible, as relying solely on foreign aid is a trap and provides no security for the future of the heritage. It is also important that some Lao people should be trained in order to be able to at least take senior positions in these preservation projects, rather than leaving them entirely in foreign hands.

The establishment, within each keeping place and responsible office of a disaster plan for emergencies both local and nation, should be a high priority. The recent loss of cultural treasures during the earthquake in India should underline the need for disaster contingency strategies to be developed in all the countries of this region.

Preservation of non-movable cultural heritage

Louang Phabang was declared a World Heritage site in 1995. It is the only one in Laos, although Wat Phu in Champasak Province and the Plain of Jars will hopefully soon be added to the list. Unfortunately, as in other areas of Laos, the practicalities do not always support the legislation or the desire to protect. There is no surveillance of the Plain of Jars for instance, and in many places, cultural heritage items of great import, such as ancient standing stones and the original city wall of Vientiane, have been destroyed by road-building works. The legislation needs more support from the government, but also education of people likely to engage in activities liable to result in damage to buried treasures – such as road contractors, building contractors, engineers and town planners. In many cases the legislation is in place, yet no one regards it. More punishing penalties need to be adhered to – fines, suspension of building pending excavations etc. – the fines should be tailored to cover the cost of removing and preserving whatever is there. Preliminary surveys should be taken of all land before construction is undertaken – although this sounds expensive, it would be negligible when compared to actual construction costs, yet many turn out to be priceless in preserving the cultural heritage of the Lao PDR so much of which has been buried in turbulent times in the past.

Heritage buildings should not only be protected from further damage but also conserved to arrest additional decay due to the elements. Good, pure examples of every style of architecture in Laos should be preserved and protected, either in situ, or if this is not possible, transported to and preserved in a suitable keeping place.

Keeping places for moveable cultural heritage

There are about ten government museums in Laos. They are generally poorly catalogued, with inadequate storage, environmental control, presentation, organisation, security and conservation. Other keeping places for Lao's moveable cultural heritage include temples, libraries and private collections and the conditions of these places are even less standardised or ideal. An area needing improvement is the training of museum staff, as it is those institutions that should be at the forefront of the national movement for cultural heritage protection, and set an example for other collectors and keeping places to follow. In terms of protection of Lao's cultural heritage from theft and looting, security of keeping places is an important area for improvement, as there are a number of incidences of important objects being stole. Many of these are able, through fast action, to be recovered, but some are not.

Some cooperative efforts

UNESCO, EU and France have been working since 1990 on the preservation of the building and contents of Louang Phabang, and a Swedish project concerning the Royal collection is still in progress.

The Temple of Wat Phu is being preserved with the aid of UNESCO

The Plain of Jars is being worked on with help from UNESCO

The governments of Japan and Australia are also providing assistance to a number of smaller projects throughout the country

It seems that in spite of the best intentions of the Government of Laos, the Presidential Decree regarding the preservation of the country's cultural heritage simply is not effective. This is primarily due to the little money that is available to improve security and conservation efforts, and the lack of technical expertise in these areas. While Lao people are apparently aware of their responsibility to protect the cultural heritage of their country, it is doubtful that many of them understand exactly what constitutes that heritage, outside the more obvious, listed sites. It seems that not only do we need to improve the legislation to allow for the active seeking out of the illicit traffic in cultural items, and establish a fund to cover all the other areas required for the improvement of the protection of our cultural heritage but also it seems there is a pressing need to educate people as the value of what is being lost.

The National Heritage Preservation Fund (Article 17) has not yet been established. Until there is a real effort towards a consolidated effort for cultural heritage preservation any activities will remain as they are now, piecemeal and ineffectual. It is not only important to establish the Fund to pay for protection activities, but also it is urgent that we formulate a national plan for the preservation of our culture, a plan that is integrated with all the responsible parties, and which actively seeks out and destroys illicit trade, and which educates all Lao people as to the value their cultural heritage and the ways in which they can prevent its being lost. Unfortunately this paper has concentrated on activities we wish we could pursue, rather than specific measure being taken to resolve the problems Lao PDR faces. Any suggestions as to how best to focus our meager resources in the struggle against illicit trafficking natural deterioration and accidental damage, we would accept most gratefully.

Some Ideas for Discussion

In some countries, modern development is not permitted within sight of a heritage site, which is worth considering to preserve the integrity of some sites. It also offers a protective buffer from accidental damage to important outposts of the main site.

The local outpost of the Ministry of Information and culture is responsible for the protection, maintenance and conservation of a site. It is important, therefore, that staff members of offices responsible for important sites, such as Wat Phu and Louang Phabang are properly trained to supervise or carry out the conservation and maintenance of those sites.

As the monks themselves are traditionally responsible for the maintenance and restoration of the temple buildings and as so many are, as a consequence of their high proficiency in English able to be sent overseas for education, might it not be ideal for a couple to learn conservation and cultural heritage management (e.g. there is a Lao Wat In Canberra, Australia). These monks will be valuable members of the Association of Buddhists, whatever Cultural Heritage Protection Society was formed, as well as an advocate for conservation within the structures of the Wats themselves. This training would be complimentary to the UNESCO project to train the monks of Louange Phabang in traditional building and decoration techniques to allow the integrity of the heritage to be preserved. There is no less merit to be gained by restoring a valuable old building correctly, than there is in plastering on new styles, or destroying it in favour of a new building.

Article 16 might be improved by the addition of provision that the owner of the article needs to prove ownership of said article prior to sale. There is no provision for the legal provenance of these items.

Travelling educational exhibition about cultural heritage – containing small objects, an education program for children, and photographs of the sites and objects that make this country distinctive, and that capture its history. This would increase awareness and sensitivity to cultural preservation issues.

Protection of Cultural Heritage in Malaysia

Malaysian Delegation

Introduction

Malaysia is strategically located in the heart of Southeast Asia consisting of 11 states in Peninsular Malaysia, the states of Sabah and Sarawak and the federal Territories of the Kuala Lumpur and Labuan. Peninsular Malaysia borders with Thailand and Singapore while Sabah and Sarawak borders with Brunei and Indonesia.

Malaysia is a multi-racial country. The principal racial groups in peninsular Malaysia are the Malays followed by the Chinese and Indians. In Sabah and Sarawak, Kadazans (Dusuns), Ibans (Dayaks), Bajaus, Melanaus and Muruts are the majority. The official language is Malay (or officially termed Bahasa Malaysia). Different ethnic groups speak their own language. Under the Federal Constitution, Islam is the official religion of Malaysia but other religions may be practiced in peace and harmony in any part of the country.

Based on the demographic composition mentioned above, Malaysia is undeniably rich in cultural heritage that has been shaped over a long period of time, taken place within the country as well as through regional and inter-regional cultural and historical contacts.

The protection of cultural heritage in Malaysia

In Malaysia, the legal foundations on the protection of cultural heritage are derived from the following Acts and Regulations. They are as follows:

- (i) The antiquities Act, No. 168 of 1976
- (ii) The National Art Gallery Act, 1986
- (iii) The legal Deposit of Library Act, 1986
- (iv) The National Library Act, 1972
- (v) The National Library (Amendment) Act, 1987
- (vi) National Archives Act 1966 (Revised 1971) (Revised 1993)
- (vii) Town and Country Planning Act
- (viii) Local Government Act
- (ix) Tourism Development Corporation of Malaysia Act, 1973
- (x) Malaysia Handicraft Development Act, 1979

Among the legislation listed above, the provisions under the Antiquities Act of 1976 have the most relevant jurisdictions concerning the protection of the tangible cultural heritage. The Act regulates matters pertaining to discovery of artifacts, archeological activities, protection and gazettement of historic monuments, dealing in antiquities and the penalties that goes with the provisions of the act.

The Antiquities Act of 1976 defined 'antiquity' as follows:

- Any object movable or immovable or any part of the soil or of the bed of a river or lake or of the sea which has been constructed, shaped, inscribed,

erected, excavated or otherwise produced or modified by human and which is or is reasonably believed to be a least 100 years old;

- Any part of any object which has at any later date been added thereto or reconstruct restore;
- Any human, plant or animal remains which is or is reasonably believed to be at least one hundred years old; and
- Any object of any age which the Director-General by notification in the Gazette declares to be an antiquity;

In Malaysia, tangible cultural heritage has been defined to cover a wide range of heritage from small artifacts to buildings and other built heritage, mausoleum, caves and places where significant war had been fought.

The Department of Museums and Antiquities

The Department of Museums and Antiquities is responsible in the protection of cultural heritage in the country. The department also is the official repository of the country's cultural and natural history which aims to inculcate a sense of belonging and awareness of the richness of historical, cultural and natural heritage to the general public. It is also responsible for preserving, restoring and imparting knowledge on Malaysian historical and cultural heritages through exhibitions, lectures, publications and mass media both print and electronic. The Department main functions are in brief as follows:

- a) To collect and preserves the nation's cultural, historical and natural heritage.
- b) To document museum artifacts and collection.
- c) To enforce the Antiquities Act No. 168 of 1976.
- d) To provide procedures and guidelines on antiquities finds.
- e) To undertake research work in archaeology and the preservation, conservation, restoration and maintenance of built heritage.

The department also gives expert/advisory to other museums established by the state government departments and institutions of higher learner.

For the Movable Cultural Heritage, the Department of Museums and Antiquities have been given the responsibility to collect, preserve, store and exhibits movable cultural heritage especially the artefactual remains. The artifacts are acquired through various means namely through purchase, donation, bequeath, field collection by the curators and museum's officers.

As for the Immovable Cultural Heritage, the Department of Museums and Antiquities maintain a register of monuments and sites in Peninsular Malaysia, while the Sabah and Sarawak Museums Departments maintains their own records in their respective states. The built

heritage has been classified under various categories such as building, fort, battlefield, caves, graves and others. These categories are further sub-divided into sub-categories, for example, under building, we further sub-divided it into castle, palace, house, religious and so on. The Department of Museums and Antiquities keeps a list of the immovable cultural heritage, and the list is being known to state authorities. This is important for future planning because not all buildings have been able to be gazetted. The hindering factor lies basically with the uncertainty on the part of the state governments especially with regards to land matters. The Federal Constitution gives the state the right over land matter.

Illicit Trafficking and looting of cultural heritage

In the protection of cultural heritage though illicit trafficking and looting, the Antiquities Act of 1976 mentioned that no person should export any antiquity unless:

- (a) he has obtained a license to export the same from the Director-General or that the antiquity was originally imported by him; and
- (b) he has declared the antiquity to a proper officer of customs at a customs airport or customs port.

In Section 23 (1) and (2) mentioned on the prohibition of export of historical object.

Section 22 (1) mentioned that:

“Where a proper officer of customs or an officer authorised in writing by the Director-General has reason to believe that any object which is to be exported is a historical object he may detain such object and forthwith report such detention to the Director-General”.

Section 23(2) mentioned that:

“If the Director-General is satisfied that the historical object is or will be of lasting national importance or interest he may prohibit the export thereof”.

The Malaysian Government is very serious in looking at the problem of illicit trafficking and looting of cultural heritage. Matters pertaining to exportation of cultural heritage has been the responsibility of the Department of Museum and antiquities though the Antiquities Act of 1976. In the Act the Director-General empowers or allows the proper officer of customs to act on behalf of the Department of Museums and Antiquities. Therefore, in Malaysian scene the Department of Museums and Antiquities and the Department of customs are very supportive of each other in combating the activities of illegal exportation of cultural heritage.

Besides the illicit trafficking of cultural heritage, the government of Malaysia is also facing the problem of looting of our cultural heritage though illegal maritime archeological excavation. In this matter, the Department of Museums and Antiquities is linking closely with the

Malaysian Royal Police in dealing with this kind of activities.

Conclusion

In Malaysia, the government recognises the need to develop comprehensive program in the protection of cultural heritage as a whole. The government believes that cultural heritage is an important asset in fostering national unity as well as tourism. Conservation, preservation and maintenance of monuments and historical sites and also the built heritage has been aggressively and well funded since the last decade. The other area that the government is looking seriously is the illicit trafficking and looting of cultural heritage especially though maritime archaeology. There were substantial numbers of our precious artifacts has been looted and illegally exported to the neighbouring countries and then to international auctioneers.

(Paper by Mr. Zawawi Itam Osman. The main part of the introduction of this paper was based on a paper by Dr Adi bin Haji Taha, Deputy Director-General of Department of Museums and Antiquities on the ‘the Seminar on A Regional ASEAN policy and Strategy for Cultural Heritage’.)



Members of the Malaysian Delegation

Protection of Cultural Heritage in Malaysia - Customs

It is an honour to be one of the participants in this workshop. Being a customs officer, whose main task is not only to collect the revenue for the government but also have other tasks that are equivalent importance in assisting the government policy such as:

1. to promote trade through simple procedure and continuous facilitation
2. to curb smuggling through evasion of customs duties and prohibited products that are detrimental to the country socially, economically and political.
3. to help or assist other government agencies in implementing their legislation.

Being a Contracting Parties and signatory to World Customs Organisation and other related International Conventions, Royal Malaysian Customs always abide to the Agreement made and always moving ahead to fulfil the commitment made. As such Malaysian Customs is positively looking forward in improving her services and efficiency to meet and fulfil the world trade globalisation requirements in line with our vision to be the most excellent and of international standard, fully recognised, and respected throughout the world.

Introduction

Royal Malaysian Customs Department is under the purview of the Ministry of Finance. It is responsible to collect the revenue for the government through indirect taxes such as import / export duties, sales tax, excise tax and so forth. The Royal Malaysian Customs is the second largest contributors of government revenue. Besides collecting revenue, the department's is also responsible in promoting trade and industrial growth for the country by providing facilitation facilities to the business communities. Another role that the department played is that she is also responsible to curb smuggling activities through evasion of customs duties and the illicit movement of prohibited goods.

Besides enforcing the customs legislation's, the department also assists other government agencies to implement or enforcing their legislation. This is so because any goods leaving or moving into the country has to pass through customs entry/exist point. Some examples of the legislation that the department helps to enforce are as follows:

1. Antiquities Act 1976 (Act 168)
2. Protection of Wild Life Act 1972
3. Agricultural Pest and Noxious Plants (Import/Export) Regulations 1981
4. Arms Act 1960 and many others.

Background

In Malaysia the Department of Museum and Antiquity is the official repository of the country's cultural heritage of

which the department is empowered to enforce the antiquities Act 1976 which includes the exportation of antiquities and historical objects. The Royal Malaysian Customs Department responsibility is to assist the Department of Museum and Antiquity in combating the illicit trafficking of cultural heritage property through its entry and exit points. At present the illicit trafficking of cultural heritage goods out of the country is not very serious. It is very negligible in terms of quantity.

Customs Perspectives

No doubt that the customs department of Malaysia has the power to act on behalf of the Museum and Antiquity department of Malaysia when handling the export clearance of antiquity and historical object, as stated under section 21, 22 and 23 of Antiquities Act 1976. Although the control of such antiquity and historical object was not provided explicitly under the customs legislation, it does provide provisions relating to prohibition of exports under item 11 and 12 of Customs (Prohibition of Exports) 1998, which the customs department is responsible to enforce as they confer powers and duties on officers of customs.

The following sections or provision illustrated below, empowers or allows the proper office of Customs to act on behalf of the department of Museum and Antiquity pertaining to export of cultural heritage objects (antiquity and historical object).

Section 21 of the Antiquities Act 1976 stipulated that no person shall export any antiquity except with a valid license issued by the Director General of Museum, Malaysia.

Section 22 requires any such license to export to be produced on demand by a proper officer of Customs.

Section 23 stipulate that if any proper officer of Customs has reason to believe that any object which is to be sported is a historical object, he may detain such object. The detention must be reported to the Director General of Museum, Malaysia as soon as possible through the officer in charge of the station. No further action should be initiated until the Director General's advice has been considered.

In order to strengthen such empowerment and to legalise its execution, the exportation of cultural heritage is gazetted and listed under the Customs (Prohibition of Export) Order 1998.

Cooperation

At present, Royal Malaysian Customs Department establishes a very rapport working relationship with the Department of Museum and Antiquity. The Department of Museum and Antiquity always promptly response to customs whenever the Customs department required their assistance specially regarding in identifying the confirming cultural heritage goods. In the area of cooperation between the department of museum, the Customs Act 1967 do provide the provision of temporary importation of cultural heritage property for exhibition purpose to be held in the country.

Enforcement

Although customs department has the power to enforce the Antiquity Act 1976 legislation, there is shortcoming that needs to overcome. Customs officers are not experts in this field. We are not only lacking in knowledge but also tools to be used in identifying the said cultural heritage goods. Moreover the enforcement implementation is basically rely on the information received either from the public or museum department or sometimes due to curiosity or suspicious.

Recommendations

1. Training

In overcoming those shortcomings it is recommended that the customs officers should be educated and equipped with what cultural heritage property knowledge is about. Training is a must and it should cover both theory and practical aspect. Through training then the effectiveness of customs services in combating illicit trafficking of cultural heritage property could be achieved. Training courses should be revived and provided by the department of museum at their premise or at Malaysian Customs Academy whereby the resource persons should be from the museum.

2. Regional Intelligence Liaison Office Network (RILO)

Royal Malaysian Customs is a member to RILO. Being a member to RILO, it enables the department to communicate and exchange intelligence information between Customs administration in the fight against illicit drug trafficking and other Customs fraud. The customs department always prepared to relay or convene whatever assistance needed by the department of museum on information pertaining to illicit trafficking of country cultural heritage property from other country.

(Customs by Mr. Abdul Razak Yaacob)

A Country Paper on the Protection of Cultural Property - Police

The Royal Malaysian Police (RMP) is the largest enforcement agency that had been given the power of investigation according to the laws of Malaysia. The functions of RMP are spelt out under Sec. 3(3) of the Police Act, 1967 namely:

- enforcement of law and order;
- maintenance of national peace and security;
- prevention and detection of crimes;
- arrest and prosecution of offenders; and
- gathering of security intelligence.

The enforcement of law and order in my country is in accordance with the constitutional provisions and statutes. This includes criminal procedures practiced by the RMP.

The incidence of crime relating to illegal trafficking of cultural property in Malaysia is remote. Thus far there is only one case reported. Since the passage of the Antiquities Act by parliament in 1976 the enforcement unit of the National Museum of Malaysia had been conducting periodic checks on stock and transaction records of each and every antique dealer. Under this act every antique dealer and exporter plying the trade is required to possess a Dealer and Export License, which is issued by the National Museum.

The police by reason of the criminal procedure code are equally empowered to investigate all reported cases of theft, house breaking, criminal trespass, mischief, forgery and counterfeiting. All reported cases will be classified according to the offence or offences committed and they are to be investigated immediately if the offence is one of seizable offence or with the order of the Deputy Public Prosecutor if the offence is unseizable offence.

All procedures and powers of police are exercised only as provided for under the Criminal Procedure Code, such as:

- **Sec. 111 CPC** To call upon a witness to give statements
- **Sec. 112 CPC** Recording of statements of witnesses
- **Sec. 116 CPC** Police power to conduct search
- **Sec. 117 CPC** Empowering the court of law to consider remanding police suspects for the purpose of criminal investigation for a period not exceeding 14 days.
- **Sec. 23 CPC** to arrest suspect without warrant if the offence committed in s..... in nature.
- **Sec. 62, 62A, 62B, and 63 CPC** Search on suspected goods
- **Sec. 54 CPC** Search without warrant

Given these powers, the police are in a position to deal with cases of cultural property.

Beside the police, there are however, other government agencies that are also involved directly or indirectly and they are the Customs and Excise, the Smuggling Unit, the Immigration Department and Local Authorities. Together these departments and agencies assist in the preservation of the nation's cultural property and heritage. Without the full cooperation and commitment of the government departments and agencies, and likewise non-government organization, many of the past and present day heritage and cultural property would have been lost.

Coincidentally, the NCB/Interpol Malaysia monitors illicit trafficking of cultural heritage to other countries of the world. Details of stolen property reported to the police will be compiled and sent to the NCB/Interpol Malaysia in Kuala Lumpur. Through existing networking and procedures, detail of stolen property will then be sent to NCB/Interpol in Lyon, France by filing up a form called 'Grigen/Art' Form. This form contains all particulars of stolen property reported missing in Malaysia. The Interpol will then print the particulars and picture of stolen property in a CD-Rom called 'Interpol – stolen Works of Art'. They will then send the CD-Rom to all NCB/Interpol all over the world. This CD-Rom contains 14,000 stolen works of art, which had been registered with NCB/Interpol in Lyon, (Fig 1 and Fig 2).

Country Report on Protection of Cultural Heritage in Myanmar

Myanmar Delegation

Historical Background

Myanmar, a country in Southeast Asia has very rich cultural heritage both immovable ancient monuments and moveable cultural properties. Prehistoric sites and stone tools were found throughout Myanmar. Myanmar history begins with Pyu period and founding of ancient Pyu cities near Ayeyarwady or tributaries of Ayeyarwady River. Pyu ancient cities were found and flourished from 1st century AD to 10th century AD. After Pyu period, the prominent historical period such as Bagan period (2nd century AD to 13th century AD) Pinya and Inwa period (14th – 17th centuries AD), Hanthwarwady – Toungu period (16th-17th centuries AD), and lastly, Konebaung period (18th –19th centuries AD) can be observed in Myanmar history.

Cultural Heritage Monuments

The earliest cultural heritage monuments, which are still existing from Pyu period, are Bawbawgyi, Phayagyi, Phayamar stupas, Bebe, Lemyemar, Yahandar, Zegu temples and many others in Sriketra Ancient City. These monuments belong to 5th century AD. Apart from existing monuments, there are many structural remains found by excavation and maintained by the Department of Archaeology. In many other Pyu ancient city remains of city-walls, religious buildings, ritual buildings, palatial buildings, residential buildings and beads workshop were unearthed by excavation.

Among the cultural heritage monuments, Bagan ancient monuments are worthy to mention. In Bagan Ancient City, 2230 ancient Buddhist monuments can still be seen on the west bank of the Ayeyarwady River in an area of 19 square miles. All monuments (except three) were built of bricks. The stupas were beautifully decorated with plaster carvings. However, the temples were decorated with mural paintings inside and plaster carvings outside. Buddha images made of bronze, stone etc: of various sizes were placed inside for worship. Moreover, Buddha relics, Buddha images and jewellery were enshrined inside the relic chamber either in stupas or temples.

At Inwa ancient city a new number of stupas were existed in fair state of preservation. The Department of Archaeology is undertaking timely measures of conservation to the monuments in danger.

The prominent cultural heritage monuments of Konebaung period (18th – 19th centuries AD) were the wooden monasteries, which were decorated with beautiful wooden carvings of floral designs and jataka stories.

Movable Cultural Properties

The following cultural properties are famous in respective historic periods

- 1. Pyu Period**
 - 1) Buddha images made of various materials
 - 2) Bronze figurines
 - 3) Earthen urns and pottery
 - 4) Stone beads
 - 5) Silver symbolic coins
 - 6) Stone inscriptions
 - 7) Gold ornaments and jewellery
 - 8) Terracotta motive tablets
 - 9) Stone slabs of Hindu God and Goddess
- 2. Bagan Period**
 - 1) Buddha images made of various materials
 - 2) Bronze utensils
 - 3) Pottery
 - 4) Terracotta votive tables
 - 5) Glazed plaques of jataka stories
 - 6) Stucco carvings
 - 7) Gold ornaments
- 3. Inwa Period**
 - 1) Buddha images made of various materials
 - 2) Lacquer wares
 - 3) Palm leaf manuscripts
 - 4) Pottery
 - 5) Clay tobacco pipes
 - 6) Bronze weighs
 - 7) Utensils
 - 8) Gold ornaments and jewellery
- 4. Konebaung Period**
 - 1) Buddha images made especially of white marble stone
 - 2) Lacquer wares
 - 3) Wooden carvings
 - 4) Wooden carvings
 - 5) Bronze utensils and weighs
 - 6) Royal dresses and costumes
 - 7) Paintings
 - 8) Gold ornaments and jewellery

Legal Protection

When Myanmar was under the British rule the legislation called "Ancient Monuments Preservation Act" was enacted in 1904. After independence in 1948, Myanmar government promulgated an Act called "The Antiquities Act" in 1957. This act mainly aimed to control movement of antiquity; to prevent illicit traffic of antiquity; to prohibit the export of antiquity; to protect and preserve antiquity. According to this act antiquity is defined as "any object of archeological interest and includes any land on or in which any such object exists or believed to exist." The term "object of archeological interest" covers from fossil remains of many or animal, any habitation site, cave, structure to any objects believed to be used by man or made by man, and all artistic works. This act also mentions that the President can declare any object as antiquity by notification. According to this act the government also control the excavation and searching antiquity by excavation. The second part of this Act deals with the protection of cultural heritage monuments. Here, the main aim is to protect the ancient monuments from the danger of human destruction.

In 1962, the government to add and substitute some new paragraphs and some new sections promulgated Amendment Act of 1957 Antiquities Act. In the Amendment Act the word "scheduled monument" was substituted by the word "the government protection monument". According to 1957 Antiquities Act the penalty for illegal export of antiquity is imprisonment not more than six months. However, in 1962 Amendment Act the penalty for illegal export of antiquity is increase to minimum imprisonment of six months and maximum imprisonment of three years. According to 1962 Amendment Act, ancient monument is defined as the monument which was built or existed before 1886 AD. Similarly antiquity can also be defined as any cultural objects which were made before 1886 AD. Moreover, the Amendment Act prohibits construction of new building and undertaking mining activities near any ancient monument.

Illicit Traffic of Myanmar Cultural Properties

Myanmar cultural properties are also facing with the danger of illicit trafficking by treasure hunters and antique dealers. Starting from 1967, Myanmar cultural properties were smuggled out to neighbouring country. An important event was occurred in 1967 at archeological site museum in Srikestra Ancient City. Excavated finds of five Pyu bronze figurines from Mound No (8) outside Srikestra ancient city were stolen while temporarily kept at the site museum. Sixteen year later, the stolen four Pyu bronze figurines were found at a museum in New York. Mr. Robert Elsworth negotiated with the museum authorities and returned these Pyu bronze figurines to Myanmar in 1983.

There were many cultural properties, which were lost and never returned to Myanmar. The most attractive cultural property illegally smuggled and exported out of our country are Buddha images, and intricate wooden carvings. Since several centuries back; Myanmar people placed Buddha images of various sizes made of stone, wood and bronze in the temples; at the stupas or at the monasteries or in the ordination halls, in towns or in far-away villages throughout the country. Some Buddha images are under the care of Buddhist monks.

The antique dealers collected these Buddha images by stealing from the villages, monasteries or temples or by purchasing. Then those cultural properties were smuggled out of the country by land route. It is difficult to export these cultural properties by air or by sea. While attempting to export the cultural properties by land route many antique dealers were arrested by Myanmar police force or by customs officers.

Measure of Protection by Promoting Public Awareness

In Myanmar, under the guidance of the Ministry of Culture, the Department of Archaeology has organised a series of exhibitions such as "Exhibition of Antique Jewellery" "Exhibitions of Decorative Beads", "Exhibition of Myanmar Traditional Textile Costume" in cooperation with other departments. The main object of organising such exhibitions is to promote the awareness of the historical values of Myanmar cultural properties among Myanmar people. By knowing the cultural value, one may love and preserve our national cultural properties.

Measure of Protection by Taking Inventory List of Cultural Properties

There are six Archeological Site Museums under the supervision of Department of Archaeology, namely:

- 1) Bagan Archeological Museum;
- 2) Pakhangyi Archeological Museum;
- 3) Inwa Archeological Museum;
- 4) Bago Archeological Museum;
- 5) Srikestra Archeological Museum; and
- 6) Myauk-U Archeological Museum.

The archeological objects and cultural properties found at respective archeological sites are systematically displayed in these museums. Curators of each archeological site museum have already taken inventory list of cultural properties in their respective museum, which is useful for checking their cultural properties.

Apart from Archeological Museums, there are seven State Cultural Museums and one National Museum in Yangon under the department of Cultural Institute. National Museum displays cultural properties of historical period, masterpiece paintings and art works.

The State Cultural Museums collected and displayed cultural objects of national races, such as their dresses, their utensils, their hunting weapons, their ornaments etc. These museums also kept inventory register of cultural properties.

Suggestions

In order to protect the illegal export and illicit traffic of cultural properties the following measures should be taken.

- 1) inter-departmental cooperation should be increased in fighting against the illegal export of cultural property
- 2) measures should be taken to educate the public to love and protect cultural properties;
- 3) every museum should keep inventory register of cultural properties and check regularly;
- 4) government should pay very high reward (cash money) to the private collectors in order to acquire valuable cultural property.
- 5) Effective legal protection; should be given; and
- 6) Regional cooperation should be increase din combating illicit traffic of cultural property.

In conclusion, Myanmar will join hand with international as well as regional organisation in fighting against illicit traffic of cultural properties.



Members of the Myanmar Delegation

Protection of Cultural Heritage in Myanmar – Customs and Police

Background Information

Myanmar is a country located in the Southeast Asian regions. It lies between north latitude 09° 32' and 28° 31', east longitude 92° 10' and 101° 11'. Myanmar shares territory with People's Republic of China in the north, Laos and Thailand in the east and Bangladesh and India in the west. The land has been established since the country named "Myanmar" was born. The land of Myanmar passed geological period million of years ago. Along those geological periods, the crawling animals were found during Mesozoic Era and crocodiles and crawling animals with skeleton were found in Cenozoic Era.

The remains of primates from Cenozoic Era were excavated from the Pondaung area and Myaing Township in Myanmar. The age of fossilised remain was about (40) million years ago.

In January, 2001, French experts led by Mr. Bernard Marandat were able to discover more primate fossils around the creeks near Moegaung Village, Pale Township of Sagaing Division and near Pauk-Khaung and Bahin villages, Myaing Township of Magwe Division.

According to the evidences, it might be assumed that there were species living on this land million of years ago before human being appeared.

The State Peace and Development Council (the Tatmadaw) Government has formulated 12 political economic and social objectives, which will benefit the nation in the short and long terms. The Government has been implementing them since 1992. Among these 12 objectives one of the social objectives is to uplift of national prestige and integrity and preservation and safeguarding of cultural heritage and national character.

Myanmar is rich in cultural heritage and fine arts accumulated for a period of 2,000 years since Pyu era in the 1st century AD. Preservation of the cultural heritage has continued as national duty also in the time of the State Peace and Development Council (the Tatmadaw) Government as in the successive eras of the past. In 1993, the Myanmar Government has formed the "Central Committee for Revitalization and preservation of the Myanmar Cultural Heritage" with the Secretary-I of the State Peace and Development Council as Chairman and the Minister for Culture as Vice-Chairman. Myanmar acceded to the International Convention Preservation and Safeguarding of World Culture and Natural Heritage with the cooperation of World's nations in August 1994.

The Central Committee for Revitalization and Preservation of Myanmar Cultural Heritage has paid constant attention to preservation and development of culture in accordance with the social objectives.

Myanmar Cultural Antiques being stolen out from the country

Myanmar Cultural Antiques which are usually stolen out of the country are: Buddha images (rock, copper; wood, baked votive tablet and lacquer-base); ancient Brahmin effigy and figure; earthen pots, pans, kettles; ornamental pieces made of gold, silver and gems; brass items (pots and cups); copper weighing units; clay smoking pipes; glazed earthen jars and cups; fresco paintings in temples; cement floral arabesque and remains; antique

The dissolute people used to steal the above-quoted antique items from the old pagodas and monasteries or buy the unearthed articles from the ignorant person who lived in the old cities of culture and smuggle them out of the country. The routes of the illegal trafficking are mostly land routes. They are Yangon-Myawaddi route, Yangon-Mandalay-Muse route and Yangon-Tachileik route, 13 cases of the seizure of antique items were made by Myanmar Police Force in the year 2000.

In the time of the theft of antique items, it cannot be immediately reported to the authorities due to various reasons – pagodas with the antique are situated in the remote area; the pagodas have been built up the towns and on the tops of mountains ridges; pagodas have been built for public obeisance and without having security locks; no inventory has been kept for each of the ancient pagodas. Theft cases used to take place through road transport from the border towns such as Muse, Myawaddi, Kawththaug, Tachileik and so on out of the country.

Custom's seizures of ancient objects

As the dissolute people used to unlawfully take the ancient objects out of the country via road transport, Customs officers are necessarily uncovering the ancient cultural object, which will be smuggled out from the border inspection stations.

The Customs officers discharging their duties as the custom-House in Kawthareit township near a Thai border town seized 5 bundles of ancient palm-leaf inscriptions as well as 3 tablets of wood inscribing golden coloured flowers and 6 wooden tablets which were painted 1 golden colour in 1996 while search a truck which would run to Myawaddi, a Thai border town, at the Kawtkareit customs gate. The captured items were transferred to Archaeology Department in Yangon according to the procedures.

In another instance in 1999, Customs officers from Kawtkareit township Customs Department seized 53 antique objects of Myanmar culture while making a search of a motor vehicle which was bound to Myawaddi, Thai border town, at Kawtkareit Customs inspection gate. Those captured antique objects included ancient Buddha images, wooden spiritual figures, illustrated votive tablets, a marionette of mythical king of birds, glass mosaic embedded and guilt rice bowls, brass

spittoon, brass tray, brass bowl, brass flowerpot, circular brass gong, brass bells, cement mould of holly heads and holly heads of marble sculptures and so on.

Those captured antique objects of Myanmar culture were transferred to the Cultural Institute Department office in Pa-an Township, Kayin State in accordance with the procedures.

Means and measures being taken to protect cultural heritage in Myanmar

The Archaeology Department under the Ministry of Culture has been taking protective measures for cultural heritage in the following ways:

(a) Renovation and maintenance of ancient buildings for their perpetuation

- (1) Maintenance of ancient buildings such as 1500 years old Bawbawgyi, Bebe, Laymyethnar pagodas at Sirikhitara old city;
- (2) In 1975, pagodas and stupas, which had stood in old Bagan City of Bagan era, were ruined by earthquake. Out of 2230 pagodas and stupas, 175 might collapse unless they were renovated. So, 1092 pagodas have been renovated using the cash donated by the general public since 1995.
- (3) Over 50 pagodas and stupas of Nyaungyan era and Inwa era were maintained, using the budget allotted.
- (4) As 16 AD ancient pagodas and stupas at Marok-U are being damaged, the government has earmarked the budget allotment for their renovation. 25 pagodas and stupas have already been restored and the remaining ones are still under maintenance projects.

(b) Collecting the antique items found in old cities and exhibiting at the museums.

After the collection of antiquated articles that were uncovered in the ancient cities, museums have been locally established. They are:

- (1) Bagan Archaeology Museum
- (2) Pakhangyi Archaeology Museum
- (3) Inwa research Museum
- (4) Sirikhitara (Hmawsar) Research Museum
- (5) Hantharwaddi (Bago) Research Museum
- (6) Marok-U Research Museum etc.

(c) Providing cash prizes for the antique objects and maintenance

Antique objects discovered while farming the farms or digging foundations trenches, and personal belongings of ancestors are being given cash prizes through the

newspaper, radio and television advertisements. Antiquated gold or silver wares are being collected at current price and artisan fees so that an article that has a value of 50,000 kyats will fetch 150,000 kyats. The purpose is to prevent the loss of antiquated item.

(d) Educating the general public through the exhibitions

In June 1999 at the National Museum there were "antique Jewellery Exhibition", and in January-February, 2001 "Myanmar Dress and Apparel Fashion Show". The purpose is to inspire the adoration sentiment of antique cultural heritage.

(e) Preserving the ancient monuments by enacting law

- (1) Before regaining national independence, in order to protect Antique buildings and objects the 1904 Ancient Monument Preservation Act was enacted. In 1957, after regaining national independence, the Antique Object Act was introduced on 28.3.57 based on 1904 Act (appendix-1). There are 28 sections in the 1957 Act. The Act was revised once in 1962. Under section 7(7), custom officers and Police officers have been vested power to search for the antique objects. If any seizure of such objects was made, the custom officers and police officers are to send the antique objects to the Archaeology Department for inspection and approval. If approval is granted, forfeiture shall be made by the State. The offender shall be taken legal action under section 7(5). The Punishment will be 3 years imprisonment in addition to a fine not less than 500 kyats or not more than 5000 kyats as it is prescribed by Act. When smuggling cases out of the country are discovered, the illegal property shall be dealt with according to section 7(6) of this Act and section 167(8) under the Sea Customs Act, and the case against the smugglers shall be reported at the Police Station.

Myanmar Police Force further interrogates the offenders as to the whereabouts of the antique items were receive. In case, the antique item is a Buddha Image then it was found to have been stolen from inside a building, the thief shall be taken action under section 380 for theft case. The punishment will be 7 years imprisonment. Besides, if the article is found to be concerned with religious order, then the offender will be taken criminal action under section 295 (2 years imprisonment) with the intent of causing damage or profanity. Nevertheless, if antiquated objects are found to be collected to suit one's hobby, then any severe action cannot be taken due to the weaknesses of the Antique Act (1957). When antique objects of Myanmar are stolen out of the country, Interpol will be contacted for assistance.

In the case of antiquated paintings and sculptures that were stolen from abroad, Myanmar Police force will be contacted through Interpol. So that, Myanmar Police force will relay instructions to the Police Units in various states and division. The 1957 Antique Object Act is no longer adaptable to the situation. The prescribed punishment in the Act is least effective in preventing the antique objects illegally stolen out. Therefore, the Archaeology Department under the Ministry of Culture has drawn the Antique Object Act (2000) new draft and details are being coordinated with chief advocate's office.

(2) In order to control construction of business centers as well as residential buildings in the ancient cultural areas, and to protect cultural structures from destruction into the locality, The protection and Preservation of Cultural Heritage Region Law was enacted on 10 September 1998 (Appendix 2).

(f) Protection of ancient cultural buildings through the compilation of inventory

The Archaeology Department has compiled the Inventory for the ancient buildings situated in every old city.

- Bagan inventory book has been compiled and printed. According to this inventory, theft and destruction of property of ancient building can be examined.
- Similarly, accession registers of museum display items have been provided at the Archaeology Museum.
- Museum supervisor and responsible personnel can daily inspect the museum display items whether anything is lost or not.

Protection of Cultural Heritage in Philippines

Philippine Delegation

Introduction

About 250,000 years ago, during the ice age, when the sea level was lower than it is today, the Philippines was connected by "land bridges" across Borneo and Asia. At the end of the ice age, the land bridges disappeared. This sprawling archipelago, which covers a total land area of about 250,000-sq. km., straddles an important corridor between Asia and the Pacific. Its strategic location has attracted settlers, traders and colonizers who brought with them their different cultures. However, since the country shares an ecosystem with the rest of the countries in Southeast Asia, the cultural responses of its 74.7 million inhabitants are similar to those of their neighbours despite certain religious differences.

Important examples of the Philippines prehistory are a 500,000-year old kill site in Cagayan, northern Philippines, and a 10th century settlement site in Butuan, southern Philippines. Early evidence of relations with the region are 9th century Chinese ceramics and 14th century Annamese ware found all over the islands. Islam reached the southern Philippines as early as the 10th century. Spain colonized the country from 1565 to 1898. The Marianas and Carolinas islands were part of the Philippines until the end of the Spanish regime. The Manila-Acapulco galleon trade, which lasted for more than two centuries, initiated close relations between Asia, North and South America, and Europe. In 1898, despite a revolution for independence, the Philippines was ceded to the United States of America, which ruled the country until Japanese take-over in 1941. The country regained its independence in 1946.

Efforts to Protect the Philippine Cultural Heritage

The development of state policies and legislation regarding the protection of the cultural heritage of the Philippines could be better understood within the context of the nation's history starting with the period of European expansionism and colonialism. Propelled by imperialist objectives of economic power, military and maritime supremacy, scientific exploration, and in the case of Portugal and Spain, the propagation of Christianity, Europe's major powers expanded to this part of the globe, starting in the 15th - 16th century. The exploitation of the colonies deprived the native population not only of their natural resources, but also their cultural heritage which were either acquired illicitly or through "authorized representatives" and exported to Europe.

In 1665, with the arrival of the Spaniards in Cebu, central Philippines, despite a royal ban against looting and disturbance of graves, the occupying forces searched houses for booty after their occupation of that port. Less known is a raiding party two years earlier where Portuguese troops and their Moluccan allies pillaged islands in the vicinity of Cebu.

Many more precious objects were exported during the American period through the traders and "authorized representatives", specifically, objects intended for international expositions which remained in the host country long after the expositions had ended. These eventually found their way in the possession of private collectors, museums and galleries in the U.S., Spain, and other parts of Europe. The destruction of our historical and cultural heritage at the end of the Second World War has further made serious gaps in the reconstruction of our history and way of life. Whatever remained of our valuable cultural and historical heritage would be further threatened by commercial activities and the unabated illegal exploitation of rare cultural properties which continue to plague the country up to the present. What remains of our cultural heritage is, however, still rich and its protection deserves the full support of the State, our institutions, and the citizenry, as well as the community of nations.

Legislation

During the Spanish regime, *Museo-Biblioteca de Filipinas* was inaugurated on October 24, 1891. About this time, the University of Santo Tomas and the Ateneo de Manila University had already established their respective museums. The need for the conservation of historical sites and cultural antiquities, however, was first acknowledged as a State policy in 1901 with the establishment of the Insular Museum of Ethnology, Natural History and Commerce under the Department of Public Instruction by virtue of Act No. 284 passed by the Philippine Commission. This was to be the forerunner of the present-day National Museum of the Philippines. Its establishment contributed significantly to the people's awareness of the value of their cultural and historical heritage and the importance of preserving and protecting them. The subsequent legislation that had a significant bearing on our efforts at protecting our cultural heritage was issued in 1933, through Executive Order No. 451, which directed the identification and permanent marking of historic antiquities. Three years later, Commonwealth Act No. 169 was passed, which authorized the preservation of historic sites and antiquities.

Subsequently, Executive Order No. 91 was passed in 1937, creating the Philippines Historical Committee to acquire, purchase and repair the antiquities mentioned in the earlier legal issuances. Republic Act No. 4846, the basic law of the land in the protection of cultural property, was issued on June 18, 1966.

Subsequent laws were passed to create the governmental instrumentalities to institutionalize heritage preservation in the Philippines and in the process categorized cultural heritage into national *cultural treasures, important cultural properties, cultural properties, national shrines, and national monuments.*

Moreover, enshrined in the 1986 Philippine Constitution

is the “preservation, enrichment and dynamic evolution of a Filipino national culture based on the principles of unity and diversity in a climate of free artistic and intellectual expression”. It specifically provides for the protection of the nation’s historic and cultural heritage and towards the recognition, respect and protection of the rights of the indigenous cultural communities.

Government Institutions Responsible for the Protection of Cultural Heritage

1. *The National Commission on Culture and the Arts (NCCA)* is the coordinating body mandated to formulate and implement policies and plans for the development of culture and the arts in the Philippines. Through its two committees, the National Committee on Monuments and Sites (International Council On Monuments and Sites) (ICOMOS Philippines), and the National Committee on Museums (International Council on Museums) (ICOM Philippines) has, thus far, taken the lead in undertaking quite a number of meaningful programs and projects towards the protection of the country’s cultural heritage;
2. *The National Library* is the country’s premier repository of printed and recorded materials such as contemporary books, periodicals, newspapers, and electronic records;
3. *The National Museum* is tasked with the preservation, conservation, and protection of movable and immovable cultural properties declared as national treasures or important cultural properties;
4. *The National Historical Institute* is responsible for the conservation and preservation of the country’s historical legacies, including the restoration and preservation of relics and memorabilia of heroes and other renowned Filipinos and the maintenance of historical sites and structures;
5. *The Department of Tourism* is authorized to formulate policies, plans and programs for the development and protection of cultural property in tourist areas in line with the department’s cultural tourism program;
6. *The Intramuros Administration* is mandated to restore and administer the development of Intramuros, the ancient City of Manila;
7. *The Cultural Center* of the Philippines has been revitalized to become the center for the study, preservation and development of the intangible aspects of the artistic heritage of the nation; and
8. *The Philippine Center for Transnational Crime* was created to formulate and implement a concerted program of action of all law enforcement, intelligence and other agencies for the prevention and combat of transnational crimes - one of which is the illicit trafficking of Philippines cultural heritage.

Participation of the Church and the Private Sector

There has been a significant development from the church and the private sector in the field of heritage conservation. At the forefront of these initiatives is the *Catholic Bishops’ Conference of the Philippines*, which established its own *Permanent Committee for the Cultural Heritage of the Church* in 1996. Repositories of cultural heritage, such as museums and archives, are set up by the dioceses, parishes, and religious orders in their desire to participate in the protection against theft and pillage of their church heritage.

The contribution of the private sector is equally important. The 1970’s up to the present witnessed the emergence of private foundations and other cultural entities whose efforts at public awareness campaigns, education and advocacy, have pushed the national cultural agenda into the consciousness of the citizenry, as well as elevated certain bills to the Philippine Legislature. A most recent development in this direction, is the establishment in 1998 of the *Heritage Conservation Society (HCS)*, a non-profit, charitable and educational entity, to provide leadership, education and advocacy to save our country’s historic places and revitalize Philippine communities. The *Philippine Association of Museums (PAMI)*, a non-governmental organization composed of museum and heritage workers, is aimed at helping professionalise museum work in the country. It has undertaken significant projects in the areas of heritage conservation, training of museum personnel, and awards and incentives for museum workers.

Educational and Cultural Awareness Programs

Three major universities in Manila, namely, the University of the Philippines, the University of Santo Tomas and the Ateneo de Manila University now offer cultural heritage programs.

Short-term museology and conservation training courses are continuously conducted by both concerned government and private entities for the professional development of museum and other heritage workers. ICOM Philippines spearheads in conducting basic and advanced training courses on documentation and preservation of museum objects.

Publication of books, articles and monographs on various topics about Filipino heritage has been undertaken remarkably especially during the observance of the Philippine centennial years (1994 - 1998). Awareness campaign programs have also been institutionalized to establish awareness of cultural heritage in various localities.

Photographic documentation of church antiquities and inventory of Philippine cultural objects in repositories abroad have been undertaken.

Programs have been designed for local and foreign

tourists to respect cultural and natural sites as patrimony of the Filipino people, but most importantly, to develop a deep sense of pride in the country's heritage.

Challenges Met in the Preservation of the Country's Cultural Heritage

The Philippines, like other countries in Southeast Asia, is confronted with problems with regard to illicit excavation and trafficking of cultural properties. Due to its archipelago nature, there is much difficulty in monitoring the protection and preservation of the country's cultural heritage. The cultural sector is faced with several challenges, to wit:

- The codification of cultural heritage legislation
- Regulation of the conduct of professionals and government agencies
- Capacity-building for all personnel involved in cultural heritage protection from the top to the grassroots level
- Establishment of a national system of registration of immovable and movable cultural heritage and important sites
- Regulation of exports
- Regulation of dealing in antiques
- Consciousness-raising and public awareness campaigns
- Integration of cultural heritage protection in the overall economic development strategies/ programs of the Government

Regional and International Cooperation

ICOM Philippines, in full support of the programs and policies of the International Council of Museums, has joined the promotion of professional ethics among museum and heritage professionals and adapted ICOM's Code of Professional Ethics. The Committee has also completed research study on standard documentation practices of museums in the country and published the same.

We are now in the process of institutionalizing standard documentation practices in Philippine museums, using standard forms in cataloguing, registration, loan receipts and deposits for natural science and social science collections as prescribed by the International Committee for Documentation (CIDOC).

ICOM Philippines has established an open line of communication with the ICOM Asia-Pacific organisation in terms of programs and projects to promote museum work in the Philippines vis-a-vis those for the region.

It is lamentable to note that the Philippines is not a state party to any instrument on illicit traffic of cultural

property such as the Convention on the Protection of Cultural Property in the Event of Armed Conflict (The Hague Convention 1954); the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Cultural Property (1970); and the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects (1995).

However, ICOM Philippines has already laid initial groundwork for the ratification of said instruments through the UNESCO National Commission of the Philippines.

With the inscription of several historical/ cultural and natural sites in UNESCO's World Heritage List, the Filipino people have become more aware of the country's rich cultural and natural heritage. The Philippines' World Heritage Sites are four (4) Baroque Churches, the Rice Terraces of the Cordilleras, the Tubbataha Reef, the Vigan colonial houses and the Puerto Princesa Underground River National Park.

Opportunities and Future Directions

Pending passage by the Philippine Congress as mentioned earlier is the Philippine cultural heritage bill, which aims at "protecting and preserving the nation's cultural heritage, its properties and histories in order to conserve the ethnicity of local communities and the nation as a whole, and to establish and strengthen cultural institutions". The proposed bill wishes to achieve, among others, the following:

1. The redefinition of the Philippine cultural properties to include both tangible and intangible properties;
2. An effective networking of the various agencies of government and the private sector concerned in the maintenance of cultural properties as cultural institutions;
3. An effective system for the protection and preservation of the nation's cultural heritage with the establishment of a national registry of cultural property;
4. A sustainable cultural education to develop a nationwide cultural heritage awareness;
5. A cultural heritage trust fund for the protection and preservation of national cultural treasures and other cultural properties; and
6. Adherence to international conventions and measures upholding the protection and preservation of cultural property.

Conclusion

The Philippines shares strong historical bonds with the rest of Southeast Asia. These ties date back to our pre-history when our lands were linked. Most of us have also experienced colonialism which have brought about numerous changes in our history and culture and to a

certain extent, could account for our differences. These, and many more commonalities give us compelling reasons to link arms and resolve to combat the forces that continue to hamper our efforts to protect our cultural heritage.

In the case of the Philippines, it is our earnest desire to involve every Filipino in the understanding and protection of his heritage. In order for the Filipino cultural heritage, as a national patrimony, to be protected from further threats for the appreciation of the generations yet to come, it is urgent that the local and national government formulate policies that will address the issues and concerns affecting the protection of the countries cultural heritage. We are hopeful, that by linking arms in Southeast Asian region and with the support of the ICOM, ICOMOS and UNESCO, we will be able to bring together the important pieces of our identity as a people, thereby, developing pride in our heritage.



Members of the Philippine Delegation

Protection of Singaporean Cultural Property

Singapore – a country situation

Singapore has no national legislation to prevent Singaporean cultural property from being exported, legally or illegally. Although Singapore recognises the need to protect cultural property of national significance and to prevent their unauthorised export from the country, our legal and public administrative systems are not organised for the legislation of the protection of our cultural property.

Under the spirit of free trade, Singapore customs levies only a 3% Goods and Services Tax on imported goods, and very few goods are dutiable or under control. Import and export procedures are simple to allow free flow of trade goods in and out of the port of Singapore. The current pool of heritage specialists Singapore has is clearly inadequate to implement effectively a legislated policy of cultural property protection.

As a result, the ownership of any item found on any land in Singapore belongs to the finder of the item or its legal owner. The absence of a centralised legislative body to deal in such matters means that ownership of archeological finds that is of national importance lies with different national institutions. For example, under the rules common law, the State is the legal owner of any treasure trove that is found in Singapore, and can seize these items from finders who fail to surrender them. (see Appendix A)

Marine wrecks are dealt with differently. Under the Merchant Shipping Act (1985), the Marine and Port Authority of Singapore holds the authority to ascertain any contents of ship wrecks salvaged in Singapore waters, or those contents brought into Singapore. Under this Act, archeological works on shipwrecks undertaken and ownership of the finds by any individuals and institutions must be approved by the Marine and Port Authority. (see Appendix A)

Despite the absence of a legislated protection policy, Singapore actively seeks to preserve its cultural heritage and property by establishing national collections under the provision of the National Heritage Board Act (1993). The NHB acts as the national custodian of arts and heritage for Singapore. It actively acquires artworks and cultural artifacts to encourage artistic endeavours of the people, to enhance historical and cultural awareness, as well as to safeguard our cultural heritage. Nonetheless, the NHB Act explicitly prohibits the physical export of all Singapore public records without the written permission of the NHB.

The NHB administers four national cultural institutions – the Singapore History Museum, the Singapore Art Museum, the Asian Civilisations Museum, and the National Archives of Singapore. Each of these institutions collects, preserves and displays cultural artifacts, based on its institutional missions, to educate the Singapore public in the understanding and appreciation of the history and culture of our country, as well as of greater Asia.

The 90,000-strong collection of the three museums of NHB (as the National Archives runs its own archival

repository) is housed in the new custom-built and state-of-the-art Heritage Conservation Centre (HCC), which is dedicated to the storage, preservation and conservation of cultural artifacts. First of its kind in Southeast Asia, the HCC is built to international standards which have been adapted to accommodate the environmental, climatic and storage conditions of local and regional cultural artifacts. (see Appendix B)

Singapore adopts a preventive approach in the preservation of its cultural heritage. National institutions are established not only to safeguard the physical existence of the cultural artifacts, but also to educate Singaporeans on the importance to preserve heritage through museum displays, exhibitions, education programs and school activities.

Other Cultural Property in Singapore

Like Singapore cultural property, non-Singapore cultural property is not protected by legislation. Such cultural artifacts have been imported and exported in considerable number through Singapore under the free trade policy.

The NHB institutions are active collectors of Asian heritage materials to achieve its mission, which is:

“To explore and present the heritage and nationhood of the people of Singapore in the context of their ancestral cultures, their links with Southeast Asia, Asia and the world through the collection, preservation, interpretation and display of objects and records”

Since 1993, when NHB was set up by the government of Singapore, the Board has been the prime museum builder of the city-state. Within the next 10 years, NHB will be establishing a number of museums, including a second wing of the Asian Civilisations Museum (ACM), an extensive expansion of the current ACM at the Tao Nan building, a children’s museum, modern art museum and natural history museum.

This active museum building program also underlies a comprehensive acquisition program. As Singapore developed from a multicultural and multiethnic society, to achieve the mission, the NHB museums have to acquire widely from all countries to present comprehensively the heritage and cultural traditions that are related to or have influenced on the heritage of Singapore.

It is impossible, with current limited pool of heritage specialists, for Singapore to be instrumental on the curbing of the illicit traffic of cultural objects. However, the NHB does adopt measures to avoid and to minimise the acquisition of possible stolen artifacts and artworks into its collection. The NHB museums acquire through international auction houses as well as reputable dealers, who are required to provide documentation of their goods in terms of authenticity and history of ownership.

Where these two criteria of the objects are in doubt, NHB tries, to the best of its ability, to verify with the list

registered with UNESCO or the INTERPOL. Alternatively, opinions of the head of archeological departments of the countries concerned will be sought for clarification.

Appendix A: Archeological Excavations in Singapore

1. Archeological work in Singapore has been limited due to a number of factors:

- Usually conducted on an ad-hoc basis when prior construction work on potential sites permitted digs, and only with the consent of the owner
- Lack of Funds
- Lack of Expertise

2. To date, excavation work has only been carried out on a handful of sites over the last two decades, including Fort Canning Hill, New Parliament House, Empress Place Building, Duxton Hill, Pulau Saigon and Istana Kampong Glam. The finds are richly varied, ranging from ceramics and pottery to stoneware shreds and glass fragments, providing important documentation of Singapore's history.

3. However, while the National Heritage Board (NHB) has been initiating and/or supporting such work, ownership of excavated archeological finds has not been vested in the Board or the Government. Under the NHB Act (1993), the Board is explicitly forbidden to retain any such finds other than for investigation, analysis and documentation, unless the consent of the owner is contained and a donation or loan is made to the Board.

4. In general, ownership of items found on any land in Singapore would be determined in accordance with the common law rules regarding priority of titles to chattels. The basic rule is that the finder of the item has a better title to that item against anyone else except the legal owner of that item. The only exception is where the items comprise a "treasure trove", a technical term that refers to a hoard of either gold or silver or both which have been hidden by someone. Under the rules of common law, treasure troves belong to the State by prerogative right. Failure of a finder of a treasure trove to surrender it to the State would be a common law offence. The State can, if it knows that a treasure trove has been retrieved by anyone, proceed to seize these items.

5. Another possible exception is the case of marine wrecks. Under the Merchant Shipping Act (1985), anyone who finds or takes possession of any wrecks (including the contents of the wrecks) in Singapore waters must, if he is not the owner, hand over all such items to the Receiver of Wrecks, an official appointed by the Marine and Port Authority. This rule applies even if the wreck is not in Singapore but the items were brought into Singapore. The Receiver has to ascertain the ownership of the items delivered to him. If any wreck or its contents

are unclaimed, under the Act, the Government is entitled to them*.

* NB: In the case of the Empress of Asia in 1998, it was not a shipwreck salvage operation but an undertaking to document and film the wreck as well as retrieve artifacts. The artifacts are now in the Singapore History Museum collection. The Maritime and Port Authority of Singapore gave approval for the operation.

Appendix B: The Heritage Conservation Centre National Heritage Board, Singapore

Introduction

In 1995, the Singapore government made a major investment of \$22.5 million to develop a new facility dedicated to heritage preservation. This illustrates Singapore's commitment to heritage and is an important milestone in the development of our heritage industry. This new facility was officially established and launched as the Heritage Conservation Centre in September 2000.

The Centre is conceived as a centralised artefact repository and conservation facility to house and preserve the collections under the custody of National Heritage Board (NHB). The collections included those collections that belong to our three national museums – Asian Civilisations Museum, the Singapore History Museum and the Singapore Art Museum, as well as any temporary or permanent loans that may be deposited with NHB.

Mission

The Centre's mission includes:

- To manage, care for and facilitate access to the heritage collections under the Board's guardianship, in accordance with international museum standards.
- To promote the care of heritage materials through information dissemination based on continuing research and professional development in regional heritage issues.

Its vision is to be a leading and innovative centre of excellence in the care and management of heritage materials in Southeast Asia.

The Facility

The Centre is a custom-built, four-storey facility with a total gross floor area of about 13,000 sq. metres. About 8,000 sq. metres are dedicated to collection storage and about 1,200 sq. metres to conservation laboratories. The Centre adapted international standards to meet the collection needs of local and regional artifacts. It can also accommodate those, which require standards of storage and care practised by Western European and North American countries. The design of the building is the product of experiences drawn from museum consultants and other collection repositories around the world.

The layout of the facility makes clear distinctions between collection and non-collection zones, shaped by movement of artifacts. Special security, circulation and structural, mechanical and electrical provisions are catered for collections area. There are fifteen repository rooms that are customised according to the collection's material composition to cater to the climatic needs of the different materials. There are also four fully equipped conservation laboratories dedicated to textiles, paintings, paper and general objects; scientific examination room; heavy objects workroom and a fumigation room.

Apart from repositories and conservation laboratory, the Centre's other facilities give provision to serves it purpose wholly. These include workrooms for curatorial research, special collection viewing rooms for lenders and donors, and a photography studio.

Security measures are a key consideration in designing and building the Centre. These include a special high security vault for special collections, close-circuit television and intrusion and fire detection systems, differing access levels and links to a security company.

Expertise Support

The Centre plays a crucial role in setting and maintaining stringent standards of care for the NHB collections. Regular and vigorous review and updates of practices form the core functions of the Centre. These standards and practices are extended to the museums to ensure a consistent level of professional quality for all collections. The Centre provides and seeks on-going professional expertise development, so as to fulfil its objectives. The four functions are:

- **Collections Preservation**

The primary element of good documentation and inventory, which are so essential to collections preservation, are maintained. Good practices extend beyond proper collections management systems to practices such as safe and proper collection handling methods.

- **Collections Conservation**

Implementation of good preventive conservation practices is a key focus of our activities. Interventive conservation is also carried out by trained conservation staff.

- **Research**

Research is a new component of the Centre's activities. There is little literature and research on conservation and preservation needs of collections in tropical climate. The Centre plans to initiate new areas of research in collaboration with other local and overseas institutions.

- **Outreach & Dissemination**

With a strong emphasis on public education, the Centre is developing a program to facilitate public and staff accessibility to information on heritage care and management, as well as to information on the NHB collections.



Members of the Singaporean Delegation

Protection of Cultural Heritage in Thailand

Thailand Delegation

Background

Thailand is a country with a long and continuing history from prehistory until present period. Evidence appears through many monuments and ancient objects scattering around in every region of the country. This evidence is considered as a precious heritage handed down from ancestors to a later generation at present and go on to the future. It is a proof for the national civilisation that holds the people pride together. Under the circumstances and consciousness, it is their duty to preserve this cultural heritage to be the national identity in the future.

However, the illicit destruction of archeological sites and monuments for the sake of ancient objects has occurred for a long period since the country had opened its gate to the outside world. The external contact not only imported an introduction to new technology for the development of the country; but also introduced rich national cultural heritage to the eyes of foreigners. Therefore, an illicit trafficking took place due to the interest of rare and curiosity objects for collection among the newcomers. Due to this circumstance, great deals of monuments are destroyed and enormous amount of ancient objects are damaged, lost and stolen as time has gone by.

With personal interest in the value of national cultural heritage and the vision in preservation among the Thai kings, Thailand is fortunate to have had begun its restricted regulations for the protection of the heritage long time ago. In the year 1868, the first national museum was established for the preservation of ancient objects during the reign of King Rama IV. Later kings has followed his path and the preservation goes on till today.

In the year 1923, a decree called "the Announcement on the Order and Preservation of Ancient Objects" was proclaimed for the first time in the country to restrain the loss and damage of cultural heritage. It also had the control over the illegal searching and digging. The regulation had eased down the danger of looting happening at the time. Consequently, more national museums have been established and have had received more collection with the assistance from the official and public. Later, when problems in illicit trafficking began to increase in numbers, an "Act on the Export of Ancient and Art Objects 1926" was initiated. The purpose of this act is to strengthen the measure of controlling, watching over and protecting ancient and art objects to be more effective and emphasised especially on the export of these heritage out of the country.

After the country has shifted the administration from absolute monarchy to democracy, there was a new act on the preservation of cultural heritage is issued: "The Act on Monuments, Ancient Objects, Art Objects and National Museum 1934." The act has been revised twice in 1961 and 1992 to meet the needs in different periods. It is still used as law and order at present. More problems occurred consequently in each social

development thus another measure on the protection of cultural heritage was set up the registration of ancient monuments to be under national custody. Destruction and change made to these monuments is forbidden and illegal.

Problems on the Preservation of Cultural Heritage

Major Causes

Although the country has acknowledged harmful situation to national cultural heritage and tries to cope with the problems as time goes on, problems are still remain in many cases. Moreover, it seems that within each social reforming, they are getting to be more severe due to many causes.

1. Education:

An unbalance status of people in the society is one of the major causes to the problems in destroying ancient monuments and objects. Knowledge and understanding in the aesthetic and historical value of the cultural heritage is not well aware because of differences in education among people.

2. Economical Situation:

Under the circumstance of being a developing country, Thailand has faced many difficulties in economy. Some are the result of the educational lacking among people in society and partly are because of a situation change in economic approach from agriculture to industry. Moreover, when the country faces the crisis in recent years, people have to struggle to survive and thus trafficking is one easy way to earn their living. To make it worse is the fact that there is always a market for them to deal business with, internal and external.

Types of Problems

1. Monuments:

The problems occurred in the case of ancient monuments is the invasion of people under many circumstances: living quarter, religious monastery or plantation. It is invaded either by ignorance or on purpose because most archeological sites and monuments are in the public area. Therefore, an invasion can happen very easy. Many times ancient objects were found in the farm or in the house field, instead of reporting to the responsible official for inspection, the people conducted a looting in sites for precious objects instead. This type of action caused a loss of evidence for further scientific research. Many original styles of architecture were destroyed because ones need to have new houses or new temples.

2. Ancient Objects:

Number of collectors has gone up both internal and external. Therefore, has an effect to the growth of problems in loss and damage to cultural heritage especially ancient objects. Villagers are seeking for them from archeological sites and monuments without realising the harmful performance in destroying research evidence that they have done.

Although the trade of ancient objects in Thailand is permitted because many of the objects were claimed to be private inheritance and the owner has the right over them. However, trading of objects proved to be national heritage are not allowed.

Measures in Prevention and Protection

PREVENTION

1. An Enactment of Laws and Orders:

An important decree on the preservation of cultural heritage was enacted: "The Act on Monuments, Ancient objects, Art objects and National Museums 1961". Contents of the act comprises of various chapters:

- The Protection, Prevention and Illegal Looting
- The Protection of Illegal Trafficking and The Restriction of Ancient Objects in the Country
- The Protection of Ancient Objects declared as national heritage
- The Protection of Import and Export of Ancient and Art Objects
- The Penalty.

The act was revised in 1992.

The act was taken to action by the Office of Archaeology and National Museums under the authorisation of the Fine Arts department. There are twelve regional offices in the country with forty six national museums and ten historical parks within the organisation. The other protective law that are used are a "Regulation on an import of goods into the country 1995" and the "Regulation on the permission of ancient object into the kingdom (first edition) 1995".

2. Cooperation among Law Enforcement Sectors:

In order to enforce the law efficiently, the Fine Arts Department coordinates its work with the Customs Department, The National Police Bureau and also the Ministry of Commerce. The Cooperation lies in the areas of inspection over the import and export of ancient objects and also the illegal trafficking and looting. To export ancient and art objects one must applied for permission from the Fine Arts Department. The permit must be presented along with the customs declaration form for custom clearance. In case of suspicion, customs

officer has an authority to detain the objects for further identification by the Fine Arts officers. The imported or exported items with no permits will be confiscated according to Thai Customs Law 1926. The seized objects will be given to the Fine Arts Department for appropriate legal action.

3. An International Agreement on the Protection of Cultural Heritage:

Thailand has given ratification on many conventions. These are The Hague Convention 1954, The UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage 1972; and the Agreement between the Government of the Kingdom of Thailand and the Government of the Kingdom of Cambodia to Combat against the Illicit Trafficking and Cross-Border Smuggling of Movable Cultural Property and To Restitute It to the Country of Origin 2000.

SUPPRESSION

1. The inspection and seizure:

- 1.1. Ancient objects acquired through illegal ownership and / or trafficking will be inspected and seized and given penalty through legal procedure.
- 1.2. Strict inspection is put on cultural heritage objects imported from neighbouring countries. The suspected routes that are used for smuggling purpose are strictly patrolled.
- 1.3. Cultural heritage objects and the permit issued by the Fine Arts Department, particularly goods accompanied by passengers are strictly examined.
- 1.4. Investigation and intelligence operation is conducted on suspected persons involved in smuggling of cultural heritage objects. Information on the black market for smuggled cultural heritage objects is gathered.
- 1.5. Publicity is made to public on the penalty imposed to those who perform an illegal act to cultural heritage. Clarification on the preventive legal act of officers from the Fine Arts and Customs Department as well as the National Police Bureau is also publicised.

2. International Cooperation:

The ratification on UNIDROIT Convention on the International Return of Stolen or illegally Exported Cultural Objects is in process.

Further Improvements on Means and Specific Measures

1. Laws and regulations that are in contemporary used should be revised to meet the new challenges in tackling the problems and some new decree should be enacted.

2. Restriction over the prohibiting of illegal import and export of ancient objects will be reinforced with Coordination among the Fine Arts Department, the National Police Bureau and the Customs Department.
3. More penalties will be included in the law.
4. The law on the prohibition of trafficking on every ancient and art objects should be enacted.
5. Thailand is considering on a ratification of the UNESCO Convention on the Means of Prohibiting the Illicit Import, Export and Transfer of Ownership of Cultural Property 1970.
6. More Cooperation should be made among Southeast Asian countries to help preserve cultural heritage in the region.



Members of the Thailand Delegation

Preservation and Bringing into Play Cultural Heritage of Vietnam

Dr. Dang Van Bai, *Director, Conservation and Museology Department, MoCI*

The following is an overview of the profile of Vietnam's cultural heritage and the associated issues for this workshop.

I. Objects of Management

I.1. Based on the form and typical properties, Vietnamese cultural heritage is classified into tangible and intangible cultural heritage. The tangible cultural heritage comprises movable and immovable cultural heritage.

I.2. The immovable cultural heritage includes:

- Archeological relics:	35
- Historical relics:	1231
- Architectural and Art works:	1133
- Cultural natural landscapes:	88

These include 4 major relic areas that have been listed in the World Cultural and Natural Heritage List:

- Hue ancient capital;
- Ha Long Bay;
- The Cham Towers of the My Son Sanctuary;
- Hoi Ancient Town.

I.3. The movable cultural heritage comprises 1,997,701 objects including 922 sets of collections with the highest value, one of which is a collection of bronze drums (489 pieces). The total includes:

- 608,886 objects that have been scientifically inventoried.
- 87,515 objects that have been and are being shown in public.

Moreover there are still many antiquities inside historical and architectural relics, and private collections that have not been inventoried.

I.4. At present the above-mentioned collections are either conserved in stores or shown in the exhibition rooms within 117 museums centrally and locally. These include:

- 17 museums have been either newly designed and constructed or renovated in accordance with existing architectural structures.
- 34 museums that have stable physical facilities but do not meet the needs of museum activities.
- 45 museums that are temporary and under preparation for new construction.
- 21 museums that have just been established with inefficient organisational structures and physical facilities for operation.

I.5. The intangible cultural heritage is classified into:

- Oral Literature (legend, etc.)

- Folklore performance (singing, dancing, music, plays, traditional festivals, etc.)

- Habits and customs, behaviour toward nature and society, to the family and relatives, to the neighbours in the villages and communes, etc.

- Folklore knowledge (techniques, occupational know-how, etc.)

2. The work of preservation and bringing into play the values of cultural heritage has to face complicated problems that are, in some cases, beyond the power and capability of an individual nation and need the joint efforts of many nations.

2.1. Besides undeniable positive factors, the globalisation process also brings a lot of risks that need to be overcome.

- The gap between the rich and the poor; between developed nations and under-developed nations is increased. The facts show that the under developed countries have low investment capacity for the preservation of cultural heritage.

- Globalisation in economics, internationalisation in culture, especially the adaptation of market economy policy, has resulted in the commercialisation of cultural heritage as well as other cultural services.

- If preventative measures are not soon available many ethnic minorities will lose their cultural characteristics.

2.2. The booming but poorly controlled urbanisation and tourist development occurring in the cities and villages of Vietnam are producing great pressure on the conservation status of various cultural properties.

- The natural environment and landscape surrounding the cultural relics are being more and more degraded and polluted.

- The demand for new construction, renovation, enlargement and improvement of old houses has changed the original characteristics of the cultural heritage.

- There is a lack of a proper mechanism to mobilise and raise the awareness of the community so that they will voluntarily participate in the protection of the nation's cultural heritage.

- There should be a solution to the problem of harmonising the protection of cultural heritage with urban development. This needs cross-sectoral Cooperation.

3. The loss of antiquities constitutes another challenge to the movable cultural heritage in Vietnam.

- The boom in the world antiquities market and the price variance between Vietnam and other countries has affected the "flea market" on antiquities in Vietnam.

- Many thefts of antiquities and illicit traffic are not been either detective or seriously punished.

- There are no practical effects of cross-sectoral Cooperation between concerned organisations at the central or local level.

3.1. The above mentioned context puts forward several tasks to reinforce the state's management of antiquities.

- Finalise a system of legal documents.

- Give permission to set up private collections and museums.

- Open a pilot shop to trade the antiquities under the control of the state in order to create a legal antiquities market.

3.2. Make an effort to implement the Object-ID program in a shortest time in order to:

- Inventory a general list of antiquities in Vietnam.

- Establish a computer network throughout the whole country in order to utilise the information on antiquities in the network.

4. A separate chapter of stipulations concerning the protection and bringing into play the intangible cultural heritage values of Vietnam has been included in the Draft Law on Cultural Heritage.

4.1. Intangible cultural heritage has typical characteristics that should be taken into account, such as the following:

- Intangible cultural heritage hides in one's memory and soul and is shown through behaviour and activities.

- As it is hidden in a person's soul and memory, intangible cultural heritage has individual characteristics and an invention role of each individual distinctly.

4.2. Because of above-mentioned typical characteristics, intangible cultural heritage is easily lost if not protected scientifically.

- The track of individual invention in a society of intangible cultural heritage is only preserved through giving and receiving among individuals. It is therefore very necessary to educate a sense of high appreciation towards the intangible cultural heritage in

each family and the whole community.

- We are eager to carry out the investigation and collection of different forms of intangible cultural heritage in accordance with a scientific process. Keeping data on these properties under modern technical conditions are a present requirement, therefore the Object-ID program also plays an important role in implementing the a.m. targets.

- By every measure we must help intangible cultural heritage to find its role in the life of each family and the whole community as the most effective solution to protect and bring into play the cultural heritage.



Antique Objects Preservation at Hue Monuments Complex

Dr. Thai Cong Nguyen, *Director, Hue Monuments Conservation Center*

Hue monuments

Vietnam's priceless properties have been recognized as the World Cultural Heritage. The conservation of Hue monuments is not only a part of national historic cultural heritage conservation but also a contribution to enrich the humanity's cultural treasure. The conservation of Hue monument complex has been implemented basing on thoroughly grasp of Vietnamese policies of national cultural essence preservation and the application of international convention of human cultural heritage conservation adopted by Vietnamese government.

Hue is the sole ancient royal capital of Vietnam that still preserves an oriental feudal architectural and planning system in its most authenticity. As a convergence point of Vietnamese talent and creation from the early nineteenth century to the middle of the twentieth century, Hue City bears in herself a great treasure of intangible and tangible cultural heritage that scatters on a large area of the city and its peripheries.

The city is preserving and displaying a great number of valuable antique object and articles. Each of monument sites in Hue is a vivid museum with a variety of architectural styles and displayed objects. He Royal Fine-Arts Museum, one of the earliest – established museums in Vietnam, is preserving collections of antiques objects of diversified styles and works of arts which reflect most adequately the political, social and ritual life of the Nguyen Dynasty.

Besides, the antique objects preserved and displayed at the royal tombs in Hue are the kings' utensils. In the period 1945-1975, due to the historical changes and problems of wartime, a great number of antique objects belonged to the Hue Royal Fine-Arts Museum have been lost and stolen. Many of these objects were put up for auction in the other countries in the 1990s.

During the last few years, Hue Monuments Conservation Center has coordinated with related government associations and organizations in the protection and preservation of antique objects by the following measures.

1. Complementing and completing monument-zoning plan based on the state laws on historic monument and site usage issued by Vietnamese Government assembly on March 31 1984 and correspondent to the environment context of monument sites. Monument site zoning consists of a zoning plan of the ensemble and zoning plan of each monument site. A zoning plan for monument protection that has been approved by juridical organizations is a juridical base for public agreement of monument conservation and a useful measure for the strict, clear treatment towards the actions of monument site encroaching and antique object illicit trafficking.
2. Strengthening and encouraging public awareness of monument protection, publicizing conservation cause throughout organising conferences and workshops of

monument and antique object preservation at different level of government organizations.

In 1994, together with the conservation and restoration work at monument sites, Hue Monuments Conservation center has carried out an inventory period at a large scale under the guidance of the leaders from Thua Thien Hue Provincial People's Committee, Provincial Department of Culture and Information, representative of National Department of Conservation and Museum, Ministry of Culture and Information as well as many other observers, scientists and researchers. The inventory period that lasted for 4 years (1994-1997) has obtained remarkable results: dossiers of 11,000 antique objects at different monument sites have been established, classified according to styles and characteristics. The preservation and protection of these object files are carried out through the computer system. Moreover, the number of antique objects increases gradually thanks to the continuous search for collection of antique objects and precious works of art such as bronze cannons, ceramics.

3. Hue Monuments Conservation Center has also paid much attention to the training of professional conservators and museum staffs as well as document collecting.
4. In the next years, Hue Monuments Conservation Center has planned to enlarge museum system and exhibition methods inside palaces and temples as souvenir preserving halls better than places of cult at the present. More old buildings will be served as exhibition and object displaying halls such as Co Mat section, An Ding Palace.

At this conference, I would like to suggest the discussions for issuing the regulation in the international convention relating to the cultural properties protection in the Asian-Pacific as follows:

1. The cultural properties of the nations and countries that have been appropriated by others should be returned o their true owners.
2. There should be a coordination and cooperation between museums and relating organizations to prevent illicit traffic, which is more and more subtle with the international traffic system.
3. At the national level, there should be a supplement of regulations and strict settlement measures towards law-break actions. At the same time, there needs to have investment of protection and security equipment for museums and object storehouses.

With the social economical development at high speed of Thua Thien Hue province at the present, tourist industry and research activities at monuments and sites have got remarkable growth. Hue cultural heritage is and will be forever a potential source to promote the development of other activities of the province. With the new activities, new places for displaying objects will be developed in the next years. Hue will deserve to be a national and intentional conservation center.

Geological Heritage Conservation of Vietnam

Dr. Trinh Danh, Director, Geological Museum of Vietnam.

Geological Heritage Conservation

Geological heritage conservation is concerned with sustaining the part of physical resources of the earth including our geological and geo-morphological understanding, and the inspirational and aesthetic response to the resource. It involves the protection and management of landforms, natural and artificial exposures of rocks, and sites where geological processes can be seen in action today. Conservation of this heritage ensures that future generations can continue to learn about the geological history of the planet and their immediate environment, and enjoy the beauty of its natural physical futures.

On the conservation of geological heritage sites, the on-site museum has played and will play a more important part. The importance of that can be concluded as follows:

1. It is a special management organisation responsible for local geological heritage reserves, with qualified professional persons.
2. It provides a chance and place for the specialists, such as geologists, to offer their helps on the conservation, carry out scientific investigations.
3. The on-site geological museum is an excellent laboratory for geological education.
4. It will make the local government recognised the importance of the geological heritage site and attract the necessary funds for the heritage conservation.

On the Provisional Global Indicative List of Geological Sites (GILGES), there are 10 types of Geological Heritage: 1/A-Paleontological; 2/B-Geomorphological; 3/C-Paleoenvironmental; 4/D-Igneous, Metamorphic, and Sedimentary Petrology; 5/E-Stratigraphy; 6/F-Mineralogical; 7/H-Economic; 8/I-Historic; 9/K-Astroblems; 10/L-Continent-oceanic scale geological features.

Geological Heritage of Vietnam.

By the recent geologic data, in Vietnam there are many characteristic geological phenomenon as geological heritage sites for the on-site museum, there are many beautiful natural scenery nets for tours. They are:

Type A: Paleontological

For example:

- Ordovician-Silurian Graptolite Sites in Co To island and Tan Mai area in Quang Ninh Province;
- Devonian fish Sites at Do Son (Hai Phong), Trang Xa (Thai Nguyen), Ly Hoa (Quang Binh);
- Triassic outstanding Hon Gai flora Sites in Quang Ninh Province;
- Triassic placodontia reptile Site at Cuc Phuong National Park in Ninh Binh Province;

- Jurassic Ammonites well observed in good Lower Jurassic section at Dray Linh waterfall;
- Jurassic fish Site at Thu Duc (Ho Chi Minh City);
- Neogene flora and fossilised woods Site at Na Duong coal mine in Lang Son Province;
- Vertebrate fossil Site at Hang Mon coal Mine in Son La Province;
- Late Pleistocene vertebrate fossil Site in Thanh Hoa Cave in Hai Duong Province.

Type B: Geomorphological.

For example:

- Karstic landscape in Ha Long Bay, Huong Son Pagoda area, Ha Tien coastal area;
- Landscape of the schist islands (Tuan Chau, Quan Lan, Ngoc Vung, Thua Cong and Hon Reu) in Cam Pha Bay;
- Caves and grottos in many places;
- Volcanic landscape with well preserved volcanic craters at Buon Ma Thuot City;
- Primastic basalt at Ba Lang An, Quang Ngai;
- Inselberg with a basaltic cover in the submit having the shape of a seal directed to the sky at An Mount, Quang Ngai Town;
- The drowning karstic plains: surface of 2-5 m depth (Middle-Late Holocene), 6-11 m depth at Southeast of Ha Long Bay and Cat Ba island (Early-Middle Holocene), and 12-20 m depth at Dau Be archipelago and Hang Trai (Early Holocene);
- The marine terraces of some coastal areas;
- The bell seashore with pink granite at Quy Nhon;
- Volcanic lake landscape on the basaltic plateau at Bien Ho, Plei Ku.

Type C: Paleoenvironment

For example:

- Limestone;
- Red formations;
- Dried zone in South of Central Vietnam;
- Coal swamps.

Type D: Igneous, metamorphic, sedimentary

For example:

- Some exposed locations of the Arkan ultrametamorphic rocks at Kan Nak region;
- Needle-shaped peak formed by rhyolite, trachyrhyolite of Nha Trang;
- Formation at Hon Ba, Con Dao island;
- Relationship between andesite/dacite/rhyolite of Nha

Trang Formation at Mui Cay Ga, Nha Trang-Granitoid of the Deo Ca Complex with Vung Ro abrasive sea beach at Deo Ca (Ca Pass);

- Basalt formations and volcanic craters in southern of Central Vietnam.

Type E: Stratigraphic

For example:

- Thin-bedded siltstones bearing Trilobita of Lower Paleozoic Dong Son Formation at Nghia Trang, Thanh Hoa;
- Exposure of Dray Linh Formation bearing fossils;
- Section of Dau Tieng Formation at Nui Ong, Tay Ninh;
- Section of the Nha Trang Formation at Duong De and Cau Da, Nha Trang;
- Pliocene-Quaternary transitional section of Ba Mieu Formation at Eastern Nam Bo (South Vietnam);
- Unconformable relationship of Ha Tien Formation (Permian) upon Hon Chong Formation (Devonian-Carboniferous) at Chua Hang, Hon Phu Tu, Hon Chong, Kien Giang.

Type F: Mineralogical

For example:

- Ruby, sapphire, zircon, spinel, olivine in volcanic breccia at Ham Rong, Plei Ku;
- Corundum in marble and pegmatite at Luc Yen, Yen Bai and Song Ma metamorphic zone.

Type H: Economic

For example:

- Bituminous schist at Dong Ho, Quang Ninh;
- Anthracite at Hon Gai coal Mines;
- Pyrophyllite at Tan Mai, Quang Ninh;
- Areas bearing precious and semiprecious stones in Song Hong zone and Southern of Central Vietnam.

Type I: Historic

For example:

- Archeological Sites.

Type K: Astroblemes

For example:

- Areas bearing tektite in Southern of Central Vietnam.

Type L: Continent-oceanic geological features

For example:

- Neoproterozoic ophiolite association and talc-kyanite schist at Plei Weik;
- Traces of Holocene sea in limestone cliff at Ha Tien gulf, Ha Long Bay, and others.

The natural geological sites well known and considered here as national geological heritage are imposed, however, on immediate effect of different natural agents and geological processes and could be under direct influence of men and of their behaviours. No doubt in this case that the natural features and phenomena could be damaged or destroyed in such a way and extent so that no natural or artificial restoration and cultivation can any longer be used to recover the natural beauty. The protection of the heritage requires quick building of state monitoring and watching system.

The Geological Museum of Vietnam and its role in conservation of geological heritages in Vietnam

The Geological Museum was founded in 1914 in Hanoi. For near 90 years since its foundation it has been designed to introduce the results of geological activities in Vietnam through display of samples, models, panels, etc. and to disseminate the fruits of geosciences to the public so that a glimpse of the interaction between man and earth could be caught.

The exhibition of Museum now is composed of three large subjects with 12 themes as follows:

- *1st subject: Geological history of Vietnam and our planet with 5 themes:* The earth and the solar system; Geological evolution of Vietnam; Mineral potentiality of Vietnam; Main geological processes; and Geological relationship between Vietnam and other countries.
- *2nd subject- Geology and Mineral resources of Vietnam, with 4 themes:* Geological structure of Vietnam mainland; Mineral resources of Vietnam; Geology and mineral resources of East sea and shelf of Vietnam; and Geological maps.
- *3rd subject- Special collection, with 3 themes:* Fossils; Minerals and rocks; and Geological publications.

In the Museum now there are a large amount of collections of fossils, minerals, rocks, ores, gemstones and ornamental stones, etc. collected in various geological units from Precambrian to Quaternary in Vietnam and some adjacent areas. Among them there are many precious collections gathered from the early XXth century.

Today, as the specialised museum on geology, the Geological Museum is not only responsible for the national store of preservation samples, but also an useful scientific base for the study and research of pupils, students, researchers; on the other hand it is an exceptionally interesting place for excursion of public concerned.

The activity planes of Geological Museum now are not only the collection, study and exhibition samples in the museum building, but also the interests in conservation of geological heritages, in the formation of the on-site geological museums. In this case, besides of the protected natural geological sites the classic geologic sections and outcrops known as natural geological museum, as well as the deposits and occurrences of rare minerals and crystals and mineral individuals having beautiful and large crystal forms and also different genetic or morphologic types of ore deposits are to be mentioned.

The Geological Museum of Vietnam hopes to be a strategic partner in the future development of the Vietnam National Museum of Natural History and the Ha Long Ecomuseum, as well as with the other museum in region and in the world.

The Protection and Enhancement of Cultural Property in Vietnam

Dr. Truong Quoc Binh, Deputy Director, Department of Conservation and Museology, MoCI

1. Introduction

1.1 In the process of its formation and development, the Vietnam nation has created an original and diversified culture.

This culture expresses the specific characteristics of traditional agricultural civilisation on a land lying in a tropical monsoon region.

This culture reflects the long process of struggle for national formation and defence against foreign domination forces in the course of thousand years though protracted and valiant resistance for the safeguard of its national independence.

This culture finds its expression in the process of agglomerated mixed and united residence of several anthropological components in the region, in Asia and the world.

This culture is very sum of special features of 54 different nationalities on the Vietnam land. It is at the same time the acceptance and mixture between local elements and other influences in the process of cultural relations among nations in the world.

The Vietnamese cultural heritage is a vivid expression of Vietnam culture itself. These are material evidences justifying the process of formation and development of Vietnamese nation in the general historical process of countries in ASEAN region and the world.

1.2 The substance of cultural heritages in Vietnam

1.2.1 Tangible cultural heritage:

a) Moveable: According to the inventory, there are 1,997,701 museum objects at 117 museums in Vietnam, among them there are some especially collection such as 117 museums in Vietnam, among them there are some especially collection such as the collection of bronze drums with 489 difference kinds.

Beside the museum objects, there are many antiquity collections, which are public and private properties.

b) Immovable: More than 2500 immovable tangible cultural heritage resources were inscribed in the National Heritages List. Among them, up to date, there are 4 world heritages sites (Hue – inscribed in 1993; Ha Long Bay – inscribed in 1994; My Son Sanctuary and the old streets of Hoi An – inscribed in 1999) and 6 other heritages are on the World Heritage Tentative List.

1.2.2 Intangible Cultural Heritage:

Beside the tangible cultural heritage, the intangible cultural heritage is the essential source of identity deeply rooted of Vietnamese nation in the past. Unfortunately, however; a number of its manifestation, such as traditional and popular music, dance festivals

and know-how for craft production, oral traditions and local languages, especially the Han-Nom (older Chinese and Vietnamese characters) documentation have already disappeared or are in danger of doing so.

The Protection of cultural property in Vietnam

1. Basic Policy and strategy for protection of cultural heritage

In the history of Vietnam, the protection of cultural heritage has the same meaning of the protection of the national independence.

Since years, the protection and promotion of cultural heritage had been and are being highly esteemed by the Vietnam government and people. Up to date, it is regarded as a necessity for the Vietnamese people and is one of the basically elements for the development.

Many cultural heritages are living monuments with original function such as pagodas, temples, and older streets. One of them has been transformed with the new function as the culture and tourist center. The main reason is that local intangible culture heritage is rapidly being replaced by a standardised international culture, fostered not only by socio-economic "modernisation" but also by the tremendous progress of information and transport techniques.

2. The protection of cultural heritage legislation

The cultural heritage of Vietnam is protected by Decree No 65/SL signed by the former president Ho Chi Minh on 23 November 1945. This decree was elaborated upon and strengthened by decree no 5191 TTg of 29 October 1957 on the management, classification and measures to organise protection and restoration of the historical and cultural monuments in Vietnam.

In 1984, facing the requirements of a new situation and after consulting the laws on cultural heritage conservation of other countries on 31/3/1984, the Vietnam State Council issued the Ordinance on the Protection and Use of Historical Cultural Relics and Scenic sites.

On 19 October 1987, Vietnam signed the "Convention concerning the Protection of the World Cultural and Natural Heritage".

In view of the provision of his Convention and the evolving socio-economic changes in the country as a result of the Renovation Policy, the Government of Vietnam has formulated a new draft of "Law (on the protection and promotion) of Cultural heritage". The text of the draft law which has recently been amended a many time, has been circulated widely within the country for consultation and its expected to be rectified by the National Assembly in the first half of 2001.

3. Current situation of protection cultural property in Vietnam

Today, cultural heritage preservation, especially where its concerns the heritage in everyday use (pagodas, temples, traditional houses...), can not work without popular participation at local, regional or national level, therefore, the basic policy of preservation of cultural heritage is: the administration should be well advised to obtain the participation and cooperation of the public, especially of property owners and the younger generation.

The intangible nature of this heritage also makes it vulnerable. There is an urgent need to stop further losses. One of the most effective ways of safeguarding the intangible heritage is to conserve it by collecting, recording, the archiving.

Even more effective would be to ensure that the bearers of the heritage continue to acquire further knowledge and skills and transmit them to the next generations. Up to now, the safeguarding of the intangible heritage in Vietnam, including the royal and traditional popular, especially the performing arts such as the traditional music, dances and festival of different regions and ethnic groups is to preserve it by research, collecting, recording and making the visual documentation.

From 1994 up to now, for implementation the "National Programme for Safeguarding of the Cultural Heritage", the Vietnamese Government substantially increased its annual allocation from the central and provincial budgets for restoration many tangible cultural heritages; collection and conservation of moveable cultural properties; and research, documentation many intangible cultural heritage.

Since 1994, the Vietnam Government has with a total investment capital of 178 billion VND (about US \$1.5 million) for restoration of 1,19 monuments and sites and provision of equipment for maintenance of 20 museum warehouses.

Since 1997, one billion VND had been provided for improvement, propaganda and deployment of 19 search projects, documentation of intangible cultural heritage being of some within groups threatened of disappearance such as Brau culture, a Dao Singson, Xam singing, Cao Kim Thach "echeo" (operetta) art.

In 1998, 4 billion VND had been provided for 79 search projects in 61 provinces and cities of the country.

The Han-Nom cultural heritage (consisting of book and stone literature) is a great and rich writing cultural one. Since 1994, the Government had funded the investigation and search of many valuable works. On this basis, inventory, maintenance, multiplication and information technology had been carried out to keep the documents in archives, 50% of books in Nom characters had been put to IRG/ISO international standard code.

4. The international and regional cooperation in the field of cultural heritage protection and enhancement:

During the past few years, Vietnam had cooperation with several international and region organisations (UNESCO, ACCU, ICOMOS, ICCROM, ASEAN-COCI, SPAFA, ADEF, ACCT), established bilateral, multilateral, governmental and non-governmental relations for heritage protection. The international relations being much widened both in scale and range of activities. Thank the International Campaign for Safeguarding of Hue Cultural Heritage launched by General Director of UNESCO on November 1981 and from international activities, Vietnam had organised and participated in numerous seminars and professional training in and outside the country. Especially, conditions had been created for Vietnam cadres to approach advanced technology. International experience helped a great deal in the works of heritage protection and enhancement.

Step by step, the international support both material and technical was largely benefited. Up to day, the 15 cultural heritage sites and famous landscapes and had been restoration with a financial aid of US \$3,758,000 from outside Vietnam.

5. General evaluation of remaining aspects in cultural heritage protection activities which need to be overcome in the near future:

- Lack of deep and comprehensive social perception of cultural heritage; low level of law consciousness; the dramatic increase in the illicit traffic and looting of cultural heritage with numerous violations had their bad impact on protection of cultural property.
- The monuments not classified and concretely devolved of responsibility, leading to the fact that people relied on the State while locality relied on the central level.
- Cultural heritage sites and museum planning works deployed too slowly, failed to define concrete directions no create favourable environment for investment to building works and socio-economic development.
- Investment of the government not comprehensive for cultural heritage, expenditures not large enough while being scattered, therefore, not much cultural products were finished.
- To serve exploitation of tourist values. Handling and managing works of programme deployment not deployed synchronously both in central and local levels.
- Search and preservation works of Han Nom documents though being a concern were unable to meet the need; a great deal of documents not longer utilised or lost. Lack of plan and overall strategy for preserving and studying Han-Nom characters.

- Applied research works not of correct concern. There was a great lack of experts for relics preservation not applied, no laboratory and real preservation room were available.
- Correct attention not paid to joining concrete projects with the related national programme thus enhancing aggregate force between culture, tourism, education, mass media, construction, communication etc. Nevertheless, what had been carried out by the programme object "against downgrading and for relics restoration" was great. We had been able to call for concern and mobilise contribution from the amasses as well as that from domestic and international organisations for relics repair and restoration. However, ethnic cultural heritage in general had not escaped from downgrading conditions, it was every dying out. In the years to come, while the country develops on the way of industrialisation and modernisation, this cultural heritage would disappear much faster if there was not correct measure for preservation and enhancement.

Some Recommendations of the main solutions for the strengthening the protection of cultural property in Vietnam

1. Carry out the policy regarding socialisation of cultural heritage protection and enhancement in the sense of State and people co-enterprise:

Set up National Heritage Council as consultant from the Government in the preservation and enhancement of national cultural heritage, set up National Heritage preservation Fund. Organise Annual National Heritage Day all over the country (the day of November 24, 2000 anticipated).

2. Involve the local population in activities for the protection of the cultural heritage

by such means as giving preference for employment within the cultural heritage area, promote the development of authentic handicrafts, performing arts, culinary skills and the forms of non-physical culture, awarded prizes for conservation initiatives for the local population to contribute to the safeguarding effort.

3. Strengthen the system of legal documents for protection and enhancement of national cultural heritage, such as:

- Adoption of appropriate national legislation regulating archeological excavations and forbidding the illicit export of cultural heritage.
- Build a policy mechanism for preservation and enhancement of important traditional branches and trades with their representative artists.
- Adhesion to international convention, specially those concerning "the means of prohibiting and preventing

the illicit export, import and transfer of ownership of cultural heritage" (UNESCO Convention 1970) and ICOM's interest in the work of UNIDROIT.

4. Strengthening resources for heritage protection

Provide technical on-the-job training in preventive conservation to all staff, including tourist guides, tour operators and site custodians and guards; and continue to provide opportunities in country and abroad for advanced technical training in specialised conservation sciences to senior staff of the Heritage management Offices.

5. Strengthening the Inter-Sectoral coordination

Many different international, national and local government agencies are involved the management of the cultural heritage. In addition to an interministerial planning commission at the highest level, integrating international, national and local authorities from various departments concerned, there needs be a horizontal coordination between agencies as local level. Carry out the jointing of programmes in culture, information, education, tourism, forestry, and communication....build projects by various branches assuring conditions for preservation and enhancement of national cultural heritage.

- Coordinate with the mass media for propaganda plan on heritage through television, radio broadcasting and the press.
 - Coordinate with the Ministry of education and training and Youth Central Committee for building and deployment of "orienting toward the origin" programme, for the young generation, especially the pupils and students to visit museum and monuments.
 - Coordinate with the Ministry of Public Security and the General Department of Customs for the strengthening security in the museums and prohibiting and preventing the illicit export, import and transfer of ownership of cultural heritage.
 - Coordinate with the general Department of Tourism to build investment projects for repair and restoration of relics and beauty spots to be included in national tours to create more income as assistance to relics preservation and enhancement.
- ### 6. Set up international cooperation in all aspects
- Strengthen participation in international organisations related to cultural heritage preservation, especially UNESCO, ICOM, ICOMOS...
 - Carry out contents of ASEAN Declaration on Cultural Heritage with the cooperation of all ASEAN countries
 - Continue to boost the implementation of Convention concerning the protection of World Cultural and Nature Heritage.

Protecting Vietnamese Cultural Heritage: an Urgent Mission

Dr. Pham Mai Hung, Director, National Museum of Vietnam Revolution

1. UNESCO, ICOM's warning and admonition on illicit trade and stealing of cultural heritage are not strong enough to limit and stop these non-cultural actions. Especially, in recent time, in Afghanistan the Taliban forces are destroying Buddhism statues; the mural painting aged 2000 years old that used to be the symbol of peace now gradually becomes vestiges... these vents are attracting the attention of every countries in order to find out timely and effective solutions to save the world's heritages in Afghanistan from an absolutely collapse. In this situation, ICOM decided to carry out "The workshop on the Protection of Cultural Heritage in Southeast Asia" in Vietnam – a country used to be nearly one thousand years under the domination of the feudal Chinese; nearly one hundred years under the domination of France colonist; and we also had to experience the America's was in nearly 30 years so that invaders dispossess many Vietnam's cultural heritages; many culture heritage was stolen or destroyed. We consider ICOM's choice is very significant and we are very honoured to participate in this workshop.

2. As soon as Vietnam gained independence (September 1945) President Ho Chi Minh were aware of his responsibility for protection cultural heritages because culture is very necessary for the construct of Vietnam. He signed the decree no 65 on 23 November 1945, which defines duties to protect cultural heritages. Clause 4 of the decree clearly notes: "Destruction of temple, pagoda or other places of worship such as royal tombs, citadels and ramparts have not preserved yet... are prohibited.

Prohibit the destruction of steles, artifacts, imperial decrees, certifications, papers, books that have religiousness but they are useful for history so they are preserved". Since then to now, equivalent to developmental stages of Vietnam, the state enforced documents that are effective above law as well as those equal to law in order to protect cultural heritages. For example: clause 34 of the constitution of Socialist Republic of Vietnam in 1992 affirmed: "the State and society preserve and develop cultural heritages, care of preservation and museums, repair, embellishment, protection and bring historical relics, revolutionary monuments, cultural heritage, work arts, famous landscape... into play. Prohibit the actions that violate historic relics and revolutionary monuments cultural heritage, work art and landscape.

Together with promulgation of written law, State invest many millions VND for protection of cultural heritage. Replying on that, in stores of 117 museum as well as in many historic and cultural relics contain full of national cultural heritages, their value make great contribution to create internal force to develop our country.

3. As a country being in developmental stage, without exception, theft, illicit search and trade of cultural heritage have been threatening Vietnam. Lot of

ancient relics, valuable Buddhism statues in temples and pagodas was stolen. Even evildoers publicly dig ancient tombs archeological sites including those classified by the State to search artifacts for money from illicit trade. By many ways, the trade and export of ancient artifacts abroad have a tendency to increase. Each year, Vietnam custom holds and hands over the Ministry of culture and Information a great amount of ancient artifacts which being exported abroad by tour way.

In order to limit and stop actions, we are actively constructing "Law on protection of cultural heritage". We hope that the National Assembly would pass this Law in May 2001. In the short term, active and effective solutions are: to intensify propagation, to enhance public awareness by mean of mass media; to strengthen measures to improve intellectual standards of the people so they could understand value of national cultural heritages. Our nation has a historical summarises: "How easy the work is, no citizen nothing be done; How difficult the work is, people could contrive satisfactory" and thanks to this, we overcame every difficulties and challenge to keep the national independent and protect national cultural characters.

Beside, another solution that we are carrying to in Vietnam is straightening inspection and investigation, violators of cultural heritages are resolutely treated by law and we have gained good results.

In our opinion, ideas which ICOM bring out in this workshop for participants discuss to come to a common will and an action program, to improve the regional cooperation order to limit theft, destruction, illicit trade of cultural heritage... will be welcomed and encouraged by ASEAN countries because those are urgent missions not only of each national but also of every countries in the region.

How to Perpetuate Cultural Heritage Among Peoples?

Dr Nguyen Van Huy, Director, Vietnam Museum of Ethnology

Perceptions about collection and preserving cultural heritages

Cultural artifacts play the most crucial role in ethnographic museums. A museum cannot exist without artifacts. However, cultural artifacts are created and used by cultural agents thus, cultural artifacts and their creators should not be considered as two sides of a problem but they have to be seen as a whole. Cultural actors live in communities with historical, political and socio-economical contexts, which are typical for the localities. An object can only be regarded as cultural artifact when it is seen or related to the context in which it was made and developed and with the community that produced. The life of the object can only be preserved when its presentation is connected to the people that created it, even when it is displayed outside the community. By contrast, if the artifact is taken away from its community and information associated to it such as knowledge about its creator and its context is left, the object will be detached from its life and it will be frozen in glass cases or book shelves, without any relationship to its temporal and historical contexts. Hence, it will lose its true cultural value.

From the standpoint of seeing object or cultural heritage in its whole, it is necessary to have appropriate perceptions on collection and preserving cultural artifacts.

Many actors have been participating in this process from different positions, individually or by groups. They can be divided into three categories:

Group 1 includes individuals and communities who are creators of the objects

Group 2 consists of institutions whose missions are doing research, collecting, preserving exhibiting and disseminating about cultural artifacts such as central and local states or research institutions, and

Group 3 is the audiences of the exhibition and education of the artifacts. They include other ethnic groups or audiences in general.

These groups require proper understanding of which the essence is to promote consciousness, self-respect and respect towards cultural heritage of the own and that of the others.

Group 1 is the most important which creates and perpetuates cultural heritage. It is necessary to enhance knowledge and self-respect of cultural agents about the value of objects created by their ancestors. Only when people understand that the written documents left by their ancestors are valuable, that these books are symbols of their culture and that they serve as one of their cultural identities which make them different from other ethnic groups that the course of preserving cultural heritage will have truly human results. (This is to answer the question *for whom to preserve cultural heritage?* It must be those who create cultural heritage first of all).

Group 3 includes those who are not the cultural agents. It is to enhance knowledge and respect of the others towards cultural heritage of neighbouring ethnic groups or groups that live in the same Vietnamese territory. It is to respect the difference. Differences do not mean the Self is superior to the Other or vice versa. If the Kinh people use Chinese characters to create Nom scripts, other ethnic groups also have their ways to adopt Chinese characters for their own uses. Respect means to recognise diversity, which designates adaptation and motivation of development.

Group 2 includes institutions whose correct consciousness and sensitiveness play an extremely important role because they serve as a brings to promote mutual understanding and mutual respect between Groups 1 and Group 3, thus help these two groups get closer towards each other. If who belong to Group 2 do not work consistently, using policy to collect objects from up to down and create pressure to community, they will cause negative reaction from local people. In contrast, if this group is *sensitive towards local diversity/local differences*, listens to, realises and adapts the requirement of the local community, they will establish the relationship with the community and help community achieve the goal of maintaining and promoting local community culture.

From this point of view, we would like to take the patrimony of old written documents as topic of our analysis. This relates to our preparation for the temporary exhibition "Vietnam's Genealogy: From the Past to Present" which will be opened in May.

Actual situation of written documents among ethnic minority peoples in Vietnam and the work of collecting and preserving these cultural heritages.

2.1 Most of the time, discussions about preserving cultural heritage, especially about how to prevent objects from being stolen or illegally dealt usually address to archeological findings or works of art from different periods such as paintings or sculpture. It is understandable because those artifacts have historical, artistic, and particular economic values. However, there exists a patrimony, which has not been paid enough attention that of old written documents.

This patrimony includes historical records, books on geography and literature, epigraphy, parallel sentences, royal decrees, ritual texts, texts for fortune telling, genealogical books, testaments and books on traditional medicine.

They are written on different materials such as papers, leaves, wood, bamboo, stone bronze and so on. For example, there are texts written on do, *duong* or *ban* papers or those are on palm leaves.

2.2 It is possible to say that many old written documents will exist widely among the Viet community and

individuals, particularly, there are a lot of them among ethnic minority groups. We especially would want to focus on the patrimony of written documents of ethnic minority peoples which include documents on customary law, historical records, genealogical books, ritual manuals, books of songs and of traditional medicine.

Many ethnic groups in Vietnam possess old written documents that are varied in types of scripts. For example, the Kinh have many books written in Han and Nom characters. The Tay, the Dao and the Giay people use Chinese characters but the way each group pronounces them varies from locality to locality, and they also create new scripts based on Chinese ones. That is similar to the Nom of the Kinh people. The Thai, the Cham and the Khmer have Pali writing system. According to Mr Tong Van Cap, Deputy Director of the General Scientific Library of Son La Province, the library holds 1,149 old books of the Thai people. They include songs, poems, customary law documents, stories, ritual manuals written amulet, fortune telling texts and so on. Other mountainous provinces such as Lai Chau, Lao Cai, Yen Bai, Tuyen Quang, Cao bang have equally collected a large amount of old written documents.

These old documents date back to different periods but mostly in nineteenth century and in early twentieth century.

2.3 Risk of lacking need to use old written documents. These books have become rare among local people for several reasons. Many of them got lost or damaged by humidity, fire and social changes, but the most radical is that of people's consciousness, of the lack of those who can use these written documents and the shortage of demand to use them. For instance, in the past, each shaman or herb doctor had to have a set of books for their practice, thus, they managed themselves to make copies of found some to do this task for them. Consequently, the books that had been passed from generations to generations were multiplied to meet the using demand. At present the uses of these written documents have reduced dramatically, leading to the reduction of the books. For example, a Dao shaman left a case of old manuals after his death, but no one in his family followed his job and none of his descendants and relatives could read these written documents. Thus, they were missing and lost because people gave them to those who wanted them, or they were even used as wrapping papers. The fact was that many people were not aware of the value of those books and threw them away easily. As a result, the next general could not approach those books any more. This was really regrettable.

2.4 The risk of commercialisation of the old books

In recent years, along with the development cultural exchanges and tourism, it has been easier for foreigners to go to the ethnic minority areas. Many tourists are interested in buying old written documents of the Thai people in Son La, Lai Chau and Nghe An or those of the Tay, the Dao, the Cham and the Khmer. These documents include historical records, those of literature or village customary law, etc. They dated from different periods. The written documents, which are more than one hundred years old, are treated as antiquity. Other books are of approximately 60, 70 or 90 years old but they are truly the heritage of the community. These written documents were created not to be commercialised. However, tourists buy those documents as if as they phrase normal commodities, and the sellers, due to economic difficulty, are willing to sell them as though as they sell other goods. The question here would be whether or not this is a way to increase the risk of losing precious monuments, which accumulate historical experiences, worldview and traditional medical knowledge of the communities? What should we do to preserve these legacies so that they continue their lives with people? This is a considerable question raised to us in these epoch of commodity and developed exchanges.

2.5 How are these written document administered?

The written documents are managed at different levels that are probably divided into three categories: state level, community level and the individual level.

At state level: they are administered by research institutions, universities and libraries such as Central Archival Department, National Library, or libraries of universities such as that of School of Social sciences and Humanity. Some research institutes such as Institute of Han Nom Studies, Institute of Social Sciences Information and Institute of Literature have been preserving thousands of old written documents.

Besides, there are some museums that participate in preserving these documents such as the History Museum, the Museum of Culture of Vietnam nationalities and the Vietnam Museum of Ethnology. Other provincial museums and libraries also carry this task.

At community level: The written documents are keep in pagodas, communal houses or temples or by the lineage. These are also preserved in centers for collecting, researching and disseminating culture such as Cultural Center of the Cham people (in Ninh Thuan province).

At Individual level: they are keep in families or by individuals.

Among these categories, state cultural institutions play a very important role in collecting and preserving this cultural heritage. Thousands of precision written document have been conserved in special conditions and studies for the sake of popularisation. The Government

has been issuing guiding policy to institutions at different levels and ranches that are involved the course of collecting and preserving old written documents. Only at the Institute of Han Nom Studies there are more than 16,000 books written in Han and Nom preserved. However, except some state institutions that have adequate conditions to conserve old documents, most of the written documents at the provinces are keep in poor condition, lacking needed equipment to control temperature and humidity. In addition, many documents have lost or have been damaged though time or due to organisational changes. Even though cataloguing and publishing these written documents is a need of the ethnic minority documents has not been taken enough consideration because of both people's consciousness and economic confines.

2.6 Risk of lacking needs to use old written documents.

There are still many written documents that can be found among ethnic minority groups such as the Tay, the Dao or the Thai people. Each Dao shaman has dozens of ritual manuals among which each book is for a type of ritual, and each ritual requires a ritual text. The shamans use these manuals frequently for practices. Each manual contains information reflecting worldview of the Dao people and it is an important part of the spiritual life of the community. The Tay, the Nung, the San Chay and the Thai have many documents including songs, poems, and historical records of the communities, genealogy and traditional medical texts. However, the number of the people who can read and understand deeply the content of these documents and know how to use them is in the warning situation in all ethnic groups. Many shamans cannot read Chinese characters, Nom Dao characters, Nom Tay or Thai characters. If they use these characters for their practices, they have to add national characters next to the original ones because they do not know how to read the latter. Among shamans of this new generation, many have been government officials working in various domains. They started their new careers as shamans after their retirement. Young people who want to practice this job have to learn unofficially or oral. Thus, the risk of lacking people who explore the use of old written documents among cultural agents is increasing. For example, according to a report of Son La province, in order to carry inventory work in the archive of the Thai documents in 1994-1995, the province needed five or six people who understood Thai characters for help. They finally found only now who could do this job and one died later because of his old age.

Vietnam had known a period when examination using Chinese characters was discontinued because of the war and of the French policy abolishing this kind of exams, so it can be said that several generations of the Viet people did not have access to approach Han-Nom documents. However, since early 1970s, thanks to the consideration of the State, the first classes teaching Han-Nom were opened at the undergraduate and graduate levels. As a

result, Han-Nom documents of the Viet people have been studied and explored maximum. However, the written documents of the ethnic minority people have not been treated equally. Attention has been rapid to collect written documents but not yet to make them living. In order to give life to these documented, there need to be people who use them, people who teach them and people who learn them in a modern and progressive manner. In some places where local people are willing to learn their traditional writing systems. However, creating classes or schools to teach these characters has not been encouraged. The State has not had policy on investing on preserving and developing this cultural heritage by opening appropriate classes. One issue would be to encourage private classes heritage by opening appropriate classes. One issue would be to encourage private classes to teach traditional writing system such as Thai, Nom Tay and Nom Dao characters in order to satisfy the need to those who want to read old documents, ritual manuals traditional medical texts and songs books, and to training people to understand thoroughly and correctly cultural heritage and traditional knowledge through these old written documents. This is one of the most practical ways to preserve cultural heritage. Once people can read old documents, with will know how to love them and how to preserve them. Museums and libraries in general and those provinces in particular can participate actively in this process.

Some recommendations

What should we do to preserve these cultural heritages and to make them living with communities, especially in the epoch of commodity economy and communication? Our recommendations are as follow:

1. First of all, it is necessary to promote continuing education and training in order to enhance knowledge for those who do the task of researching collecting, preserving and exhibiting cultural heritage about sensitivity towards cultural actors and local/cultural diversities.
2. State institutions have gathered many old written documents and conserved them in the storages of museums or libraries. They have treated these books as though as they have treated cultural heritage. It is necessary task. However, a problem that emerges is that by collecting these old documents and putting them into the storage, these artifacts that are detached from communities, which means they are removed from their own social life. In fact the documents are living and used by people in the communities, but after being collected and put in a museum, they become "dead". Their owners are not able to use them any more because those documents are the only version or they have very few copies. Therefore, our argument is that even though collecting old written documents is necessary, it is equally significant to maintain their life with communities. Actual, collectors are those who usually

take these documents away and isolate them from communities even though with agreements of the owners. This is the fact pushing the cultural heritage into dead more quickly. It is time to have policies regulating that whatever institution collects old written documents should make a copy and leave it for the communities. That is the ethic and moral of those who work in the museum field nowadays. It is also the mission of the people who do museum work and cultural heritage preservation in the twenty-first century.

3. Besides, people still have difficulties in studying and using cultural heritages, which have been collected, including those who are cultural agents. Due to various reasons, many documents which were created by communities, individual and their ancestors were collected and conserved in libraries and museum, but the descendants of these creators have difficulties to access the documents because of restrict principals of conservation work. It is time that museum and libraries managers had to take enough consideration to this problem and created comfortable conditions for cultural agents to access cultural heritage left by their ancestors. The work of preserving cultural heritage therefore becomes more valuable. Moreover, museums and libraries should encourage these cultural agents to further study and promote appreciating the value of these documents. It means that priority of approaching and using these cultural products should be given to cultural bearers and communities. If this can be done, it institutions actively create closet relations to communities and cultural agents, it will consequently lead to psychological comfort among communities and create advantageous conditions for collecting and preserving new artifacts. If museum activities are related to and bring benefit for communities, museums will attract communities' attention and serve as a place of confidence for communities to preserve and disseminate their cultural heritage.
4. It is also necessary to promote gradually knowledge of cultural actors about the value of cultural heritage. Several methods could be applied such as issue policy to support activities of local people, especially of cultural actors in order to get them engaged in collecting, learning and communicating within communities. There should be a legitimate regulation allowing the possibility of opening classes to teach and learn old writing system and establish clubs or associations to promote mutual communications and exchanges among cultural actors and other social groups. For example, creating clubs for collecting, translating and studying old documents of each ethnic group such as that of the Dao, the Tay, the Thai, the Cham.
5. And the most important is to have education program in school for your generation to understand and admire the value of old written documents in

particular and of cultural heritage in general in order to enhance their love towards patrimony left by their ancestors. For example, that could be included in the curriculum of civil education, literature, history, geography or fine art classes. It would be possible to combine learning in school with learning in museums or at cultural relics. The future cultural actors who love and respect cultural heritage created by their ancestors will be those who best hold the key to preserve their cultural heritage.

In brief, from what have been presented above, we would like to emphasis that the cultural actors play the essential role in the course of preserving cultural heritage. Thus, it is crucial to create the most convenient conditions so those cultural artifacts perpetuate with their agents.

Specialized Institutions

The Role of Interpol in the fight against the Illicit Traffic in Cultural Property

Mr. Jean-Pierre JOUANNY, *Specialised Officer, ICPO-Interpol General Secretariat, Lyon, France*

In a few words I would like to present Interpol. Interpol is an intergovernmental organisation with 178 member countries. It is the second organisation after the UN in terms of membership. The governing bodies of Interpol are the General Assembly and the Executive Committee. These are deliberative organs, with decision making and supervising powers.

The General Assembly is composed of delegates appointed by the governments of member countries. It meets once a year. The Executive Committee has thirteen members who are Senior Police Officials and who are elected by the General Assembly. The General Secretariat is the permanent administrative and technical body through which Interpol operates. It implements the decision taken by the General Assembly and the Executive Committee. The General Secretariat is administrated by the Secretary General, Mr. Noble, who is elected by the representatives of member countries.

Approximately 100 police officers from more than 40 countries representing all the regions of the world are posted to in the Criminal Intelligence Directorate of the Interpol General Secretariat which is located in Lyons, France.

The composition of the staff ensures a sound knowledge and wide experience of both the regional situations and the problems of international crime.

The purpose of our Organisation is:

- To ensure and promote the widest possible mutual assistance between all criminal police authorities, within the limits of the laws existing in the different countries and in the spirit of the Universal Declaration of Human Rights.
- To establish and develop all institutions likely to contribute effectively to the prevention and suppression of ordinary law crimes.

It is strictly forbidden for the Organisation to undertake any intervention or activities of a political, military, religious or racial character.

Contrary to common belief, Interpol is not made up of international brigades of investigators. Interpol Police Officers cannot carry out investigations in the member countries. Instead, international investigations are carried out by the national police forces of the member countries.

The General Secretariat has no power to force a country to take action, or not to take action, in a specific police investigation.

Our experience shows that 3 major obstacles impede efficient international cooperation:

- the different structures of national law enforcement often make it very difficult, from outside, to determine the competent service to deal with a particular matter or to provide information ;
- the language barriers ;
- the differences between the legal systems of member countries.

That's why, in each Interpol member country, the task of Cooperation is assigned to the National Central Bureau, usually located in the country's capital city, which centralises all information of international interest.

One of the basic objectives of Interpol is to ensure the exchange of information between member countries and the General Secretariat in a continuous, rapid, reliable and secure way. The first three conditions depend on the telecommunications network and the last one on the encryption facilities.

Since 1947, Interpol has invested a lot of efforts in the fight against this criminality.

It is extremely difficult to get a clear picture of the extent of art theft in the world, and it is not very likely that detailed statistics will ever be made available. National statistics are usually based on the circumstances surrounding the theft (simple theft, breaking-in and stealing, armed robbery, etc.) and rarely provide information on the actual nature of the stolen object itself.

As an illustration of this, the General Secretariat of Interpol sent a message to its 178 member countries requesting statistics on arts theft committed throughout 1999, and requesting information on the nature of the objects stolen and the places they were stolen from. To date, we have received only 52 replies, 38 of which were complete or partial.

Theft of archeological items

It is difficult to have an idea of the extent of the theft of archeological items. Occasionally, member countries report the theft of an archeological item. In many cases we are told that an item displayed in a museum has either been stolen or has come from a clandestine dig. In the latter case, the problem is a delicate one since the police can only intervene if an offence has been committed.

Traffickers and some dealers take advantage of the fact that in many cases the objects in question cannot be identified, particularly if they come from archeological digs. Sometimes, historians and archaeologists take months and even years to identify them.

As you undoubtedly realise, this is not a recent phenomenon.

Offenses other than theft :

Heads of security at museums and archeological digs must also be aware of other types of offences, which may be committed. Deliberate damage can be caused for political, racial or religious reasons, or as protest against the items being on display. For example, items may be covered with graffiti or paintings slashed.

Many police departments can give advice on prevention in this area. Another security aspect involves the transport of works of art. In many countries, particularly in Europe, the police can escort consignments when there appears to be any risk involved.

Which tools are at our disposal to efficiently fight against the illicit traffic in cultural property ?

A wide and fast circulation of information among Interpol's member countries

Telecommunications Network

Our telecommunication network is very efficient. It takes only few minutes to circulate information among all the member countries.

On the request of the member countries, international art notices were published from 1947 to March 2000. With the new technologies, the diffusion of information through " paper " is outdated. Who will try to find among thousands of art notices if one item is stolen or not. Nobody. Furthermore, the majority of member countries did not have all the art notices published since 1947.

The " ASF - works of art " computerised database :

In 1995, the General Secretariat developed a computerised database for stolen works of art, including descriptions and photographs. This database has been made for Police Officers and is based on a visual description of works of art, which is very easy to carry out.

To facilitate the international diffusion, the ICPO-Interpol has produced printed forms (called CRIGEN/ART FORMS) in the Organisation's four languages, which can help Police Officers who have limited knowledge of works of art to describe the stolen objects. Those forms are very important because they enable each Interpol member country to describe the same object in the same way, regardless of its country of origin and its culture.

It means that the 178 member countries use the same criteria to describe an item.

Contrary to common belief, we do not keep information on all offences committed anywhere in the world. We only record the crimes considered to have international ramifications and we only open files for international criminals.

Today the database contains more than 17 500 items.

Direct access to the database

Since January 1999, this database is available to all member countries by means of a computer program called " EASYFORM ". This program enables countries to consult the free text description of works of art, as well as the corresponding photographs. This represents considerable progress because the information on works of art is available to the entire world 24 hours after registration at the General Secretariat.

Poster of the most wanted Works of Art

Every six months we publish a poster showing the six most wanted works of art. It is the only paper publication remaining for the stolen works of art.

The cd-rom " interpol - stolen works of art"

With a view to enable the private sector to have access to information on stolen art, the General Secretariat has produced and commercialised a CD-ROM on stolen works of art.

This CD-ROM is available by means of subscription and its up-dating is carried out every two months. On this CD-ROM you have the possibility to select your working language : English, French or Spanish. The CD-ROM contains not only information on stolen art, or art items found in suspicious circumstances, but also :

- the texts of the international Conventions of the UNESCO in 1970 and UNIDROIT in 1995,
- the list of the member countries and their telephone numbers,
- the OBJECT-ID developed by the Getty Information Institute (minimum description standard of a work of art) which was recognised by both UNESCO and ICOM,
- a list of objects at risk (red list of ICOM).

This CD-ROM is one of the registers mentioned in the UNIDROIT Convention of 1995. In fact, Article 4 § 4 of the Convention provides that " in determining whether the possessor exercised due diligence, regard shall be given to all the circumstances of the acquisition, including the character of the parties, the price paid, whether the possessor consulted any reasonable accessible register of stolen cultural objects, and any other relevant information and documentation which he could reasonably have obtained, and whether the possessor consulted accessible agencies or took any other step that a reasonable person would have taken in the circumstances."

Internet :

In July 2000, the General Secretariat has opened an INTERNET site for the works of art. This site, opened to the public, contains :

- the most recent thefts of works of art,

- Items found by Police Officers who are trying to trace the owners,
- frequently ask questions

Organisation of international conferences :

Every three years, the General Secretariat organises an international conference on the illicit traffic and theft of works of art, antiques and cultural objects. This conference is held in Lyon. The last one was from 5th to 7th October 1999.

Since 1995, the General Secretariat organises conferences in regions that are particularly affected by this type of criminality : Prague in 1995, Budapest in 1998 and Mexico in December 1999.

Training

The General Secretariat is also active in making Police Officers sensitive to this criminal phenomenon and ensures their training (training of NCB Officers).

Cooperations with other international organisations :

The General Secretariat has actively participated in regional workshops like this one, organised by ICOM, where Police Officers, customs and museum curators have been invited.

Memoranda of Understanding were signed between INTERPOL and UNESCO in 1999 and between INTERPOL and ICOM in April 2000.

Criminals :

Offences against cultural property tend to be committed by specialists. If the investigators identify them, Interpol can circulate their descriptions. Notices can be published. These include a photograph of the offender, his identity, his fingerprints, any aliases used, and all available information of use to the police.

Details of out-of-the-ordinary modus operandi can be circulated and may help to link several different cases of theft.

In conclusion, I would like to remind you of resolutions No. 5 and 6 voted in by the 64th General Assembly in Beijing, and which recommended member countries to :

- ensure that information concerning easily identifiable works of art is sent as far and wide and quickly as possible through Interpol channels,
- improve national and international police Cooperation with other concerned parties such as the customs services, museums, art galleries, insurance companies, etc.) in the process of tracking down stolen works of art and in identifying suspicious newly discovered works of art.

Cultural Heritage and Object-ID

Pienke Kal, Chief-Curator South East Asia, Royal Tropical Institute/Tropenmuseum Amsterdam, The Netherlands

Illicit traffic, all its ins and outs, has been elaborated on in the previous keynote presentations. The illicit trade in cultural objects is now widely recognised as one of the most prevalent categories of international crime. There is widespread agreement that documentation is crucial to the protection of cultural objects. Stolen objects that have not been photographed and adequately documented are rarely recoverable by their rightful owners.

Basic in the fight against this illegal traffic and trade is to be able to identify beyond reasonable doubt that a stolen and retrieved object is yours, belongs to the collection of your museum, institution or department.

To proof this each object in the collection should be photographed, preferably from different angles, and the objects should be documented, with all information that is necessary to identify the object.

Object ID is a standard system, developed in response to an identified need. It is designed to be used by non-specialists and to be capable of being implemented in traditional, non-computerised ways of making inventories and catalogues. But it can also be implemented in more sophisticated computerised databases. Because Object-ID is designed to be used by a number of communities, and by specialists and non-specialists alike, it uses simple, non-technical language.

The development of such a basic registration system, has been the objective of the Paul Getty Information Institute. Discussions, in 1993 started by the Getty Information Institute in Los Angeles with leading national and international umbrella agencies and government bodies, established that there was a consensus on the need for documentation practices and the implementation of international standards.

In July of that year the Getty Information Institute convened a meeting in Paris to discuss the possibility of developing an international collaborative project to define documentation standards for identifying cultural objects. The participants recommended that it should focus on developing a standard for the information required to identify cultural objects, and on the mechanisms for encouraging the implementation of the standard.

As a result of these consultations, a project was defined and initiated, one of the objectives of which was to recommend an international 'core' documentation standard for the identification of cultural objects. This task was taken up by the Getty Information Institute. It developed the standard system Object-ID.

In 1995 a Conference was held in Amsterdam, the Netherlands, organised by the Paul Getty Information Institute, UNESCO and ICOM. Here Object-ID as a registration system, on paper, was introduced to the museum world, international police and customs, insurance officers and the world of art dealers and auctioneers.

The Getty Information Institute has stopped its work last year, and the support of the Object-ID system is now being given by CoPAT in London. Robin Thornes, who initially worked for the Getty Information Institute, is now the Coordinator of Object-ID with CoPAT, based in London. CoPAT was established in the United Kingdom in 1992 to promote measures designed to protect cultural heritage in the United Kingdom from theft, damage or destruction by criminal activity.

Unfortunately, very few objects in collections have been documented to a level that can assist in their recovery in the event of theft. Most museums have some sort of object-registration, noting the inventory number, object name, material out of which the object is made, its date and provenance when known.

Some museums also note down how the object or collection of objects came into the museum, e.g. bought, donated, on loan. All this information is written down, in most cases in large thick books, and sometimes also, additionally, on registration cards. These cards contain often more documentary information and especially also a photograph or sketch. This practice is seen almost all over the world, in Asia, Australia, Africa, Latin America, North America, Europe and the Middle East. Since the computer revolution it is a matter of course that developments are going in the direction of digitalisation of these registration and documentation forms.

Parallel with this development the fight against illegal traffic of cultural objects got momentum. And in the context of this fight the computerised Object-Identification software program came into life.

And here we are discussing this identification program. It is important to point out that Object-ID is not an alternative to existing programs; rather it is a core standard created for a very specific purpose -that of describing cultural objects to enable them to be identified.

Object-Identification

Based on the work of many partners the 'core-standard', Object-ID, has grown from a worldwide survey, interviews, roundtable discussions, and innumerable consultations.

The result is simple: ten categories of information, plus an image, make it possible to identify a cultural object; 10 questions asked about an object to be identified. And of course one or more good and clear digital photographs.

The questions concern:

1. Type of Object

What type of object is it: painting, clock, statue, mask, sculpture

2. Materials and Techniques

What materials is the object made of: brass, wood, paper

3. Measurements

What is the size and/or weight of the object? An object's measurements greatly assist identification

4. Inscriptions and Markings

Are there any identifying markings, or inscriptions on the object: a signature, dedication, title, maker's marks, purity marks, property marks.

The marking can be inscribed, cast, stamped or otherwise applied at the time of manufacture or at a later date.

5. Distinguishing features

Does the object have any physical characteristics that could help to identify it: damage, repairs, or manufacturing defects?

6. Title

Does the object have a title by which it is known and might be identified, e.g. the Mona Lisa, the Sunflowers by Vincent van Gogh

7. Subject

What it pictures or represented: landscape, a battle, woman holding child

8. Date or Period

When was the object made, e.g. early 17th century, Late Bronze Age

9. Maker

Do you know who made the object? This may be the name of a known individual, a company, or a cultural group

10. Description

This includes further information that can help identify the object, e.g. colour.

But also related written material, publications, cross reference to related objects.

Also old inventory numbers and other documentary information that belongs direct to the object.

And at last, the date that the record was imported or revised.

In this way Object-ID has become an international standard for describing art, antiques, and antiquities. It is meant to be an internationally accessible, efficient, computerised information system, comprising the cultural heritage of mankind. It is meant to be used, in view of the world-wide dispersal of illicit traffic, by custom officials to determine whether illicit traffic is involved in exported (or imported) objects. It can be used by investigation agencies to identify stolen objects.

The project of developing Object-ID had two premises:

a. A stolen object cannot be returned to its rightful owner unless it has been adequately documented; the identifying documentation, including a photograph, at least one, should be sufficient to prove that the object is the owner's.

b. In case of theft, information about the object needs to travel faster than the object itself.

Both premises require agreement on what information constitutes an adequate record for identifying an object.

Needed are standards that will make it possible to exchange information in a form that is intelligible to both systems and people, as for instance police and customs officials, the law enforcement sector.

This information may have to cross national borders and be circulated among a number of organisations. The development of electronic networks made this effort technically possible.

Object ID is best defined in terms of the ways in which it can be implemented.

- it provides a checklist of the information that is required to identify stolen or missing objects
- it is a documentation standard that establishes the minimum level of information needed to identify an object
- it is a key in the development of information networks that will allow diverse organisations to exchange descriptions of objects rapidly
- it provides a key component in any training program that teaches the documentation of objects.

In other words:

The contribution of Object-ID to combating illicit trade in cultural objects has been to provide a minimum standard for describing cultural objects, to encourage the making of descriptions of objects in both private and public ownership, and to bring together organisations that can encourage the implementation of the standard, as well as those that will play a part in developing networks along which this information can circulate.

Pilot project

The work done by the Getty Information Institute was the creation of a form with 10 questions. This was remodelled in the Netherlands into a software program, financed by the Dutch government.

In 1998 the Dutch Government, the Minister for Development Cooperation funded a pilot-project to try out this computerised Object-ID standard. This pilot

project was implemented by the Royal Tropical Institute, the Tropenmuseum, which is a department of this Institute.

The test was done in the Cham Museum of the Danang Provincial Museum in Danang as well as in the National Museum in Bamako, Mali. In Mali Object-ID was introduced by the National Ethnographic Museum in Leiden. In this pilot-project the museums worked with two computers, linked in a network: a workstation and a server.

The main objective of this network was to make it possible to have a steady workflow. In practice this network proved to be complicating the workflow.

In the evaluation of the pilot-project it was decided to work with one computer. On the basis of this first test it was also decided to add to the software program an extra form, namely a collection management window, with 11 fields. This serves the need to find the object and to specify the status of the object: is it bought, exchanged, or borrowed, from whom, where and when?

What it does not include is a system for documentation of research, nor does it provide adequate space to the description of the condition of the object and its conservation or restoration needs and history, as well the proposed and executed conservation and/or restoration method.

After the pilot-project, which in general turned out to be a success, a second round followed. The Royal Tropical Institute in Amsterdam, the Netherlands, is presently working in 14 countries with the computerised object registration program Object-ID. This is an extension of the pilot-project in Vietnam and Mali. The project is funded by the Minister for Development Cooperation.

Last year staff members of the Tropenmuseum, accompanied by computer system managers, have worked in 16 museums in these countries. It meant one week installation and testing of the hardware and software by a systems manager, and two week training in the application of the software program Object-ID, taking photographs of objects with a digital camera, and practising the use of the program, by the staff member of the Tropenmuseum.

Each country and each museum had its own problems of course. In range varying from which language to use in the program, which inventory number to fill in, as there are sometimes up till five different numbers on one object. And nobody knows anymore what they all mean, but, they have a meaning otherwise they wouldn't be there, so old numbers cannot just be deleted without discussion, digging in old records and analysing.

Case Studies

I would like to mention some examples, case studies. But first I have to explain how museums in the chosen countries were selected.

The 14 countries were selected by the staff of the Minister of Development Cooperation in the Netherlands. Then the Tropical Institute in Amsterdam contacted the Dutch Embassies in these countries to ask them to make a preliminary selection of one museum where Object-ID would be introduced.

After that an appraisal mission by the Tropical Institute was sent to these recommended museums to discuss with the museum director this proposed project and to investigate if introduction of Object-ID would be technically feasible. Technical requirements are for instance a telephone line, a local Internet provider, sufficient electricity supply. On the basis of all these reports it was decided which museums would be offered the object-registration program Object-ID. Of course with as a stringent criteria the amount of available funds from the Dutch Minister. In South East Asia Vietnam was the only country selected. In South Asia India, Sri Lanka and Bangladesh were visited.

One of the countries selected was also Bolivia.

Here the counterparts were the Director-General for Culture and the director of the National Museum for Archaeology. At the start of the project it turned out to be more feasible to install the Object-ID program, including the hardware, in an office of the Ministry. Why? Because everybody involved in the protection of cultural heritage in Bolivia knows that precious, historical and culturally valuable collections that are most vulnerable and easy to steal are the objects in churches, spread all over the country, often in remote areas, besides community held ritual and ceremonial heritage textiles. Examples of these objects of Bolivian cultural heritage are described in "Looting in Latin America".

This later turned out to be a just decision, because during the two-week mission of the Tropenmuseum staff members seven objects were stolen from a church. Luckily photographs of these objects were available, so it was a good exercise to fill in the Object-ID forms and send them by e-mail to Interpol. Interpol received the forms with photographs. The objects however are not yet recovered, as far as I know.

A second country is Ethiopia

The museum selected in the capital Adis Ababa was the National museum of Ethiopia.

This is an obvious choice, a national museum, because one can assume that the National Museum of a country houses the national treasures of that country. It turned out that an assumption like this must be checked. The National Museum of Ethiopia does have especially important palaeontology and archaeology collections, but the museum has no funds, neither enough trained staff to run the museum properly.

One can say that the museum staff is trying desperately to make the best of a situation of a complete lack of funds, and chaotic storage and object registration.

The situation for the introduction of Object-ID was aggravated because the supply of electricity was very, very insecure. Days went by without electricity, which means no computer work. Also the telephone line was not available till the end of the two weeks introduction and installation.

Poignant irony is that the museum 'next door', the University Museum, is very well organised, with smaller but good collections, properly stored, registered and exhibited.

We all know that our work in museums is fully depending on the availability of funds. But for a start knowledge and practical experience is very important. This means that training in the basic principles of museology is essential.

What do I want to say with especially this case? Object-ID is just an object-registration program, using computer technology. In principle, all museums and institutions with important objects, like pagodas, temples and churches in the world need some sort of adequate object-registration including photographs, to know what they have, what the country's cultural heritage involves.

But... without a sense of urgency in the country's political leaders to protect this heritage, to support a museological basis that makes it possible to protect a museum like the National Museum in Adis Ababa, it is difficult to succeed

Bangladesh is a third case.

The National Museum in Dacca, the capital of Bangladesh is an historic building, housing a collection of approximately 85.000 objects, covering more or less the rich history and contemporary culture of Bangladesh.

Security in and around the museum is very tight. So, no one of the museum staff or higher responsible functionaries expects that an object will be stolen from the museum.

However, the staff was very eager to use Object-ID. Because they felt the need for a digitised registration program for objects, photographs, even music, and natural history collections.

A museum since 1983 the staff is very conscious of the possibility to do research on the collections more efficient and thoroughly once the information and documentation concerning the collections are digitised in a software program with an adequate search function. New information from research is used in exhibitions and publications and in university courses. This was the first objective in the motivation to work with Object-ID.

Because of this expressed need the new program Object-ID will have a more adequate search function, although I must stress that this use is not the first priority of the program.

At last the case of Sri Lanka.

The Department of National Museums is a department

under the Ministry of Cultural and Religious Affairs. It occupies a parallel position with the Department of Archaeology and the Department of National Archives.

In the capital Colombo the program Object-ID was received by the director of the Department of National Museums, comprising nine museums with collections varying from natural history, a herbarium, archaeology and art history of the Indian sub-continent, folk art and ethnography. The museums are in Colombo, Kandy, Galle and other places, as well as six school museums. Completed in 1877 the Colombo Museum is one of the earliest purpose-built museums in Asia. For a museum institution like this Object-ID is ideal.

On the one hand, all objects will be registered with a photograph, so in case of theft one program contains almost all information about the collections in the whole country. On the other hand, research on the collections of the country will be centralised, in which case researchers work together and can strengthen each other's pursuits.

Finally

This year, 2001, the next step in the development of the digitised software program Object-ID is rather remarkable. The software house IMC that developed this first version of the software program, stopped its work before the software program was perfect. There were still several 'bugs'. At this moment another company is working on a new program, based on the same fields, but it will have a totally new look.

More important is that it will be easier to operate and that the collection management as well as the documentation and search functions will be greatly improved.

The museums that already have the first version, Danang and Bamako in Mali, and the museums that work with the second version, like the History Museum and the Vietnam Museum of Ethnology, both here in Hanoi, all will receive this new up-date in the second half of this year. Besides that we hope that it will be possible to extend the introduction of Object-ID to more museums and more countries.

I am convinced that this new software program will provide a good and simple base for a computerised registration program of a museum collection. It will give directors a tool to give objects an identifying passport, it will give collection managers a tool to know what there is, where it is, how to find it, it will give curators and researchers the possibilities of documenting collections and retrieving information to compare, analyse and interpret. And there is always the possibility to convert all information into a newer, more complicated data-system.

One of the major discussions that arose during implementation sessions was about the standardisation of terms, e.g. for object name, material, technique, dating period. A great help in the development of a

computerised software program for Object-ID was the Handbook of Standards developed by Africom, ICOM Africa, in the '90s.

By encouraging museums to update their inventories, this Handbook of Standards for the documentation of museum collections in Africa helped to implement standard professional practices and responded to a major concern of African museums: the fight against illicit traffic of cultural property. It could serve as a model for the preparation of similar handbooks in every other region of the world.

I like to call on all of you to take this task upon you, not individually, but as a group of South East Asian countries, peoples and cultures, museums. Study and discuss the possibilities of drawing up lists of standards terms for object name, function, material, technique, dating period, provenance.

United we can do it. Individually or even nationally it might be a waste, as eventually the international police will not understand what you are talking about in your computerised and e-mailed reports, using different terms and definitions. This may be a topic for discussion on Thursday, Object-ID-day.



From left: Paul Voogt, Pienke Kal, Amareswar Galla, Elly Beeten-Van Horrik and Manus Brinkman

The Implementation of the 1970 Unesco Convention on Illicit Traffic: Building National Capacity Through Training Activities

Mr. Etienne Clément, UNESCO Representative in Cambodia

1. Introduction

The 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property was the first global legal instrument adopted for the protection of cultural heritage pillage from theft and pillaging. More than ninety countries, including several major importing countries, have ratified it, while others are presently considering their accession. In Asia, 21 States have also ratified this UNESCO Convention.

The content of the 1970 Convention has been already presented during this workshop. Consequently, this presentation will specifically deal with the implementation of the Convention, particularly through the organisation of training activities with the objective to build national institutional capacity.

To make for real change, awareness of cultural property and illicit trade must become an integral part of the mind-set of all the people who are working on a daily basis in fields where illicit trafficking can be detected and stopped - and it must, for that matter, become a matter of concern to the general public.

UNESCO has therefore adopted a universal program of regional (and national) workshops on illicit traffic with the aim of strengthening national legislation and the national institutional capacity to enforce laws and implement at both national and international level the 1970 UNESCO Convention. The workshops are aimed at various groups and levels of people in order to achieve a cascade effect. Basically there are three levels: regional workshops for high level policy and decision makers; national workshops for the same high level managers at national level and their staff and specialised national workshops for groups of personnel such as police and customs officers, museum staff, tourist guides, and school teachers.

In this presentation we will briefly describe the regional workshop and develop a model for national workshops including suggestions for specialised working groups. To illustrate this presentation we will present the situation of Cambodia, as a case study.

2. Regional workshops

Starting at the regional level, this training program takes the initiative to organise regional workshops with the objective of creating awareness of the scope of the problems internationally and at the same time facilitate contact and a sharing of experience and resources between museums, archaeologists, concerned Government Ministries, police and customs authorities, in a number of countries. The regional workshops create a very high level of awareness while at the same time providing an opportunity to bring the discussion from theoretic abstractions to practical counter measures. The participants in regional workshops are decision makers

such as judges, lawyers, high level Ministry officials and high level officials from the Police and Customs Departments, Museum Directors, etc. as well as representatives for organisations such as INTERPOL, ICOM (International Council of Museums), the World Customs Organisation, and sometimes private organisations (the Art Loss Register has for instance participated in such activities).

During the regional workshops the participants are able to share their experiences, to discuss difficulties and common problems of illicit trafficking, thefts, clandestine excavations, illicit export, the effects of tourism, and measures to curb these problems at national and international levels.

The programs for these regional meetings should include museum security, tracing, recuperation of cultural objects from other countries, reciprocal arrangements with other States, current measures of international Cooperation for the retrieval of stolen objects, and the control of export and trade.

The regional workshops are one way of creating more international Cooperation. It is during a regional workshop organised for 15 countries in Thailand in 1992, that the Thai authorities announced that they were ready to return to Cambodia cultural objects seized in Thailand, and discussions were initiated between the two countries.

Regional workshops have so far been organised in Jomtien, Thailand (1992); in Arusha, Tanzania (1993) for the eastern and southern African countries; in Bamako, Mali (1994) for west and north African countries; in Keszthely, Hungary (1993) with representatives from eastern European countries; in Cuenca, Ecuador (1995) for Latin American countries, in Grenada for the Caribbean countries and many others. Some were organised by UNESCO or jointly by UNESCO and ICOM or by ICOM.

However, any country could organise such an activity for instance to focus on problems and solutions, which are specific to their region or sub-region. Australia for example, organised in 1986 a workshop in Brisbane for the South Pacific region, and in 1996 Zaire in Cooperation with ICOM organised a workshop for Central African countries.

3. National workshops

Ideally, the work of the regional workshops should be followed up by national workshops. Drawing on the experience of the regional workshop, national workshops are less general in scope and are intended to focus on the situation and what needs to be done in one particular country.

Many countries have adopted laws to protect and control export of their cultural heritage but a great number of these, especially among developing countries,

do not have the resources necessary to ensure adequate implementation of the laws.

The absence of trained personnel in museums, police, customs, and in the tourist trade, is a widespread problem in many developing countries. In addition to the development of regional Cooperation, there is thus a great need for training at the national level to ensure the development of sufficient institutional capacity.

4. Model structure of a national workshop

A national workshop could ideally be composed of the following sessions:

- **First plenary session (initial briefing):** This session should last approximately from half a day to one day. During this session, the participants to the workshop will be initially briefed by a series of presentations by experts about main issues in connection with the illicit traffic of cultural property, such as relevant international and national legislation on cultural property, inventories, training of police officials, educational measures etc. The objective of this initial briefing activity is to present an overall picture of the various measures in the fight against illicit traffic in cultural property and to demonstrate that it is necessary to adopt these measures together possibly through inter-ministerial Cooperation. Each of these measures will be further discussed and elaborated during the working groups.
- **Working groups:** Following the plenary session, a series of working groups will be organised. A limited number of participants should join these working groups, which will last for 1-2 days. Each working group will deal with one of the specific measures presented during the plenary session, for instance: legislation, inventories, training or police officials, educational measures etc. For each of the working groups, a chair should be elected and a recognised specialist should be in charge of facilitating the discussion among the participants and suggesting recommendations. The working groups should be action oriented. A rapporteur will be responsible for the preparation of the final report of the working group.
- **Second plenary session (reporting):** The reports of the various working groups will be presented to the plenary. These reports should aim at identifying existing gaps and at addressing specific recommendations for action to be taken in that specific field.

At the end of the plenary, these reports will be consolidated into a plan of action based on the recommendations of the working groups (for an example: see Annex: Case study: Cambodia).

4.1. Model for the first plenary session (initial briefing)

Objectives: The main objective of this briefing activity is to present, in a plenary session, the various measures that are possible in the fight against illicit traffic in cultural property, and to provide a forum for discussion among the many people who will have to work together in the application of such measures. It is also an objective of this activity to get indications of interest and institutional commitment from the representatives of, among other, the various Ministries.

Participants: Representatives from various Ministries concerned such as the Ministry of Foreign Affairs, Ministry of Justice, Ministry of Culture, Ministry of Public Works, Ministry of Interior, Ministry of Trade, Ministry of Tourism, Ministry of Education. In addition, representatives of religious bodies, representatives from police and customs, museum representatives and archaeologists, and of course members of the press, should be invited.

Expertise required: A specialist in the implementation of the 1970 UNESCO CONVENTION. UNESCO or ICOM may assist in identification of suitable expertise.

Materials required: Information materials of various kinds could be distributed as well as copies of the handbook "Preventing Illicit Traffic in Cultural Property" and copies of the 1970 UNESCO CONVENTION. The recommendation from various regional workshops reprinted in Section 3: Reference Documents 12 - 18, may be used as deemed relevant.

Time required: 30-45 minutes for presentations and 30-60 minutes plenary discussion. Total 60-105 minutes.

Location: A large plenary/conference room preferable with audio-visual facilities such as an overhead projector and a screen.

Activity: An international expert may start by giving an overview of the situation and what has been done in various places to protect cultural property from illicit trafficking. He/she will then present and discuss the various measures available - especially in terms of the 1970 UNESCO CONVENTION. Local expertise may then elaborate on the situation and the particular problems facing the country in question.



Steps to be taken at international level	Responsible Ministry
<p>1. Multilateral cooperation: Ratification and implementation of the relevant international conventions, especially the 1970 UNESCO CONVENTION, the UNIDROIT CONVENTION and the PROTOCOL to the 1954 HAGUE CONVENTION to facilitate international Cooperation in terms of illicit traffic in cultural property.</p>	Culture + Justice + Foreign Affairs
<p>2. Bilateral Cooperation: Possible bilateral agreements (especially with neighbouring countries or countries with an important market for cultural objects).</p>	Culture + Foreign Affairs
<p>3. Publicity: Dissemination of general information on thefts and pillage of cultural property to:</p> <ul style="list-style-type: none"> • the international public opinion (through international press, airline magazines; travel magazines); • guides and tour operators (through specialised magazines); • dealers of art objects (through specialised magazines, dealers associations, ..); • Dissemination of specific information and descriptions on stolen objects through INTERPOL. 	Communication (or Information) + Tourism Trade Interior

4.2. Working Groups

Proposed Working Group 1: Legislative measures against illicit traffic:

Objectives: The main objective of this working group is to review existing cultural heritage legislation and discuss the possible content of new legislation in order to refine the legal protection of cultural property.

Participants: Representatives from Ministry of Culture and Ministry of Justice, members of the National Assembly, judges and lawyers should be invited.

Expertise required: One lawyer specialised in international and national protection of cultural property.

Materials required: A compilation of relevant legislation, both national as international, may be distributed: national law and decrees on the protection of cultural heritage, the 1970 UNESCO Convention, the UNIDROIT Convention and the Protocol to the 1954 Hague Convention.

Time required: 4-6 hours.

Activities: Some of the proposed activities could be the following:

- Description and explanation of the legal measures that are available in the fight against the illicit traffic of cultural property.
- Group discussion.
- Presentation, review and evaluation of existing cultural legislation in a country.
- Analysing practical cases through role-plays.
- Drafting the provisions of the existing legislation that need to be changed and possible new provisions.

Proposed Working Group 2: Inventories:

Objectives: To introduce the practice and methods of inventorying and enable the participants to prepare inventory cards for collections of cultural property.

Participants: Museum staff, archaeologist, and students.

Expertise required: One museologist, one art historian or one archaeologist.

Materials required: Blank filing cards, camera + film and flash, background documentation on inventories (e.g. From ICOM and UNESCO).

Time required: 4-6 hours.

Activities: Some of the proposed activities could be the following:

- Analysis and overview of the situation in a country in terms of inventories and documentation practice.
- Training exercise: A selection of objects of different types, colours, materials, sizes, origins and periods will be presented to the participant. For each of the objects selected, the participants will prepare a card under the guidance of the expert.

Proposed Working Group 3: Educational measures and public information:

Objectives: To prepare a campaign to inform the public on the problem of illicit traffic of cultural property.

Participants: Representatives from Ministries of Education, Communication and Tourism, teachers from schools and universities, media people.

Expertise required: Specialist(s) in education and communication.

Materials required: Examples of existing promotional

materials (posters, brochures) produced e.g. to promote tourism, a blackboard, large sheets of paper, markers etc.

Time required: Min. 7-8 hours.

Activities: Some of the proposed activities could be the following:

- Discuss about the effectiveness of media in creating awareness.
- Make a list of the different means and media, which can be utilised to educate and inform on the need to protect cultural heritage.
- Prepare a project plan describing the preparation of posters/brochures as well as practical production, numbers of copies, target groups, a national campaign for its launching, cost etc.
- Design a project plan describing the preparation of radio/television programs as well as practical production information.
- Prepare a project plan describing the organisation of an exhibition, its contents, place of duration, the costs involved and the assistance required.
- Development of a project plan on educational materials directed at different target groups, in particular students.
- Design of a project plan for the education and training of tourist guides and the enlightenment of tourists visiting monuments and sites.

Proposed Working Group 4: Training of Police Officers:

Objectives: Training of police officers in specific investigation and recovery techniques.

Participants: Police officers assigned to a Coordinating office for the prevention of theft of cultural property, as well as inspectors concerned with stolen cultural property from provincial/district level.

Expertise required:

Experienced police trainer, specialised in protection of cultural property.

Materials required: To be indicated by the trainer.

Time required: Flexible.

Activities: The training could have 3 modules:

- Organisation and general objectives: The expert will describe the role, place and structure of the Coordinating office for the prevention of theft of cultural property. Ideas to facilitate the fight against pillage and illicit traffic of cultural property such as inventories and registers of authorised art dealers, compulsory export certificates etc. should be introduced and described.
- Protection of cultural property - a job for the police: The main focus will be to raise awareness on the importance of a country's cultural heritage. The expert should illustrate the problems and the mechanisms put in place in the international fight against pillage and illicit traffic in cultural property.

- Training on location: The main focus will be on survey techniques and criminal investigation. Penal codes and procedures will be explained and discussed.

In order to illustrate the above, the attached Annex contains a case study describing how the model training was implemented in Cambodia.

Annex. Case study:

Strengthening national institutional capacity in Cambodia:

Cambodia lends itself as an example of how institutional capacity can be strengthened and developed within a reasonable time frame.

After more than twenty years of political, military and civilian disturbance in Cambodia, the country was in the beginning of the 90s, losing a large part of its cultural heritage at a truly alarming rate. Statues, bas-reliefs, stone sculptures and entire lintels disappeared daily from the monuments of Angkor - a famously beautiful monumental complex, covering almost 200 sq. km. and including several hundred monuments - and from other lesser known sites. Hundreds of objects had gone missing but turned up for sale on the international art market.

During the previous decades, the organisation of the protection of Angkor had completely collapsed and the heritage site was rapidly deteriorating as a result of plunder or vandalism. As many other aspects of life in Cambodia, a system to protect the cultural heritage of the country had to be rebuilt from scratch.

At the request of Cambodia, UNESCO organised in 1992 its first national workshop in the area of illicit trafficking in cultural property. The workshop addressed politicians and representatives of many categories of national (government) officers in such diverse fields of specialisation as culture, customs, police, and museums, as well as journalists, teachers, and monks. The workshop covered the elaboration of inventories, police and customs investigation techniques, legal issues, security and training of guards at museums and sites. As a result of this national workshop, a draft plan of action and a set of recommendations for national activities to protect cultural heritage were elaborated and proposed for implementation.

During the following months, a human resource development program was implemented training different groups of personnel as described below. UNESCO organised a first training session for the 450 police officers guarding the Angkor complex and this effort was substantiated by further training, in this case by the French police, and by financial assistance which allowed the site to be protected with modern security and communication facilities.

The case of Cambodia demonstrates clearly the need for a genuine mobilisation of the international community. It was a first case of a Coordinated program stressing national capacity building, and the experience drawn from there can serve as an example for similar programs in other countries. We will therefore describe the program in some detail below.

The national workshop gave practical training to concerned personnel in the following fields:

- legislation;
- preparation of inventories;

- security in museums, sites, and store-rooms;
- public information;
- educational measures to raise awareness of illicit trafficking in cultural property;
- training and motivation of police and customs officers.

More than 120 Cambodian participants from different components of the Supreme National Council were present, as well as representatives of international organisations such as UN, INTERPOL and ICOM.

During the meeting, Ministers themselves, customs and police officers, educators, journalists, lawyers, conservators, and students learned about specific techniques and participated in short training sessions.

Immediately after the workshop new draft legislation for the protection of cultural heritage in Cambodia was elaborated. The initial, general national workshop was followed by specialised training workshops for specific groups of personnel:

A one-day motivation workshop was organised for 24 Cambodian journalists and others were organised for respectively 120 custom officers, UNTAC personnel (the United Nations Transitory Authority in Cambodia), and for police officers who later received additional training in Cooperation with the French police when a National Central Bureau of INTERPOL was established in Cambodia.

To raise the level of awareness among the general public, a poster competition was organised in Cambodia and the best of the posters were printed and distributed nation-wide. Campaigns and general education programs focusing on the value of the cultural heritage and the severity of the damage done by illicit excavations and illicit export of cultural property, are essential long-term measures in enforcement. Strong community commitment to the preservation of cultural heritage - for example as found in China - has a strong preventive effect and makes it more difficult for traders to operate.

During the national workshop in Cambodia, information leaflets and brochures were designed. These have been produced and widely distributed to tourists warning them, among other, against exporting cultural goods without the appropriate export licenses.

Finally, the national workshop in Cambodia developed a set of recommendations and a plan of action, which clearly indicated areas of priority in the development of national institutional capacity.

In the case of Cambodia, UNESCO undertook the main responsibility for planning and organising the national workshops due to the very specific and exceptional circumstances in Cambodia at the time (1993-94). Preparing for democratic elections UNTAC (United Nations Transitional Authority for Cambodia) requested

UNESCO to work very closely with local specialists to prepare the setting up of a new administration of culture in the country.

However, national institutions might as well organise such training - and perhaps only call on UNESCO for technical assistance on a smaller scale.

Example of Recommendations for National Activities to Protect Cultural Heritage (adopted during the National Workshop on Illicit Traffic in Cultural Property, Phnom Penh, Cambodia in 1992):

1. Training:

- *Training of museums and monuments personnel*, including guards, should be organised with the view to the creation of efficient security services and to the installation of appropriate mechanical protection against thefts and illegal excavations. Cooperation with UNESCO, ICOM and other interested organisations or countries could be requested for that purpose.
- *Training should be organised for police and customs officers* on the specific topic of investigation techniques for the search of stolen cultural property. Cooperation with the Customs Cooperation Council and interested States could be requested for this purpose.
- Training already planned on *inventories of cultural property* (including manuscripts), namely in Cooperation with the Ecole Francaise d'Extrême-Orient, should be undertaken. Special attention should be given to the descriptions of the items both for museums and for monuments, in particular for monuments situated in remote areas.

2. Communication:

- *Appropriate communication equipment* should be provided to all services involved in protection and recovery of cultural property, namely museums and monuments conservators, as well as police and customs officers in charge of that question.
- Museums and monuments conservators, police and customs officers should in particular *strengthen exchange of information on registers and inventories of protected cultural items as well as on stolen or recovered items*.
- *Police and customs services should also strengthen their Cooperation* in respect of the above and of inquiries on stolen cultural items.

3. Legislation:

- The on-going *preparation of legislative texts* on the protection of cultural heritage should be continued and extended to provide a better protection against thefts, illicit export and illegal excavations of cultural property. Special attention should be given to *measures against exportation* of protected cultural objects, preparation of specific *agreements with*

neighbouring and market countries as well as *penalties* for those who committed crimes against cultural heritage. Cooperation with UNESCO should be continued and extended on that matter.

4. Education:

- In the short term, the posters, the brochure, the publicity campaign and the project regarding a National Cultural Day should be realised soon after the present workshop.
- In the longer term, the proposals contained in the plan of action (copy included in the report of the workshop) by the working group on educational measures could be implemented. Cooperation with UNESCO and with other organisations represented in Cambodia should be developed for that purpose.

ICOM bodies and International Committees

The Situation of Illicit traffic of Cultural Goods in Austria and Central Europe

Gunther Dembski, Chairperson, International Committee for Museum Security

The situation in Austria, which is a small country within the heart of central Europe, is a special one and cannot be understood without a look on its political and economical background and surrounding. Austria has been till 1990 the most eastern country of the non-communistic western part of Europe. The borders to the so called eastern block had been locked by the iron curtain, which had had, Czechoslovakia (today 2 states, Czech Republic and Slovakia), Hungary and good controlled but without a barbed wire fence Yugoslavia (today Slovenia and Croatia). I have to say that also in these times it happened that either not so important or very important – and then mostly small – cultural goods were smuggled from there to Austria as for example the Sevso hoard – silver plates and other luxury silver out of Roman time, found in Hungary or Croatia, now partly in the ownership of an English Lord and partly presented by the auction house Sotheby – which is even today a central point of police investigations. Also coins and archeological finds came over the border caused by the severe law in the eastern countries which said, that all finds belong to the state.

After opening the borders in the early nineties there was nearly a flood of cultural goods smuggled to Austria, mostly with the target of Munich in Bavaria (Germany) where was – and still is – a central point for distribution of smuggled cultural goods. Today the flood of incoming cultural objects from the eastern states is not so big as it had been, but even today there are coming cars filled with icons, stolen somewhere in Russia, Romania, Poland, with statues out of Czech or Slovakian churches are stopped at the border to Austria which is now also the border to the European Community. This means, if a thief or smuggler passes this border, he has nearly all possibilities to reach without too many difficulties all other European countries like Germany, France, Spain etc. The last targets of these deals are the United States of America, Japan and some rich Emirates around the Persian Gulf that means countries where very rich people are living. Years ago a member of ICMS board, Pavel Jirasek from Czech Republic told, that there were more stolen and smuggled gothic Madonna statues out of Czech Republic than they had within the country.

A fully new and very bad situation was created by the civil war in Yugoslavia, which effected that the country is now divided in more or less in 4-5 states. Museums were rubbed as well as private collections and the stolen objects very quick and also as it seems easy transferred to the west by trained "refugees" or others. The important pieces disappeared in private collections or in the high ranked market of antiquities and art, the less important ones you can still find on the flee market in Vienna, Munich and elsewhere in Europe, as you can also

find there pieces from Afghanistan coming from the big robberies of the museums and excavation sites. I only can tell about coins: thousands of them were and still are on the market.

What happens and can happen if – and I believe that only 5 to 10 percent of all smugglers are stopped – a smuggler is stopped at the border or within Austria? The Austrian law allows only stopping the person for a certain time, to take away the suspicious good also only for a certain time. Then investigations start, the countries in the eastern part, where our police imagines that the pieces are coming from are contacted. Then in 80% of all cases there comes no or no exact answer, so that it cannot be proved to the "wrong owner" that this piece has been stolen from there or there. The cause lies mostly in the fact that the real and former owner has no good object ID to identify his piece clear and without doubt. So the police has to return the "stolen" things to the momentum owner who is then allowed to travel further and to sell it.

This situation is one of the facts, that in between ICOM and ICMS of central Europe we try to establish a Museum Security group under the umbrella of both organisations, which will – in collaboration with the police and I hope also the INTERPOL – inform each other about stolen objects and also about the methods of steeling etc. In case of recovering the stolen objects all stories about the smuggling etc. will also be informed within this very close together working group. Internet will be the quickest information possibility within our countries. Till now we have collaborators in Germany, Czech Republic, Hungary, Poland, Slovenia, and at our CEICOM meeting in October of this year we will try to install and start our collaboration.

The situation in Austria itself is not so bad as in the eastern neighbour countries. We had had in the last years no big theft out of a museum for example; small thefts, like the outcutting of special pages out of an old book or so, happens from time to time. But of our churches and of private collections the thefts in the last years did not stop. We do not exactly know if a burglary which ends in a stolen painting or statue or coin collection really was planned for doing and reaching this or if there was a "normal" burglary with the additional result of taking with them beside TV and computers also goods of cultural part. The most difficult thing is for the police the investigation of these things, because the owners mostly have no exact description of the goods which were stolen, so that the police is not able to prove, that if a stolen object is found this could be one of this or that collection.

One big problem we have in any case and this is the illegal excavation of antiquities which are in our country either Celtic items (3rd to 1st century BC) or Roman things (1st Century BC till 5th) and later things of medieval time. We only can estimate how much is found by the people who are using mine detectors for finding metal objects like coins and statuettes and all other things, but we know that there exist some well organised groups – and also individuals who are going during day time and very often in the night time. Though it is forbidden by law to look for archeological goods by detectors the police, which has also to control the traffic, the daily life etc. is to overburden to control also archeological sites.

Coming to an end, we must notice that the illicit traffic of cultural goods has two main backgrounds. The one is the lack of cultural identity within the own countries, there is too less propaganda within the population to protect cultural goods for the own country. The other is the rich collectors. We can divide them in really rich collectors, who are willing to pay a lot of money for a certain part of cultural goods they are collecting and the other part – and this becomes bigger and more important from day to day – is a group which tries to whitewash black money coming from drogues and organised criminality. So we should and can only do first steps against this illicit traffic of cultural goods.

Illicit Traffic of Cultural Heritage in the Caribbean - an Overview

**Alissandra Cummins, Director of the Barbados Museum and Historical Society, Barbados
and Chairperson, Advisory Committee, ICOM**

Introduction

The tentacles of the British Empire extended to the farthest reaches of the colonised world. In effect, the need to create and maintain control over territories, led to a deliberate policy of accumulating knowledge (and later seizing icons of national identity) for the purpose of consolidation and civilisation of foreign peoples in foreign lands. The history, and indeed, the historiography of this aspect of empirical control, has been little explored and largely neglected, but it forms a significant backdrop to the psychological attitudes demonstrated by Caribbean people (and indeed, Caribbean governments) in relation to their cultural heritage, and their neglect, indifference or outright hostility towards aspects of it even now. The historical foundation of many Caribbean museums as archeological repositories has thus had a major impact on the nature, scope and mandate of these organisations and contributed significantly to the challenges facing Caribbean heritage institutions today.

The confusion about Caribbean identity - what it is and what is ought to be - has absorbed the attention of hundreds of writers, historians (early planter and later local nationalist historians) sociologists - all examining the point from differing ideological perspectives. Culturally, the region possesses its own social forms, ethnic formations, political institutions and normative values - all of a marked singularity and distinguishing it from the neighbouring mainland societies. All of its member societies, notwithstanding their own special individuality, have been shaped throughout their 500 year history by the architectonic forces of exploration and settlement, conquest and colonisation, slavery and sugar monoculture, colonialism and ethnic diversity. All of their characteristic problems - lasting into the present day - poverty, economic dependency, social rivalry, ethnic animosity, political fragmentation, weak personal and social identity - have their roots in that very background. By the same token, the Caribbean people derive their fundamental strengths from these very historical factors.

Cultural forms and cultural practices have been viewed as instruments of self-fashioning, thus as an important part of a kind of nationalism. At the most complex level, these cultural practices have become instruments to generate self appraisal, as well as self criticism in the post colonial Caribbean, where people must confront significant changes in social structures, which may call for a shift in attitudes and responses. The misappropriation of culture as a psychological weapon has been a tried and true experience in the Caribbean. Joined by the misappropriation of the tangible heritage, as a result of a deliberate colonial enterprise, as much as it is the result of official indifference or indetermination, this has proven a distinct barrier to human progress, when premised on the view that cultural patrimony is a crucial component of identity and self-understanding.

Recently the Hon P.J. Patterson, Prime Minister of Jamaica stated in an address at Harvard University: "Two decades ago, the dawn of Independence was breaking all over the countries of the English-speaking Caribbean. This began a new phase in our relationship with the rest of the world. For the first time, we were able to chart our own courses and shape our own destiny. The islands of the wider Caribbean have been fragmented by the geographical divide of our sea. They have also been separated by the accidents of colonial conquest, which have left their legacy on our language, our culture, our institutions, as well as our economic relationship and our patterns of trade and production. In recent years we have sought to change the nature of relationships between each other, with the countries that border the Caribbean Sea and with the rest of the world..... In this regard the governments and peoples of the[se] countries..... now feel a sense of unity and a sense of their distinctiveness as a region". Within this context, the heritage can help sustain our people in their present circumstances. Museum collections and exhibitions (as a collective interpretation of the nation's history) can bring the reality of the post Emancipation, colonial past in counterpoint to the richness of self-representation in a postcolonial climate.

Status of Caribbean Heritage

The 1997 statement of the late Dr. Denis Williams, then Director of the Walter Roth Museum of Anthropology (Guyana), that "the destruction and removal of our cultural heritage will not cease until everyone views it as a personal affront", has a poignant truth about it. Lack of respect for cultural patrimony in the region has been greatly exacerbated by its omission from regional curricula and lack of educational material hinders the study and appreciation of various aspects of heritage by the local population. In addition, the relative rarity of effective protective legislation in some countries has left the region's cultural heritage open to the depredations of modern day pirates. Recognition that the degradation, disappearance and deterioration of cultural goods impoverishes and damages the cultural heritage of all people and the theft of cultural material can cause irreparable damage to a society has been the preoccupation of the region's museums and heritage institutions for the past twenty years or more. Conversely, the view that every state should recognise that the protection of cultural heritage contributes to the development of states, regions and individuals has only just begun to take hold amongst Caribbean governments.

The lack of trained archaeologists in the region has led to a reliance on foreign specialists to achieve national research, excavation and interpretation programmes in many of these states. However, without the controls of a functional national heritage management structure

Caribbean heritage has provided opportunity without responsibility and has for some of the archeological profession a climate of irredeemable exploitation. This has left heritage societies, governments and institutions, most without professionally qualified archeological or museological staff, with hundreds and sometimes thousands of unwashed, unmarked potsherds, skeletal bones and like, once archeological analytical research had been done, and professional interest had waned. This presentation must not be viewed as an indictment of the archeological profession operating within the region, but simply serves to clarify that some thoughtless action has led to museological headaches and collection management dilemmas in institutions, often understaffed and thus almost incapable of rectifying them for many years to come. More seriously, this has been coupled with the disappearance of important study collections, specimens or artifacts into the control and storerooms of foreign universities.

Since the first regional museum survey carried out by the Museums Association in 1933, the proponents of such technical reviews have reported disturbingly similar results over several decades. Canadians Lemieux and Schultz (1973) for example found that these institutions were generally small in physical and resource terms, badly organised, and inadequately financed and staffed. Only Barbados was then found to have any kind of professionally trained staff. They observed that there had been " within recent years ... a cultural reawakening and many of the island states have provided in their development plans for the rehabilitation of existing museums or the establishment of Historical or Natural History museums " (1973:1). Similar findings by British consultant Raymond Singleton in 1978, during a survey conducted for the newly formed Culture Desk of the Caribbean Community Secretariat (Caricom) further compounded the picture. The critical problem of conservation extended beyond the needs of the collections, to the aging museum plant itself, where many vulnerable collections were stored in unsuitable historical buildings. He recognised the need for " urgent assistance with the cataloguing of the collections [utilising] recognised systems of documentation" and the desperate need for conservation in every area " from... the repair of specimens to the restoration of buildings" (1978:4). The lack of technically qualified staff, deteriorating and unsecured collections, minimal budgets, as well as the chronic need for conservation staff, equipment and facilities identified within the region twenty years earlier, essentially remained a litany of deficiency.

The most recent regional museum survey conducted on 45 institutions by myself in 1993, elucidated the following aspects of a typically under-funded, ill- equipped service:

General Information

- the majority of Caribbean museums were established before 1979
- almost 75% are non-governmental organisations

- The majority of these institutions operated on budgets of less than 100,000 \$ per annum
- 63.6% employed a staff of 0-3 paid persons, while only 15.9% had 10 or more personnel.

Buildings

- the majority (63.5%) are housed in historic structures, almost half of them located near the sea or a water course, and at least 75% were in need of major or minor renovation.
- most museums occupied a minimal 1,000-10,000 sq. ft of space, a large proportion of which are of timber /or partial wood construction.
- 92% reported a desperate need for more space to adequately conduct basic museum activity, both in exhibition and storage.

Collections

- the majority , 86% held archeological material in their collections, and in most cases this provided the majority share of their collection.
- only 33 1/3% of museums had written collection policies, and although the majority reported the maintenance of a collections register, most museums were unable to accurately assess the size of their collections.
- less than half of all museums could report having established cataloguing systems or having completely or partially catalogued their collections

Condition of the Collections

- While the majority of museums reported largely stable collections, visits to half of the reporting institutions reflected a very different picture, with 86% requiring the minimum in terms of a basic maintenance program.
- less than 20% reported the use of conservation storage materials- Due to the inadequacy of storage facilities and equipment ,more than 75% of museums are storing some portion of their collections on the floor:
- only 13% of the institutions are in a position to provide some level of climate control for their collections.
- More than 75% of these organisations could not produce a disaster management plan.

Staff

- Most Caribbean museums (70.5%) had no professional staff, many of these institutions being managed largely by amateur enthusiasts drawn from a voluntary membership.
- Only 32% had access to a trained conservator; and even less (18%) have full time conservation personnel on staff.
- the expansion of museum collections within the last 20 years was largely attributable to the dramatic

increase in archeological activity, both marine and terrestrial, in the region.

- only 3 out of the 16 countries surveyed reported little or no archeological activity within the previous 10 -20 years

While the picture has improved somewhat within the last eight years, with increasing numbers of Caribbean professionals returning to work in the field. Nevertheless, after decades of gross under-funding and neglect the picture remains that of a truly unprepared, under-funded service, more often supported by private commitment of a select few, than by the public investment of governments. The latter deficiency probably reflecting the "uncertain attitude" which the majority of culturally disenfranchised West Indians evinced towards the preservation of a psychologically fraught past.

The "lack of control over the export of archeological materials, and the lack of control over the excavation of known archeological sites" (1983 : 13) reflected in UNESCO expert John Whiting's report of 1983, and confirmed in the findings of a Caricom legal expert ten years later; demonstrates the critical vulnerability of Caribbean heritage resources experienced over several decades, and remaining largely unchanged today. Calls by regional museum workers to "equip and operate their own conservation laboratories", to rectify "managerial deficiencies .. attributable to antiquated, disputed policies and procedures" where they exist, to reduce the "isolation and fragmentation of museums from other elements of a nation's ..community" and to "stimulate a greater appreciation for the past and a deeper awareness of national roots and thus a greater sense of identity, pride and social conscience", have received a response, though necessarily one limited to the actions undertaken by a young profession seeking to raise the standards of practise within the region .

Unfortunately the picture remains largely of an extremely vulnerable regional resource, in which heritage and indeed academic organisations seeking to increase their own knowledge base encounter and encourage unlimited access to archeological sites and collections in exchange for the provision of skills so desperately lacking at the national level. However, it must be made clear that the problem don't exist solely amongst unsophisticated enthusiasts. Other legitimate concerns regarding the significant increase in archeological activity which would accrue, expressed by officials included: constricted access to project funds for existing activities; heavy demand for use of institutional tools and finally, the unprecedented demand on storage space. Not to mention overload of follow up work by institutional staff (where they exist). Some foreign academics however, are not prepared to accept this analysis of the situation and have increasingly applied pressure elsewhere in the academic community in the country, where promises to provide professional services have met with glad acceptance and uncritical validation of an unneeded project.

Underwater salvagers having decided that wrecks off the coasts of Caribbean islands are deserving of their attention, have been willing to offer estimates that a 25% return ,after the sale of these spoils, to Government (after expenses) will inevitably wipe out the Country's national debt. Protests by local preservation institutions, where officials have given serious thought to accepting such offers, that such activities should take place under the direction of professional archaeologists invited by the country, and that artifacts recovered ,should remain in country to enhance educational enlightenment, have more often than not , proven ineffectual and futile, and have more often been met with indifference. Advice sought from Caribbean specialists (often at the behest of the Museums Association of the Caribbean) has provided much needed guidance in making its case with local authorities, leading to the eventual rejection of such bids. This outcome however, does not preclude expressions of outrage and hostility and even threats being issued by the salvagers, compounding the climate of vulnerability which heritage managers may experience in some Caribbean countries.

Twenty five years after the excavation of archeological materials some foreign academics still claim control if not ' ownership' of artifacts and material culture removed from their country of origin during the course of research projects. Efforts to recover the material and to have it placed in appropriate conditions of collection management have led to claims that all of the artifacts have in fact been returned to their home, although many in the archeological community, as well as in the academic field, know that these claims are false, but are not prepared to directly support the country's initiatives in rectifying this injustice. The matter is compounded by their decision to restrict access to their field notes or records. While these individuals are walking an ethical minefield, which would be totally unacceptable in their own countries, many are prepared to turn a blind eye - according them continued professional status by accepting their continued participation in archeological and other professional associations; and by providing a forum to validate the status of their research. This continues to give authority to their standing within the professional community where some cultural resource managers might regard this as undermining the sovereignty of small nations.

One final factor, which has also contributed to the vulnerability of cultural heritage in the region, has been the uninhibited development of the trade in antiques and collectibles in our small countries. Due in part to the lack of knowledge and in some cases indifference of local governments, antique dealers have been permitted to trade largely unrestrained by policy or legislation prohibiting or circumscribing the terms or conditions of such activities. Dealers are generally not required to be qualified or indeed licensed to conduct business in this field, nor to document or declare the value of their sales or exports, except perhaps for tax or insurance purposes. However, in these circumstances there is not a body of

independent assessors, which might guide the relevant government agencies or insurance companies towards an independent assessment of these assets. Caribbean dealers are not constrained by any code of ethics and nor compliant with any requirement for the integrity or authenticity of their stock, except where this might prove advantageous in relation to payment of the modest customs duties related to antique items over modern productions. For example, in some countries photographic prints as they relate to commercial graphic production carry a greater value for customs purposes than do historic prints where there is no understanding of the substantial value of these latter items in foreign markets.

This situation has been compounded by the exploitation of foreign dealers and collectors who have come to recognise the advantages of trading in this very open environment. Some areas of concern have arisen in association with these circumstances. Lack of constraint on the part of collectors, particularly those protected by diplomatic protocols, has meant that some antiquities, whether of local or foreign production, have been moved in and out of these countries without restraint. In addition however since there is no credible knowledge available among the regional customs and police forces, neither dealers or collectors are seriously confronted by any challenge to their activities, including from those countries which are currently signatories to the UNESCO Illicit Traffic convention. What this means is that in most instances, any traffic in antiques in CARICOM countries, if it is not precisely illicit is most certainly immoral. International activities to develop an International Code of Ethics for antique dealers are certainly welcome but these need to be coupled with aggressive lobbying of governments for adoption and comprehensive training for compliance enforcement officials.

I must stress that while I have presented you with a few of the activities, which have impacted negatively on the region, this is not the total picture. Barbados for example has benefited in the last fifteen (15) years from an ongoing working relationship with international scholars, based on mutual respect and regard for the needs for the community. The Barbados Archeological Survey initiated under the direction of Dr. Peter Drewett of the University of London, Department of Archaeology, has improved both the national, regional and international perspectives on Barbadian archaeology immeasurably. Similarly we have been fortunate to benefit from the hard work and commitment of two Peace Corps curators, Dr. Steve Hackenberger and Dr. Loran Cutsinger while stationed in Barbados, as well as the later work of Dr. Tom Loftfield of the University of North Carolina at Wilmington, which have played significant roles in complementary areas of this research by developing the invaluable partnerships of trust and communication which now obtains within this immense undertaking. The post of Curator for Archaeology was established finally in 1997 and has provided us with a sound institutional basis of operations.

Advocacy - Regional and International Initiatives

In 1992, the Caribbean Community [CARICOM] led the initiative in creating the Caribbean Regional Development Project funded by the UNDP and executed by UNESCO. Two of the related activities including:

- A study of the Status of Caribbean Museums (1993)
- A Model Cultural Heritage Act (1993) for the guidance of the Caribbean Governments in the drafting of cultural Legislation

were initiated to conduct a detailed analysis of the status of both protective legislation and policy, and the capacity of regional museums to manage their own collections. The results were not encouraging. The latter provided a guide to those governments that have no legislation 'in place' and to provide a framework for those who recognise the need to enact more comprehensive legislation. What emerged from the research was "the necessity for the harmonisation and rationalism of all existing institutions in order to establish clear lines of responsibilities for the management of the historical, cultural and national environment". The Caribbean Museum Study, prepared, Coordinated and implemented through the Museums Association of the Caribbean (MAC), outlined several recommendations for the upgrading of museums to International Standards including:

- The adoption of the ICOM definition of museums;
- The development of Minimum standards and policies for museums (for collection's management, documentation, conservation,
- The development and adoption of regional policy on standards for museum personnel;
- The development of regional museum training programs;
- The ratification of international conventions for the protection cultural property;
- The development of written legal constitutions for those museums lacking them;

These provisions for both reports were subsequently endorsed by the Standing Committee of Ministers of Education (SCME) and incorporated into the Regional Cultural Policy adopted in 1996. This body later recognised the need for an examination of existing national legislation in the context of the Draft Model legislation, in order to determine appropriate mechanisms for the incorporation and harmonisation of heritage legislation, and where necessary the encouragement of Caricom governments to enact national legislation.

Few CARICOM countries are currently signatories to the UNESCO Convention on the Means of Prohibiting

and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. However, CARICOM initiated the hosting of a UNESCO Workshop on Illicit Traffic in Cultural Property at Grenada, in March 1997 to sensitise Government workers in the cultural, security and customs fields, about the issues and concerns affecting cultural heritage preservation and protection within the region. Country status reports illustrated a dismal picture of Caribbean territories as vulnerable prey to developers, salvors, and even treasure hunters' on holiday' from their own well protected countries. The cultural property identified as most at risk was not surprisingly archeological artifacts, traditional antique furniture, and artifacts and cannon recovered from underwater wrecks.

UNESCO has also organised a series of regional technical workshops to enable CARICOM countries to examine the provisions of the World Heritage Convention and become familiar with the mechanisms required for its implementation. While this area might not appear to be directly relevant to our topic of illicit traffic, I believe the whole process is an excellent case study to demonstrate the success of a strategy for professional and policy development within the Caribbean region. For UNESCO this provided opportunities to promote the World Heritage Convention and to assist States Parties in the identification and nomination of properties for inscription on the World Heritage List, as part of its 1994 Global Strategy for a Representative World Heritage List.

The first of these familiarisation workshops was held at St. Kitts in March 1996. These participants, from both state parties and non-signatory countries, agreed that efforts should be made to develop adequate legislation and institutional arrangements for heritage protection and management, as well as policies for governing the developing conservation policies. Heritage Training workshops were held in Martinique (1997) Dominica (1998) Suriname (1999?) and St. Kitts (2000) often in conjunction with official World Heritage site inscription ceremonies. To date twelve independent CARICOM states are signatories to the World Heritage Convention, with four other states in discussion on the matter. More importantly the workshops have provided opportunities for heritage resource managers to become fully acquainted with the Convention and to help regional Governments develop appropriate mechanisms for implementation. A similar campaign for other heritage conventions would in my view provide an excellent opportunity not merely to engender commitment to support and implement the requirements of these conventions, but would also provide a critical support base for the professional development of heritage workers in the region.

Recent initiatives by UNESCO in the preparation of an international instrument for the protection of underwater cultural heritage, will also have implications for the Caribbean. Since 1998 Caribbean Governments

have been examining the draft instrument as part of the agenda of the annual Forum of Ministers of Culture of Latin America and the Caribbean. This item is expected to provide a framework for technical action and standard setting which can be of great use to the Caribbean in the management of these resources. However, our concerns at this time have been primarily addressed towards the legal implications in terms of ownership and control of those wrecks and associated artifacts falling within the colonial period.

Conclusions

The Caribbean has a rich stock of heritage resources. Many are appropriate for preservation and future development as heritage education resources and tourism attractions. Developing heritage resources for tourism use subjects them however, to considerable risks. Paramount amongst these risks is their uncontrolled exploitation by salvors, treasure hunters and the like, often in the guise of 'developers', who through their activities (whether authorised or unauthorised) will cause inappropriate wear and tear on the resource, leading to their erosion or eventual destruction. Additionally, such activity has also caused the irremediable loss of artifacts and other heritage resources, through their removal or exportation from the region, leaving various countries to mourn the loss of the sovereignty of their cultural identity.

Since heritage resources are by their very nature vulnerable, it is essential that they be properly safeguarded. This can be done only by protecting them through appropriate legislation and sound management practices, and also by ensuring that all changes made to them and their immediate environs follow principles of good conservation practice and standards. Globally, the visible rise in cultural theft and destruction, particularly in war-torn territories, is evidenced by a lack of respect for cultural patrimony greatly exacerbated by the deficiency in the efficacy of national policy as supported by effective legislation. In the Caribbean today, all but a few countries remain vulnerable through the total lack of any relevant policy or legislation to ensure a broadly national commitment to public education about, and preservation of, the cultural property. The consequences of allowing such activity to continue unchecked are immense. The adverse effects on the future direction of Caribbean nations as a result of depriving people of the knowledge of their past, and removing irreplaceable symbols of cultural identity from their communities, is immeasurable.

The development and implementation of appropriate national legislation and policies where necessary is consistent with these goals. In addition, the harmonisation of such legislation and the reinforcement of the collaboration and Coordination amongst the relevant agencies (at both the national and regional levels), is vital to their success. Enhancement of these initiatives could be achieved through regional Cooperation as well. Success at this level will be contingent upon regional

governments implementing the provisions of the 11th Meeting of the SCME and the development regional standards to ensure the same.

Finally, the effectiveness of both national legislation and regional policies within the Caribbean, will only be supported and ensured within the international arena through countries becoming signatories to, and adhering to the provisions enshrined in, the various international conventions under review . However, such actions can only be sustained by the concerted support of regional and international agencies assisting in the development of a sustainable network of education, communication and professional development.

Conservation and the Protection of Cultural Heritage in South East Asia

Stéphane Pennec, *International Committee for Conservation*

"Protection of cultural heritage" is a wide-ranging and complex notion. Of the host of concerns which immediately spring to mind, many have especial relevance to South East Asia — theft, illicit trade, destruction, vandalism, and the need to develop structures and technical means for heritage conservation. Our aim is to consider what contribution ICOM's International Committee for Conservation and the conservation community as a whole could make in each of these areas and how we could become more actively involved in efforts to improve the situation — I write not only as representative of the Committee for Conservation, but also on as a spokesperson for conservator-restorers.

Although ICOM-CC is all too aware of the problem of theft and illicit trade in cultural goods, it has so far taken little action to address this specific issue, and there have been very few papers on the subject at our triennial meetings, which are attended by several hundred professionals. It should nonetheless be said that since ICOM-CC was set up, it has worked continuously to increase knowledge of conservation techniques throughout the world and to improve protection of cultural heritage. Indeed, ICOM-CC's sphere of influence extends beyond its membership to the conservation and restoration community as a whole, and the ICOM-CC document "The Conservator-Restorer: A Definition of the Profession" (Copenhagen, 1984, cf. Annexe) has been of crucial importance.

Its current membership of just less than 1500 makes ICOM-CC one of the largest International Committees. An organisation chart of the Committee would be pyramid-shaped, broadening to 23 autonomous working groups at its base. These groups focus respectively on different materials or specialisations (paintings, analysis, textiles, modern materials, metals and so on) and hold sessions during the triennial Committee meetings.

ICOM-CC draws its membership from many different contexts: some members are scientists, some curators, some historians and some conservator-restorers. The Board communicates with members via newsletters and through working-group Coordinators. ICOM-CC also publishes many conference papers, which are widely read by professionals. There are already several Internet discussion groups; and this means of communication is becoming increasingly widespread at various levels of the organisation. In addition, ICOM-CC has close links with the main institutions and organisations in the field of conservation and restoration (ICCROM, the Getty Conservation Institute, the CCI, ECCO and so forth).

Conservator-restorers can play a central role in all areas of cultural heritage protection:— reducing the risks and combating the effects of theft, illicit trade, accidental damage and damage by human beings including vandalism; engaging in preventive conservation, restoration and in-service training; implementing codes of professional ethics; spreading information; intervening to

save threatened heritage in emergencies; participating in inventorying initiatives; improving the organisation of museum reserves; helping to draw up and implement legislation; and so on.

We now have to define our position in relation to these issues and the questions we should be asking ourselves are:—

What role should ICOM-CC play?

What are South East Asia's particular needs in terms of protection of cultural heritage?

What bearing does ICOM-CC's expertise have on this question?

ICOM-CC acts mainly as a network of conservation and restoration professionals with its own means of communication and disseminating information. The international recognition it enjoys and its association with ICOM mean that it carries considerable weight in the conservation community.

South-East Asia is proportionally under-represented in ICOM-CC. This is probably due to the status of conservation and restoration and the situation of conservation professionals in the countries concerned. A program to improve and even set up training bodies for conservator-restorers will probably be an appropriate long-term initiative, as will working towards obtaining official recognition of the codes of professional ethics governing conservation. To this end, I should like to see ICOM-CC developing closer ties with these countries by ensuring that information is circulated to them and by holding conferences on specific, relevant themes. (The forthcoming triennial meeting of ICOM-CC in Rio de Janeiro in September 2002, which should have a strong impact on the conservation-restoration situation in South America and Latin America, is a good example of this.)

The problems of theft and illicit trade in artworks must be addressed globally. This theme — and the ways in which ICOM-CC could be of use in combating these crimes — deserves our especial attention. The backgrounds and training of ICOM-CC's members bring them into direct contact with artworks. They have the requisite knowledge of materials and artistic styles and techniques to help trace stolen objects. They are often involved in the initial stages of inventorying and documentation. Raising awareness amongst our members and using the various means of communication available to us to circulate information could contribute significantly to efforts to combat this scourge.

ICOM-CC can also act as a pool of expertise and information on restorative and preventive conservation, and has indeed done so on several occasions in the past. This human and material assistance can enable countries to take action in emergency situations or address long-term needs, whether requests for assistance are made directly or relayed through ICOM's national committees.

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Essential Texts

"The Conservator-Restorer: A Definition of the Profession" in ICOM-CC Code of Ethics, Copenhagen 1984

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Code of Ethics of the ICOM Committee for Conservation

"The Conservator-Restorer: a Definition of the Profession", Copenhagen, September 1984

1. Introduction

- 1.1 The purpose of this document is to set forth the basic purposes, principles, and requirements of the conservation profession.
- 1.2 In most countries, the profession of the conservator-restorer (1) is still undefined: whosoever conserves and restores is called a conservator or a restorer, regardless of extent and depth of training.
- 1.3 Concern for professional ethics and standards for the objects being treated and for the owners of these objects, has led to various attempts to define the profession, to distinguish it from related professions (2), and to establish proper training requirements. Other professions, such as those of physician, lawyer and architect, have passed through a phase of self-examination and definition and have established widely accepted standards. Such definition of the profession of conservator-restorer is now overdue. It should help the profession to achieve parity in status with disciplines such as those of the curator or the archaeologist.

2. The activity of the Conservator-Restorer

- 2.1 The activity of the conservator-restorer (conservation) consists of technical examination, preservation, and conservation-restoration of cultural property:

Examination is the preliminary procedure taken to determine the documentary significance of an artefact; original structure and materials; the extent of its deterioration, alteration, and loss; and the documentation of these findings.

Preservation is action taken to retard or prevent deterioration of or damage to cultural properties by control of their environment and/or treatment of their structure in order to maintain them as nearly as possible in an unchanging state.

Restoration is action taken to make a deteriorated or damaged artefact understandable, with minimal sacrifice of aesthetic and historic integrity.

- 2.2 Conservator-restorer work in museums, in official heritage protection services, in private conservation enterprises or independently. Their task is to comprehend the material aspect of objects of historic and artistic significance in order to prevent their decay, and to enhance our understanding of them so as further the distinction between what is original and what is spurious.

3. The Impact and Ranking of the Activities of the Conservator-Restorer

- 3.1 The conservator-restorer has a particular responsibility in that treatment is performed on irreplaceable originals, which are often unique and of great artistic, religious, historic, scientific, cultural, social or economic value. The value of such objects lies in the character of their fabrication, in their evidence as historical documents, and consequently in their authenticity. The objects "are a significant expression of the spiritual, religious, and artistic life of the past, often documents of a historical situation, whether they be work of the first rank or simply objects of everyday life" (3).
- 3.2 The documentary quality of the historic object is the basis for research in art history, ethnography, archaeology and in other scientifically based disciplines. Hence, the importance of preserving their physical integrity.
- 3.3 Because the risk of harmful manipulation or transformation of the object is inherent in any measure of conservation or restoration, the conservator-restorer must work in the closest Cooperation with the curator or other relevant scholar. Together they must distinguish between the necessary and the superfluous, the possible and the impossible, the intervention that enhances the qualities of the object and that which is detrimental to its integrity.
- 3.4 The conservator-restorer must be aware of the documentary nature of an object. Each object contains - singly or combined - historic, stylistic, iconographic, technological, intellectual, aesthetic and/or spiritual messages and data. Encountering these during research and work on the object, the conservator-restorer should be sensitive to them, be able to recognise their nature, and be guided by them in the performance of his task.
- 3.5 Therefore, all interventions must be preceded by a methodical and scientific examination aimed at understanding the object in all its aspects, and the consequences of each manipulation must be fully considered. Whoever, for lack of training, is unable to carry out such examinations or whoever, for lack of interest or other reasons neglects to proceed in this way cannot be entrusted with the responsibility for treatment. Only a well-trained experienced conservator-restorer can correctly interpret the results of such examinations and foresee the consequences of the decisions made.
- 3.6 An intervention on an historic or artistic object must follow the sequence common to all scientific methodology: investigation of source, analysis, interpretation and synthesis. Only then can the completed treatment preserve the physical integrity

of the object, and make its significance accessible. Most importantly, this approach enhances our ability to decipher the object's scientific message and thereby contribute new knowledge.

3.7 The conservator-restorer works on the object itself. His work, like that of the surgeon, is above all a manual art/skill. Yet, as in the case of the surgeon, manual skill must be linked to theoretical knowledge and the capacity simultaneously to assess a situation, to act upon it immediately and to evaluate its impact.

3.8 Interdisciplinary Cooperation is of paramount importance, for today the conservator-restorer must work as part of a team. Just as the surgeon cannot be simultaneously a radiologist, pathologist and psychologist, the conservator-restorer cannot be an expert in art or cultural history, chemistry, and/or other natural or human sciences. Like that of the surgeon, the work of the conservator-restorer can and should be complemented by the analytical and research findings of scholars. Such Cooperation will function well if the conservator-restorer is able to formulate his questions scientifically and precisely, and to interpret the answers in the proper context.

4. Distinction from Related Professions

4.1 The conservator-restorer's professional activities are distinct from those of the artistic or craft professions. A basic criterion of this distinction is that, by their activities, conservator-restorers do not create new cultural objects. It is the province of the craft and artistic professions such as metalsmiths, gilders, cabinetmakers, decorators, and others to reconstruct physically what no longer exists or what cannot be preserved. However, they too can benefit immeasurably from the findings of conservator-restorers, and from their guidance.

4.2 The recommendation as to whether intervention on any object of historic and/or artistic significance should be undertaken by an artist, a craftsman, or a conservator-restorer can be made only by a well trained, well educated, experienced and highly sensitive conservator-restorer. This individual alone, in concert with the curator or other specialist, has the means to examine the object, determine its condition, and assess its material documentary significance.

5. Training and Education of the Conservator-Restorer

5.1 To conform to the above professional characteristics and specifications, conservator-restorer must receive artistic, technical and scientific training based upon a well rounded, general education.

5.2 Training should involve the development of sensitivity

and manual skill, the acquisition of theoretical knowledge about materials and techniques, and rigorous grounding in scientific methodology to foster the capacity to solve conservation problems by following a systematic approach, using precise research and critically interpreting the results.

5.3 Theoretical training and education should include the following subjects:

- History of art and civilisations
- Methods of research and documentation
- Knowledge of technology and materials
- Conservation theory and ethics
- Conservation-restoration history and technology
- Chemistry, biology and physics of deterioration processes and of conservation methods

5.4 It is understood that an internship is an essential part of any training program. Training should be terminated by a thesis or diploma paper, and its completion recognised by the equivalent of a university graduate degree.

5.5 At all stages in this training, major emphasis should be placed on practice, but sight should never be lost of the need to develop and sharpen an understanding of technical, scientific, historical, and aesthetic factors. The ultimate aim of training is to develop thoroughly rounded professionals, able thoughtfully to perform highly complex conservation interventions and to thoroughly document them in order that the work and the records contribute not only to preservation but to a deeper understanding of historical and artistic events related to the objects under treatment.

Copenhagen, September 1984

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Legislation on the Protection of Cultural Heritage in the Southeast Asian Countries

Sources: country papers and national legislation gathered during the:
ICOM Workshop on the “Protection of Cultural Heritage in Southeast Asia”
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BRUNEI DARUSSALAM

National legislation

The legal foundations of the cultural policy of Brunei are derived from the following Acts and Regulations:

- The Antiquities and Treasure Trove Enactment, 1967, revised 1984, 1991.
- The Customs (Prohibition and Restriction on Imports and Exports) Order, 1984.
- The ASEAN Declaration on Cultural Heritage, July 2000.

A Code of Ethics for the museums has been established:

- It prohibits acquisition of objects of foreign origin without valid documents authenticating their legal importation and export from the country of origin.
- The Brunei Museum Committee, which is responsible for deciding whether any object is or is not an antiquity strictly follows this Code of Ethics.

Definition

The control of Brunei's cultural heritage is regulated by the Antiquities and Treasure Trove Act of 1967, revised in 1984, and in 1991. Under this act, antiquity means “any object movable or immovable or any part of the soil or of the bed of a river or lake or of the sea, which has been constructed, shaped, inscribed, erected, excavated or otherwise produced or modified by human agency at any date prior to or reasonably believed to be prior to 1st January, 1894.”

Export

Among the issues that are regulated by the law are the following:

- 1) All antiquities found in Brunei Darussalam are the property of His Majesty the Sultan and Yang Dipertuan of Brunei.
- 2) No person can export any antiquities from the country unless the Director of Brunei Museums issues an export permit [see Antiquities and Treasure Trove, Part VII: Export of Antiquities No. 31 (1-4); No. 32; No. 33 (1-2); & 34].
- 3) No person can deal commercially in antiquities unless a dealer's license has been issued by the Permanent Secretary of Ministry of Culture, Youth and Sports [See Antiquities and Treasure Trove, Part III, Excavations No. 11; 12 (1 a&b, 2); 13 (a-c); 14 (1,2 a-e); 15 (1-2); 16 (1-2)].

International legislation and/or Cooperation

Although it is not a member to the UNESCO Convention on Prohibiting and Preventing the Illicit

Import, Export and Transfer of Ownership of Cultural Heritage', Brunei fully supports the requests of other nations in tracing the loss of cultural heritage through various government agencies, namely, the Brunei Museums Department, Royal Brunei Police Force and Royal Customs and Excise Department.

CAMBODIA

From 1991, Cambodia has engaged legal measures in order to protect its heritage:

National legal measures

- New Constitution in 1993 which gives particular attention to the safeguarding of cultural heritage.
- Law n°NS/RKM/0196/26 of January 25, 1996 on the protection of cultural heritage.

The site of Angkor was declared a World Heritage site, and then World Heritage in Danger (1992). This was the starting point for several decisions regarding the protection of the site:

-Enacting the recommendations of the World Heritage Committee (1993-1995);

- Reconstitution of the inventory (1993);
- Creation of Heritage Police (1994); and
- Creation of the “Authority for the Protection and Management of Angkor and the Region of Angkor”, the APSARA Authority (1995). (Royal Decree n°NS/RKT/0295/12 of February 19, 1995).

Royal Decree (January 22, 1999).

This Royal Decree aims to modify a number of provisions laid out by Royal Decree n°NS/RKT/0295/12 of February 19, 1995.

The Royal Government of Cambodia has the obligation to respect and protect the site of Angkor designated World Heritage and hereby engages to ensure the safeguarding and perennality of the aforesaid site. All measures and authorisations taken by national and local authorities on any level which prove incompatible with these international obligations shall therefore be considered null and void. (Art. 2)

The APSARA Authority ensures the protection, conservation, and development of the Angkor region in accordance with provisions laid out in Article 5 of the Law on the Protection of Cultural Heritage NS/RKM/0196/26 of January 26, 1996, as well as international obligations concomitant with the World Heritage Status of Angkor.(Art. 6-1)

International legislation and/or Cooperation

- UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970). Ratification in 1972.
- The Convention Concerning the Protection of the World Cultural and Natural Heritage (1972). Accession in 1991.
- Signature of the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects.
- UNESCO Convention for the Protection of Cultural Property in the Event of Armed Conflict, 1954. Ratified in 1962.
- The ASEAN Declaration on Cultural Heritage, July 2000.
- The Agreement between the Government of the Kingdom of Cambodia and the Government of the Kingdom of Thailand to Combat against the Illicit Trafficking and Cross-Border Smuggling of Movable Cultural Property and To Restitute It to the Country of Origin, 2000.

INDONESIA

After Indonesian independence in 1945, the 1945 Constitution contained a paragraph, which specifically regulates culture. Paragraph No. 32 stated that “the government will promote the Indonesian national culture”. The paragraph was clarified as follows: “The national culture is the culture, which arises as the fruit of the entire Indonesian people”. It means that since Indonesian independence, the culture of Indonesia’s ethnic groups is recognised as part of the Indonesian national culture. In the meanwhile, all the former and original culture is also considered to be part of the Indonesian culture, and it should be protected and promoted as a means to national unity.

National legislation

Since the first law concerning the Indonesian Cultural heritage, the Monument Ordinance of 1931 (no longer in force), others were established:

- the National Basic Guidelines Policy (NBGP) of 1988. In this Policy, it is stated that “Indonesian national culture reflecting cultural high value that can be used for promoting and strengthening national identity and national interest should be preserved and developed”;
- Law Number 9 of 1990 concerning Tourism;
- Law Number 5 of 1992 concerning items of Cultural Property (replaced the Monument Ordinance of 1931);
- Government Regulation Number 10 of 1993 concerning Implementation of the Law Number 5 of 1992 concerning Items of Cultural Property;

- Government Regulation Number 19 of 1995 concerning Preservation and Utilisation of Museum Collections;
- Presidential Decree Number 107 of 2000 which regulates the utilisation for underwater archeological heritage.

Definition

According to Article 1 of Law No. 5/1992 the term of “Item of Cultural Property” means :

- a) artifacts made by man, moveable or immovable, individually or in groups, or parts thereof or remains thereof, which are at least 50 (fifty) years of age, or represent a specific stylistic period of at least 50 (fifty) years of age, and are considered to possess value of importance to history, science, and culture;
- b) natural objects which are considered to possess important value for history, science, and culture.

Items of Cultural Property must be declared as property of the state by Government Regulation No. 10/1993 for certain reasons as below :

- they have important value for history, science, and Indonesian culture,
- they have characteristics which confer particular motives and uniqueness,
- they are in quantity and type limited and rare.

To this end, all matters related to the preservation of items of Cultural Property such as care, protection, permission, utilisation, supervision are conducted by the Ministry of Education and Culture of the Republic of Indonesia.

Transactions / export

If a person wants to transport items of Cultural Property out of the Indonesian territory, he or she must obtain a license from the Minister. The license may only be issued under the requirements that they are intended for the purposes of research and development of science and technology, social/cultural interest, and other utilisation, which is regulated by the Minister. Meanwhile the owners of such goods may obtain the license from the Minister without having to fulfil the above mentioned requirements.

Protection of underwater cultural heritage:

Provision for protection of underwater archeological sites is found in Law Number 5 of 1992 concerning items of Cultural Property. In addition, Presidential Decree Number 107 of 2000 regulates salvage operations on shipwreck cargo. This presidential decree also delimits the authority of the national and local governments and the companies undertaking salvage efforts.

Sanctions / Penalties

In accordance with the mandate given by the Law Number 5 of 1992 concerning items of Cultural Property, whosoever intentionally searches for items of cultural property or valuable goods of which the owner is unknown, by removing by any means without the permission of the Government, shall be sentenced from 1 (one) to 5 (five) years in prison and fined from Rp 10,000,000 to Rp 50,000,000, with a maximum penalty of 10 (ten) years in prison and a fine of Rp 100,000,000.

International legislation and/or Cooperation

Efforts in protecting cultural property in Indonesia also refer to various international charters and conventions, among others:

- UNESCO Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954). Ratified in 1967.
- The Convention Concerning the Protection of the World Cultural and Natural Heritage (1972). Accession in 1989.

International Cooperation:

- The ASEAN Declaration of Cultural Heritage, which was signed by the ASEAN leaders, is also used as one of the important guidelines in protecting cultural property among the ASEAN countries.
- A Memorandum of Understanding between the Government of the Republic of Indonesia and the Government of Japan concerning Cooperation in the field of conservation, restoration and management of wooden architectural heritage was recently signed in February 2001. Through this bilateral Cooperation several technical Cooperations have also been intensively developed for sharing and improving the knowledge and skills of human resources of both parties.

LAO PDR

National legislation

Decree of the President of the Lao People's Democratic Republic on the Preservation of Cultural, Historical and Natural Heritage, Vientiane, June 20, 1997.

This Decree outlines the regulations and measures for the management, conservation, preservation and use of immovable assets with historical or cultural or natural value into national heritage with the view of raising the spirit of patriotism, people's democracy, awareness and ownership of the fine national and ethnic cultures. (Art. 1)

The Government promotes the management, conservation, preservation and development of the fine national and ethnic cultures, as well as the restoration of historical and archeological sites representing national historical traces. (Art. 4)

Whilst anything over fifty years old is provided for by the

Decree, the National Cultural Heritage List only includes fifteen sites.

A National Heritage Conservation Fund was to be established (Art. 17), but it does not exist as yet.

Definition

National cultural, historical and natural heritage refers to the public, collective or personal assets holding cultural importance or historical importance and constituting evidence of the Lao country, ancestors and the general origin of the Lao People, including artifacts with historical, artistic value and of over fifty years old (...). (Art. 2)

Excavation

The excavation of artifacts may take place only for the purpose of conducting scientific, historical research or for the conservation and preservation of such artifacts. (Art. 19)

All immovable or movable assets discovered during any search are the ownership of the State. (Art. 22)

Transactions / export

Persons or entities are forbidden to sell, purchase or transfer artifacts of national heritage value, except when specifically authorised by the Ministry of Information and Culture (Art. 16). But there is a lack of screening facilities at many borders.

A specific law forbids the export of Buddha images.

Sanctions

Persons or entities violating the provisions of this Presidential Decree will be warned, educated, fined or subjected to penalties prescribed by law according to the nature of the offence. (Art. 29)

International legislation and/or Cooperation

- The Convention Concerning the Protection of the World Cultural and Natural Heritage (1972). Ratification in 1987.
- Since 1990, UNESCO, EU and France have been working on the preservation of the buildings and contents of Louang Phabang.
- In 1995, Louang Phabang was declared a World Heritage Site. It is the only one in Laos, although Wat Phu in Champasak Province and the Plain of Jars will soon be added to the List.
- The ASEAN Declaration on Cultural Heritage, July 2000.

MALAYSIA

The legal measures on the protection of cultural heritage are based on the following acts and regulations:

- The Antiquities Act, No.168, 1976
- The National Art Gallery Act, 1986

- The Legal Deposit of Library Act, 1986
- The National Library Act, 1972
- The National Library (Amendment) Act, 1987
- The National Archives Act, 1966, Revised 1971, 1993
- The Town and Country Planning Act
- Local Government Act
- Tourism Development Corporation of Malaysia Act, 1973
- Malaysia Handicraft Development Act, 1979

The Antiquities Act of 1976 has the most relevant jurisdictions concerning the protection of the tangible cultural heritage. It regulates matters pertaining to discovery of artifacts, archeological activities, protection and gazetting of historic monuments, dealing in antiquities and penalties that accompany the provisions of the act.

Definition

(as in the Antiquities act, 1976)

Antiquity means :

- any object movable or immovable or any part of the soil or of the bed of a river or lake or of the sea which has been constructed, shaped, inscribed, erected, excavated or otherwise produced or modified by humans and which is or is reasonably believed to be at least 1000 years old.
- any part of any object which has at any later date been added there to reconstruct or restore;
- any human, plant or animal remains which is or is reasonably believed to be at least 1000 years old; and
- any object of any age which the Director General by notification in the Gazette declares to be an antiquity.

Transactions / export

No person shall export any antiquities unless he has obtained a license to export the same from the Director General or stating that the antiquity was originally imported by him, and he has declared the antiquity to a proper officer of customs at a customs airport or customs port. (Section 21, Antiquities Act, 1976)

Matters pertaining to exportation of cultural heritage are the responsibility of the Department of Museums and Antiquities through the Antiquities Act 1976. The Director General empowers or allows the proper officer of Customs to act on behalf of the Department of Museums and Antiquities. (Sections 21, 22 and 23)

Where a proper officer of customs or an officer authorised in writing by the Director General has reason to believe that any object which is to be exported is an historical object, he may detain such object and forthwith report such detention to the Director General. (Section 22,1)

In order to strengthen such empowerment and to

legalise its execution, the exportation of cultural heritage is listed under the Customs (Prohibition of Export) Order 1998.

International legislation and/or Cooperation

- UNESCO Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954). Accession in 1960.
- The Convention Concerning the Protection of the World Cultural and Natural Heritage (1972). Ratification in 1988.
- The ASEAN Declaration on Cultural Heritage, July 2000.

MYANMAR

National legislation

- Ancient Monuments Preservation Act, 1904.
- The Antiquities Act, 1957.

This Act is mainly aimed at controlling movements of antiquities, preventing their illicit traffic, their export, and protecting and preserving them.

- Amendment Act of the Antiquities Act, 1957, 1962.
- The Protection and Preservation of Cultural Heritage Regions Law, 10 September 1998. This law was enacted to control construction of business centres as well as residential buildings in the ancient cultural areas, and to protect cultural structures from destruction in the locality.
- The Antique Object Act, 2000, of the Archaeology Department, Ministry of Culture.

Definition

“Antiquity” means any object of archeological interest and includes any land on, or in which, any such object exists or is believed to exist. (The Antiquities Act, 1957, Art. 2, 1)

The term “object of archeological interest” covers everything from fossil remains of man or animal, any habitation site, cave, structure, to any objects believed to be used by man or made by man, and all artistic works.

“Antiquity” can also be defined as any object which was made by man before 1886 AD. (Amendment Act of The Antiquities Act, 1957, 1962)

“Cultural Heritage” means ancient monument or ancient site which is required to be protected and preserved by reason of its historical, cultural, artistic or anthropological value. (The Protection and Preservation of Cultural Heritage Regions Law, Art. 2,a)

The President can declare any object as antiquity by notification.

The government controls the excavation of and the searching of antiquities: No person other than the Director or any person authorised in writing by him, shall

by means of excavation or similar operations search for any antiquity without a permit issued by the President. (Art.8, 1)

The Amendment Act prohibits the construction of new building and the undertaking of mining activities near any ancient monument.

When cases of smuggling out of the country are discovered, the illegal property shall be dealt with according to section 7 (6) of the Act and section 167 (8) of the Sea Customs Act.

In 1993 the "Central Committee for Revitalisation and Preservation of Myanmar Cultural Heritage" was created.

Transactions / export

The most attractive cultural property illegally smuggled and exported out of Myanmar are Buddha images, and intricate wooden carvings.

Sanctions

Penalty for illegal export of antiquity is a minimum imprisonment of six months and maximum imprisonment of three years, in addition to a fine not less than 500 kyats or not more than 5 000 kyats.

International legislation and/or Cooperation

- The Convention Concerning the Protection of the World Cultural and Natural Heritage (1972). Accession in 1994.
- The ASEAN Declaration on Cultural Heritage, July 2000.

PHILIPPINES

National legislation

- Executive Order No. 451 (1933). This law directs the identification and permanent marking of historic antiquities.
- Commonwealth Act No. 169 (1936) authorises the preservation of historic sites and antiquities.
- Executive Order No. 91 (1937), created the Philippines Historical Committee to acquire, purchase and repair the antiquities mentioned in the earlier legal issuance.
- Republic Act No. 4846 (June 18, 1966), the basic law of the land on the protection of cultural property.

Subsequent laws were passed to create the governmental instrumentality to institutionalise heritage preservation in the Philippines and in the process categorised cultural heritage into national cultural treasures, important cultural properties, cultural properties, national shrines, and national monuments.

Moreover, enshrined in the 1986 Philippine Constitution is the "preservation, enrichment and dynamic evolution of a Filipino national culture based on the principles of unity and diversity in a climate of free artistic and

intellectual expression". It specifically provides for the protection of the nation's historic and cultural heritage and towards the recognition, respect and protection of the rights of the indigenous cultural communities.

Future legislation

Pending passage by the Philippine Congress is the Philippine Cultural Heritage Bill, which aims at "protecting and preserving the nation's cultural heritage, its properties and histories in order to conserve the ethnicity of local communities and the nation as a whole, and to establish and strengthen cultural institutions". The proposed bill wishes to achieve, among others, the following:

1. The redefinition of the Philippine cultural properties to include both tangible and intangible properties;
2. An effective networking of the various agencies of government and the private sector concerned in the maintenance of cultural properties as cultural institutions;
3. An effective system for the protection and preservation of the nation's cultural heritage with the establishment of a national registry of cultural property;
4. A sustainable cultural education to develop a nationwide cultural heritage awareness;
5. A cultural heritage trust fund for the protection and preservation of national cultural treasures and other cultural properties; and
6. Adherence to international conventions and measures upholding the protection and preservation of cultural property.

Participation of the Church in the protection

There has been a significant development thanks to the church in the field of heritage conservation. At the forefront of these initiatives is the Catholic Bishops' Conference of the Philippines, which established its own Permanent Committee for the Cultural Heritage of the Church in 1996. Repositories of cultural heritage, such as museums and archives, are set up by the dioceses, parishes, and religious orders in their desire to participate in the protection against theft and pillage of their church heritage.

Transactions / export

Export of national treasures is prohibited without written permission. Permission will only be given for the purpose of exchange programs or scientific scrutiny but must be returned immediately after such exhibition or study (Act, amended s.9; Rule IV). They may not be taken out of the country by reason of inheritance (Act, amended s.8).

Transfer of ownership

National cultural treasures cannot change ownership except by inheritance or sale approved by the Director of the National Museum. Where there is no heir, national

cultural treasures revert to the National Museum or other State Museum (Act, amended s.8).

Cultural property offered for sale is to be registered with the National Museum and the Government is to be given a three-month option to buy (Act, amended s.15).

All dealers engaged in exporting cultural properties require a licence (Act, amended s.17).

International legislation and/or Cooperation

- The Convention Concerning the Protection of the World Cultural and Natural Heritage (1972). Ratification in 1985.
- The ASEAN Declaration on Cultural Heritage, July 2000.

ICOM Philippines has already laid initial groundwork for the ratification of other international conventions to fight illicit traffic of cultural heritage through the UNESCO National Commission of the Philippines.

Several historical / cultural and natural sites are inscribed on the UNESCO's World Heritage List: four (4) Baroque Churches, the Rice Terraces of the Cordilleras, the Tubbataha Reef, the Vigan Colonial Houses and the Puerto Princesa Underground River National Park.

SINGAPORE

Singapore has no national legislation to prevent Singaporean cultural property from being exported, legally or illegally. Its legal and public administrative systems are not organised for the legislation of the protection of its cultural property.

Ownership

In general, ownership of items found on any land in Singapore would be determined in accordance with the common law rules regarding priority of titles to chattels. The basic rule is that the finder of the item has a better title to that item against anyone else except the legal owner of that item. The only exception is where the items comprise a "treasure trove", a technical term that refers to a hoard of either gold or silver or both which have been hidden by someone. Under the rules of common law, treasure troves belong to the State by prerogative right. Failure of a finder of a treasure trove to surrender it to the State would be a common law offence. The State can, if it knows that a treasure trove has been retrieved by anyone, proceed to seize these items.

Despite the absence of a legislated protection policy, Singapore actively seeks to preserve its cultural heritage and property by establishing national collections under the provision of the National Heritage Board Act (1993). The National Heritage Board does adopt measures to avoid and to minimise the acquisition of possible stolen

artifacts and artworks into its collection. The National Heritage Board museums acquire through international auction houses as well as reputable dealers, who are required to provide documentation of their goods in terms of authenticity and history of ownership.

Excavation work

Under the National Heritage Board Act (1993), the Board is explicitly forbidden to retain any excavation finds other than for investigation, analysis and documentation, unless the consent of the owner is contained and a donation or loan is made to the Board.

Marine wrecks

Marine wrecks are dealt with differently. Under the Merchant Shipping Act (1985), the Marine and Port Authority of Singapore holds the authority to ascertain any contents of ship wrecks salvaged in Singapore waters, or those contents brought into Singapore. Under this Act, archeological works on shipwrecks undertaken and ownership of the finds by any individuals and institutions must be approved by the Marine and Port Authority. If any wreck or its contents are unclaimed, under the Act, the Government is entitled to them

International legislation and/or Cooperation

Singapore signed the ASEAN Declaration on Cultural Heritage, July 2000.

THAILAND

National legislation

Main laws protecting cultural heritage:

- The Act on Monuments, Ancient Objects, Art Objects and National Museum, 1934. Revised 1961, 1992
- The Regulation on the import of goods into the country, 1995
- The Regulation on the permission of ancient objects into the kingdom (first edition), 1995

Definition

"ancient monument" means an immovable property which, by its age or architectural characteristics or historical evidence, is useful in the field of art, history or archaeology and shall include places which are archeological sites, historic sites and historic parks;

"antique" means an archaic movable property, whether produced by man or by nature, or being any part of ancient monument or of human skeleton or animal carcass which, by its age or characteristics of production or historical evidence, is useful in the field of art, history or archaeology;

"objects of art" means a thing skillfully produced by craftsmanship that is highly valuable in the field of art. (Act, Section 4)

Ownership

Antiques or objects of art, which are the State property, and under the custody and care of the Department of Fine Arts are inalienable, except by virtue of law (Act, Section 18).

Transactions / export

No person shall export or take out of the Kingdom any antique or object of art irrespective of whether it is registered or not, unless a license has been obtained from the Director-General [of the Department of Fine Arts]. (Act, Section 22)

The permit must be presented along with the customs declaration form for custom clearance. In case of suspicion, the customs officer has an authority to detain the objects for further identification by the Fine Arts officers. The imported or exported items with no permits will be confiscated according to Thai Customs Law 1926. The seized objects will be given to the Fine Arts Department for appropriate legal action.

Sanction / Penalties

Any person who finds any antique or object of art which is buried in, concealed or abandoned at any place under such circumstances that no person could claim to be its owner and converts the same to himself or herself or to another person, shall be liable to imprisonment for a term not exceeding seven years or to a fine not exceeding seven hundred thousand Baht or to both. (Section 31)

Any person who trespasses an ancient monument or damages, destroys, causes depreciation in value to or makes useless any ancient monument, shall be liable to imprisonment for a term not exceeding seven years or to a fine not exceeding seven hundred thousand Baht, or to both. (Section 32)

Any person who, in violation of section 22, exports or takes out of the Kingdom any non-registered antique or objects of art shall be liable to imprisonment for a term not exceeding seven years, or to a fine not exceeding seven hundred thousand Baht, or to both. (Section 38)

International legislation and/or Cooperation

Thailand ratified several conventions:

- UNESCO Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954). Accession in 1958.
- The Convention Concerning the Protection of the World Cultural and Natural Heritage (1972). Accession in 1987.
- The Agreement between the Government of the Kingdom of Thailand and the Government of the Kingdom of Cambodia to Combat against the Illicit Trafficking and Cross-Border Smuggling of Movable Cultural Property and To Restitute It to the Country of Origin, 2000.

- The ASEAN Declaration on Cultural Heritage, July 2000.

The ratification of the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects is in process.

VIETNAM

National legislation

The cultural heritage of Vietnam is protected by:

- Decree No. 65/SL, 1945;
- Decree No. 519/TTg, on the "Management, Classification and Measures to Organise Protection and Restoration of the Historical and Cultural Monuments in Vietnam", 29 October 1957. This decree strengthened the Decree No. 65/SL;
- Ordinance on the Protection and Use of Historical Cultural Relics and Scenic Sites, 31 March 1984;
- "Law on the protection of Cultural Heritage". It is ratified by the National Assembly in June 2001.

International legislation and/or Cooperation

Vietnam has signed:

- The Convention Concerning the Protection of the World Cultural and Natural Heritage (1972). Accession in 1987.
- The ASEAN Declaration on Cultural Heritage, July 2000.

AGREEMENT BETWEEN

THE GOVERNMENT OF THE KINGDOM OF THAILAND

AND

THE GOVERNMENT OF THE KINGDOM OF CAMBODIA

TO COMBAT AGAINST ILLICIT TRAFFICKING AND CROSSBORDER SMUGGLING OF MOVABLE CULTURAL PROPERTY AND TO RESTITUTE IT TO THE COUNTRY OF ORIGIN

The Government of the Kingdom of Thailand and the Government of the Kingdom of Cambodia, hereinafter referred to as “the Parties”,

Conscious of the need to cooperate in the field of criminal justice,

Wishing to add to the effectiveness of the cooperation between their two countries in combating criminal activities which involve movable cultural property through the introduction of measures for impeding illicit transnational trafficking in movable cultural property whether or not it has been stolen, the imposition of appropriate and effective administrative and penal sanctions and the provisions of a means for restitution,

Have agreed as follows:

Article 1

Scope of Application and Definition

- 1- For the purposes of this Agreement, movable cultural property shall be understood as referring to archaic movable property, whether produced by man or by nature or being any part of ancient monument or of human skeleton or animal carcass which, by its age or characteristics of production or historical evidence, is valuable or useful in the field of archaeology, prehistory, history, religion or art, and which is specifically designated by the Party as being subject to export control.
- 2- This Agreement applies to movable cultural property stolen in or illicitly exported from a State Party to the other State Party after the coming into force of the Agreement.
- 3- The provision of Paragraph 2 of this Article does not prevent the State Parties to this Agreement to undertake specific bilateral negotiation between themselves for the return or restitution of specific movable cultural property stolen or illegally exported from a State Party to the other State Party before the entry into force of the present Agreement.

Article 2

General Principles

- 1- In accordance with its laws and regulations, each Party undertakes :
 - a) To take the necessary measures to prohibit the import and export of movable cultural property which has been stolen in or illicitly exported from the other State Party ;
 - b) To take the necessary measures to prohibit the acquisition of, and dealing within its State with movable cultural property which has been stolen or imported contrary to the prohibitions resulting from the implementation of subparagraph “a” above ;
 - c) To provide information concerning its stolen or illicitly imported movable cultural property to the other Party and to an international database agreed upon between the Parties ;
 - d) To introduce a system whereby the export of movable cultural property is authorized by the issue of an export certificate ;
 - e) To use all the means at its disposal, including the fostering of public awareness, to combat the illicit import and export, theft, illicit excavation and illicit dealing in movable cultural property.
- 2- In accordance with its laws and regulators each Party undertakes to take necessary measures to recover and return or the request of the other Party, any movable cultural property which is covered by subparagraph “a” above.

Article 3

Sanctions

In accordance with its laws and regulations, each Party undertakes to impose sanctions upon :

- a) Natural or juridical persons responsible for the illicit import or export of movable cultural property;*
- b) Natural or juridical persons, that knowingly acquires or deals in stolen or illicitly imported movable cultural property.*

Article 4

Procedures

- 1- Requests for recovery and return shall be made through diplomatic channels. The requesting Party shall furnish, at its expense, the documentation or other evidence necessary to establish its claim for recovery and return.*
- 2- All expenses incidental to the return and delivery of the movable cultural property shall be borne by the requesting Party and no natural or juridical person shall be entitled to claim any form of compensation from the Party returning the property claimed, Neither shall the requesting Party be required to compensate in any way such natural or juridical persons as may have participated in illegally acquiring or sending abroad the property in question.*
- 3- Both Parties agree to protect, to take great care of and not to levy any customs or other duties on such movable property as may be discovered and returned in accordance with the present Agreement.*
- 4- The Parties agree to make available to each other such information as will assist to combat against illicit trafficking and cross-border smuggling of movable cultural property and to restitute it to the country of origin.*
- 5- A Party shall provide information concerning laws ,which protect its movable cultural property to the other Party and to an international database agreed upon between the Parties.*

Article 5

Final Provisions

- 1- This Agreement shall enter into force 90 days after its signing.*
- 2- Either Party may terminate this Agreement by giving notice in writing to the other Party through diplomatic channels. Such termination shall take effect six months after the date on which that Party gives such notice.*
- 3- This Agreement shall not prejudice the rights and obligations of either party under other international agreements to which it is a party.*
- 4- Nothing in this Agreement shall be interpreted as to prejudice the rights of any person, natural or judicial, who has acquired movable cultural property in good faith, in accordance with the laws and regulations of the Party returning the property.*

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed this Agreement.

Done at Phnom Penh on 14th June 2000 in two originals each in Thai Khmer and English languages. All texts are equally authentic. In case of divergences, the English text shall prevail.

FOR THE GOVERNMENT OF THE KINGDOM OF THAILAND

*(Surin Pitsuwan)
Minister of Foreign Affairs
of the Kingdom of Thailand*

FOR THE GOVERNMENT OF THE KINGDOM OF CAMBODIA

*(HOR Namhon)
Senior Minister
Minister of Foreign Affairs and International
Cooperation of the Kingdom of Cambodia*

The ASEAN Declaration on Cultural Heritage, July 2000

WE, the Foreign Ministers of the ASEAN Member countries representing Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand, and the Socialist Republic of Viet Nam;

MINDFUL, of the vast cultural resources and rich heritage of civilisations, ideas and value systems of ASEAN, and cognisant of the need to protect, preserve and promote their vitality and integrity;

COGNISANT of the aspirations of all ASEAN peoples for a regional order based on equal access to cultural opportunities, equal participation in cultural creativity and decision-making, and deep respect for the diversity of cultures and identities in ASEAN, without distinction as to nationality, race, ethnicity, sex, language or religion;

FULLY AWARE that cultural creativity and diversity guarantee the ultimate viability of ASEAN societies;

AFFIRMING that all cultural heritage, identities and expressions, cultural rights and freedoms derive from the dignity and worth inherent in the human person in creative interaction with other human persons and that the creative communities of human persons in ASEAN are the main agents and consequently should be the principal beneficiary of, and participate actively in the realisation of these heritage, expressions and rights;

UNDERSTANDING that cultural traditions are an integral part of ASEAN's intangible heritage and an effective means of bringing together ASEAN peoples to recognize their regional identity;

DETERMINED to achieve substantial progress in the protection and promotion of ASEAN cultural heritage and cultural rights undertakings through an increased and sustained program of regional cooperation and solidarity, which draws sustained inspiration from the deep historical, linguistic, and cultural unity and linkages among Southeast Asian peoples;

CONSIDERING that the erosion or extinction of any tangible or intangible cultural heritage of ASEAN constitutes a harmful impoverishment of human heritage;

FULLY AWARE of the threat of cultural loss, rapid deterioration of living traditions of creative and technical excellence, knowledge systems and practices and the disappearance of worthy heritage structures due to tropical climate, inappropriate development efforts, illicit trade and trafficking, or the homogenising forces of globalisation and other major changes taking place in ASEAN societies;

CONCERNED that the increasing dominance of market forces, mass production and consumerist orientation in contemporary industrial society can undermine human dignity, freedom, creativity, social justice and equality;

OBSERVING that the protection of this heritage often cannot be fully undertaken at the national level because of the magnitude of economic and technical resources it requires and can only be undertaken through the collective action of ASEAN and assistance of the international community, which, although not a substitute, can effectively complement the initiatives of the Member Countries concerned;

AFFIRMING the importance of cultural discourse, awareness and literacy in enhancing intra-cultural and inter-cultural understanding and deeper appreciation of ASEAN cultural heritage, as essential for peaceful coexistence and harmony in ASEAN, both at the national and regional levels;

REAFFIRMING the commitment to an ASEAN community conscious of and drawing inspiration from its deeply shared history, cultural heritage and regional identity, as enshrined in the ASEAN Vision 2020 adopted by the ASEAN Heads of State/Government in December 1997;

ACKNOWLEDGING the work of the ASEAN Committee on Culture and Information (COCI) in its efforts to promote awareness and appreciation of the cultural heritage of ASEAN and to enhance mutual understanding of the cultures and value systems among the peoples of ASEAN;

DO HEREBY DECLARE the following policies and programs as a framework for ASEAN cooperation on cultural heritage:

I. National and Regional Protection of ASEAN Cultural Heritage

It is primarily the duty of each ASEAN Member Country to identify, delineate, protect, conserve, promote, develop and transmit to future generations the significant cultural heritage within its territory and to avail of regional and international assistance and cooperation, wherever necessary and appropriate. While fully respecting each Member Country's sovereignty and national property rights, ASEAN recognises that the national cultural heritage of Member Countries constitute the heritage of Southeast Asia for whose protection it is the duty of ASEAN as a whole to cooperate.

To guarantee the protection, preservation, and promotion of each Member Country's cultural heritages, each Country shall formulate and adopt policies, programs, and services and develop appropriate technical, scientific, legal administrative and financial measures for this purpose.

DEFINITION OF CULTURE AND CULTURAL HERITAGE

ASEAN Member Countries recognize the following meanings:

“Culture” means the whole complex of distinctive spiritual, intellectual, emotional and material features that characterize a society or social group. It includes the arts and letters as well as human modes of life, value systems, creativity, knowledge systems, traditions and beliefs.

“Cultural Heritage” means:

- (a) significant cultural values and concepts;
- (b) structures and artifacts; dwellings, buildings for worship, utility structures, works of visual arts, tools and implements, that are of a historical, aesthetic, or scientific significance;
- (c) sites and human habitats: human creations or combined human creations and nature, archeological sites and sites of living human communities that are of outstanding value from a historical, aesthetic, anthropological or ecological viewpoint, or; because of its natural features, of considerable importance as habitat for the cultural survival and identity of particular living traditions;
- (d) oral or folk heritage: folkways, folklore, languages and literature, traditional arts and crafts, architecture, and the performing arts, games, indigenous knowledge systems and practices, myths, customs and beliefs, rituals and other living traditions;
- (e) the written heritage;
- (f) popular cultural heritage: popular creativity in mass cultures (i.e. industrial or commercial cultures), popular forms of expression of outstanding aesthetic anthropological and sociological values, including the music, dance, graphic arts, fashion, games and sports, industrial design, cinema, television, music video, video arts and cyber art in technologically-oriented urbanised communities.

2. Protection of National Treasures and Cultural Properties

ASEAN shall cooperate in the protection of antiquities and works of historic significance, movable and immovable cultural properties that are manifestations of national history, of great structural and architectural importance, of outstanding archeological, anthropological or scientific value, or associated with exceptional events and are to be considered or declared National Treasures and Protected.

Buildings or protected artifacts, historic sites, cultural landscapes, areas of scenic beauty and natural monuments shall be identified, recognised and protected.

ASEAN Member Countries shall take necessary measures to safeguard cultural heritage against all human and natural dangers to which it is exposed, including the risks due to armed conflicts, occupation of territories, or other kinds of public disorders.

3. Sustenance of Worthy Living Traditions

ASEAN Member Countries shall cooperate to sustain and preserve worthy living traditions and folkways and protect their living bearers in recognition of people's right to their own culture since their capacity to sustain that culture is often eroded by the impact of the consumerist values of industrial globalisation, mass media and other causes and influences. ASEAN Member Countries shall cooperate to protect, promote and support worthy, highly creative living traditions within the framework of national and regional, social, cultural and economic development undertakings.

For this purpose, ASEAN Member Countries shall design both formal and non-formal learning programs for living traditions, both in rural and urban settings, stressing on the dignity and wisdom of these traditions and promoting creative diversity and alternative world views and values. Member Countries shall also endeavour to set up centres for indigenous knowledge and wisdom in communities for the documentation and promotion of traditional artistic or technical processes; and to institute a system of awards and recognition for the living bearers of worthy living traditions or human living treasures who are persons embodying the highest degree of particular cultural skills and techniques.

4. Preservation of the Past and Living Scholarly, Artistic and Intellectual Cultural Heritage

The masterpieces and creations of profound traditions by eminent sages, philosophers, artists and writers of the past and present serve as perpetual beacons of insight and illumination, wellsprings of guidance and direction for the present and future ASEAN peoples. Their protection, documentation, preservation and promotion are of the highest priority.

5. Preservation of Past and Living Popular Cultural Heritage and Traditions

Popular forms of expression in mass cultures constitute an important artistic, intellectual, sociological, anthropological, scientific, and historical resource and basis for social and intercultural understanding. ASEAN shall encourage and support the preservation of outstanding "popular" traditions and heritage

6. Enhancement of Cultural Education Awareness and Literacy

ASEAN Member Countries shall undertake continuing cultural exchanges and programs of cultural awareness and sensitivity as a basic component of ASEAN cooperation. The development of ASEAN perspectives and the validation of ASEAN cultural strengths and resources, particularly historical linkages and shared heritage and sense of regional identity could be effectively achieved through these programs.

7. Affirmation of ASEAN Cultural Dignity

ASEAN Member Countries shall endeavour to balance the increasing dominance of materialist culture by a recognition and affirmation of human spirituality, creative imagination and wisdom, social responsibility and ethical dimensions of progress.

ASEAN Member Countries shall explore possibilities to strengthen ASEAN value systems in contemporary society at the local, national and regional levels, positively harnessing them to provide direction and a vision for authentic human development, particularly in the spheres of education, mass media, governance and business.

8. Advancement of Cultural Heritage Policy and Legislation

ASEAN Member Countries shall ensure the effectiveness of cultural policies and laws for the preservation of cultural heritage, and the protection of communal intellectual property.

Cultures with global reach must not deprive local, national and regional cultures of their own development dynamics and reduce them to relics of the past. Member Countries shall ensure that cultural laws and policies empower all peoples and communities to harness their own creativity towards human development.

ASEAN Member Countries shall cooperate closely to ensure that their citizens enjoy the economic, moral and neighbouring rights resulting from research, creation, performance, recording and/or dissemination of their cultural heritage.

9. Recognition of Communal Intellectual Property Rights

ASEAN member countries recognize that traditional knowledge systems and practices including designs, technology and oral literature are collectively owned by their local community of origin. ASEAN member countries shall ensure that traditional communities have access, protection and right of ownership to their own heritage. ASEAN shall cooperate for the enactment of international laws on intellectual property to recognize indigenous population and traditional groups as the legitimate owners of their own cultural heritage.

10. Prevention of the Illicit Transfer of Ownership of Cultural Property

ASEAN Member Countries shall exert the utmost effort to protect cultural property against theft, illicit trade and trafficking, and illegal transfer. As parties to this Declaration, ASEAN Member Countries shall cooperate to return, seek the return, or help facilitate the return, to their rightful owners of cultural property that has been stolen from a museum, site, or similar repositories, whether the stolen property is presently in the possession of another member or non-member country.

ASEAN Member Countries are urged to take measures to control the acquisition of illicitly traded cultural objects by persons and/or institutions in their respective jurisdictions, and to cooperate with other Member and non-Member Countries having serious problems in protecting their heritage by properly educating the public and applying appropriate and effective import and export controls.

11. Commercial Utilisation of Cultural Heritage and Resources

Every person has the right to enjoy the benefits of modern scientific and economic progress and their applications. However, certain advances, notably in the biomedical and life sciences as well as in information technology, may potentially have adverse consequences on the cultural heritage of ASEAN. Therefore, ASEAN Member Countries shall strengthen regional cooperation to ensure that commercial utilisation does not impinge upon the integrity, dignity and rights of particular ASEAN societies.

12. Integration of Culture and Development

Cultural creativity and diversity is a source of human progress and is an essential factor in development. Cultural growth and economic sustainability are interdependent. The management of cultural resources can contribute much to social and economic development. Thus, ASEAN Member Countries shall integrate cultural knowledge and wisdom into their development policies.

ASEAN Member Countries shall make cultural policies as one of the key components of their development strategies. Activities designed to raise awareness of political and economic leaders to the importance of cultural factors in the process of sustainable development shall also be initiated. These cultural factors include cultural industry and tourism as well as people's values and mindsets.

13. Development of National and Regional Networks on ASEAN Cultural Heritage

ASEAN Member Countries shall cooperate in the development and establishment of national and regional inventories, databases and networks of academic institutions, government offices, archives, museums, galleries, art centres, training centres, mass media agencies and other institutions concerned with cultural heritage and their documentation, conservation, preservation, dissemination and promotion.

14. Allocation of Resources for Cultural Heritage Activities

Increased efforts shall be made to assist countries which so request to create the conditions under which individuals can participate in cultural heritage planning and development. ASEAN, the United Nations as well as other multilateral organisations are urged to increase considerably the resources allocated to programs aiming at the establishment and strengthening of national legislation, national institutions and related infrastructures which uphold cultural heritage through training and education.

The full and effective implementation of ASEAN activities to promote and protect cultural heritage shall reflect the high importance accorded to cultural heritage by this Declaration. To this end, ASEAN cultural heritage activities shall be provided with increased resources.

15. Development and Implementation of an ASEAN Program on Cultural Heritage

The ASEAN Committee on Culture and Information is enjoined to draw up a work program on cultural heritage, including among others the observance of an ASEAN Decade for Cultural Heritage in 2001-2010.

For the Government of the
Union of Myanmar


MOHAMED BOLKIAH
Minister of Foreign Affairs

For the Government of the
Kingdom of Cambodia


HOR NAMHONG
Senior Minister and Minister of
Foreign Affairs and International Cooperation

For the Government of the
Republic of Indonesia


ALWI SHIHAB
Minister for Foreign Affairs

For the Government of the Lao
People's Democratic Republic


SOMSAVAT LENGSAVAD
Deputy Prime Minister and
Minister of Foreign Affairs

For the Government of Malaysia


SYED HAMID ALBAR
Minister of Foreign Affairs

For the Government of the
Union of Myanmar


WIN AUNG
Minister for Foreign Affairs

For the Government of the
Republic of The Philippines


DOMINICO L. SIAZON, JR.
Secretary of Foreign Affairs

For the Government of the
Republic of Singapore


S. JAYAKUMAR
Minister for Foreign Affairs

For the Government of the
Kingdom of Thailand


SURIN PITSUWAN
Minister of Foreign Affairs

For the Government of the
Socialist Republic of Viet Nam


NGUYEN DY NIEN
Minister for Foreign Affairs

SIGNED in Bangkok, Thailand,
this 25th Day of July, Year 2000.

Results of Working Group sessions

(Summaries only)

WORKING GROUP 1:

Protection of Artifacts in Monuments and Sites, and Collections in Museums and Temples

Facilitators:

Dang Van Bai, *Vietnam*
Etienne Clement, *UNESCO Cambodia*
Bernice Murphy, *ICOM-ASPAC*

Rapporteurs:

Gina V. Barte, *Philippines*

Participants:

Haji Jibah Matassim, *Brunei*
Molyvann Vann, *Cambodia*
Narith Bun, *Cambodia*
Hari Untoro Dradjat, *Indonesia*
Bounhom Chanthamat, *Lao DPR*
Ismail Wan Zakaria, *Malaysia*
Daw Khin Than Sint, *Myanmar*
U Aye Lwin, *Myanmar*
Cecilio Salcedo, *Philippines*
Evelyn Pantig, *Philippines*
Lee Chor Lin, *Singapore*
Prateep Kongsanit, *Thailand*
Somlak Charoenpot, *Thailand*
Mai Hung Pham, *Vietnam*
Thái Công Nguyen, *Vietnam*
Van Huy Nguyen, *Vietnam*
Catherine Antomarchi, *ICCROM*
Pisit Charoenwongsa, *ICOMOS/ SPAFA*
Paul Voogt, *The Netherlands*
Günther Dembski, *ICMS*
Mali Voi, *UNESCO Samoa*

Draft Recommendations :

Two issues were identified:

1. The need to continue to implement and improve all current measures of preservation of cultural heritage in the present situation of emergency world-wide
2. The need to integrate cultural heritage preservation within a wider framework of sustainable development involving living cultural systems, economic advancement and the participation of local communities.

Two different models were proposed for cultural heritage protection :

1. Preservation (Rescue and Protection) Model (Threats)
2. Development Model (Assets)

It is emphasised that all actions should be carried out through regional cooperation in order to ensure impact at national, regional and international level.

The Preservation (Rescue and Protection) Model requires the following actions:

A. LEGISLATION

Mapping and analysis of all current legislation and enforcements frameworks and improvement of such frameworks through the organisation of workshops / conferences.

B. PUBLIC AWARENESS CAMPAIGNS

To share at all levels the values of cultural heritage.

C. TRAINING OF RELEVANT AUTHORISITES

Through the organisation of workshops involving customs, police and cultural heritage staff

D. HERITAGE INVENTORIES

check and complete inventories of movable cultural heritage, including sites, pagodas, temples

E. UNDERWATER HERITAGE

special attention be given to the preservation of this heritage through the development of adequate legislation frameworks and the training of personnel.

The Development Model will require the elaboration of new approaches and tools which will locate protection within a total context of living heritage systems, environmental conservation and community development.

Some of the actions are :

A. *Mapping* of case studies (such as Halong Bay, Lang Kawi, Bali, etc.) be undertaken and shared widely within the region

B. *Education* and community awareness of cultural heritage would move from preservation against threats to cultural heritage as assets for life development!

WORKING GROUP 2:

Customs, Police and National Coordination

Facilitators:

Jean-Pierre Jouanny, *INTERPOL*
Emelita Almosara, *Philippines*

Rapporteurs:

Ms Heidi Tan, *Singapore*

Participants:

Bantong bin Antaran, *Brunei*
Haji Abdul Khalid B Haji Abdul Halim, *Brunei*
Wan Ibrahim Sharifah Sarinah, *Brunei*
Sinareth Sin, *Cambodia*
Asan Sitanggang, *Indonesia*
Nur Usman, *Indonesia*

Kene Chanh Phommachack, *Lao DPR*
 Abdul Rasak Yaacob, *Malaysia*
 A.B Rashid Bin Hj. Mohamad, *Malaysia*
 MyoSswe Win, *Myanmar*
 Soe Li, *Myanmar*
 U Sein Htaw, *Myanmar*
 Faustino Ramos, *Philippines*
 Ronnie Silvestre, *Philippines*
 Low Jyue Tyan, *Singapore*
 Ei Wai Chan, *Singapore*
 Kichja Samanasena, *Thailand*

Sirikul Wiriyaromp, *Thailand*
 Thada Chumchaiyo, *Thailand*
 Ha Phuoc Mai, *Vietnam*
 Le Thi Minh Ly, *Vietnam*
 Tran Van Thanh, *Vietnam*
 Tuan Van Nguyen, *Vietnam*
 Van Hong Nguyen, *Vietnam*
 Alexis Tse, *VCO, Asia & the Pacific regional Office*
 Simon Paul Poraituk, *ICOM-ASPAC/PIMA*

Draft Recommendations :

1 Object ID

- ICOM in partnership with other organisations (e.g. Interpol, WCO, ASEAN-COCI) should assist in the implementation of the Object ID within ASEAN and circulate information about stolen cultural property.
- ICOM should develop a "Handbook of standards" in English. ASEAN countries will translate this into their national languages.

2 Education

- ICOM support the training of customs, police and museum and heritage officers in ASEAN, based on the needs of each country.

WORKING GROUP 3:

Capacity building towards sustainable heritage protection Documentation tools and inventory methods

Facilitators:

Pienke Kal, *The Netherlands*
 Truong Quoc Binh, *Vietnam*

Rapporteurs:

Patricia Young, *CIDOC - ICOM*

Participants:

Karim bin Hj. Osman, *Brunei*
 Sokrithy Im, *Cambodia*
 Touch Hab, *Cambodia*
 Endang Sri Hardiati, *Indonesia*
 Luthfi Asiarto, *Indonesia*
 Nunus Supardi, *Indonesia*
 Souneth Phothisane, *Lao DPR*
 Viengkeo Souksavatdy, *Lao DPR*

Shamsu Bin Mohd Yusof, *Malaysia*
 Zawawi Itam Osman, *Malaysia*
 Daw Thet Thet Naing, *Myanmar*
 U Naing Win, *Myanmar*
 Regalado Trota Jose, *Philippines*
 Heidi Tan, *Singapore*
 Katherine Hor, *Singapore*
 Jarunee Incherdchai, *Thailand*
 Patchanee Chandrasakha, *Thailand*
 Danh Trinh, *Vietnam*
 Tac An Nguyen, *Vietnam*
 Stéphane Pennec, *ICOM-CC*
 Alissandra Cummins, *Chair ICOM Advisory Committee, Barbados*

Draft Recommendations :

1. The most significant recommendation is for capacity building for sustainable cultural heritage protection is training at national, regional and international levels.

- Identify training needs
- Develop training modules.

2. Networking and Cooperation among heritage managers, museums, custodians of religious and spiritual heritage, customs and police with the goal of sharing information and understanding in the protection of cultural property, at a national, regional and international level.

3. Increase and support public awareness and education in the area of cultural heritage protection.

- Each member country needs to develop a program on protection of cultural heritage in the national school curriculum
- Recommend to ICOM and UNESCO to help countries to raise awareness with such means as publications, travelling exhibitions and information through mass media

4. Each country should have a minimum documentation on cultural heritage following the Object-ID form.

- It is further encouraged that each country translates the Object-ID form in the national language, agree on terminology for shared understanding, and develops training specific to implementing Object-ID.
- On the regional level it is encouraged to work on standard terminology for shared understanding with the customs and police.

Final Recommendations Adopted by the Workshop

Friday 13th April 2001

Chair. Dr. Dang Van Bai.

Facilitator. Dr. Amareswar Galla

The final plenary session of the workshop urged the countries of Southeast Asia:

- to continue to implement and improve all current measures of protection of cultural heritage in the present situation as if in a state of emergency in the face of widespread looting of cultural property;
- endeavour to integrate cultural heritage protection within a wider framework of sustainable development involving living cultural systems, economic advancement and the participation of local communities;
- to implement all actions through regional cooperation in order to ensure impact at national, regional and international levels ; and
- that networking and cooperation should be facilitated among heritage managers, museums, custodians of religious and spiritual heritage, customs and police with the goal of sharing information and cooperative understanding in the protection of cultural property at the national, regional and international levels.

The following areas of future actions were recommended.

Education and Awareness Campaign

The museum and heritage agencies in the Southeast Asian countries should focus on the following for further action:

- Education for the respect of cultural property should be understood in its broader aspect, including awareness of the entire population;
- Education and awareness should involve all possible channels, including media and religious authorities;
- Specific professions should be targeted, since in some circumstances they seem to minimise the existing legislation on the protection of cultural heritage: judges, tourist guides, art dealers and so on;
- Each member country needs to develop a program on protection of cultural heritage as part of its national school curriculum; and
- ICOM and UNESCO in the regional and field offices to assist with awareness raising through such means as publications, travelling exhibitions and information through mass media.

Object ID

In the promotion of Object ID as a critical tool for the prevention of illicit traffic in cultural property, ICOM should support the training of customs, police, and museum and heritage officers in Southeast Asia, based on the needs of each country as follows:

1. ICOM in partnership with other organisations (e.g. Interpol, WCO, ASEAN-COCI) should assist in the implementation of Object ID within ASEAN and circulate information about stolen cultural property.
2. Each country should have a minimum documentation on cultural heritage resources following the Object-ID criteria.
3. It is further encouraged that each country translates the Object-ID form into their national languages, agree on terminology for shared understanding, and develop training specific to implementing Object-ID.
4. On the regional level it is encouraged to work on standard terminology for shared understanding with the customs and police.

Standards

Following on from the successful piloting of the 'Handbook of Standards: Documenting African Collections', ICOM through ASPAC should develop a 'Handbook of Standards: Documenting Southeast Asian Collections' in English. The respective member countries will translate this into their national languages. Heritage inventories should include diverse movable cultural heritage from museums, sites, pagodas, temples, private collections and so on.

Involvement of Local Communities

In order to ensure the sustainability of conservation projects and initiatives at monuments and sites as well as museums local population should be closely associated (such as in Ha Long Bay) so that they become the best guardians of the heritage resources. This model of culture and heritage in development will require the elaboration of new approaches and tools which will locate protection within a total context of living heritage systems, environmental conservation and community development. It is recommended that ICOM ASPAC in partnership with UNESCO map and disseminate widely, through both print and electronic media, case studies based on examples as such as Halong Bay, Lang Kawi, Bali and so on.

Underwater Heritage

Special attention should be given to underwater archeological heritage since present technical means of exploration allows only a small number of private companies to explore almost any underwater cultural site. The preservation of this heritage through the development of adequate legislative frameworks and the training of personnel should be a priority for member states of the Southeast Asian region. They should also consider the following:

1. In the decision to excavate, first consideration should be given to scientific knowledge prior to any other consideration and in particular to commercial considerations.
2. Authorities should be very vigilant when receiving offers of cooperation from private companies.
3. It is better in some cases to abstain from exploring or to postpone it instead of entering into an agreement that would not offer all guarantees of professionalism.
4. States should examine and share some success stories where the permanent display of objects excavated from underwater vessels is generating far more income than the commercial value of the objects.
5. States in the Southeast Asian region, due to their particular geographical situation and the large number of vessels sunken in the area, should fully participate in the inter-governmental negotiations at UNESCO where other states have similar or other interests.

Legislation

Countries of Southeast Asia and the respective regional bodies should continue mapping and analysing all current legislation and enforcement frameworks so as to improve them workshops, seminars and affirmative action.

Training

Capacity building for sustainable cultural heritage protection through training at national, regional and international levels should be promoted as a priority. The identify training needs and the development of training modules for all participating agencies in the protection of cultural heritage should be targeted by UNESCO, ICOM and other professional and regional bodies.

Closing Speech

**Dr. Dang Van Bai, Director of the Museology and Conservation Department
Ministry of Culture and Information**

I would like, first of all, to send my sincere thanks to all the participants for their active and enthusiastic working spirit at this workshop. The distinguished international guests, prestigious experts in various fields concerning the cultural heritage, and specialists from different countries with various cultures, different language, and different writings, we all come here to discuss about the protection of cultural heritage that showed coherent ability and power of the culture. We are here owing to the ICOM's active support to our idea, owing to the Hanoi UNESCO Office, Asia-Pacific ICOM, and the Vietnamese Ministry of Culture and Information. Thank to this Workshop, we have understood more about each other, got better feeling to each other and got the same ambition that is to cooperate with each other in the future in order to carry out the glorious task that is to preserve the cultural heritage - a component of human living environment, a part of the world precious heritage in general, of the Asia - Pacific region, and of each nation in particular. I am very glad to learn that we have agreed to discuss many issues concerned by all the countries in this workshop such as: prevent from the loss and illicit traffic of antiquities, underwater archaeology, how to put into reality the existing legal stipulations contributing to the protection of cultural heritage.

It has been discussed in the workshop the methods to involve the participation of the community into the protection of cultural heritage, the necessary measures to have the cross-sector cooperation including museum workers, policemen, customs official within a nation, a region, and the world in order to fulfil the objectives discussed and proposed by the workshop. For such reason, it can be said that we have got many agreement as well as many proposals agreed. On this occasion, I would like to send my thanks to the General Secretary of ICOM, Mr. Manus Brinkman, Dr. Amareswar Galla - Director of Asia-Pacific ICOM, Dutch Ministry of Foreign Affairs, especially Dutch experts who have worked for many years in Vietnam to implement the Object-ID project at Cham Museum (in Danang city), Museum of Ethnology (in Hanoi), Museum of History (in Hanoi). Also on behalf of Vietnamese delegates I would like to express my thanks to the international delegates who have come and worked hard to contribute to the success of our workshop. We also would like to send our thanks to you all for your good recommendations of what Vietnam has done for the protection of cultural heritage in general and of museum in particular, of the two study cases, i.e. Museum of Ethnology and World heritage Area in Halong Bay. Your good appraisal has encouraged us much. We must say that there are still a lot of remaining works for us in the future that I can not tell you in detail here but our Vietnamese colleagues will try to overcome the coming time. Therefore I am, once more, eager to recommend the representatives of the countries in the region, representatives of ICOM to support Vietnam more in holding training courses for museological activities, especially the two case chosen that is the Museum of Ethnology and Halong Bay World Heritage Area.

It is pity that the working time here is limited but I do hope we will meet each other again in other occasions. We are always ready to receive you and try our best at the other workshop if it is recommended by any International Organization or by ICOM to ask Vietnam open the workshop. Once more I do hope to see you all again either in Hanoi or Ho Chi Minh City.

Thanks you all.

Reflection on the ICOM-ASPAC Workshop

Bernice Murphy *ICOM Vice-President*

Cultural heritage has become a more encompassing concept in recent times. It is understood as both a specific and collective inheritance that – in its vital diversity of expression – renders intellectual and spiritual gifts to all humankind, not only to those groups directly responsible for specific forms, unique to particular societies, nations or communities.

With this more far-reaching and mutually involving conception of cultural heritage advancing world-wide, and increasingly affecting the work of museums internationally, the responsibilities for protection of cultural heritage are recognised as involving people in all parts of the world. Therefore measures to ensure its protection are now actively promoted and acted upon more collectively; and not only enlisting the assistance of trained personnel but addressing the custodial potential of the broadest participants in culture: local communities.

With these considerations in mind, there were two aspects of this workshop for the protection of cultural heritage in Hanoi in April 2001 that were uniquely significant, and produced invigorating and important consequences, not only for the participants involved, but also for others who may receive this publication afterwards. Fine results are evident in the papers and comparative studies collated here that will be of great, ongoing value to people in many parts of the world as a direct consequence of this multi-sponsored workshop.

The first of the unique aspects to the workshop hosted generously in Hanoi and Ha Long Bay was that participants were drawn not only from the cultural heritage sector itself – trained museum professionals and governmental officials who work directly with culture and cultural matters in their daily lives – but also from the two pertinent fields of international customs control (the International Customs Organisation) and international policing (Interpol).

The interconnection of these different groups produced a more comprehensive approach to the concepts, techniques, methodologies and tools for identifying and protecting cultural heritage than is normally possible when discussions are confined to the heritage and museums sector alone. The brainstorming comparisons in parallel sessions drawing on participants' differences in background served to heighten awareness, urgency and commitment to cultural heritage protection interactively. All who were present (including some that travelled from distant places in Europe, North America and the Caribbean) felt this keenly.

The second unique aspect was that the workshop was held in Vietnam, where exciting museum developments were encountered at first-hand, and there was consequentially possible an intense focus on the whole Asia-Pacific region. It is in this region that so many of the

world's oldest cultures are to be encountered, more than half of the world's population resides (as does the largest proportion of the world's indigenous peoples). It is also a region where much devastation has occurred in recent times, brought about in predatory assaults on sites, temples, monuments and collections by those involved in the illicit traffic of cultural objects.

All present at the workshop were intensely moved by the tragic, but at last more resolutely defended, cases of the beautiful temple sculptures and related cultural heritage assaulted by war and vandalism in Cambodia. Cambodia's appeal to UNESCO to help take up the protection of its war-ravaged heritage as part of national reconstruction after Khmer Rouge control provides a striking case of the collective responsibilities now assumed through the concerted effort of governments and agencies to help protect cultural heritage internationally.

There is a final reason why I found the workshop in Hanoi especially important. It is because it is in the Asia-Pacific region particularly that the case has been mounted strongly in recent years for cultural heritage to be understood not only in its visible and physical dimensions, but in its more invisible and no less palpable aspects: the case for recognition of intangible heritage. This concept is now being more actively understood and taken up in museums and cultural heritage work in all parts of the world; meanwhile it will be the theme of the next ICOM General conference and Assembly, hosted by ICOM-Korea in Seoul, in 2004.

Intangible cultural heritage also involves the notion of living heritage transmitted not only through things, but through ideas, spiritual values, and through living people: a living national treasure embodied in the density of endeavour in a single person's life, as may be recognised by a nation (as in Japan); or by many groups who accord special status formally in their cultural life to spiritual elders (as among indigenous cultures of the region).

In these ways, as this workshop vividly demonstrated, the Asia-Pacific region is not only joining internationally in the challenge of active protection of the world's cultural heritage. Professionals and cultural leaders working in this region are also directly helping to expand and redefine notions of cultural heritage itself, and thereby helping also to reshape the definition of museums.

List of Participants

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Haji Jibah Matassim, *Director of Museums*
Karim bin Hj. Osman, *Curator of Archaeology and Manager of Brunei Museum*
Bantong bin Antaran, *Curator of Ethnography and Manager of Malay Technology Museum*
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Wan Ibrahim Sharifah Sarinah, *Legal Counsel, Attorney General's Chambers*

Cambodia

Hon. Molyvann Vann, *Minister of State, Adviser for the R. Government, President Executive Director of APSARA Authority, Chairperson ICOM-Cambodia, Council of Ministers.*
Narith Bun, *Deputy General Director of APSARA Authority, Council of Ministers*
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Indonesia

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Faustino Ramos, *Chief, Cultural Heritage Protection Desk, Interpol Manila*
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UNESCO - Thi Hoi Nguyen *Secretary General, Vietnamese National Commission for UNESCO*

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1998

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1999

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2000

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2001

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"Asia Pacific Regional Workshop for the Preparation of Periodic Reports on the World Cultural Heritage sites", July 11-13, 2001 – Kyongju, Republic of Korea

"XIII eme Assemblee generale des Etats parties a la Convention concernant la protection du patrimoine mondial (1972)" November 6-7, 2001 – UNESCO Headquarters, Paris

"Comite technique du Comite international de coordination pour la sauvegarde et le developpement du site historique d'Angkor (CIC)", December 2001 – Siem Reap, Cambodia. Organised by UNESCO

"Colloque international sur la preservation du temple de Bayon", December 2001 – Siem Reap, Cambodia. Organised by UNESCO.

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