



*International Expert Meeting on the Return of Cultural
Property and the Fight against its Illicit Trafficking*

Korean National Commission for UNESCO

Cultural Properties Administration of the Republic of Korea

UNESCO

MEETING PROGRAMME

30 September 2002, Monday

08:30-09:00 Registration

09:00-09:20 Traditional Performance
(*Gyeonggi Minyo, Korean Folk Song* by Ms. Young-im KIM)

09:20-10:00 **Opening Ceremony**

- Opening Remark by Dr. Yersu KIM
Secretary-General, Korean National Commission for UNESCO
- Welcoming Speech by Mr. Tai-sup ROH
Administrator of the Cultural Properties Administration of Korea
- Congratulatory Speech by Dr. Guido CARDUCCI
International Standards Section, Division of Cultural Heritage, UNESCO

10:00-10:20 Coffee break

10:20-11:30 **Panel I: Return of Cultural Property Displaced during Occupation and/or Conflict**

Moderator: Dr. Lyndel V. PROTT, *International Legal Consultant, Australia*

1. Legal and moral grounds for return of cultural property
- Dr. Lyndel V. PROTT, *International Legal Consultant and The ANU, Australia*
2. Return of cultural property displaced during occupation and/or armed conflict: a Japanese point of view
- Prof. Toshiyuki KONO, *Kyushu Univ., Japan*
3. Return of cultural property under international customary law and the 1954 Hague Convention
- Dr. Guido CARDUCCI, *Division of Cultural Heritage, UNESCO*

11:30-12:30 Discussion
Discussant: Prof. Keun-gwan LEE, *Konkuk Univ., Korea*

12:30-14:30 Lunch hosted by Mr. Tai-sup ROH, Administrator of CPA of Korea

14:30-15:30 **Panel I: Continued**

4. UTIMUT-Return: the return of more than 35,000 items to Greenland
- Dr. Peter PENTZ, *National Museum, Denmark*

5. Restitution of cultural property displaced during the Second World War -
The case of Germany
- Prof. Stefan TURNER, *Universität des Saarlandes, Germany*

6. Current developments in Europe concerning cultural heritage looted during
the Nazi period and the Second World War
- Dr. Patrick J. O'KEEFE, *International Legal Consultant and The ANU Australia*

15:30-15:50 Coffee Break

15:50-17:00 Discussion
Discussant: Mr. Hang-sub CHOI, *Seoul National Univ., Korea*

19:20- Dinner hosted by Dr. Yersu KIM, Secretary-General, KNCU

1 October 2002, Tuesday

09:00-10:00 **Panel II: A Case Study between France and the Republic of Korea for Oe-kyujanggak Books**

Moderator: Prof. Folarin SHYLLON, *Ibadan Univ., Nigeria*

1. The history of the Oe-Kyujanggak archives and the condition of the
archival materials prior to the looting and arson by the French Navy in 1866
- Prof. Tae-jin YI, *Seoul National Univ., Korea*

2. The success of diplomatic efforts for return from West to East
- Dr. Lyndel V. PROTT, *International legal consultant, Australia*

3. Negotiations for the return of Nok sculptures from France to Nigeria – an
unrighteous conclusion
- Prof. Folarin SHYLLON, *Ibadan Univ., Nigeria*

10:00-10:45 Discussion
Discussant: Mr. Hee-Jae LEE, *Sookmyung Women's Univ. Museum, Korea*

10:45-11:00 Coffee Break

11:00-11:50 **Panel II: Continued**

4. Legal analysis on the Oe-kyujanggak debates – The Oe-kyujanggak

Manuscripts: upholding their return to Korea
- Prof. Choong-Hyun PAIK, *Seoul National Univ., Korea*

5. Heritage of origin and heritage of adoption, the conception of French law
- Dr. Marie CORNU, *CECOJI-CNRS, France*

11:50-13:00 Discussion
Discussant: Dr. Seong-phil HONG, *Ewha Women's Univ., Korea*

13:00-14:30 Lunch

14:30-15:30 **Panel III: Reinforcement of International Cooperation for Restitution of Cultural Property**
Moderator: Prof. Choong-hyun PAIK, *Seoul National Univ., Korea*

1. The role of INTERPOL in the fight against the illicit traffic in cultural property and its role in the return to its country of origin
- Mr. Karl-Heinz KIND, *INTERPOL*

2. Conceptual framework for the restitution of cultural properties from the anthropological and museological perspectives
- Prof. Boa RHEE, *Chugye Univ. for the Arts, Korea*

3. The Fred Schultz case – an example of international cooperation between police, archaeologists and legal experts
- Mr. Richard ELLIS, *Invaluable & Trace, U.K.*

15:30-15:50 Coffee Break

15:50-17:00 Discussion
Discussant: Mr. Bong-gon KIM, *National Research Institute of Cultural Properties of Korea*

17:00- Free time

October 2 2002, Wednesday

09:00-10:00 **Panel IV: Preventing Illicit Trafficking of Cultural Property – the International Perspective**
Moderator: Dr. Guido CARDUCCI, *Division of Cultural Heritage, UNESCO*

1. International cooperation to decrease illicit trafficking of cultural property
- Dr. Patrick J. O'KEEFE, *International legal consultant, Australia*

2. International legal mechanisms - The 1970 UNESCO and 1995 UNIDROIT Conventions
- Dr. Guido CARDUCCI, *Division of Cultural Heritage, UNESCO*

3. ICOM and the protection of cultural heritage in Southeast Asia

- Prof. Amareswar GALLA, *ICOM and the ANU*

10:00-11:00 Discussion
Discussant: Mr. Jong-ho CHOE, *Myongji Univ., Korea*

11:00-11:20 Coffee Break

11:20-12:20 **Panel V: Preventing Illicit Trafficking of Cultural Property**
– the East Asia Perspective

Moderator: Prof. Boa RHEE, *Chugye Univ. for the Arts, Korea*

1. The prevention of illicit trafficking in cultural property from an East Asian perspective

- Prof. Keun-Gwan LEE, *Konkuk Univ., Korea*

2. China's protective measures to combat illicit traffic

- Mr. Shuzhong HE, *State Administration of Cultural Heritage, China*

3. Cooperation between Asian and European police – and the use of commercial databases

- Mr. Richard ELLIS, *Invaluable & Trade, U.K.*

12:20-13:15 Discussion
Discussant: Mr. Kwon HUH, *Korean National Commission for UNESCO, Korea*

13:15-14:30 Lunch

14:30- Visit to the Korean Folk Village in Yong-in City

October 3 2002, Thursday

09:00-11:00 Consideration of Draft Recommendations

11:00-11:20 Coffee Break

11:20-12:00 Adoption of Recommendations

12:00-12:15 **Official Closing**

12:15-14:00 Lunch

14:00-17:00 Visit to the National Museum of Korea and the Changdeokgung Palace,
associated with Yeol Cultural Heritage Society

17:00- Free time

ICOM and the Protection of Cultural Heritage in Southeast Asia¹

Amarewar Galla

Introduction

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. It is now widely understood that certain cultural artefacts 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 the cultural heritage and to study ways and means to implement concrete actions to this end.

To assist in the protection of cultural heritage, several corresponding conventions for the protection of cultural heritage 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
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 Objects (1995).
5. The 2001 Convention on the Protection of the Underwater Cultural Heritage.

The UNIDROIT CONVENTION presents an international framework to contest private sector transactions in stolen art and cultural property, that, among other things, 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. Perhaps most significantly, the UNIDROIT CONVENTION unequivocally requires all objects shown to be 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.

¹ See for the full text of the proceedings Protection of Cultural Heritage in Southeast Asia, Edited by Amarewar Galla, Asia Pacific Organisation, International Council of Museums, Canberra, 2002.

² The 1954 HAGUE CONVENTION FOR THE PROTECTION OF CULTURAL PROPERTY IN THE EVENT OF ARMED CONFLICT was been adopted together with a PROTOCOL concerning the return of cultural property illegally exported during an armed conflict (for the text, please see *Section 3: Reference Document 29*). Under this PROTOCOL, the export of cultural property from an occupied territory is prohibited. In case it would have been exported illegally, it 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. This means that although 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.

In addition to these conventions that are directly related to the protection of cultural property there are a series of international legal instruments aimed at protecting intellectual property and the free circulation of educational materials (for example 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 above mentioned international efforts were given concrete expression through different forms and ICOM is a key partner that has been working on appropriate capacity building in the fight against illicit traffic in cultural property. Museum management became more professional, with the development of training policies, the restructuring of institutions, or the development of education policies. Appropriate national legislation regulating archaeological excavations and forbidding the illicit export of cultural heritage were adopted. International conventions were signed, especially that concerning “the means of prohibiting and preventing the illicit export, import and transfer of ownership of cultural heritage” (1970 UNESCO Convention).

ICOM has already organised several workshops on the protection of cultural heritage at regional level, which have had significant results at international level. These workshops have convened museum and heritage professionals, police and customs officials and other resource persons concerned with heritage protection. Thus, 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 continental level (1997); 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 personnel and give greater force to the decrees in vigour for heritage protection,
- Establishing greater regional cooperation;
- Strengthening security in the museums;
- Developing education policies and public awareness on a wide 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 of such seminars, ICOM decided to turn to the Southeast Asian region, particularly affected by theft and looting. Very few workshops or conferences had already gathered participants from all of the ten Southeast Asian countries. It was a real challenge for ICOM to organise such a meeting to enable people of diverse nationalities to share ideas on a common urgent concern.

Thanks to the support of the Ministry of Foreign Affairs of the Netherlands, ICOM organised 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 that 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 (87) participants coming from all Southeast Asian countries were convened, mostly museum and heritage professionals, customs and police officials. Several observers from Vietnam also participated in the workshop. 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 sessions. As a basis for the group discussions, all the participants were asked to prepare a country position paper including policies or actions already taken in their country to curb illicit traffic. During those groups' sessions, recommendations for the future actions at national and regional levels were drawn up in order to protect cultural heritage in Southeast Asia. The proceedings of this workshop are distributed to all participants, and other persons and institutions involved in the protection of cultural heritage in Southeast Asia in particular. They will also be published on the ICOM-ASPAC Website to be launched in December 2002.

Organisation

The workshop held in Hanoi was the first activity in the Southeast Asian region organised by ICOM, in coordination with 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 and ICOM-ASPAC determined the precise objectives of the workshop, the content of the working group's themes, and a preliminary program.

The workshop lasted 5 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 action for the protection of cultural heritage and the fight against illicit traffic. On Tuesday and Friday, participants worked in-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 traffic on the open waters and marine environments. Thursday was dedicated to the presentation of the Object-ID system for documenting objects in the Vietnam Museum of Ethnology facilitated by the Royal Tropical Institute of the Netherlands.

Keynote speakers and working group's coordinators were chosen in view of their experience with the issues to be discussed.

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 function. 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 in supporting the workshop and its organisation affirming that it is a very important event in their region.

Selection of the Participants

Participants came from Southeast Asia, as well as international organisations concerned with the issues. The Southeast Asia region consists of ten countries, which are Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand and Vietnam. Five (5) to seven (7) participants were to represent each country:

- 3 to 5 participants from cultural heritage institutions (Museums and Ministries of Culture)
- 1 participant from the Police
- 1 participant from Customs

With regard to the people coming from cultural heritage institutions, the Chairpersons of the National ICOM committees (Cambodia, Malaysia, Philippines, Singapore and Thailand) were asked to designate a list of participants to be invited. In the other countries, we addressed a letter to the Director of the Ministry of Culture to help 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.

Interpol provided a list of the people from the local National Central Bureau (NCB) to be invited, and the World Customs Organisation (WCO) provided the participants from Customs.

An official invitation, with a registration form, was sent to each participant by the ICOM secretariat. It required more than three months to obtain the entire list of participants from the Southeast Asian region. This delay was mostly due to differences in communications infrastructure and linguistic diversity (a small number were accessible by e-mail). The fax system proved 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. These papers were distributed to all participants and served as a basis for discussion in the working groups.

In view of the content of the seminar, different international organisations involved with the issues were invited to take part in the workshop: Interpol, WCO, the Council for the Prevention of Art Theft (CoPAT), ICCROM, ICOMOS, SPAFA and local resident representatives from 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

Participants’ travel, room and board expenses were covered by ICOM for all the participants from Southeast Asia. Other people were invited as observers. Whereas ICOM Secretariat and ICOM-ASPAC were responsible for the content of the workshop, the official invitations, the contact with each participant, the overall coordination, and a part of the more complex travel arrangements, the local coordination as well as the ticketing of the Southeast Asian participants was ensured in conjunction with a Hanoi based travel agency, a local coordinator and 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 preparations for the workshop.

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

Implementation

The following OBJECTIVES were set for the workshop:

To identify concrete recommendations for future actions at national and regional levels in order to protect cultural property in Southeast Asia by:

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

The EXPECTED RESULTS were:

- Approximately 100 participants from Southeast Asia sensitised in the protection of cultural property in their region.
- Improved regional cooperation between heritage 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
- Publication of the proceedings of the workshop including a summary containing the current legislation in force in the various Southeast Asian countries to protect cultural property.

The WORKSHOP

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. The purpose of this plenary session was to inform them 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.

More than hundred (100) persons, including representatives of Southeast Asian and European embassies attended the opening plenary session of the workshop on 9 April 2001. The Vice-Minister of Culture and Information of Vietnam gave a welcome address, and the Director of the Department of Conservation and Museums, Dr Dang Van Bai; 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.

Representatives of Interpol, the World Customs Organisations and SPAFA then gave keynote speeches covering the main components of the fight against illicit traffic related to the situation in Southeast Asia. The representatives of Vietnam and Cambodia offices of UNESCO presented UNESCO's actions in the region.

Mrs. Pienke Kal, Chief Curator for Southeast Asia: presented Object ID, a tool for documenting museum collections, which would be the focus of a day's work in the workshop sessions, given 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 divided up into three groups whose themes were:

Group 1: Protection of artefacts at monuments and site 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

Co-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 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 afford participants a time of reflection on the previous days work. It also provided an opportunity for participants to consider practical aspects and the application of the content of the meetings and workshop and extend reflection on the protection of cultural property to the rural areas and in the wider context of problems involved with illicit traffic in 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 problems has to do with the lack of documentation. It is very difficult to protect an object that you do not know about. Failure to identify objects conclusively is, indeed, also one of the major obstacles in the preventing the illicit traffic in cultural property. Without photographs 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 of course 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 Royal Tropical Institute of the Netherlands, in collaboration with the Vietnamese partners. At that time it was decided 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. 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 pose questions and problems. Then each group represented them in turn. Actual situation of the Southeast Asian Museums in terms of collection computerisation was presented.

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 cultures) 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. Mrs. Pienke Kal, Ms. Pat Young, the President of ICOM’s Committee on Documentation, and Dr. Paul Voogt led the groups for International Cultural Programs of the KIT. Within each group the participants divided up 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 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 the Southeast Asian region. Participants gained awareness of the necessity to work together with all sections involved – heritage, police, customs, as well as the private sector – and the other countries to fight against illicit traffic. For some delegations it was the first opportunity they have had to work with their compatriots and neighbours towards this common concern.

Participants endorsed the following learning benefits from the workshop:

- they met cultural heritage specialists from other Southeast Asian countries and created their own contacts to facilitate cooperation in future actions;
- they learnt more about Asian and international organisations concerned with the protection of the cultural heritage;
- they were informed of local legislation in Southeast Asian countries;
- they were given the opportunity to share experiences and opinions, and to plan future actions at national and local levels and
- collaboration between specialists in different countries was heightened and encouraged.

For ICOM, for which this activity was the first of its kind in the region, it afforded a better knowledge of the situation in Southeast Asia. It reinforced an awareness of the necessity and the desire to facilitate further actions in this direction that would be in partnership with ICOM-ASPAC in the region.

Participants were asked to continue the actions in their country, to work at heightening Public/Government awareness and to inform each other regularly of 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 are sent 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.

Conclusion

It is very important to remember that there are so many different aspects of preventing illicit traffic in cultural property and that this work to be effective must include cooperative efforts both at national and international levels. Hence the lead agency must ensure provision for full cooperation between public administrations and other institutions for the control of illicit trafficking, in particular through:

- bi-lateral 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 non-governmental organisations such as ICOM and IFAR; and
- cooperation with private institutions.

Different activities are needed to effectively protect cultural property. The prevention of illicit trade in cultural property is an important element in this protection. 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.

Every day, irreplaceable cultural treasures are taken from the places where they belong to enter the international art market where they are traded illegally or quite openly while the authorities concerned stand by helplessly. The trade in cultural heritage has reached proportions, which can be compared with the international trade in drugs. They share other characteristics as well. 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 artefacts 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 archaeological 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 archaeological or other cultural riches, which have been taken away by stealth or force or just by money from their place of origin to end up in museums or private collections in the west.

The only good news is that such illicit trade in cultural property increasingly is acknowledged by the international community as un-ethical, - as something we should try to prevent happening. The change in attitude internationally recognises that a substantial part of the trade is illicit.

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In addition to the above list readers are advised to consult the substantial work in this area by Dr. Lyndel V. Prott. With her husband, Dr. P.J.O'Keefe, she is co-authoring the fundamental research text in cultural heritage law, *Law and the Cultural Heritage* of which two of the planned 5 volumes are already published. Her book on the International Court of Justice *The Latent Power of Culture and the International Judge* 1979 and her more recent *Commentary on the UNIDROIT Convention* 1995 are also well known among experts in international law and cultural heritage protection.

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