

LESSONS LEARNED IN THE ANDEAN REGION AND CENTRAL AMERICA

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The Regional Workshop Capacity Building in the Fight against Illicit Trafficking in Cultural Property, sponsored by UNESCO's Emergency Fund, was held at the initiative of Irina Bokova, Director-General of the Organization, to deal with the concern of Latin American and Caribbean countries members of the Executive Board on the measures to be taken in the region to prohibit and prevent the illicit import, export and transfer of ownership of cultural property.

The Ministry of Culture of Peru and UNESCO jointly organized the workshop, setting the following objectives:

- Promote the effective implementation of the 1970 Convention and other relevant instruments on combating illicit trafficking in and restitution of cultural property;
- Provide training on the proper use of legal and operational tools to safeguard and preserve the cultural heritage;
- Build capacity for the protection and conservation of movable cultural property; and
- Raise awareness on the need to combat illicit trafficking in cultural property.

National and international experts in the analysis of mechanisms and strategies to safeguard cultural heritage met in Lima (Peru) to share their knowledge and experience in this field. Specialists from Argentina, Colombia, Ecuador, Guatemala, Honduras and Mexico and of entities such as UNIDROIT, UNODC, FBI and INTERPOL participated in the event, which was opened by Minister Luis Peirano Falconí and Deputy Minister Rafael Varón Gabai.

Lessons Learned

After three days of intense work, the experts reviewed the implementation of the 1970 Convention and other relevant instruments in the fight against illegal trafficking in and the restitution of cultural property in Latin America and the Caribbean.

The establishment of a police and prosecution service specialized in the protection of cultural heritage in the region emerged as one of the first needs identified. "If these services are already in place, authorities are urged not to change their functions for a term of at least five years, keep them in sufficient numbers, and provide them with the technical and logistical means necessary for the exercise of their duties," said Blanca Alva, Director-General of Supervision and Control at the Ministry of Culture of Peru.

In the case of Peru, there has since 1999 been an Investigating Unit for Crimes against Public Administration and Cultural Heritage (DIVIDCAPC) under operation at the Tax Police Division but, as Alva indicated, its staff is insufficient and unsteady. "The Ministry of Culture launched the project to locate DIVIDCAPC at its headquarters two years ago so that the police could be in direct contact with the specialists of this Ministry and receive ongoing training." However, this initial step has not yet been taken because there is a need to have a permanent special prosecutor, a request that has not been met by the Attorney General's Office.

In all, Peru has in the last five years recovered 2,700 cultural assets. "We are world leaders in asset recovery and repatriation, as well as in case settlement. We are solving ten cases a year on average," Alva stressed.

To improve the implementation mechanisms for the 1970 Convention in the region, workshop participants also proposed establishing a database on stolen cultural property and sending the relevant information to INTERPOL so as to be shared with all countries, leading to the effective investigation of cases and of those involved.

Experts pointed out that the lack of inventory and registration of cultural property is posing an imminent threat to its protection and custody. It is thus necessary to focus national financial and international cooperation efforts on implementation, updating and standardization.

Similarly, they proposed standardizing sentences and administrative procedures as well as coming up with a common definition of the terms "cultural property" and "cultural heritage," including laws that establish criminal actions, offenses and sanctions.

For their part, UNESCO, UNIDROIT (International Institute for the Unification of Private Law), WCO (World Customs Organization), UNODC (United Nations Office on Drugs and Crime) and ICOM (International Council of Museums) will support Member States of the 1970 Convention on education and training programs for agents specialized in the fight against trafficking in cultural heritage.

Member countries will ask these agencies to adopt an appropriate cultural property registration system under international standards and provide technical and financial cooperation. Efforts will be made to get a binding resolution passed on the prosecution of cultural property traffickers.

Conclusions

Taking into account Article 5 in the 1970 Convention, the experts suggested that the authorities of the member countries should establish a police service specialized in cultural heritage protection and should also prevent the continuous rotation of officials in order to equip them with the knowledge and technical and logistical resources necessary to fulfil their functions.

They urged to set up special prosecutor offices and interdisciplinary committees in all countries to fight trafficking in cultural property, facilitate the exchange of information and formulate a common strategy, which should seek to standardize both legal frameworks and administrative procedures.

Likewise, they recommended using the WCO-UNESCO form to standardize export certificates for cultural property under the law in each country.

Finally, they suggested developing a database on stolen cultural goods and sending the relevant information to INTERPOL to be shared by all member countries and prosecute those involved in these acts. **C&D**

