

International Cultural Property Protection and the Web: electronic resources in Europe and the U.S.

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Abstract

National policies concerning the protection of cultural property vary widely throughout the world. Yet a consensus of sorts is building surrounding the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970 Convention). As of July, 1998, eighty-nine states had ratified the 1970 Convention bringing the number of participants to over half the existing recognized states worldwide. However, each country implements the 1970 Convention differently. The imposition of import restrictions on categories of objects subject to looting in the requesting country is one of the principal U.S. activities under this type of cultural property agreement. Words alone cannot adequately describe the range of variation within categories of objects subject to import restriction. Web-based distribution of images illustrating restricted categories of objects is the obvious solution. Customs and law enforcement personnel, museum officials, scholars, archaeologists, collectors, and the interested public would all have access to the illustrations and other descriptive information regarding restricted artifacts. This paper will indicate how these challenges were met and, to the extent possible after six months online, how the Web site has affected the ability of the U.S. to offer protection to cultural property worldwide. Design and implementation of this image database presented a number of challenges in: illustrating categories of objects rather than specific items; creating a data model that uses an accepted international standard; using descriptive terms and search mechanisms that meet the needs of the law enforcement community as well as specialists and the general public; designing an interface that accommodates both high end and low end users.

I. Introduction

Painting, sculpture, textiles, archaeological artifacts, manuscripts, and books all need to be accessible to the widest possible audience in order to be properly appreciated and used to enhance our collective and individual understanding of our heritage. The very accessibility of art and antiquities in public care that increases their use and value to the general population also makes these objects extremely vulnerable to theft and looting. The national or local museums, libraries and other cultural institutions are responsible for insuring the accessibility and immediate security of the cultural objects within their collections, but national police organizations usually are responsible for the recovery of stolen or looted cultural patrimony. Electronic resources can be used in a variety of ways to provide a measure of protection from theft and looting, and aid in the recovery and repatriation of stolen and looted objects. In the following paragraphs I will survey how electronic resources in Europe and the U.S. reflect practices and policies concerning the protection of cultural property.

II. Electronic Resources for the Prevention of Theft and/or Looting

A. Laws and Regulations

The U.S., individual European countries, and the European Union seek to prevent the disturbance of cultural resources within their own boundaries by disseminating information on regulations and legislation concerning national cultural property. Some of the best individual examples of legal compilations are from France (*Droit et Archéologie*, 1999), Italy (*Ministero per I beni e le attivita'* 1999), and Lithuania (*Law on Protection of Movable* 1999). A useful compendium of information on other state policies is the Council of Europe publication, *Report on cultural heritage policies in Europe* (Council of Europe 1996). Available on the web and in print, it provides an analysis of legislation and policies for architectural heritage in twenty-seven European countries. In the U.S., the NPS has the most comprehensive collection of U.S. laws and regulations (*National Park Service* 1999) concerning federal protection of sites, monuments, and artifacts.

Protection of cultural property is an international concern, not just a national one, because stolen and looted artifacts are part of a worldwide market for illicit goods. International organizations (UNESCO and UNIDROIT) and regional organizations (European Union (EU) and the Council of Europe) have had a leading role in promulgating international conventions and multilateral treaties and disseminating information on international and regional efforts to prevent theft and looting of cultural property. The UNESCO website has an entire section devoted to conventions protecting natural and cultural heritage (UNESCO, B. 1999). The European Union website offers information on regulations on the return of cultural objects unlawfully removed (European Union 1993) from the territory of a member state and licensing procedures for the movement of cultural goods (European Union 1998).

What is clear in the range of web-based publication of regulations concerning the theft and looting of cultural property is that protection of national patrimony is a universal concern. How theft and looting are prevented or mitigated with the aid of electronic resources is reviewed below.

B. Registries of Stolen Cultural Property

Inventories and registries created prior to loss by theft are the responsibility of the institution holding the object and these inventories serve many purposes other than security. However, one goal of object inventories is to protect objects from theft by recording their location, description, and unique identifying marks to facilitate recovery if the object is lost or stolen. The technical, logistical, and terminological problems associated with comprehensive national electronic cultural inventories are beyond the scope of this paper. Although a searchable *national* inventory of movable cultural goods would facilitate tracing or identification of stolen property by law enforcement personnel, such a resource will not be available anytime soon. Nonetheless, objects registered in individual collections still have a measure of protection if the inventory record of includes a good description, photograph, and identifying marks.

Once an object has been stolen and the loss recognized and reported local and national police or military organizations are responsible for identifying and retrieving the objects and for prosecuting the theft. To facilitate recovery, national police and commercial entities in many European countries and the U.S. maintain electronic databases of stolen art. Commercial enterprises include *The Art Loss Register* (ALR) and *Trace Magazine*, among others.

ALR (The Art Loss Register 1998) maintains a website to provide information on their recovery services, but the electronic database with descriptions of stolen items is not available for public searching. Staff art historians perform the searches for a fee. ALR maintains a close relationship with law enforcement agencies. *Trace Magazine* (*Trace Magazine* 1999) takes a different tactic to recovery, publishing both electronically and in print objects reported as missing or stolen. Their Active Crime Tracking System contains over 100,000 entries that are searchable, for a fee, on the website. About 150 of the most recent, or most important, stolen items can be viewed on the website without subscription.

National law enforcement agencies maintain separate databases of stolen art as well as contribute to INTERPOL's database. The electronic resources are commonly used for identification, recovery, and return, just as the private commercial counterparts are, but the scope, degree of detail, and public face of each national stolen art database conveys a slightly different set of priorities. In Italy, the national Police Command for the Protection of Artistic Patrimony (Comando Carabinieri tutela patrimonio artistico 1999) is responsible for the protection and recovery of stolen works of art and other items of Italian cultural heritage. Their website is the most comprehensive of all the national art loss sites. Like many others, it offers advice on specific tactics for the proper care and security of private collections as well as announcements about the theft, recovery, and prosecution of stolen and looted objects considered part of the national patrimony. Unlike other national art loss websites, part of the Italian recovery effort is a publicly accessible database of missing objects that can be browsed by category and searched with keywords. Each entry has basic descriptive information (in Italian) and a good photograph. Their comprehensive website and statistics (Ministero per i beni culturali e ambientale 1999) on loss, recovery, and prosecution reported by the Ministry of Culture illustrates an Italian priority on protecting and recovering cultural property as publicly as possible.

In France, the French National Police Central Office against Illicit Trafficking in Cultural Property (Office Central de lutte contre le trafic des biens culturels, (OCBC)), is a part of the national Direction Centrale de la Police Judiciaire. The OCBC (Office Central de lutte contre le trafic des biens culturels A, 1999) website, like other national stolen property pages noted below, contains a fairly simple statement of mission, duties, and activities. One of these is a photographic database (Thésaurus de Recherche Electronique et d'Imagerie en Matière

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Artistique, (TREIMA) of stolen objects. Although this database is searchable only by police personnel, a detailed list of 100 stolen objects (Office Central de lutte contre le trafic des biens culturels B 1999) (in French) with accompanying photographs, organized by artifact category, is published in a browsable form on the OCBC website.

In Germany, stolen art is handled by the German National Police Criminal Art Search (Bundeskriminalamt meistgesuchte Kunstwerke Deutschlands). They publish an annual list of the twelve most-wanted stolen art works in the website section entitled "*Fachdung nach Sachen*" (Bundeskriminalamt meistgesuchte.. 1999). They currently have 36 items in lists from 1997, 1998, and 1999 available on the website. Good photographs and descriptive particulars provide the kind of information (in German) necessary to identify and retrieve the items.

In England, the Metropolitan Police Art and Antiques Squad at New Scotland Yard take an entirely different public tactic. They have two databases, a non-public one which contains details of stolen objects (Bumblebee Imaging System) and the publicly accessible Bumblebee Property Bank (Metropolitan Police, B 1999). The latter consists of images of all the items recovered during a month, browsable by category. This system was implemented when it became apparent much of the recovered property each year never went back to the rightful owner with the consequence that persons arrested for possession of stolen property were often released without charge because the owner of the property could not be identified (Metropolitan Police, A 1999).

In the U.S., the Federal Bureau of Investigation (FBI) maintains a National Stolen Art File (FBI 1999) within the Criminal Investigative Division. A small number of most wanted items are published with photographs on the website. Explicit criteria for entry of items into the non-public database are published on the web site. Trained personnel at the FBI perform the searches. In common with France and Germany, the FBI electronic resource puts an emphasis on recovery and restricted access to the full database of stolen items.

Theft and looting of art is a worldwide phenomenon. INTERPOL has a program to disseminate information about art thefts in member countries to other member countries. The comprehensiveness of the international art loss database depends on whether or not the national police force in member countries reports thefts to INTERPOL. The INTERPOL Secretariat General in Lyon coordinates

activities, collects information, and publishes a bi-annual bulletin (in print and in electronic format), *The Most Wanted Works of Art* (INTERPOL, A 1998). The national liaison offices disseminate this information.

In the U.S., the Department of Justice maintains the INTERPOL-United States National Central Bureau (US-NCB) Cultural Property Program. The US-NCB Cultural Property Program website provides public information (in English) and illustrations of stolen articles in a database browsable by category (INTERPOL, B 1998). They note, however, that stolen cultural property will only appear in the public database at the request of the member country. The more complete stolen art database designed for art professionals, police and customs services will be available on CD-ROM from Jouve Diffusion. According to a recent announcement, this CD-ROM will contain over 14,000 works of all kinds, most with photographs. Overcoming the problem of stolen property reports in multiple languages, this CD-ROM has built-in English, French, and Spanish language dictionaries as well as access to immediate translation of other languages into English via Babylon's dictionaries (Cohen 1999).

This brief overview of electronic resources devoted to recovery of stolen art and artifacts reveals a few common traits and some differences in approach. First, only the Italian database of stolen items is available to the public. Other national art loss databases are compiled by and for law enforcement personnel. A casual conversation with a Customs official who is involved with this issue suggests that most law enforcement agencies believe that wide publication of missing items would lead more often to permanent loss rather than recovery. Those items that are publicized on national art loss web pages are those that have special characteristics or are particularly important in some way. The criteria for illustrating an item on the public site is never made explicit. Unlike any other national police agencies, the Metropolitan Police illustrates recovered property stressing the need to return property to its rightful owner.

C. Register of Objects at Risk from Looting

The primary commonality among national electronic resources for stolen art and artifacts is that each nation is only concerned with theft within its borders and consequently the reports of stolen property only appear in the local language and the items are placed in categories specific to their country of origin. Should the desire exist, the differences in reporting, recording and language would make cross-country database searches ex-

ceptionally difficult. The INTERPOL database of *stolen* art and artifacts overcomes both the geographical circumscription of those resources and language problems. However, neither the national databases nor the INTERPOL database deal with the problem of *looted* artifacts; that is items that have been illegally excavated from archaeological sites, and are thus unregistered and for which there are no descriptions or records of uniquely identifying marks.

Many countries are concerned with protecting their own archaeological artifacts *in situ*. The U.S. alone has produced an electronic resource to protect archaeological materials in sites outside its own borders. Preventing looting and recovering items that have been looted or stolen is purpose of the Convention on Cultural Property Implementation Act (CCPIA) (United States Information Agency, A. 1998). When enacted in 1983, it enabled the U.S. to participate in 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (UNESCO, A. 1999). In ratifying this convention, each government agrees to put in place the necessary measures to prevent museums within their territories from acquiring cultural property which has been illegally exported; to prohibit the import of cultural property stolen from a museum or a public institution after the entry into force of the convention; and at the request of the State of origin, to recover and return any such cultural property stolen and imported. Eighty-seven countries are party to the 1970 UNESCO Convention.

The CCPIA is designed to further international cooperation in protecting cultural artifacts from pillage and unlawful trade by allowing the U.S. to impose import restrictions on certain categories of archaeological or ethnological material the pillage of which places a nation's cultural heritage in jeopardy. It is administered by the International Cultural Property Protection program within the Bureau of Educational and Cultural Affairs at the United States Information Agency (soon to be incorporated into the State Department). To date, the U.S. has assisted Bolivia, Canada, Cyprus, El Salvador, Guatemala, Mali, and Peru in protecting their cultural heritage by imposing U.S. import restrictions on specific categories of archaeological or ethnological objects that are subject to looting.

Legislation, import restrictions, background information, and an image database are publicly accessible on the program website (United States Information Agency, C 1999). Photographs of the types of objects listed in the notice of import restrictions are provided in the Image Database

(United States Information Agency, C. 1999). The images are intended to illustrate broad classes of artifacts subject to import restrictions by providing multiple visual examples as well as description of the range of attributes shown by those types. Representative images of artifacts from each country with whom an agreement has been reached compose one collection in a set of databases identical in structure and terminology. The images are browsable by material category (stone, metal, ceramic, etc) within each country image collection and fully searchable across all collections. Each image is accompanied by a modified set of the "core" ObjectID documentation standard for the identification of cultural objects (Getty Information Institute 1999). The object of making these images available is to inform law enforcement personnel, art dealers, collectors, archaeologists, museum curators, and others about what materials are restricted from entry into the U.S. without proper documentation from their country of origin.

As of June, 1999, three country collections were online: Cyprus, Guatemala, and Peru. Phone calls and e-mail indicate that, as intended, U.S. Customs and other law enforcement personnel, scholars, archaeologists, collectors, and the interested public in the U.S. and abroad have accessed the images. It is, perhaps, too early to say whether or not the image database has had a preventative effect on looting. Nonetheless, the U.S. policy to offer preventative measures to protect *in situ* artifacts in other countries through the CCPIA, has led to the formulation of a unique electronic resource, one that identifies goods at risk of being looted, rather than illustrating objects that have already been looted or stolen.

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