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PART I

The Red List of Cambodian Antiquities at Risk



Ganesha, sandstone, 76 x 42 x 20 cm. © NMC

1. Cambodia: A rich cultural heritage in danger

The Kingdom of Cambodia has a unique cultural heritage which testifies to more than 5,000 years of history. Although it is usually known as the Ancient Khmer Empire territory, and recognized by the image of the Angkor Wat temple, the Cambodian history shows that other cultural groups have occupied this land and produced exceptional relics before the rise of the Khmer Empire (6th A.D.) and after its fall (13th A.D.). All of the vestiges left by these civilisations constitute an important tangible heritage and are of a great scientific and artistic value.

However, the past decades have shown us that this extraordinary cultural patrimony has been desecrated and destroyed for religious and political reasons. Moreover, tourism which is one of the principal incomes of the country has unfortunately also contributed to the phenomenon of the illicit traffic of cultural property and caused an irreparable damage not only to Cambodian identity but also to the memory of mankind.

The *Red List of Cambodian Antiquities at Risk* is a tool of great importance to raise awareness and help fight against illicit traffic of Cambodian cultural objects. However in order to provide efficient protection for Cambodian cultural property, we must not forget that the roots of illicit traffic also lie in the country's serious economic situation which exacerbates the environment for looting and theft of artworks. Criminals know how to take advantage of many families' survival conditions and ignorance of the law to encourage them to exchange looted objects for money, and then to make greater profit from the increasing international market of archaeological artefacts. So the vicious circle is preserved. Thus it is not enough to take emergency measures which are intended to supply customers, policemen and experts with tools to monitor the art market. Global policies must be implemented to find economic alternatives and to sensitise Cambodians to the necessity of respecting and protecting their cultural heritage.

2. The Red List of Cambodian Antiquities at Risk

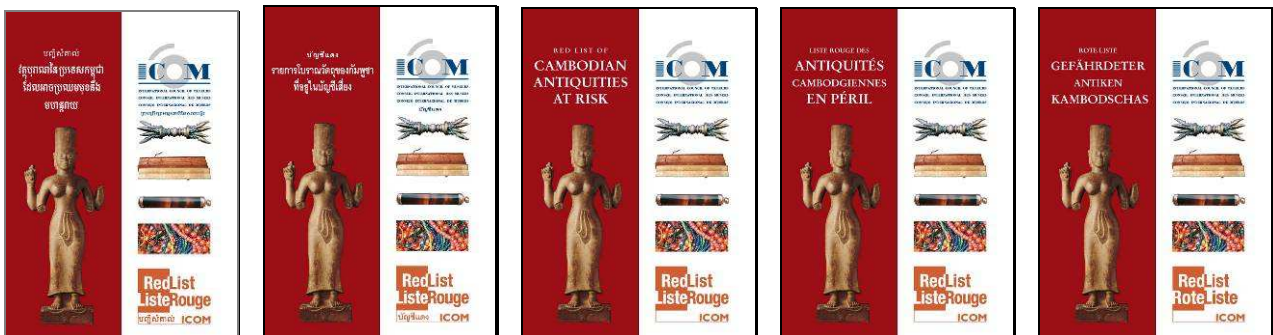
a. The concept

Cultural heritage is the expression and materialisation of the human ability to create; it is thus universal. But, originating from a particular social community, it is also an essential part of its identity. Therefore ICOM promotes and protects the cultural heritage of all peoples, past and contemporary, and prones tolerance as an enduring value for human beings.

The Red Lists are the ICOM General Secretariat's flagship programme to combat illicit trafficking in cultural property, one of ICOM's core commitments. The *Red List of Cambodian Antiquities at Risk* has been drawn up to prevent cultural objects being sold illegally on the art market, and thus to ensure the protection of Cambodia's heritage. It is based on the ICOM Red List concept, and is the sixth in the series of nine so far, to be published by the end of 2010.

b. The making of

ICOM's *Red List of Cambodian Antiquities at Risk* has been drawn up by a team of Cambodian and international experts in archaeology and ethnology, which therefore certifies the scientific value of the publication. The Red List exists in five languages, including Khmer, Thai, English, French and German, and is disseminated worldwide to police and customs officers as well as museum professionals, auctioneers, art dealers and private collectors.



The photographs that illustrate the categories are not reproductions of stolen objects, unless, in certain rare cases, they are designated as such. Images are usually supplied to ICOM by museums as visual support in order to make object identification easier.

The Red Lists are distributed as brochures and are also available online on ICOM's website at: <http://icom.museum/redlist>.

c. Objectives of the Red List

The *Red List of Cambodian Antiquities at Risk* has been compiled to draw attention to categories of objects which are frequently the target of illicit excavations, looting and other depredations to fuel the international antiquities and art market, although the cultural heritage of Cambodia is protected under national and international legislation. Thus ICOM wishes to support Cambodian institutional bodies and particularly the Ministry of Culture and Fine Arts, in their efforts to raise awareness amongst the population and international actors in the art market.



Bull, Shiva's mount, bronze, 36 x 64 x 32 cm. © NMC

ICOM appeals to potential buyers not to purchase any of the objects which are included in the *Red List of Cambodian Antiquities at Risk* without first having checked thoroughly their authenticity (certificate of origin) and legal documentation of provenance. Police and customs authorities are also encouraged to carry out in-depth investigation when dealing with cultural artefacts that are represented in the Red List.



Buddhas, Preah Khan KS. © Heritage Watch

However, because of the great diversity and richness of cultural legacies, the *Red List of Cambodian Antiquities at Risk* does not pretend to be exhaustive. Consequently, any cultural item which may come from Cambodia and, in general, from a country or region for which a Red List has been published, should be subjected to detailed scrutiny and precautionary measures.



PART II

Going further with the fight against illicit traffic and ICOM



Palanquin hooks, rings and tubular pole decoration, bronze. © NMC

1. Achievements of the ICOM Red List Programme

a. A growing success

ICOM has already published Red Lists for the following countries and regions:

- *Red List of African Archaeological Objects* (2000)
- *Red List of Latin-American Cultural Objects at Risk* (2002)
- *Emergency Red List of Iraqi Antiquities at Risk* (2003)
- *Red List of Afghanistan Antiquities at Risk* (2006)
- *Red List of Peruvian Antiquities at Risk* (2007)
- *Red List of Cambodian Antiquities at Risk* (2009)
- *Red List of Endangered Cultural Objects of Central America and Mexico* (2009)

In addition, two new ICOM Red List projects are under way for publishing in 2010, for Colombia and China respectively.

The multiplication of funded projects and requests for Red Lists illustrates the increased interest not only from countries which are deprived of their cultural heritage because of illicit trafficking, but also from institutions that support ICOM's initiative. This is a very positive indication that ICOM is getting the message across in raising international public awareness of the responsibility of protecting peoples' cultural heritage from looters and smugglers.

b. A proven efficiency

Many cultural items have been seized by police and customs units using the ICOM Red Lists, which demonstrates the efficiency of these tools to combat illicit trafficking in cultural property. Some examples are reported below:

- ✓ In 2000 at the European Fine Art Fair in Maastricht, two Nok statuettes were identified and removed from a Belgian dealer's stall.
- ✓ In April 2000, after the Embassies of Niger and Nigeria in France had lodged a complaint, fourteen statuettes (Nok, Sokoto and Katsina cultures) coming from Nigeria and three others (Bura culture) from Niger, were seized at an auction at Drouot in Paris. They were impounded pending the court's verdict.
- ✓ In 2005 at an Interpol meeting, the South-African police presented the case of a seizure that they had operated at a trafficker's premises.
- ✓ In January 2006 a foundation nail from Iraq was identified at an auction at Drouot. The Parisian public prosecutor's office opened an inquiry further to the request from the Permanent Delegation of Iraq to UNESCO.
- ✓ In March 2006 more than six thousand items which had been stolen from archaeological sites in Niger and seized by French customs in 2004 and 2005, were handed back to their country of origin.
- ✓ In 2008 an Iraqi cuneiform tablet was identified on the Swiss web platform of eBay. Swiss authorities were alerted and eBay stopped the sale a few minutes before the end of auctions.
- ✓ In 2008 French customs seized a shipment coming from Togo which contained Nigerian artefacts. ICOM identified a contact person to appraise the objects. A thermoluminescence test carried out by the Laboratories of French Museums showed that one of the items was an authentic Nok. Its restitution to Nigeria is underway.

2. A fruitful international cooperation

ICOM has been involved in international awareness-raising campaigns and capacity-building activities together with other protagonists in the fight against illicit traffic of cultural property.

a. ICOM, INTERPOL and WCO

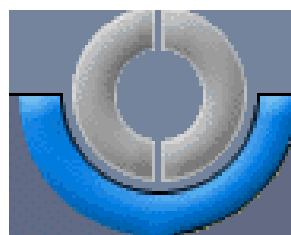
ICOM's activities have been supported by police and customs officers' close collaboration worldwide.

- On 25 January 2000 in Brussels, ICOM and the World Customs Organisation (WCO) signed a *memorandum of understanding* to cooperate in the fight against illicit trafficking in cultural property.
- On 11 April 2000, ICOM also signed an *official agreement for cooperation* with Interpol.

Their cooperation in this field especially lies in forwarding information and expertise, elaborating joint awareness-raising tools and campaigns, providing training programmes for customs officers, and diffusing ICOM's publications for the fight against the illicit art trade amongst police and customs departments worldwide.



Interpol



World Customs Organisation (WCO)

Specific mention of the close collaboration between ICOM, Interpol and other crime fighting organisations can be made. In the summer 2006, thanks to the rapid action and relay of information between ICOM, Interpol and the FBI of the United States of America, more than 600 cultural artefacts which had been illegally taken from Ecuador were seized and returned to that country.

b. Other law enforcement agencies

In its fight against illicit traffic of cultural property, ICOM cooperates with national law enforcement agencies such as:

- Federal Police, Property Crime Division (DJB), Art Unit, Belgium;
- National Police, Investigation Group on Crime against Cultural Heritage, Colombia;
- Central Office for the Fight against Traffic of Cultural Property (OCBC), France;
- Carabinieri Forces, Italy;
- Federal Office of Police (Fedpol), Switzerland;
- Federal Bureau of Investigation, Art Theft Program (FBI), United States;
- Scotland Yard, Metropolitan Police, Art and Antiquities Unit, United Kingdom.

c. ICOM, UNESCO and UNIDROIT

ICOM played an advisory role to UNESCO and UNIDROIT in the elaboration of two international conventions which are fundamental for the protection of the world's tangible heritage:

- The UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970)
- The UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects (1995)

The 1970 UNESCO Convention binds States which have ratified it to take the following measures:

- To prevent museums inside their borders from purchasing cultural objects which have been illegally exported;
- To forbid the import of cultural property that has been stolen from a museum or a public institution after the Convention has come into force;
- If there is a request from the country of origin, to seize and return cultural artefacts stolen and imported in this way.

But the Convention is not retroactive and thus it takes effect only from the very date of its official ratification.



INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW
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The UNIDROIT Convention complements the 1970 Convention. In particular, it includes the clause which determines that everyone who is in possession of a stolen cultural artefact must return it, whatever the circumstances. This rule compels purchasers to exercise due diligence in checking the objects that have been offered for sale on the art market.

Both conventions together provide an international prescriptive framework which could prove very effective, but to date still too few States have ratified these conventions. The main reason for this lies in the important financial issues at stake: countries whose heritage has been looted are often the ones with the most serious socio-economic difficulties, and thus with few resources to grant to procedures and compensations. On the other hand, in the buyer countries, those profiting from the art market apply pressure to preserve very profitable trade terms and reject attempts at regulation which would help strengthen the licit traffic of antiquities and art pieces.

Considering all these aspects, it seems that at the moment action should focus on prevention against illicit traffic. Thus ICOM urges its national committees to encourage the ratification of both conventions by their respective governments.

d. Other ICOM partners in this field

Thanks to its international network and its expertise, ICOM is identified by many national and international bodies as a major actor in the fight against illicit traffic. We receive contributions to our workshops and publications, exchange information and provide expertise to our counterparts on different topics, including international norms.

The list of our partners demonstrates our credibility and effectiveness in the fight against illicit traffic.

Intergovernmental organisations:

- Organisation of American States
- European Union
- United Nations Office on Drugs and Crime

Ministries and related cultural institutions, development agencies and academies:

- Institute for National Historic and Artistic Heritage (IPHAN), Brazil
- Ministry of Culture, Directorate for Heritage, Colombia
- Ministry of Foreign Affairs/Danida, Denmark
- Danish Center for Culture and Development
- Ministry of Foreign Affairs of France
- Ministry of Culture and Communication, Directorate of French Museums (DMF)
- Agency for Cultural and Technical Cooperation (ACCT), France
- French Cooperation (CF)
- Réunion des Musées Nationaux (RMN), France
- Ministry of Culture and Communication of Mali
- Ministry of Foreign Affairs of the Netherlands
- Norwegian Agency for Development Cooperation (NORAD)
- National Institute for Culture, Peru
- High Institute of Criminal Police and Crime Sciences, Portugal
- Ministry of Culture of Spain
- Swedish International Development Authority (Sida)
- Federal Office of Culture of Switzerland
- Ministry of Education and Culture of Tanzania
- US Department of State, Bureau of Educational and Cultural Affairs

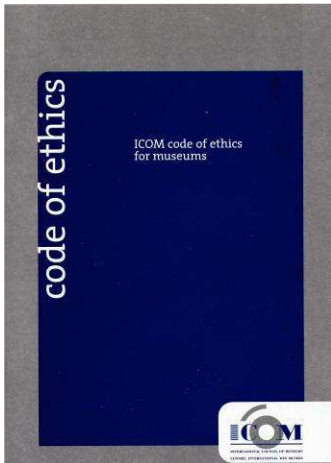
Non-governmental organisations:

- ICOM Foundation
- Getty Foundation
- Prince Claus Fund for Culture and Development
- The Florence Gould Foundation
- Saving Antiquities For Everyone (SAFE)
- International Foundation for Art Research (IFAR)
- Museum Security Network
- International Council on Monuments and Sites (ICOMOS)
- International Bar Association, Protecting Cultural Heritage
- Athena Insurance

3. Other tools in the fight against illicit traffic

The Red Lists are one of the many tools ICOM uses to combat illicit traffic. To mention only the main ones:

a. The ICOM Code of Ethics for Museums



The ICOM Code of Ethics for Museums (ICOM, Paris, 2006) was prepared in accordance with the Ethics of Acquisition (1970) and the ICOM Code of Professional Ethics which was adopted in 1986 and revised in 2004. The Code is the cornerstone of ICOM as it sets minimum standards of professional practice and performance for museums and their staff. It thus reflects principles which are generally accepted by the international museum community. In joining ICOM, members undertake to abide by this Code.

Amongst others, the Code contains articles on acquisition and de-accessioning from museum collections, identification of illegally or illicitly acquired objects, and the return and restitution of cultural property.

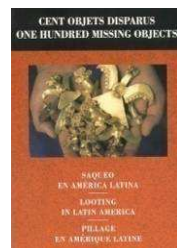
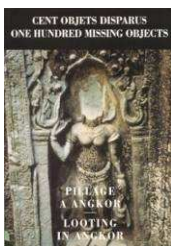
b. One Hundred Missing Objects

The *One Hundred Missing Objects* series outlines cultural objects which have been stolen and declared to the police. Each of these objects is illustrated with a photograph together with a detailed description and its Interpol registration number.

ICOM has published to date, in the *One Hundred Missing Objects* series:

- *Looting in Angkor* (1993, re-published in 1997)
- *Looting in Africa* (1994, re-published in 1997)
- *Looting in Latin America* (1997)
- *Looting in Europe* (2001)

A new publication project for Arab countries is underway in the framework of this programme.



c. 100 Missing Objects' achievements

These four ICOM publications have helped find several stolen objects. Details are available on ICOM's website at: <http://icom.museum/100objects.html>.



Statuette, body of a female deity, stolen from Angkor region in the early 1980s. © EFEO

- ✓ At least ten objects were identified and returned to Cambodia thanks to the publication focusing on the Khmer Angkor site.
- ✓ About ten archaeological items coming from Africa were located and returned to their country of origin.
- ✓ *Looting in Latin America* played a primary role in the seizure of approximately 600 pre-Hispanic artefacts and capture of three persons in July and September 2006 in the United States and Ecuador (photographs are available at: <http://icom.museum/pdf/ecuador-photos.pdf>).
- ✓ At least six religious artworks have been returned to their European country of origin.

Other artefacts have been located and identified but they remain the object of negotiations between current owners and the countries or institutions which claim their restitution. Persons and institutions wishing to reach an amicable agreement may have recourse to ICOM mediation through a procedure that was introduced in January 2006 in a statement by the President of ICOM ("Promoting the use of Mediation in the Resolution of disputes over the Ownership of Objects in Museum Collections", in *ICOM News* No.1/2006 and also on ICOM's website at: http://icom.museum/statement_mediation_eng.html).

d. Object ID



The Object Identification (Object ID) international standard has been designed as a tool to counter illicit trafficking in cultural property. It contains eight fields used to provide essential information on archaeological, artistic and cultural objects, in order to enable the identification of stolen objects.

In 2004, the Getty Foundation gave ICOM a licence for the promotion of Object ID to museum professionals. In collaboration with UNESCO and Interpol, ICOM also organises capacity-building workshops to train governmental delegates and police and customs officers for the use of Object ID. Interpol itself uses Object ID as the cornerstone of their stolen objects database.

e. Regional workshops

ICOM organises workshops and meetings to provide museum professionals, police, customs and even governmental agencies with information and capacity in this field. These activities aim at increasing cooperation between people from different sectors who are involved in the fight against illicit trade of cultural objects.

4. What is ICOM?

a. Museums fully implicated

Museums are more than ever involved in cultural, social and economic issues. Whatever their specialisation, whatever the public they target or the place they are located in, all museums are facing challenges closely related to their social, political, and ecological environment.

Museums are key actors in the development process, through education and democratisation; they are also witnesses of the past and guardians of civilisation's treasures for the next generations. That is why they are so essential.

ICOM is the major international organisation which represents museums and museum professionals and which commits to "the conservation, continuation and communication to society of the world's natural and cultural heritage, present and future, tangible and intangible". Thus, ICOM is a unique network that enables museums to share, collaborate and build coherent actions beyond frontiers.

b. Key Figures

- Founded in 1946
- 137 countries represented
- 30 international committees
- 5 regional alliances
- 17 affiliated organisations
- 28.000 members, including 2 000 institutional members



c. The five missions of ICOM

- ICOM is a diplomatic space in the spirit of other large international organisations. Its members include museum professionals who are expert in a wide variety of disciplines.
- ICOM is a professional network for museums and museum professionals. It is the main structure in the world able to mobilise, at every moment, the expertise of museums' top specialists on any topic.
- With its Code of Ethics for Museums, ICOM certifies the good will of the museum community to respect a number of rules in their actions and practice. It makes ethics evolve and adjust with contemporary situations.
- ICOM is the largest think tank on museum matters. More than 30 international committees conduct special research in their field.
- ICOM provides international expertise through its activities to fight against the illicit trafficking of cultural heritage, and its programmes of risk management and emergency preparedness to protect heritage.