

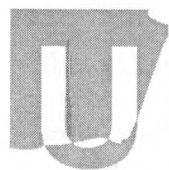


Obnovljeni dvorac Festetics, Keszthely, Mađarska u kojem je održan Regionalni seminar, travnja 1993.

REGIONALNI SEMINAR UNESCO-a “NEZAKONITA TRGOVINA KULTURNIM DOBRIMA U SREDNJOJ I ISTOČNOJ EVROPI”

Keszthely, Mađarska, 20.-24. ožujka 1993.

Branka Šulc,
Muzejski dokumentacioni centar
Zagreb



UNESCO je na poziv Vlade Mađarske organizirao regionalni seminar o temi “Nezakonita trgovina kulturnim dobrima u srednjoj i istočnoj Evropi”, od 21. do 23. ožujka 1993. godine u Keszthelyju, u Mađarskoj. Suradnja u organizaciji seminara

počela je Nacionalnoj komisiji za UNESCO iz Budimpešte.

Na skup su pozvani stručnjaci iz svih zemalja centralne i istočne Evrope s osnovnim ciljem prezentacije stanja pokretne kulturne baštine nastale izmjenama granica i carinske kontrole koja omogućava i lakši odljev kulturne baštine izvan zemlje porijekla i napose ilegalnu trgovinu kulturnim dobrima.

Planirano je da predstavnici pozvanih zemalja na skupu prezentiraju stanje i probleme vezane uz ilegalnu trgovinu kulturnim dobrima te

pokušaju zajednički predložiti rješenja za efikasnu zaštitu kulturne baštine, poduzmu nužne mjere za osiguranje muzeja i sličnih institucija od krađa i nedopuštene preprodaje predmeta, uključivši i one s arheoloških lokaliteta, etnografskih cjelina i dr. te da napose uspostave međunarodnu suradnju i stalnu razmjenu informacija.

Saziv skupa potaknut je brojnim izvještajima UNESCO-a, Međuvladina komiteta UNESCO-a za pospješćenje povratka kulturnih dobara u zemlje nastanka ili restitucije, Vijeća Evrope, i zemalja-sudionica skupa o alarmantnom masovnom odljevu kulturnih dobara u srednjoj i istočnoj Evropi, napose kradama iz crkava, muzeja i privatnih zbirki, te poteškoćama u primjeni međunarodnih konvencija o zaštiti kulturnih dobara, napose Konvencije za zaštitu kulturnih dobara u slučaju oružanog sukoba (Haaška konvencija) te o mjerama za zabranu i sprečavanje nedopuštenog uvoza, izvoza i prijenosa vlasništva kulturnih dobara iz 1970. godine.

Na skupu je sudjelovalo 40 predstavnika, po jedan stručnjak iz svake pozvane zemlje, potpredsjednik ICOM-UNESCO-a dr. Vиноš Sofka, dr. Lyndel Prott, direktor Section of Physical Heritage UNESCO-a, predstavnici INTERPOL-a, The Art Loss Register, Ministarstva kulture Mađarske, Nacionalnoga komiteta ICOM-a Mađarske, Nacionalne komisije UNESCO-a Mađarske, kao i kolege iz nekoliko mađarskih muzeja (Debrecena, Keszthelyja, Veszprema, Budimpešte).

Ministarstvo kulture i prosvjete Republike Hrvatske pozvano je od organizatora da delegira stručnjaka za ovaj skup. Na prijedlog Ministarstva sudjelovala sam u radu skupu prezentirajući destrukciju i rekviziciju kulturne baštine Hrvatske tijekom domovinskoga rata kao i probleme ilegalne trgovine u razdoblju do rata, probleme u primjeni međunarodnih konvencija, napose Haaške i one o nedopuštenoj trgovini

kulturnim dobrima.

Radni dio skupa održan je od 21. do 23. ožujka 1993. godine u mjestu Keszthelyju, posve obnovljenom dvorcu Kristofa Fesztetica, porijeklom iz Hrvatske, iz prve polovice 18. stoljeća, koji je 1945. godine bio gotovo u cijelosti razoren, a inventar su ukrali Crvena armija i mađarski kolaboracionisti, te je dvorac bio i evidentnim primjerom i same teme skupa.

Prvog dana skupa, 21. ožujka, pozdravne su govore održali g. Erno Taxner, predsjednik Nacionalnoga komiteta ICOM-UNESCO-a, g. Arpad Fasang, tajnik Mađarskog komiteta UNESCO, g. Sandor Bodo, voditelj Odjela za javne zbirke pri Ministarstvu kulture Mađarske, te gđa Lyndel Prott iz UNESCO-a.

U uvodnom referatu g. Miklosa Mojzera, generalnog direktora Nacionalne galerije iz Budimpešte, prezentirano je stanje kulturne baštine u Mađarskoj od 1945. godine do danas i navedeni brojni primjeri devastacija, krađa, nedopuštene trgovine umjetninama. Istaknuta je potreba usklađivanja legislativice o zaštiti spomeničke baštine na razini evropskih zemalja, napose u ovom razdoblju kada većina prisutnih sustavno radi na izradbi novih zakona o muzejskoj, arhivskoj, bibliotečnoj djelatnosti kao i o zaštiti spomenika kulture. Predložio je i osnivanje međunarodnog suda za kulturna dobra.

U izlaganju gđe Lyndel Prott, pravnice i stručnjaka UNESCO-a za međunarodno pravo, ukazano je na prioritete u provedbi zaštite pokretne kulturne baštine od krađa, ilegalne trgovine i drugih oblika odljeva pokretne kulturne baštine iz zemlje porijekla:

- potrebu da se poveća svijest javnosti o problemu nedopuštene trgovine kulturnim dobrima pomoću neprekidne obavještajne kampanje;
- pojačanje međunarodne stručne i tehničke suradnje pomoću sačinjavanja inventara kulturnih dobara (kako onih koja se nalaze u zemlji tako i onih u inozemstvu), razvoja muzejskih infrastrukture, te obrazovanja stručnjaka;
- pojačanu borbu protiv nezakonite trgovine poticanjem država da ratificiraju konvencije, kao i poticanjem država na donošenje strožih etičkih standarda pri akviziciji, napose putem usvajanja Koda profesionalne etike ICOM-UNESCO-a iz 1990. godine;
- potrebu ujednačenih standarda u nacionalnim zakonima o zaštiti spomenika kulture;
- potrebu izrade dokumentacije o muzejskoj i crkvenoj građi i građi iz privatnih zbirki, te izradbu nacionalnih inventara kulturnih dobara, kao jedine relevantne podloge za potraživanja u slučaju krađa ili preprodaje (pri tomu je istaknula negativan primjer Nacionalnog muzeja u Kuwaitu, koji je u iračko-kuvajtskom ratu opljčkala iračka vojska i inventar prenijela u Irak a dijelom i preprodala, kada je za povrat bilo teškoća u rekonstrukciji muzejskoga fonda - postupak restitucije je u tijeku;
- potrebu prijave krađe kulturnih dobara nacionalnoj policiji, INTERPOL-u i UNESCO-u i dr.

U izlaganju g. Gordona Henleya (detective chief inspector) iz I.C.P.O. INTERPOL-a, o aktivnostima INTERPOL-a vezanim uz nedopuštenu trgovinu pokretnim kulturnim dobrima i međunarodnoj kooperaciji policija, naglašena je potreba prijave krađa INTERPOL-u putem nacionalnih odjela INTERPOL-a ili policijskih odjela centrali u Lyonu putem posebnih prijavnica. Prijavnice je izradio INTERPOL 1987. godine kao i priručnik za njihovo ispunjavanje, CRIGEN/ART FORMS, i mogu se dobiti u nacionalnim Odjelima INTERPOL-a.

Problemi su nejedinstvena klasifikacija predmeta jer na međunarodnoj razini nije ujednačena, neinventariziranost predmeta, nedostatak fotografija ukradenih predmeta, neujednačena kategorizacija predmeta i dr. Prijavom krađe INTERPOL-u informacija se prosljeđuje svim njegovim odjelima u

svijetu a tiskaju se i opsežne informacije s fotografijama predmeta koje se šalju i aukcijskim kućama, antikvarijatima, muzejima i dr. Prezentirana je i statistika krađa iz muzeja, galerija i ostalih objekata u centralnoj i istočnoj Evropi za razdoblje 1991.-1992. godine.

INTERPOL, počev od 1990. godine usko suraduje s novoosnovanom organizacijom The Loss Register u Londonu, koja ima vrhunsku bazu podataka o krađama u evropskim i izvanevropskim zemljama kao i stalnu suradnju s uredništvima publikacija The International Foundation for Art Research (IFAR) te The Trace, kojima su osnovne teme potraga za ukradenim predmetima.

Istaknuto je da je krađa umjetnina na međunarodnoj razini na trećemu mjestu po opsegu, iza preprodaje droge i oružja.

Drugoga dana skupa, 22. ožujka, dr. Vinos Sofka, dopredsjednik ICOM-UNESCO-a, održao je predavanje o zaštiti kulturne baštine u zemljama političkih i društvenih promjena, napose u srednjoj i istočnoj Evropi, te uloji ICOM-a u adekvatnoj zaštiti kulturne baštine, napose pokretne, putem primjene Koda profesionalne etike ICOM-a iz 1990. godine, primjene standarda u izradbi dokumentacije kulturnih dobara u uskoj suradnji s Komitetom za dokumentaciju ICOM-a (CIDOC) te pojačanom suradnjom s ICOM-ovim Komitetom za sigurnost u muzejima (ICMS). Napose se preporuča da zemlje članice ICOM-a poduzmu hitne mjere inventiranja vlastitih kulturnih dobara u uskoj suradnji s Komitetom za dokumentaciju (CIDOC) primjenjujući njegove standarde za dokumentaciju, da se izrade cjeloviti inventari pokretne baštine u crkvama, da se kreiraju nacionalne baze podataka najznačajnijih pokretnih spomenika kulture, u prvoj fazi da se suraduje u izradbi klasifikacije pokretne kulturne baštine na razini ICOM-a. Za mjere zaštite od krađa, u ratnim uvjetima i prirodnim katastrofama upućuje se na usku suradnju s Komitetom za sigurnost muzeja ICOM-a.

Svim zemljama članicama UNESCO-a i ICOM-a preporuča se primjena Koda profesionalne etike ICOM-a, napose pri akviziciji muzejske građe. Preporuča se primjena Koda u nacionalnim zakonima o muzejima, napose s obzirom na činjenicu da većina zemalja srednje i istočne Evrope priprema nove zakone o kulturnoj baštini. ICOM-UNESCO-u trebaju ministarstva kulture zemalja sudionica skupa dostaviti cjelovitu informaciju o primjeni navedena Koda u nacionalnim zakonima o kulturnoj baštini.

ICOM priprema i postavljanje baze podataka u Muzejskom informacijskom centru ICOM-a u Parizu u suradnji s UNESCO-om, CHIN-om (Canadiana Heritage Information Network) i IFAR-om i ostalim relevantnim organizacijama o kulturnim dobrima koja su ili ukradena ili na ilegalnom tržištu, a u uskoj suradnji i s institucijama iz srednje i istočne Evrope, kako bi se pospejšilo vraćanje kulturnih dobara i olakšala potraga za njima.

U diskusiji o klasifikaciji i dokumentaciji pokretnih kulturnih dobara te o nužnosti međunarodne suradnje sudjelovao je g. Joseph A. Busch (systems project manager) iz Getty Art History Information Programa, Santa Monica, USA, ukazujući na brojne poteškoće u standardiziranju inventara muzejske građe, višegodišnje napore u postavljanju adekvatnoga, standardiziranoga, klasifikacijskog sustava za pokretnu kulturnu baštinu. Istaknuo je potrebu uske suradnje s Komitetom za dokumentaciju ICOM-a, Getty Information Programa, CHIN-a i zemalja članica ICOM-a. Na godišnjem sastanku CIDOC-ICOM-a, rujna 1993. godine, u Ljubljani u Sloveniji, s temom *East Meets West*, očekuje se jača koordinacija i u smislu dalje izradbe jedinstvenih modela dokumentacijske i informatičke razine obrade pokretne kulturne baštine, ujednačavanje klasifikacijskih sustava, standarda i niza na ovom skupu otvorenih pitanja i problema.



LES ŒUVRES D'ART LES PLUS RECHERCHÉES THE MOST WANTED WORKS OF ART

- 1 -



OBJET : Tableau (encre de Chine et aquarelle sur papier)
ITEM: Painting (Indian ink-&-wash on paper)

AUTEUR : Qui Baishi (1924)
ARTIST: ARTIST:

DATE DU VOL : 16 septembre 1991
DATE OF THEFT: 16th September 1991

BCN : BEIJING
NCB:

N° de contrôle : E-54/3-1992
Control No.:

PROPRIÉTAIRE : Entreprise commerciale
OWNER: Commercial business

DIMENSIONS : 121/150 x 201 cm

- 4 -



OBJET : Tableau (huile et blanc d'oeuf sur bois)
ITEM: Painting (oil and eggwhite on wood)

AUTEUR : Attribué à Rogier Van WEYDEN
ARTIST: Attributed to Rogier Van WEYDEN

DATE DU VOL : Avril 1992
DATE OF THEFT:

BCN : BRUXELLES
NCB: BRUSSELS

N° de contrôle : E-99/5-1992
Control No.:

PROPRIÉTAIRE : Banque
OWNER: Bank

DIMENSIONS : 47,5 x 34,1 cm

- 2 -



OBJET : Tableau (huile sur bois). Signé
ITEM: Painting (oil on wood). Signed

AUTEUR : Picasso
ARTIST:

DATE DU VOL : 19 mars 1992
DATE OF THEFT: 19th March 1992

BCN : FRANCE
NCB:

N° de contrôle : E-65/4-1992
Control No.:

PROPRIÉTAIRE : Musée
OWNER: Museum

DIMENSIONS : 23,3 x 31,8 cm

- 5 -



OBJET : Portrait en mosaïque
ITEM: Mosaic portrait

AUTEUR : Anonyme
ARTIST: Anonymous

DATE DU VOL : 27 mai 1991
DATE OF THEFT: 27th May 1991

BCN : MOSCOU
NCB: MOSCOW

N° de contrôle : E-11/1-1992
Control No.:

PROPRIÉTAIRE : Musée
OWNER: Museum

DIMENSIONS : 45 x 30 cm

- 3 -



OBJET : Livre de messe ancien, orné de miniatures précieuses
ITEM: Antique prayer book, decorated with precious miniatures

AUTEUR : Inconnu
ARTIST: Unknown

DATE DU VOL : Entre le 27.11.1991 et le 30.1.1992
DATE OF THEFT: Between 27.11.1991 and 30.01.1992

BCN : WIESBADEN
NCB:

N° de contrôle : E-94/5-1992
Control No.:

PROPRIÉTAIRE : Musée
OWNER: Museum

DIMENSIONS : 10,3 x 7 x 4,5 cm

- 6 -



OBJET : Saint Evangile (orné de miniatures précieuses)
ITEM: Holy Gospel (decorated with precious miniatures)

AUTEUR : Inconnu
ARTIST: Unknown

DATE DU VOL : 24 juillet 1991
DATE OF THEFT: 24th July 1991

BCN : ATHENES
NCB: ATHENS

N° de contrôle : E-101/5-1992
Control No.:

PROPRIÉTAIRE : Eglise
OWNER: Church

DIMENSIONS : 34 x 25 x 6 cm

U nastavku izlaganja pozvanih sudionika o temi skupa otpočeo je predstavnik Bjelorusije, g. Dmitry Bubnowski iz State Inspection of the Monument's and Site's Protection iz Minska. On je naglasio probleme odljeva umjetnina, neadekvatne carinske kontrole, problema koji proizlaze reprivatizacijom imovine-kulturnih spomenika, krađa iz crkava, te napose krađa nakon 1945. godine.

Prezentacijom stanja destrukcije i rekvizicije kulturne baštine u Hrvatskoj te problema u primjeni međunarodnih konvencija na temu ilegalne trgovine, rekviriranja, krađe pokretne kulturne baštine, neprimjenjivosti Haaške konvencije, tijekom rata u Hrvatskoj od 1991. do 1993. godine, opširno sam izvjestila sudionike skupa.

Mehanizmi prijave krađa koje je koristilo Ministarstvo kulture i prosvjete Republike Hrvatske, Muzejski dokumentacioni centar, Zavod za zaštitu spomenika kulture Ministarstva kulture i prosvjete i dr., regularno obavještavanje o tomu kao i o štetama na spomeničkoj baštini Hrvatske UNESCO-a i ICOM-a, novoosnovane Radne grupe ICOM-a za izmjene i dopune Haaške konvencije i dr. pokazali su sporost u primjeni niza članaka navedenih konvencija i nemogućnost njihove primjene čak i u slučajevima kada su bili posrijedi spomenici kulture sa Svjetske liste kulturne baštine UNESCO-a, te sam u izlaganju naglasila i potrebu ozbiljnog preispitivanja kao i nužnih izmjena navedenih konvencija, ali i efikasnije suradnje UNESCO-a i ICOM-a. Posebna tema izlaganja bila je o kradama iz muzeja u Hrvatskoj tijekom domovinskoga rata, iz Vukovara, Drniša i dr., te problemu muzeja na okupiranom području Hrvatske i potrebi uvođenja mandata za očvid stanja na okupiranom području snagama UNPROFOR-a i promatračke misije EZ-a.

Eklatantno kršenje međunarodnih konvencija o spomenicima kulture prikazala sam primjerima održavanja dviju izložaba iz pokradenih fondova crkava i muzeja u Hrvatskoj, u Parizu "Vukovar-genocid nad kulturnom baštinom", 1992. godine, kao i izložbe "Ikone iz Dalmatinske krajine", održane u Narodnom muzeju Beograda 1992. godine. Svim sudionicima skupa predan je osnovni tekst predavanja Branke Šulc, *The Destruction and Requisition of Croatian Cultural Heritage in the War, The Convention on the Protection of Cultural Property in the Event of Armed Conflict- the Hague, The main objectives and areas of study-comments and proposals regarding the collections of museums and galleries of Croatia*, materijal Zavoda za zaštitu spomenika kulture Ministarstva kulture i prosvjete Republike Hrvatske Ratne štete na spomeničkoj baštini u Hrvatskoj. Prezentirala sam i publikacije tiskane tijekom rata u MDC-u, *Informatica Museologica, Upute za zaštitu muzejske građe u ratnim uvjetima*, publikaciju *The Destruction of Museums and Galleries in Croatia during the 1991 War*, plakat MDC-a tiskan u povodu Međunarodnog dana muzeja 1992. godine koji odslkiva destrukciju pokretne kulturne baštine u Hrvatskoj.

Unatoč svim dosadašnjim naporima o relevantnom izvještavanju i međunarodne kulturne javnosti o destrukciji spomeničke baštine u Hrvatskoj, i na ovom je skupu bilo evidentno nedostatno poznavanje dimenzija ratnih šteta na kulturnoj baštini Hrvatske i potrebne stručne pomoći pri rješavanju niza otvorenih problema, te su svi sudionici skupa jednoglasno iskazali podršku i naporima stručnjaka iz Hrvatske u spašavanju i restauraciji uništene spomeničke baštine, potrebi efikasnije pomoći UNESCO-a i ICOM-UNESCO-a.

Predstavnici Poljske, Rusije, Rumunjske, Ukrajine, Češke, Slovačke, Gruzije, Bjelorusije i Madarske prosljedit će cjelovitu informaciju - izlaganje predstavnika Hrvatske, svojim vladama kako bi ih detaljnije upoznali s katastrofalnim razmjerama štete na kulturnim dobrima u Hrvatskoj i organizirali svu raspoloživu stručnu pomoć. Dogovorena je i stalna razmjena informacija MDC-a sa svim predstavnicima zemalja srednje i istočne Evrope u svrhu dalje stručne suradnje i objektivnog informiranja.

Gda. L. Prott je istaknula da UNESCO u slučaju izložbe u Parizu "Vukovar..." ne može učiniti ništa s obzirom da Francuska nije član UNESCO-a, te predlaže arbitražu Međunarodnog suda u Haagu.

U daljim izlaganjima predstavnika republika Češke i Gruzije istaknuto je niz problema vezanih za odljev pokretne kulturne baštine iz crkava, preprodaje umjetnina na ilegalnom tržištu, nedostatne carinske kontrole, kao i probleme restitucije kulturnih dobara iz razdoblja poslije 1945. godine.

Predstavnik Poljske, Wojciech Kowalski, ambasador, i komesar Poljske vlade za kulturnu baštinu Poljske u inozemstvu, iznio je niz problema u primjeni međunarodnih konvencija za zaštitu kulturne baštine, probleme nastale reprivatizacijom imovine-kulturnih spomenika, neadekvatnog carinskog zakona, probleme neujednačene kategorizacije spomenika kulture, otvorenih granica te neefikasne međunarodne operacionalizacije zaštite spomeničke baštine.

Iz Rumunjske je, prema izlaganju Ioana Oprisa iz Ministarstva kulture Rumunjske, u posljednje tri godine pokradeno više od 60 muzeja, a iz Transilvanije je na ilegalno tržište iznijeto više od 3000 predmeta.

Baština se kamionima odvozi iz Rumunjske, napose iz crkava (ikone, crkveno posude), kao i bidermajer pokućstvo, etnografski i arheološki materijal. Prisutna je i korupcija, kontrola na granicama je nedostatna a evidentan je velik odljev stručnjaka u zapadnoevropske zemlje.

Izraženi su problemi u izradi adekvatnih novih zakona o spomeničkoj baštini, te zatražena stručna pomoć UNESCO-a i ICOM-a kao i svih predstavnika zemalja srednje i istočne Evrope.

Igor Danilov, predsjednik Odjela za UNESCO Rusije, upozorio je u izlaganju o stanju pokretne kulturne baštine u Rusiji na učestale pljačke (70) zadnje tri godine iz crkava, muzeja i privatnih zbirki, ilegalne trgovine uz posredovanje antikvarijata i privatnih galerija uzrokovane i ekonomskom situacijom, problem kontrole na granicama, zabrinutost za moguće pogoršanje situacije u području kulturnih dobara, potrebu efikasnije uloge UNESCO-a i ICOM-a, napose nakon navedenih primjera iz Hrvatske. Ministarstvo kulture Rusije otpočelo je 1992. godine i tiskanje Biltena o ukradenoj baštini. U izradbi novih zakona o kulturnoj baštini realizirana je stručna suradnja s UNESCO-om. Gda. L. Prott je zajedno s kolegama iz Ministarstva kulture Rusije i Odjela UNESCO-a Rusije pripremila stručne podloge za nove zakone.

U nastavku skupa rad se odvijao u tri workshopa: 1. Kulturna administracija, koji je vodila gda. L. Prott, 2. Zakonska kontrola, koju je vodio g. W. Kowalski, 3. Sigurnost i dokumentacija, koju je vodio g. G. Henley, a u kojima je predloženo i da se zasebno u preporukama skupa istakne potreba izmjene i dopune Haaške konvencije, povrata ukradenih predmeta iz muzeja u Hrvatskoj i pruži puna stručna i tehnička pomoć UNESCO-a i ICOM-a Hrvatskoj. Radne grupe su pripremile prijedloge za završne preporuke skupa.

Zadnjeg dana skupa, 23. ožujka, nastavljeno je izlaganjima pozvanih predstavnika Slovačke, Slovenije, Ukrajine i Madarske.

Istaknuti su gotovo identični problemi onima u prethodnim izlaganjima, s naglaskom velikog odljeva pokretne kulturne baštine iz crkava u Slovačkoj i Ukrajini, gdje je na granici tijekom 1991./1992. godine zaustavljeno oko 3000 umjetničkih predmeta namijenjenih ilegalnom tržištu. Ukazano je i na potrebu izradbe jedinstvene kategorizacije pokretne kulturne baštine te registra nacionalne kulturne baštine.

Prezentacija djelokruga rada *The International Art Loss Registera*, osnovanog 1990. godine u Londonu sa svrhom efikasnije potrage za ukradenim umjetničkim predmetima i pomoći INTERPOL-u i policiji, putem centralizirane kompjuterske baze podataka o ukradenim predmetima, bila je tema izlaganja g. Jamesa B. Emsona, direktora. *The*

Art Loss Register (ALR) usko suraduje s najvećim aukcijskim kućama, antikvarijatima i osiguravajućim zavodima, te policijom na nacionalnoj i međunarodnoj razini. Slikovna i tekstualna baza podataka, temeljena na dokumentiranim prijavama i fotografijama, omogućava pretraživanje prijavljene krađe u roku 24 sata. Prijave krađe i pretraživanje je u ALR besplatno ako je predmet osiguran i ako prijava dolazi iz INTERPOL-a ili nacionalne policije. Prezentirana je i informatička razina pretraživanja, te program koji se koristi u ALR-u.

Na kraju skupa gđa. Lyndel Prott je pročitala prijedlog Preporuka s ovoga skupa zemljama članicama UNESCO-a, UNESCO-u i ICOM-u, koje su dijelom dopunjavane.

Na prijedlog g. I. Danilova, predsjednika Odjela UNESCO-a Rusije i podršku svih prisutnih, u Preporuku će se dodati posebna rezolucija vezana uz drastično devastiranje kulturne baštine u Hrvatskoj, kojom se posebno treba dalje štiti kulturna dobra, stručno pomoći obnovi i napose u Preporuci 12. naglasiti, u svezi s Haaškom konvencijom i vraćanjem kulturnih dobara s okupiranih područja, problem Hrvatske i aktivnu ulogu UNESCO-a u rješavanju niza stručnih problema. Preporuke u dopunjenom obliku bit će dostavljene svim zemljama članicama UNESCO-a.

Aktivno sudjelovanje predstavnika iz Hrvatske na planiranim regionalnim seminarima UNESCO-a s temama ilegalne trgovine umjetninama, primjenama međunarodnih konvencija o zaštiti kulturne baštine, te napose u najavljenom regionalnom seminaru UNESCO-a o restituciji kulturnih dobara tijekom rata i vojnih operacija jedan je od uvjeta i za nastavak jače međunarodne suradnje i prezentacije problema iz naše ratne prakse o devastaciji i krađama kulturnih dobara.

Intenziviranje inventiranja pokretne kulturne baštine (muzeji, galerije, crkve i dr.) Hrvatske, to više što su utvrđeni modeli za provedbu i informatičke obrade muzejske građe putem muzejsko-galerijskog informacijskog sistema, osnovni je uvjet i adekvatnog traganja za ukradenim kulturnim dobrima, a izradba cjelovita registra i kategorizacija hrvatske nacionalne pokretne i nepokretne kulturne baštine jedan od prioritarnih zadataka naše službe zaštite spomenika kulture.

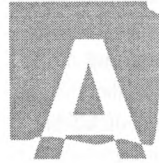
S namjerom cjelovitijeg prezentiranja problema nedopuštene trgovine kulturnim dobrima u srednjoj i istočnoj Evropi objavljujemo u nastavku i izlaganja predstavnika Poljske, Slovenije i Ukrajine.

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“ILLICIT TRADE IN CULTURAL GOODS IN CENTRAL AND EASTERN EUROPE”

UNESCO Regional Seminar Keszthely, Hungary, March 20th-23rd 1993

Branka Šulc,
Museum Documentation Centre
Zagreb



At the invitation of the Hungarian government, UNESCO organized a regional seminar with the theme “Illicit trade in cultural goods in central and eastern Europe”, which was held in the Hungarian town of Keszthely between March 21st and 23rd

1993. The duty of cooperating in the organization of the Seminar was given to the UNESCO's National Committee in Budapest.

Experts from all countries of central and eastern Europe were invited to the meeting with the basic aim of presenting the situation concerning movable cultural heritage created following the changes of borders and customs controls which enable an easier transfer of cultural heritage from its country of origin, and particularly the illicit trade in cultural goods.

It was planned that the representatives from countries invited to the Seminar present the situation and the problems linked with the illicit trade in cultural goods and to attempt to jointly propose solutions for effectively protecting the cultural heritage, undertaking the necessary measures for the security of museums and similar institutions from burglaries and the illicit sale of objects, including those originating from archaeological sites, ethnographic collections etc., and, especially, to establish international cooperation and a permanent exchange of information.

The convening of the meeting was prompted by numerous reports by UNESCO, UNESCO's Intergovernmental Committee for pressing for the return of cultural goods to the country of their origin or for their restitution, the Council of Europe as well as by the countries participating at the meeting concerning the alarming massive drain of cultural goods in central and eastern Europe, particularly through theft from churches, museums and private collections; the meeting was also prompted by difficulties encountered in implementing international conventions on the protection of cultural goods, especially the Convention on the Protection of Cultural Property in Cases of Armed Conflict (the Hague Convention), as well as measures for outlawing and preventing the illicit import, export and transfer of ownership of cultural goods from 1970.

There were 40 representatives at the seminar, one expert from each invited country, the vice-president of ICOM-UNESCO Dr Vиноš Sofka, Dr Lyndel Prott, the director of Section of Physical Heritage UNESCO, representatives from INTERPOL, The Art Loss Register, the Hungarian Ministry of Culture, the Hungarian National Committee for ICOM, the Hungarian National Commission for UNESCO, as well as colleagues from several Hungarian museums (Debrecen, Keszthely, Veszprem, Budapest).

The organizers asked the Ministry of Culture and Education of the Republic of Croatia to delegate an expert for this meeting. At their suggestion, I took part in the work of the seminar by presenting the destruction and requisition of Croatian cultural heritage in the Patriotic war, as well as the problems of illicit trade in the period prior to the war, the problems concerning the implementation of international conventions, especially the Hague Convention and the convention on the illicit trade in cultural property.

The working part of the seminar was held between March 21st and 23rd 1993 in Keszthely, in the completely restored castle of Kristof Festic, who came from Croatia, dating from the first half of the 18th century, which was almost completely destroyed in 1945 and its inventory stolen by the Red Army and Hungarian collaborators. Because of this, by itself it was an evident example of the theme of the seminar. On the first day of the seminar, March 21st, welcoming speeches were delivered by Mr Erno Taxner, the president of the Hungarian National Committee for ICOM-UNESCO, Mr Arpad Fasang, the secretary of the Hungarian UNESCO Committee, Mr Sandor Bodo, head of the Department of Public Collections at the Hungarian Ministry of Culture, and Mrs Lyndel Prott from UNESCO.

In the introductory paper delivered by Mr Miklos Mojzer, the general director of the National Gallery in Budapest, we were given insight into the state of the cultural heritage in Hungary from 1945 to the present day. Numerous examples of devastation, theft, and illicit trade of works of art were given. The paper stressed the need for coordinating legislative action concerning the protection of the cultural heritage in European countries, particularly in this period when the majority of those present are systematically working on new laws on museums, archives and libraries, as well as on the protection of cultural monuments. The paper also proposed the establishment of an international tribunal for cultural property.

The paper delivered by Mrs Lyndel Prott, a lawyer and UNESCO's expert for international law, drew attention to the priorities in implementing the protection of movable cultural heritage from theft, illicit trade and other forms of the drain of movable cultural property from the country of its origin:

- the need to raise public awareness concerning the problem of the illicit trade in cultural goods through a continuous information campaign;
- the need to strengthen international expert and technical cooperation by making inventories of cultural goods (both those in individual countries and those abroad), the development of museum infrastructure, and the training of experts;
- the need to intensify the struggle against illicit trade by urging states to ratify conventions, as well as by urging states to adopt more stringent ethical standards in acquisition, especially by adopting the ICOM-UNESCO Code of professional ethics from 1990;
- the need to unify standards in national laws on the protection of cultural monuments;
- the need to develop documentation on museum, church and private collections, as well as developing a national inventory of cultural property as the only relevant basis for making demands for the return of property in cases of theft or transfer of ownership (here she stressed the negative example of the Kuwait National Museum, which was in the Iraq-Kuwait War looted by the Iraqi Army, which transferred the inventory to Iraq, and sold parts of the collections; this led to difficulties in reconstructing the inventory of the museum - the restitution procedure is in progress);
- the need for reporting the theft of cultural goods to the national

police, INTERPOL, UNESCO and others.

The paper delivered by Mr Gordon Henley, Detective Chief Inspector, I.C.P.O. INTERPOL, on INTERPOL activities in connection with the illicit trade in movable cultural goods and international police cooperation, stressed the need to report thefts to INTERPOL through national sections of INTERPOL or police departments to the headquarters in Lyon by means of special forms. INTERPOL introduced the forms in 1987 and issued a handbook for filling them in. The CRIGEN/ART FORMS are available in INTERPOL's national departments.

The problem lies in the non-unified classification of objects on the international level, the fact that the objects have not been recorded in inventories, the absence of photographs of stolen objects, the lack of a standard classification of objects and so on. By reporting the theft to INTERPOL, information is sent out to all of its bureaus in the world, and extensive information, together with photographs, is circulated to auction houses, antique dealers, museums etc. The paper gives statistics concerning thefts from museums, galleries and other institutions in central and eastern Europe in 1991 and 1992.

Beginning in 1990, INTERPOL has been working in close cooperation with the newly founded organization The Loss Register from London, which has an exceptional data base on thefts in European and other countries and continuously cooperates with the editors of The International Foundation for Art Research (IFAR) and The Trace, whose work is centred on the search for stolen objects. The paper points out that, internationally, the theft of works of art is the third largest problem, the first two being the sale of drugs and arms.

On the second day of the seminar, March 22nd, Dr Vinos Sofka, vice-president of ICOM-UNESCO, delivered a paper on the protection of the cultural heritage in countries experiencing political and social change, particularly those in central and eastern Europe, reflecting also on the role of ICOM in providing adequate protection for the cultural heritage, especially for movable goods, through the implementation of ICOM's Code of professional ethics from 1990, the implementation of standards in creating documentation of cultural heritage in close cooperation with ICOM's Documentation Committee (CIDOC) and through intensified cooperation with ICOM's Committee for Museum Security (ICMS).

The paper particularly recommends that ICOM member countries undertake immediate measures for drawing up inventories of their cultural heritage in close cooperation with the Documentation Committee (CIDOC), applying standards for its documentation, working on the drawing up of complete inventories of movable cultural objects in churches, creating, for a start, national data bases of the most important moveable cultural monuments, and cooperating within ICOM in developing a classification of movable cultural heritage. With respect to measures in protection from theft, war condition and natural disasters, member states are asked to closely cooperate with ICOM's Committee for Museum Security.

All UNESCO and ICOM member states are urged to apply the ICOM Code of professional ethics, especially in acquiring items for museum collections. It is recommended that the Code be incorporated into national legislation concerning museums, especially in view of the fact that most of the countries of central and eastern Europe are preparing new laws on the cultural heritage. The ministries of culture of the participating countries should forward complete information concerning the incorporation of the Code in their national legislation on cultural heritage to ICOM-UNESCO.

ICOM is also preparing to install a data base in ICOM's Museum Information Centre in Paris in cooperation with UNESCO, CHIN

(Canadiana Heritage Information Network), IFAR and other relevant organizations concerning cultural goods which have either been stolen or have appeared on the illegal market, all this in close cooperation with institutions from central and eastern Europe in order to help them in finding and retrieving cultural goods.

Mr Joseph A. Busch, Systems project manager, Getty Art History Information Program (Santa Monica USA) took part in the discussion on the classification and documentation of movable cultural goods, as well as on the necessity for international cooperation. He pointed out numerous difficulties in standardizing the inventory of museum objects in the many years of efforts in setting up an adequate, standardized classification system of movable cultural heritage. He pointed out the need for further close cooperation with ICOM's Documentation Committee, the Getty Information Program, CHIN and the ICOM member countries. At the annual meeting of CIDOC-ICOM in September 1993 in Ljubljana, Slovenia, whose theme is *East Meets West*, it is expected that there will be a stronger coordination both with respect to the further elaboration of unified models of the documentation and computerized level of the treatment of movable cultural heritage, the unification of classification systems, standards and many other questions and problems raised at this seminar.

In the further presentation of papers, the representative of Byelorussia, Mr Dmitry Bubnowski, from the State Inspection of Monuments and Sites Protection from Minsk, stressed the problems of the drain of works of art, the inadequate customs controls, and the problems arising from the reprivatization of property (cultural monuments), thefts from churches, and particularly the thefts after 1945.

I addressed the theme of the seminar by extensively presenting the state of destruction and the requisition of cultural heritage in Croatia, as well as the problems in the implementation of international conventions concerning the illegal traffic, requisition, stealing of movable cultural property, and the non-observance of the Hague Convention during the war in Croatia from 1991 to 1993. The mechanisms for reporting thefts used by the Ministry of Culture and Education of the Republic of Croatia, by the Museum Documentation Centre, the Institute for the Protection of Cultural Monuments etc., as well as the regular reports concerning these and the damage inflicted upon Croatia's cultural monuments and heritage which were forwarded to UNESCO and ICOM, the newly established ICOM working group for changes and amendments of the Hague Convention and others have shown the slowness in the implementation of a series of articles in the conventions and the impossibility of their implementation even in cases when this involved cultural monuments from UNESCO's list of the world's cultural heritage. Because of this, in my paper I stressed the need for a serious reappraisal of the conventions and the necessary changes which need to be made in them, as well as drawing attention to the need for a more efficient cooperation between UNESCO and ICOM. Another topic in the paper was focused on the thefts from Croatian museums during the Patriotic War - from Vukovar, Drniš and other places - as well as on the problem of the museums in the occupied territories in Croatia and the need for introducing a mandate for the UNPROFOR forces and the EC Monitor Mission to inspect the situation in the occupied territories. The blatant disregard for international conventions concerning cultural monuments was illustrated by the example of two exhibitions of material stolen from churches and museums in Croatia - the exhibition "Vukovar: genocide aimed at the cultural heritage" held in Paris in 1992, and the exhibition "Icons from the Dalmatian krajina" in the National Museum in Belgrade in 1992. All participants at the seminar were given copies of the paper by Branka Šulc: *The Destruction and Requisition of*

*Croatian National Heritage in the War, The Convention on the Protection of Cultural Property in the Event of Armed Conflict - the Hague. The main objectives and areas of study - comments and proposals regarding the collections of museums and galleries of Croatia, materials provided by the Institute for the Protection of Cultural Monuments of the Ministry of Culture and Education of the Republic of Croatia - War damage inflicted upon the Croatian cultural heritage. I also presented the materials published by the MDC during the war - the *Informatica Museologica*, Instructions for the protection of museum items in conditions of war, as well as the publication *The Destruction of Museums and Galleries in Croatia During the 1991 War*, the poster for the International Museums' Day 1992 which illustrated the destruction of moveable cultural property in Croatia.*

In spite of all efforts made to this day concerning the relevant reporting of the destruction of cultural monuments in Croatia to international cultural circles, this meeting was further proof that there is an evident lack of knowledge concerning the scale of the damage inflicted through the war to the Croatian cultural heritage, as well as of the need for expert help in solving a series of unresolved problems. All participants at the seminar gave their unanimous support to the efforts made by Croatian experts in saving and restoring the devastated cultural monuments, as well as stressing the need for more efficient help by UNESCO and ICOM-UNESCO.

The representatives from Poland, Russia, Romania, the Ukraine, the Czech Republic, Slovakia, Georgia, Byelorussia and Hungary will forward the complete report - the paper presented by the Croatian representative - to their respective governments in order to give them detailed insight into the catastrophic scale of the damage to cultural property in Croatia, so that they can organize all available expert assistance. It was also agreed that there should be a permanent exchange of information between the MDC and all representatives of countries from central and eastern Europe with the aim of continuing professional cooperation and achieving objective reporting.

Mrs L. Prott pointed out that in the case of the "Vukovar..." exhibition in Paris, UNESCO cannot take any action because France is not a member of UNESCO, and she suggested that arbitration be sought from the International Court in The Hague.

In papers presented by representatives from the Czech Republic and Georgia, a series of problems were pointed out concerning the loss of cultural heritage from churches, the sale of works of art on the illegal market, a lack of proper customs controls, as well as the problems of the restitution of cultural property in the period after 1945.

The Polish representative, ambassador Wojciech Kowalski, a member of the Commission of the Department for the Cultural Heritage of the Polish government, presented a paper drawing attention to many problems in the implementation of international conventions for the protection of the cultural heritage, problems arising from the reprivatisation of cultural monuments, inadequate customs regulations, the problems arising from the lack of a unified categorization of cultural monuments, the problems of open borders, and the inefficient international implementation of the protection of the cultural heritage.

According to information presented in the paper by Ioan Opris from the Romanian Ministry of Culture, in the last three years more than 60 museums were robbed, and from Transylvania alone more than 3 000 objects found their way onto the illegal market. Cultural heritage is being taken out of Romania in lorries, particularly items from churches (icons, silverware etc.), Biedermeier furniture, ethnographic and archaeological material. Another problem is corruption, the border controls are inadequate, and there is an evident major drain of experts to west

European countries.

There are also problems present in the elaboration of new laws on the cultural heritage, so that assistance has been sought from UNESCO and ICOM as well as from all representatives from countries from central and eastern Europe.

Igor Danilov, president of Russia's UNESCO Department warned about the state of movable cultural property in Russia with respect to the frequent thefts in the past three years (70) from churches, museums and private collections, the illegal trade through antique dealers and private galleries as a result of the economic situation, the problem of border controls, the concern that the situation might worsen with respect to cultural goods, the need for more efficient action by UNESCO and ICOM, especially in the light of the report from Croatia. The Russian Ministry of Culture in 1992 started publishing a Bulletin on Stolen Cultural Heritage. In preparing new laws for the protection of the cultural heritage, the Russian authorities worked in cooperation with UNESCO. Mrs L. Prott worked with colleagues from the Russian Ministry of Culture and the Russian UNESCO Department in preparing the groundwork for new legislation.

The seminar continued its session with three workshops: 1. Cultural Administration, led by Mrs L. Prott; 2. Legislative Controls, led by Mr W. Kowalski; 3. Security and Documentation, led by Mr. G. Henley. These workshops proposed that recommendations from the seminar should stress the need for changing and amending the Hague Convention, the need for the return of stolen items to Croatian museums, as well as the need for UNESCO's and ICOM's full expert and technical assistance to Croatia. Working groups drew up proposals for the seminars final recommendations.

On the last day of the seminar, March 23rd, papers were presented by representatives from Slovakia, Slovenia, Ukraine and Hungary. The papers pointed out problems almost identical to those in previous papers, and stressed the great loss of movable cultural objects from churches in Slovakia and Ukraine, on whose border in 1991 and 1992 some 3 000 works of art were seized in the attempt of being smuggled. Attention was also drawn to the need for establishing a unified categorization of movable cultural objects as well as a register of the national cultural heritage.

Mr. James B. Emsom presented a paper which illustrated the work of The International Art Loss Register from London which was founded in 1990 with the aim of providing a more efficient search for stolen works of art, and helping INTERPOL and the police through a centralized computer data base on stolen objects. The Art Loss Register (ALR) works in close cooperation with the largest auction houses, antique dealers, insurance companies, as well as the police, both on the national and international scale. The textual and illustrated data base, founded on documented applications with photographs, enables a search for a reported theft within 24 hours. The ALR registers and searches for the item free of charge if the item is insured and if the application is made through INTERPOL or the national police authorities. The paper presented the computer levels for the search and the programme which is used in the ALR.

At the end of the seminar, Mrs Lyndel Prott read the proposed Recommendations of the Seminar to UNESCO member countries, UNESCO and ICOM. These were partly amended.

At the initiative of Mr I. Danilov, the president of Russia's UNESCO Department, and with the support of all present, a special resolution concerning the drastic devastation of the cultural heritage in Croatia was added to the Recommendations; this amendment states that special

attention needs to be devoted to the further protection of cultural property, that expert assistance needs to be provided for its restoration, and especially in Recommendation 12, with respect to the Hague Convention and the return of cultural property from occupied territories, it drew attention to Croatia's problems and the need for UNESCO's active role in solving numerous professional problems.

The amended recommendations will be forwarded to all UNESCO member states.

The further active participation of Croatian representatives at the planned UNESCO seminars dealing with the topic of the illegal trade in works of art, with the implementation of international conventions on the protection of cultural heritage, and especially at UNESCO's regional seminar on the restitution of cultural property during war and military operations is one of the prerequisites for the continuation of stronger international cooperation and the presentation of our wartime experience concerning the devastation and theft of cultural property.

In view of the fact that we have established the models for carrying out computer processing of museum collections using the museum and gallery information system, the intensification of the work on inventories of movable cultural objects (museums, churches etc.) in Croatia is the basic prerequisite for the adequate search for stolen cultural property, while the establishment of an integral register and the categorization of Croatian national movable and fixed cultural heritage is one of the priorities of our service in protecting cultural monuments.

With the aim of a more complete presentation of the problems of the illicit trade in cultural goods in central and eastern Europe, we are publishing the papers presented by representatives from Poland, Slovenia and the Ukraine.

March 30, 1993

Translated by:
Tomislav Pisk