

Summary *Have boundaries been overstepped? Investigating illicit trade involving archives and archaeology*

For the original report in Dutch, see <http://www.rijksoverheid.nl/onderwerpen/monumenten-en-erfgoed-archeologie/documenten-en-publicaties/kamerstukken/2012/11/02/aanbiedingsbrief-publieksversie-verkennend-onderzoek-grenzen-overschreden.html>

Introduction

In 2010-2011, the Cultural Heritage Inspectorate performed an exploratory investigation into illicit trade involving archives and archaeological objects. The investigation was prompted by the Netherlands' 2009 ratification and implementation of the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. Because the Cultural Heritage Inspectorate monitors compliance with the Implementation Act of the 1970 UNESCO Convention, it felt that it would be advisable to obtain insight into the nature and scope of the illicit activities in the Netherlands.

Structure of the Investigation

The results of the investigation are presented in the report entitled "Have boundaries been overstepped? Investigating illicit trade involving archives and archaeology" [*Grenzen overschreden? Onderzoek naar illegale handelingen op de gebieden van archieven en archeologie*]. The investigation was (for archives) aimed at the status in the Netherlands of legally protected Dutch archival property. "Illicit acts" are defined as: the fencing, theft or misappropriation of archival documents, and the illicit donation or offering for sale of illicitly obtained objects as well as the illicit import and export of archival documents.

The institutions participated in the research were limited to the policy department of the Ministry of Education, Culture and Science, a number of national, provincial and municipal institutions that manage large and small archival collections, a number of umbrella organisations and knowledge institutions and several art dealers. This provided the investigators with a cross-section that enabled them to get the most generalised view of the situation possible.

The core questions to be answered by the investigation were as follows: 1) what is the nature, scope and gravity of illicit trade in the Netherlands; is the country's cultural heritage in serious jeopardy and 2) what types of supervision are necessary to tackle the problem and what policy and instruments must be deployed to that end?

The legal framework and a description of the institutions involved served as the background for the investigation. In addition, information was obtained through questionnaires and interviews, by reviewing export permits that had been granted and by studying the relevant literature. Because the problems surrounding illicit trade arise in other countries as well, the literature study also included the situation at the EU level and in the neighbouring country of Belgium.

The investigation culminated in a report containing a number of conclusions and recommendations for policymakers (Ministry of Culture), the various supervisory authorities (Cultural Heritage Inspectorate, customs, police) and the knowledge institutions (Cultural Heritage Agency and the National Archives), as well as for the archive field as a whole.

Investigation findings

The findings show that the most significant problem is the theft of archival material. The number of reported cases reviewed during the investigation was not large, but it is extremely likely that an unknown number of crimes go unnoticed or unreported. The acceptable method of describing materials at the "lot" level rather than at the object level means that losses are sometimes discovered only years after they occurred. It is considered therefore as a hidden problem with a potentially great impact because the objects involved are rare and irreplaceable and because a very large number of objects may be lost.

Generally speaking, institutions tend to keep news of such catastrophes within their own four walls for fear of losing face and incurring negative publicity. The thefts are not limited to archival

documents; other items that may be found in archives (such as books, prints and data from digitised archival material) may also be stolen.

The majority of the perpetrators are visitors to the archives in question, but there are also a number of archive staff involved in the crimes. The motives for theft and fencing include financial reasons, collector's mania and research.

It was also revealed that there is an insufficient level of cooperation between the various supervisory authorities, that there is little to no established policy against internal and external theft within institutional archives and the problem is not a top priority for the police, partly because the police are unaware of the importance of archival documents.

Preventive supervision is key for this type of cultural property, not only from a legal and regulatory perspective in connection with legal sanctions to retrieve the property, but also in terms of registering and reporting losses and thefts internally, to the police, to the Cultural Heritage Inspectorate and to the Cultural Heritage Incidents Database. In addition, safety and security measures, as well as risk management at institutional archives, tend to fall by the wayside as Dutch museums develop.

The Cultural Heritage Inspectorate notes that the legal system offers sufficient options for combating illicit trade, but that institutions are not always aware of existing regulations. Those working in the archiving field are more than prepared to think of solutions. Much progress can be made by informational campaigns regarding the laws and regulations as well as with regard to reporting losses to the various agencies, making internal procedures more stringent and consciously complying with a code of ethics and implementing a comprehensive system of safety measures.

Recommendations

- Development of a uniform and coordinated approach with awakening to legislation, registration and reports of missing objects and thefts within the own organisation, to the police and to the Cultural Heritage Inspectorate; registration of incidents in the Cultural Heritage Incidents Database of the Cultural Heritage Agency;
- Development of a uniform method regarding Safe Heritage with information, policy and safety and security measures by the Cultural Heritage Agency in cooperation with the Cultural Heritage Inspectorate, Royal Library, National Archives and the archival sector;
- Development of a joint vision and cooperation between the Cultural Heritage Inspectorate and municipal and provincial archival inspectors to get round to a common supervisory framework and internal quality inspection.