

*Doc. GA46/CC45/REP/15*

FORTY SIXTH PLENARY SESSION OF THE PABSEC GENERAL ASSEMBLY  
**CULTURAL, EDUCATIONAL AND SOCIAL AFFAIRS COMMITTEE**

**REPORT\***

**COMBATING ILLICIT TRAFFICKING OF CULTURAL HERITAGE  
IN THE BSEC REGION**

Rapporteur: Mrs. Polina KARASTOYANOVA, Head of the PABSEC Bulgarian Delegation

---

\* *Text considered and adopted by the Forty-Fifth Meeting of the Cultural, Educational and Social Affairs Committee in Tirana on 19 October 2015 and approved by the Forty-Sixth General Assembly in Bucharest on 26 November 2015*

## I. INTRODUCTION

1. The illicit trafficking in cultural goods is one of the most lucrative transnational criminal activities in the framework of the Black Sea region as it generates huge loss for the economy of the BSEC Member states. The cooperation within culture is one of the general objectives of PABSEC, along with the promotion of intercultural dialogue, protection of cultural diversity, promotion of the cultural identity of the BSEC region and protection of the cultural and natural heritage.

2. The trafficking in cultural goods being among the biggest criminal trades is estimated to be the third or fourth largest, despite the fact that, as INTERPOL notes, there are hardly any instruments for measuring this trade or any data on illicit commerce. The information dossier that UNESCO has produced for the 40th anniversary of the *1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property* observes that, together with the drugs and armaments trades, the black market in antiquities and culture constitutes one of the most firmly rooted illicit trades in the world.

3. The illicit import, export and transfer of ownership of cultural property is one of the main causes of the impoverishment of the cultural heritage of the BSEC region countries and the international cooperation constitutes one of the most efficient means of protecting each country cultural property against these dangers. The combat against trafficking requires long-term involvement, further action to ensure the safety of cultural goods, preventive measures and establishing better control in the conditions of growing demand in the art market and enhancing cooperation between countries in terms of controlling imports and exports of cultural goods.

4. The Parliamentary Assembly of BSEC, acknowledging the important role that cooperation in the spheres of cultural heritage holds in the process of reaching the objectives of the Organization, has adopted numerous Reports and Recommendations on cultural heritage issues, such as:

- Recommendation 3/1994 on *Ratification and Implementation of the Black Sea Convention on Cooperation in the Fields of Culture, Education, Science, and Information*;
- Recommendation 6/1994 on *Protection of the Cultural Heritage of the PABSEC Member Countries*;
- Recommendation 18/1996 on *Guidelines on the Program for the Protection of the Cultural Heritage in the Black Sea Region*;
- Recommendation 70/2003 on *The Role of Culture in the Development of the BSEC Region*;
- Recommendation 80/2004 on *Preservation and Enhancement of Cultural Heritage of the BSEC Member states*;
- Recommendation 136/2013 on *Tangible and Intangible Cultural Heritage - Challenge of Linking Cultural and Tourist Routes in the Countries of the Black Sea Region*.

5. Illicit trafficking in cultural goods can take different forms including many countries and serving different purposes depending on the geographic, socio-economic and political context. Illicit trade in artistic goods or archaeological sites is in conflict with national and international legal instruments. The term “illicit trafficking in cultural goods” may cover a

wide range of practices, depending on the applicable national and international legislation, such as:

- Thefts from museums, elements of immovable cultural goods, religious sites and other public and private collections or sites;
- Illegal excavations of archaeological sites, including underwater excavations;
- Destruction or theft of cultural goods during armed conflict or military occupation;
- Illegal import and export of cultural goods;
- Illegal transfer of ownership of cultural goods (sale, purchase, exchange, donation or bequest);
- Production, trade and use of counterfeit documents;
- Trafficking in false or counterfeit cultural goods.

6. The PABSEC Cultural, Educational and Social Affairs Committee decided to focus on a topic that touches upon combating cultural heritage trafficking, namely “Combating illicit trafficking of the cultural heritage in the BSEC region” as the main item of the Agenda of its 45<sup>th</sup> Meeting, to be held in Tirana, on 19-20 October 2015. Contributions to the Report were received from the national delegations of Republic of Armenia, Republic of Azerbaijan, Republic of Bulgaria, Georgia, Hellenic Republic, Romania, Republic of Serbia, Republic of Moldova, Russian Federation, Republic of Turkey and Ukraine. Reference material was also obtained from the official websites of UNESCO, Council of Europe, and other relevant international organizations.

## **II. INTERNATIONAL LEGAL INSTRUMENTS AND EXPERIENCE**

7. **UNESCO** has established an important universal legal framework which provides policy measures to support and protect the cultural heritage in several areas. It has been a major actor in the fight against illicit trafficking of cultural property for many years. At the level of normative action, UNESCO has elaborated different treaties to fight against this reprehensible phenomenon which may occur in different contexts: the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954) and its two protocols (1954 and 1999), and the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970). The latter was completed by the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects in 1995. The more recent conventions namely the Convention on the Protection of the Underwater Cultural Heritage (2001), the Convention for the Safeguarding of the Intangible Cultural Heritage (2003) and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005) also play an important role in the protection of the cultural heritage in all its dimensions.

- *The UNESCO 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property* is the first international legal framework for combating illicit trafficking of cultural property in peacetime. The countries that have ratified the Convention shall be obliged to:
  - take measures, including legislative and administrative ones, to protect their cultural heritage by establishing specialized services, creating and developing registers of cultural goods, implementing educational programmes for strengthening the authority and civil liability for the preservation of cultural heritage;

- exercise control over the movement of cultural goods by introducing a system for issuing permits for the export, ban on the import and export of cultural goods without appropriate permits and certificates, penal measures in case of violations of prohibitions and restrictions on the import of goods from countries where cultural heritage is at risk;
- assist the return of illegally exported cultural goods.

All BSEC Member states are signatories.

- *The Convention on the Protection and Promotion of the Diversity of Cultural Expressions, 2005* aims to protect and promote the diversity of cultural expressions, creating conditions for cultures to flourish and interact, fostering interculturality and strengthening international cooperation. Guiding principles are set out for the protection and promotion of cultural diversity, as well as the rights and obligations of the contracting States. The Convention also establishes permanent organs to ensure its implementation. Signatories among the BSEC Member states: Albania, Armenia, Azerbaijan, Bulgaria, Georgia, Greece, Moldova, Romania, Serbia and Ukraine.
- *The Recommendation for the protection of movable cultural property, 1978* aims to protect movable cultural objects against risks of damage, deterioration or loss. The long list of objects covered by this instrument includes products of archaeological exploration, antiquities, items from historical monuments, paintings and drawings, material of anthropological and ethnological interest, items of furniture, music instruments, and many other cultural objects.
- *The Recommendation concerning the International Exchange of Cultural Property, 1976* is particularly important for cross-border mobility of cultural goods as it explicitly aims to encourage the circulation of cultural property between UNESCO Member states.
- *Convention for the Protection of Cultural Property in the Event of Armed Conflict, 1954* foresees special rules for the transport, under special protection, of protected cultural property in the event of armed conflicts. All BSEC Member states are signatories.

8. Today, the biggest challenge facing by UNESCO is to make the public authorities, the private sector and civil society as a whole realise that the cultural heritage is also a factor of development. The issue of integrating the cultural dimension in the concept of human and sustainable development is also one of the main aims of the cultural policy of the Council of Europe and the European Union.

9. According to UNESCO and ICOM (International Council of Museums), illicit trafficking in works of art and cultural goods has become a serious problem especially in the last 30 years. The phenomenon has caused considerable damage to the world material heritage, especially in some regions of the world where thefts and robberies are common. Despoilment is most acute in countries with rich cultural and archaeological heritage, which lack adequate means to protect their own cultural resources.

10. Intergovernmental Committee (ICPRCP)

At the *level of diplomatic action* has been established an *Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation* in order to deal with more exceptional cases generally outside the scope of those international treaties. UNESCO Member states which have lost certain cultural objects of fundamental significance and are calling for their restitution or return, in cases where international conventions cannot be applied, may call on the Intergovernmental Committee. It should seek ways and means of facilitating bilateral negotiations for the restitution or return of cultural property to its countries of origin. In this connection, the Committee may also submit proposals with a view to mediation or conciliation to the Member states concerned. It also encourages the necessary research and studies for the establishment of coherent programmes for the constitution of representative collections in countries whose cultural heritage has been dispersed and encourages the establishment or reinforcement of museums or other institutions for the conservation of cultural property and the training of the necessary scientific and technical personnel. The Committee is comprised of 22 UNESCO Member states mandated over a period of four years.

11. At the *regional level*, the Council of Europe is the older and more inclusive institution promoting the rule of law through international treaties, regulatory frameworks and implementation mechanisms which establish fundamental norms and standards for the integrated conservation of cultural and natural heritage, sustainable development, cultural co-operation, and the value and social role of the cultural heritage. One of the key instruments through which the European states, whether members of the Council of Europe or not, expressed their earliest commitments to cultural co-operation is the *European Cultural Convention (1954)*. All BSEC Member states are signatories. Other Council of Europe conventions in the field of Culture are:

- *European Convention on the Protection of the Archaeological Heritage (1969)* Bulgaria, Greece, Romania, Russia are signatories.
- *Convention for the Protection of the Architectural Heritage of Europe (1985)*  
All BSEC Member states are parties except Albania.
- *European Convention on the Protection of the Archaeological Heritage (revised, 1992)* All BSEC Members States are signatories.
- *Framework Convention on the Value of Cultural Heritage for Society (2005)*  
Albania, Armenia, Bulgaria, Moldova, Serbia, Ukraine are signatories.

12. For the European Union, culture is a relatively new sphere of action, at least from a legal standpoint: the legal basis for EU action in this field was introduced in 1993 with the *Maastricht Treaty*. The Maastricht Treaty enabled the EU, which was historically geared towards the economy and trade, to take action in the field of culture in order to safeguard, disseminate and develop culture in Europe. The European Commission encourages culture in two ways:

- through policies, chiefly cultural policy, but also by mainstreaming the cultural dimension in other areas of EU interest such as for instance in competition or industrial policy;
- and through financial support, primarily via the Culture Programme, but also via other actions such as for example within the framework of regional policy.

13. The Action Plan of the BSEC Working group on Culture acknowledges that sharing common cultural values and cultural heritage elements represents an instrument for prosperity, economic development and harmony in the BSEC region. It recalls that the safeguarding and promotion of cultural heritage, cultural diversity and contemporary

creativity shall be stimulated and mainstreamed within all international mechanisms of cooperation focusing on Black Sea Region, whereupon priority shall be given to the development of regional and cross-border projects of cultural cooperation. One of the general objective of the Plan is developing cooperation in combating illicit trafficking of cultural property belonging to the archaeological, historical, ethnographical heritage and the arts, inter alia through exchange of information to facilitate the return of lost or illegally exported cultural values within the existing legislation. It is important for the BSEC Member states to finalize the negotiations of the *Memorandum of Understanding on cooperation in combating illicit trafficking of cultural property belonging to the archaeological, historical, ethnographical heritage and arts among the BSEC Member states*.

### **III. NATIONAL LEGISLATIONS ON ILLICIT TRAFFICKING OF CULTURAL HERITAGE AND PREVENTIVE MEASURES IN THE BSEC MEMBER STATES**

14. All legislative documents, preventive measures and initiatives in the BSEC Member states are in line with the following international conventions: the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and its two protocols and the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. Amongst the State members of BSEC, only 6 have already ratified the UNIDROIT 1995 Convention on Stolen or Illegally Exported Cultural Objects (Azerbaijan, Georgia, Russian Federation, Turkey, Ukraine and Greece).

15. Trafficking in cultural heritage has many causes. Ignorance and poor ethics are at its very root and therefore the critical role of education and awareness raising must not be disregarded. Lack of capacity to protect cultural heritage is a significant weakness in many countries of the Black Sea region, which also has to be remedied as much as possible taking into account that in many instances it is materially impossible to adopt exhaustive measures of physical security and surveillance of all relevant cultural heritage, particularly regarding archaeological and paleontological sites. Moreover the art market has to be better regulated. Law enforcement and customs control both at export and import requires to be strengthened with rigorous and efficient mechanisms, as well as educating and utilizing an active judiciary in order to confer effective protection.

16. Clandestine excavations of archaeological sites are among the most pernicious practices within the cycle of illicit trafficking in the BSEC region. The damage caused by clandestine excavations of archaeological sites goes well beyond the theft of important archaeological pieces, as it destroys the unity of meaning of the whole archaeological monument and archaeological context of the site, depriving the nations and peoples of the world of the opportunity to understand and learn from the irreplaceable cultural heritage. This practice should be prevented and fully stopped.

17. Through specific regulations and bodies supported by the Governments, the BSEC Member states have developed a comprehensive system for protection of moveable cultural goods, prevention of illicit trafficking and recovery of cultural goods unlawfully removed from the national territory. In most of the BSEC countries has been developed strong coordination between the competitive authorities in order to enforce all preventive and punitive measures. Special emphasis is put on the digital inventories, on the classification of cultural goods, on the enforcing of specific legislation for the protection of cultural heritage,

on the cooperation of relevant structures (cultural, police, customs) and all other preventive measures recognized as effective in the fight against illicit trafficking at international level (such as those regularly reported to UNESCO).

18. Registration of cultural goods in specific inventories is compulsory for most of the museums, public collections, memorial houses, cultural centres and other similar organisations. Digital registers are compulsory but they must be doubled, still, by physical records. All public institutions are supposed to implement anti-theft measures and security plans. Museums have, also, special access procedures in critical areas (storage, restoration laboratories and others). The Ministry of Culture departments are closely cooperating with the Ministry of Interior and Customs structures.

19. Over the past two years an upward trend in the number of small thefts and attempts to penetrate into museum institutions has been observed. Movable cultural goods are subject to customs control of compliance with customs and specific legislation assigning control functions to the customs authorities – at national and international level. A major problem with the return of illegally exported cultural property is to prove the origin of the cultural good when it is a product of illegal excavations. It is difficult to prove in some cases the process of re-buys and change of ownership, until it reaches the actual offenders. This is due to differences in the national legislations of the BSEC Member states.

20. One of the main problems related to the preservation of cultural heritage in the BSEC Member states are illegal excavations to search for cultural values. The problem has existed for decades and despite the efforts of police authorities illegal excavations are still continuing and cover all BSEC Member states. Treasure hunters form the first part of the criminal network, and the cultural values pass from their hands into the hands of dealers at local and national level, then the goods are exported abroad to be resold at auctions and to collectors.

21. Huge problems have been encountered in the restitution of the properties whose inventory has not been taken yet as they are located underground and which are taken out of the country via clandestine excavation. However, it is not possible to obtain any results due to different national legislations of the countries, the burden of proof brought to the country that demands the restitution by means of submitting stolen record and similar documents and the inability to obtain these documents for the pieces taken out via clandestine excavations without any inventory.

22. In connection with combating trading in cultural goods, strong interaction is established with officials of Interpol, Directorate General “Border Police”, Ministry of Culture, Museums and the Customs Agency. Activities are carried out to monitor traders of cultural goods and places where such goods are available. Awareness and prevention lectures are conducted for traders of cultural goods in the country and with collectors of such goods, to promptly obtain information on the appearance of incriminated goods of cultural heritage.

23. The national authorities in the BSEC Member states are committed to promote the international standards and take measures through cooperation for the benefit of fighting against the illicit trafficking with cultural goods. Most of the countries have special campaigns aiming to raise the awareness of the citizens and to underline the importance of fighting against the illicit trafficking of cultural heritage.

24. In the *Republic of Albania* all of the policies, strategies and other activities aiming the protection of the cultural heritage are mission of the Ministry of Culture and the Ministry of Interior. The legal documents over the last decade are based on the Recommendations and the guidelines from European cultural bodies including the Council of Europe, UNESCO, and various chapters and conventions. In 2011 the National Action Plan on the prevention of the illicit trafficking of cultural objects and acts is adopted with the cooperation between the Ministry of Interior covering various activities and mechanism for raising the awareness, training and the prevention of this illegal act. The preservation of strong national identity in Albania is a consequence of the cohesiveness and sustainability of its culture. The Albanian heritage today reflects thousands of years of history. Its protection policy has much in common with neighbouring countries, attempting to create a new system through revised legislation and modern administrative structures. Progress has been considerable, although there is still need for closer co-operation between the national institutions and with the local authorities, while specialised staff and invested resources are sometimes in short supply. Many successful partnerships with international public and private agencies and organisations have created opportunities for preserving Albania's cultural and natural heritage. The merging of the Ministries of Culture and Tourism in 2005 gives a clear sign of the will to invest in the maintenance and enhancement of cultural assets, in order to generate income with a view to improving the living conditions of Albanian community. Extensive awareness raising campaigns are currently being carried out to explain the positive impact of restoring monuments and transmitting heritage to forthcoming generations in terms of strengthening areas economically and affirming Albanian identity as part of the pan-European identity.

25. In the *Republic of Armenia* the Government has begun to pay more attention to the protection, usage and restoration of the cultural heritage in the half of 1970s. The Board of Protection and Usage of Cultural Monuments at the Government of Armenia has been founded under the Government decision of 18 April, 1978. Later the basic problems and the directions of the activities are determined in this sphere. The most important problem, certainly, has been the general inventorying and the documenting of the landmarks, as a result of which the Government approves the State List of the Historical and Cultural landmarks in 1983. This list includes 8 865 landmarks and till 2000 it has been the fullest document of the protected tangible heritage on the territory of Armenia.

26. In the late 1992 within the Ministry of Culture in the Republic of Armenia is established a specialized directorate concerning the export and import of cultural heritage. In order to intensify the efficiency of the Ministry in this issue in 1994 a special law regarding the movement of cultural heritage is adopted. Recently in the Republic of Armenia Agency on protecting cultural heritage within the Ministry of Culture is responsible for the prevention of the illicit trafficking of cultural heritage. The Ministry has strong collaboration with the National Policy structures and units. In order to protect the cultural heritage the Government launches a register referring to the valuable cultural properties. The export and the temporary import of those values within the territory of the country is forbidden. Furthermore the cultural heritage list involves state and non-state goods which can be exported temporary. The cultural values, which belong to the State, have special inventories.

27. The improvement of the conditions of the protection, restoration and usage of the historical and tangible and intangible cultural heritage are recognized as the strategic direction of the cultural domain of Armenia. The Agency for Protection of Historical and Cultural Monuments of the Ministry of Culture controls the protection of tangible heritage. The main

document regulating the tangible cultural heritage sphere in Armenia is the “Law of Protection and Usage of Historical and Cultural Tangible Heritage and Historical Environment” approved by the National Assembly in 1998, later enriched with many other laws and rules. The “Law about Historical and Cultural Tangible Monuments, Recognized State Property and Not Subject to Alienation” accepted by National Assembly in 2003 is also the result of the improvement of the legislation in the heritage protection field. The draft “Law about Archaeological Heritage Studies and Excavations” with the main definition of the domain, aimed to regulate the problems of archaeological heritage studies and excavations, to define the physical and legal entities, authorized body’s rights and responsibilities, has been elaborated and submitted for Government approval.

28. Although in the *Republic of Azerbaijan* there is no separate legal act concretely addressing the sphere of the illicit trade in cultural heritage, this field is regulated by the laws and regulations in the framework of the legislative system of the country based on different acts. The most significant of them are: the Law on Electronic Commerce, the Law on Culture, the Law on Copyright and the Related Rights, the Law on Legal Protection of Expressions of the Azerbaijan Folklore, the Law on the Enforcement of Intellectual Property Rights and Fight against Piracy, as well as the Resolution of the Cabinet of Ministers No 294 of 29 August 2014 on Approval of the Rules of Import, Export and Transit of Cultural Property on the territory of the Republic of Azerbaijan. At Present the Cabinet of Ministers is adopting the documents established to regulate this sphere, including the “Terms of registration and legislative protection of expressions of Azerbaijan folklore and traditional knowledge”; the “Procedure for copying and reproduction of cultural values, which represent the national cultural heritage of Azerbaijan, including the archeological and ethnographic property that are stored in museums, libraries, film archives, as well as manufacturing of souvenirs and printed materials. The abovementioned acts are elaborated taking into account the recommendations contained in the international documents and conventions. The main articles of the legal documents state that the exploitation of cultural property belonging to the national cultural heritage, including the museum, archaeological, ethnographic, library items stored in the archives and used by legal entities and individuals in commercial and non-commercial purposes is conducted by the permission of the Ministry of Culture and Tourism of the Republic of Azerbaijan. The use of expressions of folklore on the territory of the Republic of Azerbaijan is carried out in accordance with the requirements of the “Law of the Republic of Azerbaijan on Legal Protection of Folklore Expressions of Azerbaijan”. At the same time the commercial use of expressions of folklore by individuals or legal entities of other countries outside of the Republic of Azerbaijan is carried out with the permission of the Copyright Agency of the Republic of Azerbaijan. The owner of national cultural property is responsible for ensuring its proper maintenance and protection. Otherwise in accordance with the Civil Code improperly maintained valuables may be purchased from the owners by the State.

29. According to the Decision No 294 of the Cabinet of Ministers of 29 August 2014 there is a ban on the export of the cultural property of the Republic of Azerbaijan abroad. As an exception it is also presumed to ban the export of foreign cultural valuables that have been entered into the State Register of national cultural heritage items as a movable cultural property. At the same time the objects of cultural heritage may be subject of temporary export from the country for the purpose of organizing exhibitions, tours, restoration works, presentations and international cultural events. This is done in accordance with the “Rules of the temporary export of cultural property to the country for their use in exhibitions, tours, restoration works, presentations and international cultural events” approved by the Cabinet of Ministers. It has to be noted that in conformity with the Criminal Procedure Code of the

Republic of Azerbaijan (Violation of international humanitarian and legal norms in the event of armed conflicts) theft, robbery, illegal acquisition, acts of vandalism and illegal export of cultural property from the occupied territories or transfer of ownership of cultural property to another person on these territories, or their destruction are punished by imprisonment from ten up to twenty years or life imprisonment. The adoption of the Law of Republic of Azerbaijan on Enforcement of Intellectual Property and Fight against Piracy in 2012 is also very important. It strengthens the legislation of the Republic of Azerbaijan in combating the illicit trade in cultural heritage and piracy. The Center for Enforcement of Intellectual Property Rights (CEIPR) in the framework of the Copyright Agency operates within the legal powers, conducting monitoring and licensing. At the same time an interactive education center has been launched within the CEIPR system, which is finalizing the work on creation of digital rights management (DRM) system. The main task and function of the CEIPR is to implement measures ensuring the enforcement of intellectual property rights, conduct of digital rights management in the networks, and provide assistance in the implementation of appropriate measures to combat illegal trade. The current legislation of the Republic of Azerbaijan ensures all necessary measures for combating illegal use of objects of cultural heritage and the illicit trade in cultural property.

30. With the aim to successfully implement the tasks of preservation of cultural heritage in the framework of the strategic document “Azerbaijan 2020: Look into the Future” the Copyright Agency of the Republic of Azerbaijan has intensified its efforts to carry out integrated set of measures aimed at strengthening the legislative activity, setting up the necessary material and technical infrastructure and technological processes, improvement of professionalism, creation of respective cultural environment and promotion of various initiatives on international arena. As part of this process a large number of international events - conferences, seminars and round tables have been organized.

31. *In the Republic of Bulgaria* the national legislation is in compliance with the EU requirements and regulations governing the protection of cultural heritage. Bulgaria has adapted its legislations to the Directive 2014/60/EU of the European parliament, 15 May 2014 on the return of cultural objects illegally removed from the territory of the Member State and regulation /EC/ 116/2009, 18 December 2008 on the export of cultural goods. The main objectives of the Regulation are reduction and prevention of illicit export of cultural goods outside the EU and the provision of information on their free movement within the EU. The main regulatory acts governing the countering of illegal acquisition and export of cultural treasures are the Criminal Code of the Republic of Bulgaria, the Law on Cultural Heritage and the Law on Protection and Development of Culture.

32. Bulgaria applies one of the most restrictive policies in countering this type of acts which in some cases are punishable by imprisonment of up to 10 years. Thus, a significant pressure has been exerted on organized crime groups not only at national but also at international level, Bulgaria is a major obstacle to the transit traffic of cultural treasures in the Balkan region. Measures have been implemented to counter criminal offenses against the cultural heritage in its entirety in the territory of the whole country – archaeological, architectural, ethnographic, religious cultural heritage and modern fine art, as well as measures to counter illicit trafficking in cultural treasures. For instance, a specialized unit has been exercising control over the compliance with the requirements of specialised legislation and the coordination with other authorities and specialized structures involved in the conservation of cultural heritage. Such specialized units have been also set up in the Prosecutor’s Office of the Republic of Bulgaria and the central authorities of the Ministry of Interior, and the regional structures of the police

authorities. A separate unit has been set up in the specialized police forces for combating organized crime.

33. An agreement for inter-institutional cooperation has been concluded between the Ministry of Culture and the Customs Agency (2011) as well as an Instruction for cooperation between the Ministry of Culture, the Ministry of Interior and the Prosecutor's Office of the Republic of Bulgaria against criminal offences having cultural goods as their object (2012). The Parties shall cooperate with the aim of preventing and detecting violations of customs, foreign currency and excise legislation and border regime, in particular interaction in preventing and detecting illegal transactions and illicit international trafficking in cultural monuments, valuable historical artefacts and works of art. The Parties to the Instruction shall determine contact points that coordinate and interact with other police authorities, customs officers, employees of the Ministry of Culture, etc. in connection with the work on each particular case. An interdepartmental committee has been set up. It meets periodically for the purpose of examining, processing and analysing the information on criminal offenses against cultural values, carrying out the coordination among the structures and initiating legislative changes.

34. Monitoring of traders of cultural treasures and places where such items are offered is conducted. Awareness and prevention lectures are carried out with merchants of cultural treasures in the country and with collectors of such items to promptly obtain information about the appearance of incriminated objects of cultural heritage. Measures to monitor persons for whom information is available that they perform illegal activities related to cultural treasures are implemented. The specialized sector in Directorate General of National Police is implementing a project for constructing and developing an information system to search for missing cultural treasures, which will register criminalized cultural treasures, including those sought by other countries.

35. In order to prevent the illegal trafficking *in Georgia* a Permit for export and temporary export of cultural properties across the customs and state border is issued by the Cultural Heritage Department of the Ministry of Culture and Movement protection of Georgia. The permissions are granted in compliance with the Law of Georgia on Cultural heritage and the Law on Export and Import of Cultural Property. If the cultural property is of value, a decision on the reasonability of its export abroad is taken by the Commission on Cultural Properties and Movable Monuments under the Cultural Heritage Council of Georgia, which meets once a week on a regular basis. The Commission's meetings may also deal with other strategically important issues. A special commission may be set up, if required, consisting of experts from various institutes and scientific-research centers. The Commission may review letters from various law-enforcement agencies as well, requesting to assess the value of lost or stolen cultural properties. There are a number of other issues, which can be solved on the basis of experts' respective findings.

36. With a view to making the cultural heritage protection one of the priority tasks of Georgia's national policy, the Ministry of Culture and Monument Protection of Georgia launched in 2001 the implementation of the State Programme on Movable Monument Inventory and Passportization in accordance with the abovementioned laws. A Commission on Movable Monument Inventory-Passportization and Registry has been established to develop a mechanism for carrying out inventory and passportization of movable monuments and to bring this mechanism into compliance with international standards. In 2004 the Division of Movable Monuments under the Cultural Heritage Department is established

within the Ministry of Culture. The functions of the Division consists in identifying private and state-owned cultural properties in the territory of Georgia, granting status of movable monuments or other object considered movable based on its designation and nature and granting permits for the export of cultural properties from Georgia.

37. It should also be noted that the Ministry of Culture and Monument Protection of Georgia is responsible for the inventory and passportization of not only those movable monuments that are within the scope of its competence but also of those movable monuments that are preserved by other authorities (National Archive, Academy of Sciences, Patriarchate). The illegal archaeological excavations which used to and still continue to persist in Georgia are largely caused by the ineffective and inconsistent operation of governmental and non-governmental sector, lack of coordination with law-enforcement agencies and defects in legislation. The main cause of the problem is, however, the population's low level of awareness and weak civil position. The Ministry of Culture and Monument Protection of Georgia carries out training activities to raise the awareness of various age-groups of the population on the necessity of protecting and preserving cultural heritage items. Methodological work is underway to prevent black archaeology, as well as theft and illegal export of cultural heritage items.

38. The national legislation of the *Hellenic Republic* is in compliance with the EU requirements and regulations governing the protection of cultural heritage. Hellenic Republic is under procession of implementing the Directive 2014/60/EU which is the recast of the Directive 93/7/EEC "*on the return of cultural objects unlawfully removed from the territory of a Member State*" of the European parliament. There are several national laws in Hellenic Republic regarding illicit trafficking of cultural objects, which are improved by following the spirit of specific guidelines of the international Conventions UNESCO 1954 - The Hague Convention, UNESCO 1970 - Convention "*on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property*" and UNIDROIT Convention "*on stolen or illegally exported cultural objects*".

39. The law on the Protection of Antiquities and Cultural Heritage sets the conditions for the protection of contemporary cultural goods, foresees penal sanctions and describes the administrative processes for the protection of the cultural heritage. The law on Measures for the Protection of Cultural Goods and other provisions concerns mainly the introduction of provisions by which the illicit trafficking in antiquities is considered as an aspect of organized crime and the exclusive international jurisdiction of Greek courts is recognized. Among the BSEC Member states Greece has signed bilateral agreements with the Republic of Turkey (4294/2014). Moreover negotiations are still going on with other countries in order to proceed with bilateral agreements on the prevention of illicit traffic of cultural goods. Also, provisions concerning the protection of cultural property and the combat against its illicit traffic are included in many educational and cultural bilateral agreements.

40. The Ministry of "*Culture, Education and Religious Affairs*" is the competent Ministry where as its Directorate of the "*Management of the National Archive of Monuments, Documentation and Protection of Cultural Goods*" is responsible for issues of cultural property, illicit trafficking of cultural goods, documentation of their provenance, claims of repatriations, misappropriation, illegal excavation or removal etc. The "*Division of Public Security/Hellenic Police Headquarters*" of the Ministry of "*Interior and Administrative construction*", operates as a central service responsible for the handling of cases against cultural heritage, monitors the progress of this kind of criminality, and gives directions and

instructions for the right application of the legislation and the increase of the police effectiveness. Both Ministries cooperate with different stakeholders of the cultural heritage management, law enforcement institutions and consular and judicial posts.

41. The Counter Criminal Policy 2015-2019 and the Policy for Combating Financial Crimes of the Hellenic Police aim at the reduction of theft and illegal trafficking of cultural objects, the reduction of crimes around archeological sites, dismantling criminal organizations and effective protection of the storage rooms for objects of cultural heritage via enhanced policy security, seizing photos concerning antiquity material, contemporary investigation methods, arrests, Interpol notification, cooperation with all relative stakeholders such as Customs, religious entities, Prosecutors etc. The existence of Inventories is of particular importance since claims for restitution of inventoried cultural property are always indisputable. It is also noted that, the control and protection of submarine antiquities is under the jurisdiction of Hellenic Coastguard, according to the national legislation.

42. Cultural policy *in the Republic of Moldova* primarily focuses on preserving cultural values under threat. In 2012, the Ministry of Culture initiates the process of developing "The National Strategy for the Development of Culture in the Republic of Moldova / Culture 2020". This document is innovative as for the first time a systematic analysis of the cultural sector of the Republic of Moldova is undertaken and as a result, the general directions and objectives for developing culture for the medium and long-term period are identified. According to the Strategy vision, the Republic of Moldova will have a consolidated, independent and creative cultural sector, with cultural heritage that is protected and integrated in the national and regional public policies, including the sustainable development activities: educational, social, economic, tourism and environmental by 31 December 2020. The objective of the Strategy is assuring a viable cultural environment, through creation of an adequate framework of public policies, setting up a functional system for preserving and valuing cultural heritage, promoting creativity, developing cultural industries.

43. The Parliament draws up state policy on the protection of monuments, creates the legal framework to ensure efficient protection of cultural heritage, approves the register of state-protected monuments and state cultural programmes and funds such programmes. The government compiles the register of state-protected monuments, implements the conservation, restoration and enhancement of such monuments and funds such programmes out of the state budget and with outside sources of funding. Local authorities are responsible for maintaining the inventory of monuments of county and local significance and for funding activities relating to the protection of such monuments.

44. The Directorate of Cultural Heritage and Visual Art is a structure that ensures and promotes strategies and policies, draft laws, regulations and public policies in the field of cultural heritage and visual arts of the Republic of Moldova. They are also responsible for historical remains, architectural heritage, the protection of national movable and immovable cultural heritage, compliance with relevant legislation, and the maintenance of archives and registers relating to the protection of monuments. In addition, these Directorates put the finishing touches to state programmes on monument protection, coordinate studies on the impact of urban and regional development upon archaeological monuments, and supervise archaeological excavations. Specialists working in the Directorates provide advice and guidance on cultural heritage issues to officials of central and local governments, professionals, researchers, students, etc.

45. The Ministry of Culture, through inter-ministerial committees, collaborates with the different Ministries in order to prevent and protect the illegal actions regarding the cultural heritage. The Agency of Inspection and Restoration of Monuments (AIRM) is an executive body subordinated to the Ministry of Culture which has the function of control regarding law observance in the field of protection, preservation and restoration of monuments, historical ensembles and sites and their protection areas. The function of AIRM is to coordinate and enforce the laws of the Republic of Moldova, documents of UNESCO and the Council of Europe on protection, preserving and promoting historical monuments.

46. The legal framework in the field of cultural heritage protection has been significantly improved in recent years, by adoption of the Law on protection of archaeological heritage, the Law on Public Forum Monuments, the Law on the protection of movable national cultural heritage and the Law on the protection of intangible cultural heritage.

47. ***In Romania*** the legal framework is in compliance with the Council Regulation (EC) No 116/2009 of 18 December 2008 on the export of cultural goods. The most significant laws in this field are: the Law on the protection of movable national heritage which regulates the archaeological excavations and the Law on museums and public collectors. Romania has developed an extensive system of prevention illicit trafficking of cultural goods. The relevant Romanian authorities work together in order to enforce all preventive and, upon the case, punitive measures on the basis of cooperation protocols and according to their legal competences. The Ministry of Culture - central authority for culture, General Directorate of Customs, the Romanian Police, and the Romanian Border Police have signed protocols of cooperation in order to prevent and fight illicit trafficking of cultural goods in a coordinated manner. Protocols of cooperation are concluded among relevant institutions at county level, as well, sometimes including the cooperation with religious cults and museums.

48. Inventory of the cultural goods, digitalization and classification and the registration in special inventories prove to be effective preventive measures, adopted by the Romanian authorities, especially the inventories which are compulsory for the cultural organizations, public collections, museums etc. The classified cultural goods are listed in the Inventory of the National Moveable Cultural Heritage. The protected archaeological sites are listed together with all classified historical monuments in the Historical Monuments List, which is periodically updated. The inventories ensure widespread knowledge of protected cultural heritage.

49. All public institutions in Romania are obliged to implement anti-theft measures. Police-approved security plans are compulsory. Museums have, also, special access procedures in critical areas (storage, restoration laboratories and others). The legislation contains special measures for the export and trade of cultural goods, including special license issued according to the provisions of the European Regulation, in case of their removal from the EU territory and certificates. The export is regulated by the national and European legislation and the international conventions that Romania is part of. The Romanian law forbids and sanctions the import, ownership, acquisition, use in exhibition, or any kind of act related to the circulation of cultural property that has unlawfully left the territory of another state.

50. Romania is in the course of modifying the legislation for the protection of moveable cultural heritage in order to incorporate and transpose the provisions of the Directive 2014/60/EU of the European parliament and of the Council of 15 May 2014 on the return of

cultural objects unlawfully removed from the territory of a Member State and amending Regulation (EU) No 1024/2012 (Recast). With this project, the Romanian authorities also intend to improve the mechanism of prevention and fighting the illicit trafficking of cultural goods and to eliminate operational obstacles previously encountered in their relevant activity.

51. From an international point of view the main legal and operational obstacles encountered by Romania refer to the process of restitution of cultural heritage due to the differences between the legal systems of the states. Romania has been part of the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation between 2009-2013. Currently Romania takes part in the works of the Committee as an Observer state. Romania was part of the Subsidiary Committee of the UNESCO 1970 Convention, between 2013-2015 and the Committee for the Protection of Cultural Property in the Event of Armed Conflict, between 2009-2013.

52. The *Russian Federation* has huge cultural potential and attributes considerable attention to preservation of cultural heritage values and the combating of the illicit trafficking. At present, the sphere of culture in Russian Federation is regulated by a sufficiently large volume of laws and legal acts. The issues regarding illegal import and export of cultural property are regulated by the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970) ratified by Russia in 1988. The issues in the field of state protection, preservation, use and promotion of cultural heritage are regulated by the Constitution of the Russian Federation, the documents of international law in the field of cultural heritage, the fundamental principles of legislation on culture of the Russian Federation. The main legislative act on the protection and preservation of immovable cultural heritage is the Federal Law on "Objects of the Cultural Heritage (monuments of history and culture) of the People of the Russian Federation". The issues of preservation, protection and use of the objects of the cultural heritage are also reflected in such important documents as the Education Development Concept in the Field of Culture and Arts in the Russian Federation for 2008-2015, the Concept of State Support for Organizing the Folk Arts and Crafts Events in the period till 2015, and the Concept of Conservation and Development of Intangible Cultural Heritage of the Peoples of the Russian Federation for 2009-2015.

53. One of the functions of the Ministry of Culture of the Russian Federation is the maintenance of database of missing and stolen cultural objects in order to prevent the illicit trade. Through the specialized databases (Automated Electronic Information and Search System "ERPAS" and "LOSTART") the Ministry of Culture of the Russian Federation also monitors the information on the international and Russian art markets with the aim to identify missing objects and take necessary measures to return them (either directly or in cooperation with the competent federal authorities). Besides the Ministry of Culture of the Russian Federation similar electronic database exist within the system of the Russian law enforcement bodies. At the same time the Ministry is actively using mass media through regularly publishing the information about the wanted cultural objects.

54. The Criminal Code of the Russian Federation contains special norms directed at protecting the objects of cultural heritage and the fight against trafficking in cultural property. The current legislation also contains a significant number of legislative norms implying administrative penalties for administrative offenses related to the objects of cultural heritage and cultural values. In accordance with the Federal Law on Objects of the Cultural Heritage (Monuments of History and Culture) of the Peoples of the Russian Federation the individuals causing damage to objects of cultural heritage have to reimburse the cost of restoration works.

In order to combat trafficking of the objects of cultural heritage, as well as for raising public awareness regarding the ongoing restoration works on the cultural heritage sites the contractors have to install special information boards with the image of the object, title of the works, name of the contractors and other relevant information before starting any restoration work.

55. The Russian Federation traditionally attaches great importance on cultural cooperation at international level and in particular in the framework of UNESCO. Russian Federation actively participated in the preparation and discussion of the strategies and the programs of the Organization in the field of culture and has been supporting various initiatives in the framework of cultural conventions adopted under the auspices of the UNESCO. This concerns first of all, the Convention Concerning the Protection of the World Cultural and Natural Heritage of 16 November 1972, as well as the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 14 May 1954 and the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property of 14 November 1970.

56. The Law on cultural heritage of the *Republic of Serbia* is paying close attention to unlawful excavations and thefts, considering illegal trafficking and smuggling of cultural goods as consequent actions. The last years have been the time for understanding the concept of the preventive protection and time of introducing a new category of the cultural goods, mostly archaeological and numismatic ones still not discovered, still preserved in earth, and considered to be the state property, but also monuments and other permanent structures considered to be of cultural value but still under assessment. Archaeological treasures in Serbia are numerous, and especially endangered are sites from the Roman period – impressive structures of Roman towns Sirmium, Viminacium, Romuliana, etc. The system of heritage protection includes institutes for protection of immovable heritage (16 offices), network of museums in Serbia (more than 120) and two inspectors from the Ministry of culture - one for archaeological excavations and one in charge of monuments. Police, customs and juridical representatives are also included.

57. Serbia has become part of the international illicit trafficking network, route for smugglers from the Near East, Turkey, Bulgaria, etc. In the recent decade from 10 museum have been stolen more than 13,000 objects, mostly numismatic material, archaeological objects but also many paintings and graphics. The Government of Republic of Serbia has supported the establishment of Central Institute for Conservation (CIK) in Belgrade upon the proposal of the Ministry of Culture. It is a scientific and educational institution which parallel develops education, science and conservation. The main task of this institution is to implement unique approach in integrative manner that includes all contents of tangible and intangible heritage in their natural environment, to develop preventive and curative conservation, restoration and system of documentation.

58. In the framework of the international campaign of the UNESCO on providing humanitarian assistance to the Republic of Serbia in the restoration and preservation of its cultural sites damaged during the military actions the Government of the Russian Federation has transferred to the UNESCO voluntary contribution of 2 million US dollars in order to finance the restoration of Orthodox holy sites in Kosovo. In 2013 World Heritage sites are restored, such as the Decani, Gračanica and Pec monasteries and several churches. Restoration of the monuments damaged in recent decades in Kosovo is an example of effective cooperation of stakeholders at the international level and witnesses the active position of Russian Federation on the issue of saving outstanding cultural heritage sites.

59. *The Republic of Turkey* has been actively participating in the activities of the "Intergovernmental Committee for Promoting the Restitution of Cultural Property to its Countries of Origin or its Restitution in a Case of Illicit Appropriation". The membership of the Republic of Turkey to the UNESCO 1970 Convention Subcommittee which has been founded in order to increase the effectiveness of the Convention has expired this year. With the aim of increasing the bilateral cooperation in preventing the illegal trafficking of cultural properties the Government of the Republic of Turkey has signed several agreements with the Government of Republic of Bulgaria, Republic of Greece and Romania on the Prohibition and Prevention of Illegal Import, Export and Property Transfer of Cultural Properties. They are supposed to provide effective feedbacks on the restitution of the cultural properties.

60. In order to prevent the illegal trafficking the authorities of the Republic of Turkey provide a country-wide search at the custom gates, the police and gendarme units. They are supposed to report immediately all the information and data concerning cultural properties stolen from museums, archaeological sites or collectors to the Ministry of the Interior, Department for Fighting Against Trafficking and Organized Crime, Department of Interpol-Europol, Ministry of Customs and Trade, Gendarme General Command, Coast Guard Command, all Governorates. Turkish authorities have developed strong coordination with relevant units regarding the trafficking of cultural properties namely the Department Fighting against Trafficking and Organized Crime within General Directorate of Security and the units serving in Provinces.

61. As preventive measures many educational activities are organized in cooperation with partner institutions in preventing the trafficking of cultural properties. Consultation meetings are held with experts working in the central units of Ministry of the Interior, General Directorate of Security and Gendarme General Command. Ministry of Culture and Tourism also allows museum directorates in Provinces to organize educational activities to raise public awareness on protecting cultural heritage and it supports all types of educational activities.

62. At the international level organizing conferences, workshops and monitoring international events and close cooperation with Interpol prove to be effective preventive measures on the illicit trafficking of cultural properties. Republic of Turkey takes the necessary measures in collaboration with the relevant Ministries, institutions and organizations to prevent international trafficking of the cultural heritage. All museums within the Ministry of Culture and Tourism as well as the security forces and customs work in close cooperation, preparing annual reports and statements regarding the illegally imported cultural properties.

63. In *Ukraine* the basic principles of the preservation of cultural heritage are reflected in the country's main law. The Constitution of Ukraine proclaims that: "Cultural heritage shall be protected by law", "The State shall ensure the preservation of historical monuments and other objects of cultural value..." "Everyone shall be obliged not to harm nature or cultural heritage, and to compensate for any damage he/she inflicted". The preservation and enhancement of cultural values is among priorities in the government's policy in the sphere of culture. In accordance with the international conventions ratified by the Parliament of Ukraine, preservation of cultural heritage is an international legal obligation of the country to the global community. The State Service for National Heritage Issues (set up as the State Service for the Protection of Cultural Heritage in 2000) is responsible for the record keeping, protection, proper maintenance and use, conservation and restoration of all types and categories of

monuments. Also, one of its main functions is to ensure international cooperation in this sphere. Although cultural heritage conservation is a government function, it cannot do without community support. In Ukraine, the public register includes over 140 thousand cultural heritage monuments, of which 49.8% - archaeological sites, about 37% - historical monuments, more than 11.1% - architecture and urban planning, about 2% - monumental art; monuments of science and technology, garden art and landscape together make up less than 0.1%. Based on groups (ensembles) of monuments of special cultural value, in Ukraine there are 63 historical and cultural reserves. Approximately 9400 settlements of Ukraine have more than 70 thousand cultural heritage monuments requiring study and registration.

64. The Department for Control over Displacing of Cultural Property and Protection of Cultural Heritage has developed a comprehensive complex of measures aimed at protecting and increasing the national cultural heritage. The measures are focused at: preventing and combating contraband and illegal trafficking in cultural property, development of foreign cooperation on return of illegally exported cultural property in the framework of relevant intergovernmental commissions and international organization and the maintenance of State Registers of cultural property. The Department also coordinates and controls activities of the National historical and cultural reserves subordinated to the Ministry of Culture of Ukraine. Public administration in the field of cultural heritage protection is assigned to the Cabinet of Ministers of Ukraine, as well as specially authorized bodies of cultural heritage protection. The Law of Ukraine "On the protection of the cultural heritage" also establishes procedures for exercising the ownership of the sites, identifies specific mechanisms for the protection of monuments (in particular, by the conclusion of the protection agreement for a monument or part thereof between the owner of the site and the relevant body of cultural heritage protection), establishes responsibility for violation of the legislation on the protection of cultural heritage. Certain provisions of the Act are further specified in other legislation. Thus, the Law № 574-VI of 23.09.2008 contains the list of cultural heritage monuments that cannot be privatized. Responsibility for violation of the legislation on the protection of the cultural heritage is detailed in the Criminal Code and the Code of Administrative Offences.

65. In order to ensure an adequate level for the protection and use of the cultural heritage, the Law of Ukraine of 20.04.2004 No. 1692-IV approved the National Programme for the Conservation and Use of the Cultural Heritage for 2004-2010 aimed at improving the legal, organizational and logistical framework in the field of cultural heritage protection. Given the pending completion of the Programme and its strategic direction, the Ministry of Culture considers it necessary to extend its duration, focusing on the medium term. The Programme should include the establishment of an integrated system of measures to protect the cultural heritage by ensuring records updates, define or clarify the areas of protection for each monument, a clear definition of their regimes to create a complete database records in all regions of the country during the formation of the State Register of immovable monuments of Ukraine. The Programme should provide for the further development of international cooperation in the field of protection of cultural heritage, both in cross-border areas, and through strategic bilateral relations with traditional partners abroad. Great attention should be given to cooperation with UNESCO World Heritage Centre, ICOMOS, European and international organizations. Recognizing the significant scale of the problem, the Verkhovna Rada of Ukraine adopted the Law of 09.09.2010 № 2518-VI «On Amendments to some legislative acts of Ukraine on protection of cultural heritage", which amended the Code of Administrative Offences and the Criminal Code of Ukraine. As a result, administrative and criminal liability for violation of the legislation on the protection of the cultural heritage has

been significantly enhanced, including illegal excavations on archaeological heritage sites and the destruction or damage to the cultural heritage.

#### **IV. CONCLUSIONS**

66. The cultural and creative sectors contribute substantially to regional, social and economic development in the Black Sea Region. It is important to continue to explore and promote the role of culture in supporting and fostering creativity and innovation in the region. Cultural policies represent the starting point in revitalizing the creative sector and in determining the major changes that take place in culture and arts. The BSEC Member states are encouraged to promote the access to culture for their peoples, along with the principles stated in the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expression (Paris, 2005). A network of ministerial communication would strengthen the policies in protecting the cultural heritage, in fostering the mobility of youth and artists, in studying the best practices and in having joint projects as those mentioned above.

67. Joint actions within the cultural sector will result in the development of human resources, in the transfer of know-how, in the emergence of common projects and promotion the exchange of experience. Raising the public awareness towards protecting and promoting cultural heritage and human values could also be fastened by such a platform of communication. Promoting the synergies between policies and programs in the field of art, cultural heritage and education will foster the access to culture. Moreover, sharing the best BSEC practices in implementing cultural policies will strengthen the fight against illegal trafficking of cultural objects and will ease the cooperation with civil society in accordance with national legislations.

68. The prevention of the cultural heritage trafficking is significant for economic, cultural and social stability in the countries of BSEC region and worldwide. Developing preventive policies could help to preserve and revive tangible and intangible cultural heritage, enhance economic development and employment, strengthen and diversify tourism products, retain the local population, develop cultural understanding.

69. Successful policies in this field are closely connected to the role of both national and multilateral cooperation between the authorities responsible for this issue. Preserving their cultural and natural heritage assets and making use of national and international experience, the BSEC Member states can meet the challenge of linking cultural and tourist routes and raise awareness globally of the Black Sea region as a tourism destination of a unique value and quality.

70. In order to prevent the cultural heritage trafficking all BSEC Member states have developed strong inter-institutional cooperation between the Ministry of Culture, the Customs and Police units in their respective countries. The relevant authorities cooperate with the aim of preventing and detecting violations of customs, foreign currency and excise legislation and border regime, in particular interaction in preventing and detecting illegal transactions and illicit international trafficking in cultural monuments, valuable historical artefacts and works of art. Illegal export is a persistent problem. The reasons are lack of financial means for the socialization of detected and investigated sites, for the research of still conserved sites, lack of financial and human resources for the protection of sites, which is hampered by the

remoteness of most of them from the settlements. This issue is regulated by the legislation, but attacks are too many to be covered by security and enforcement authorities.

71. The BSEC Member states should encourage closer, formal cooperation of representatives of authorities concerned with the protection of cultural property (for example, police, Customs Department, antiquities authorities, Ministry of Culture, Ministry of Justice). Effective preventive measure recognized in the fight against the illicit trafficking at the national level is to raise public awareness of the serious problem of the illicit excavation, looting and trafficking of cultural property, including educational programs and information campaigns designed for the general public in cooperation with the National Commissions of UNESCO and INTERPOL, other relevant national or international bodies, cultural institutions, state archives, the private sector as well as the media.

72. The BSEC countries emphasize that the "*Draft Memorandum on the Collaboration among BSEC Countries in Fighting against Illegal Trafficking of Cultural Properties and Artistic Objects Belonging to Archaeological, Historical, Ethnographic Heritage*", is important for the BSEC countries and the negotiations on it should be finalized in due course. At the same time, in order to effectively counter the threat of destruction of monuments of culture and history it is necessary to elaborate a set of measures aimed at creating an effective international system for examination and use of the best practices of the BSEC countries in the field of restoration activities. The BSEC countries have to further strengthen cooperation in the sphere of culture, in particular, by setting priorities, developing joint strategies and programs, as well as through partnership relations with other regional and international organizations and non-governmental networks on cultural cooperation.