



Harare and
Windhoek Cluster
Offices

Report on the Workshop of Prevention and fight against illicit traffic of cultural goods in Southern African region Current situation and Way Forward



United Nations
Educational, Scientific and
Cultural Organization



• Convention for the fight
• against the illicit trafficking
• of cultural property

14-15 September 2011, Windhoek, Namibia

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Annotation: Annexes 3, 4 and 5 are available on-line at
http://portal.unesco.org/en/ev.php-URL_ID=48622&URL_DO=DO_TOPIC&URL_SECTION=201.html

1. INTRODUCTION

The UNESCO 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property is among the 7 Conventions that guide the Culture Sector to fulfill the UNESCO mandates. The Convention requires States Parties to recognize that 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 countries of origin of such property and that preventive measures, international co-operation constitutes one of the most efficient means of protecting each country's cultural property against all the dangers resulting there from. However, the Convention is not ratified by most African countries and specifically Southern Africa. In total 120 countries worldwide have ratified the 1970 Convention, among which approximately 22 are African.

A two days' workshop on Prevention and Fight Against Illicit Traffic of Cultural Goods in the Southern African region" was held at Safari Hotel in Windhoek, Namibia from the 14 to 15 September 2011. The workshop was organized by UNESCO Windhoek and Harare Offices in cooperation with the relevant governmental partners in Namibia. The workshop objectives were to take stock of the current situation in the institutional networking in prevention and combat against illicit traffic of cultural goods and to define possible ways forward in the strengthening of both national and sub-regional cooperation in this domain based on the UNESCO 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property as well as the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects. Participating countries were: Botswana, Kenya, Lesotho, Malawi, Namibia, South Africa, Swaziland, Zambia and Zimbabwe. Experts from INTERPOL in Lyon and UNIDROIT in Rome acted as resource experts.

2. WORKSHOP PROCEEDINGS

2.1. OPENING CEREMONY

The Director of Ceremonies, Ms. Trudie T. Amulungu, Permanent Delegation of Namibia to UNESCO welcomed participants and introduced Prof. Alaphia Wright, Director and Representative of UNESCO Windhoek Cluster office and Dr. Peingeondjabi T. Shipoh, Permanent Secretary in the Ministry of Youth, National Service, Sports and Culture.

UNESCO Remarks: Prof. Alaphia Wright, Director and Representative of UNESCO Windhoek Cluster office

In his remarks, Prof. Wright congratulated and thanked the Namibian government for agreeing to co- host the workshop which he referred to as an important initiative because it coincided with the upcoming General Conference where the workshop outcomes will be presented. He said the timing is well chosen as UNESCO has celebrated the 40th anniversary of the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property by an important gathering that took place in Paris on the 15th of March this year.

Furthermore, he highlighted that UNESCO is the only UN agency responsible for the protection of Cultural Heritage as it administers and serves as the Secretariat to a number of relevant international conventions such as : 1954 Hague Convention and its Protocols; 1970 Convention on Illicit Traffic; 1972 World Heritage Convention; 2001 Convention on Underwater Cultural Heritage; 2003 Convention for the Safeguarding of Intangible Cultural Heritage; and 2005 Convention on the Protection of the Diversity of Cultural Expressions.

Prof. Wright encouraged the participants to see the regional Workshop as an opportunity for experts from Southern Africa to assess not only the commitment and operational levels of cooperation in the fight against the illicit traffic of cultural objects, but a commitment of everyone involved in the global strategy of cultural development. The workshop should help to increase the ratification process of the 1970 UNESCO and 1995 UNIDROIT conventions in order to help the experts present in designing relevant strategies of implementation. The Director then thanked the participants and wished for them to form a dynamic network that will help enhancing the protection of cultural heritage in Africa while contributing to the worldwide promotion of what Africa has to offer.

Official Opening: Dr. Peingeondjabi T. Shipoh, Permanent Secretary in the Ministry of Youth, National Service, Sports and Culture

In his opening remarks the Permanent Secretary asked various sets of relevant questions that need to be addressed, for example: “What kind of training do our law enforcement officials need? ; “What national laws apply and what regulations do we need under those laws?” ; “Who are the traders, how do they operate, which countries are affected, and how big is the problem?” ; “Which procedures of investigation should our officials use to prosecute the perpetrators and stop the trade?” ; “What institutions and who are the experts in the SADC cultural sector that can support law enforcement?” ; “Do our cultural institutions have the knowledge, equipment and people to assist with training, identification, and evaluation needed for successful law enforcement?”.

He continued saying if the answers to those questions are yes, and the plans are drawn up, then the ultimate success will depend on whether one can convince various stakeholders such as the general public, private companies, entrepreneurs, and politicians in our countries that illicit trafficking is indeed an issue that we have to deal with. However, implementation of a successful programme will require money and in most cases the money available for the culture sector and law enforcement is, at times, not enough. He gave various scenarios of how illicit trafficking took or is taking place in different countries and some examples given were influenced by political instability because during that time there was no proper security control over looting of cultural goods.

The Permanent Secretary then emphasized the purpose of the workshop which he said was to bring Southern African countries together so that they can discuss these conventions and what strategy they need to follow in order to implement a common approach to them. Furthermore, the law enforcement agencies are already collaborating with INTERPOL to reduce transnational illicit or illegal trade in our cultural property. Some of the countries have ratified and are implementing other UNESCO conventions in order to promote and safeguard cultural heritage, but these conventions require cross-sectoral collaboration and cooperation of a very different kind. “You are here to discuss

what is needed and what should be recommended to all SADC countries so that we can have a common approach”.

2.2. OBJECTIVES OF THE WORKSHOP

Mr. Damir Dijakovic, UNESCO Windhoek Cluster Office Culture Programme Specialist gave the objectives of the workshop by laying out the structure of his presentation which was comprised of the following subthemes: Broad framework of the international standard setting instruments, background to the Workshop, current situation on the fight against and prevention of the illicit traffic and expected outputs of the Workshop. He furthermore highlighted the main objectives of the workshop, which was to assess the current situation and formulating the future strategy for the participating countries and the region.

Mr Dijakovic gave a short background history of a number of workshops and meetings that have taken place and the 1990's initiatives such as: Southern Africa with SADCAMM, Central Africa with ICOMAC, Western Africa with WAMP, East Africa with ICOM and he further talked about two meetings that took place in South Africa one took place in 2001, Pretoria and another one took place in 2004, Cape Town. He highlighted two expected outcomes of the meeting:

- to report clearly the current situation of the combat against and prevention of illicit traffic of cultural goods in the participating countries; and
- to propose recommendations on the strategy to be used to develop mechanisms to fight against and prevent illicit traffic of cultural goods specifically in Southern Africa.

2.3. COUNTRIES' SITUATION PRESENTATION

Participants from participating countries presented an overview of their countries and the presentation structure was as follows:

- situation on the Conventions' ratification;
- current situation of Culture sector documentation of cultural goods and relevant legislation(s);
- cooperation with the law enforcement; and
- examples of cases of illicit traffic or processes on restitution of cultural goods illegally exported.

2.3.1 Botswana



Ms. Winani Kgwatalala, Principal Curator of Ethno-History and Head of Ethnology Division at Botswana National Museum gave a presentation of Botswana's situation of illicit trafficking. She began her presentation with the definition of what illicit trafficking meant, "an illegal movement and transfer of large amounts of cultural objects from the place of origin to a foreign abode". Illicit export and import of such ownership is done by individuals, companies, states etc. This situation has occurred in Botswana over a long period of time and was

aggravated during the colonial period and this has given birth to the "migrated Museum". However, nowadays only small amounts of objects are exported due to border restrictions. A rapidly evolving problem has attracted the attention of the heritage, legal, political, media and diplomatic fraternity. Botswana like many other countries, "as a state party" and having lost a fundamental part of its cultural significance through trafficking, has also started on the restitution path of its cultural property.

Ms. Kgwatalala, spoke about the current situation regarding ratification of the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property and the 1995 UNIDROIT Convention. Both conventions are not ratified by Botswana and they have been inadvertently implemented through the return and existing requests for restitution of some of the country's heritage in foreign institutions. At some point in the past it was thought that both conventions were not priorities but an assessment of the amount of cultural heritage belonging to Botswana and currently found in foreign museums has made the two conventions very critical and calls for a change of approach. Recent adoption of the heritage concept makes it even more crucial and worth while to ratify the two conventions because a lot of heritage in its different forms is being trafficked every day, even in the form of poaching in Botswana.

The expert community and the general public still have a low understanding of trafficking. To them, as long as there is money given in return for what is taken, they regard it as a legal transaction. Therefore, most of the looting and trafficking is done in the rural areas where most of the prized objects are and the locals are convinced or bribed into selling, sometimes for a very small fee. On the other hand, the experts regard what is in museum collections as protected heritage (*Most of the experts here would be from the museums and other heritage practitioners from craft shops and the Department of Arts and Culture*), which is why professionals only get worried when something from the collection is stolen, or when a site is vandalized or looted. As a result, this creates an unbalanced situation as far as illicit trafficking is concerned.

Ms. Kgwatalala mentioned the following on the current national legislations and services relevant to the illicit trafficking of cultural goods. For a long time Botswana did not do much in the area of culture in its legislature – except for the Monument and Relics Act of 10th June 1970(revised in 2001) and the 1967 Act by which the National Museum was established. The Act provides for the better preservation and protection of ancient monuments, ancient workings, relics and other objects of aesthetic, archaeological,

historical or scientific value or interest and for other matters connected therewith. However, the act has shown a lot of limitations in its coverage of the wider heritage problem areas. Recently, there has been a significant shift in government policy towards the mainstreaming of heritage issues in all development sections and strategic plans. This brought with it the development of the “National Policy on Culture” and a legislative framework for Environmental Impact Assessment by the Department of Environmental Affairs. There are, however, other acts and legislation aimed at other areas of heritage i.e. poaching of wildlife - but none specifically for the illicit trafficking of cultural goods. No preventative tool or penalty codes except for general tools used by law enforcement officers for other crimes. Botswana therefore, does not have a specific penalty code. All related cases are dealt with under the penal code “theft common.” Not many cases are reported, hence, the local Interpol database on “stolen works of art” has very little information - and is not frequently accessed or utilized. Botswana as a country is obviously prone to the smuggling of cultural goods. However, not all reported cases are dealt with under this penal code and some are not reported at all. There are no statistics reflecting the impact or amount of cultural trafficking from Botswana. This has prompted the Botswana government to accede to other conventions such as the 1972 World Heritage Convention ratified in 1978 and the 2003 convention for the Safeguarding of Intangible Cultural Heritage ratified in 2009.

When it comes to cooperation between national cultural services and law enforcement, Botswana has a visible trend of cooperation between heritage institutions and law enforcement (police, customs and immigration at borders). Local Interpol/police are readily available to receive issues concerning heritage and reported missing objects are required to contain complete information regarding identifiable marks, weight, size and the manufacturer’s trademark. Interpol has a “desk for stolen works of art” which handles such cases. However, there are few or no regulations barring tourists and individuals from buying cultural items from the streets apart from animal skins. She gave a few examples of cases that were reported to Interpol offices by the museum, and also some known cases that have not yet been reported, as well as successful repatriation cases.

On the situation of inventorying museum collections, Ms. Kgwatalala said almost all the collections at the Botswana National Museum have been documented manually (archaeological, Ethno- historic, Natural History collections, Zoology, Botany, Herbarium, Entomology, and Geology) and an electronic documentation component is still lagging behind. The markings and tags put on the objects during documentation constitute basic information used when objects are lost or stolen, shared with other stakeholders in law enforcement. These markings and tags also help them differentiate between items belonging to the museum collection and those belonging to the communities, as well as those that are from the market and for sale.

Challenges with inventorying in Botswana:

- In most cases the computers are not working, the database program used for the process is problematic, and most officers are not trained on how to use it;
- Without a proper electronic documentation and inventorying system, the collections are not well organized;
- In the case of theft, it is not easy to pass information to the law enforcement unit, let alone posting information on the internet for the international audience;

- Inventorying of collections in the regional museums; and
- Lack of professional staff who knows how to carry out inventorying and documenting of collections.

Ms. Kgwatalala pointed out the following as key recommendations for Botswana:

- There is an urgent need to call for more public education aimed at building capacity for communities as well as key stakeholders;
- The need for constant orientations for customs and immigration officials, on how to identify the official marks or registrations found on museum objects;
- All stakeholders need to know which cultural goods are for the open market and which ones need preservation;
- Urgent need for proper consultations and regular orientations for all stakeholders so that they are well versed with what “protected heritage” entails; and
- Without proper documentation and inventorying system, the collections will not be well appreciated and shared with the global heritage community.

2.3.2 Lesotho



The Principal Museum Curator, Ms. Matsosane Molibeli gave a presentation on Lesotho’s situation regarding illicit trafficking. Lesotho has not ratified the UNESCO 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, nor the 1995 UNIDROIT Convention. There are no operational bodies such as heritage council / commission, which are meant to add support to the efforts of the department of culture in preservation of the cultural objects. When it comes to other bodies such as immigration /police, they lack knowledge on heritage matters. Very little has been done to publicize what cultural objects are and their importance. There is a lack of inventorying of cultural goods and this has led to not knowing how many objects Lesotho is losing or

has lost. Lesotho only has one museum called Morija Museum and their inventorying is not undertaken regularly as the last time an inventory was done was in 2008, when mistakes were made. The museum lacks a collection policy and theft has been experienced with artifacts.

Ms. Molibeli said there is cooperation between national cultural services and law enforcement because each time the police suspect theft concerning a cultural object, they consult the Department of Culture to inquire about the appropriate law to be used

when charging the offender. Lesotho has a new Bill/Act that has a section on the responsibilities of heritage inspectors which include police and custom officers, and therefore this shows that they are aware of the need to work closely with the law enforcement. Lesotho has the Historical Monuments, Relics, Fauna and Flora Act 41 of 1967 which protect monuments, antiques as well as fauna and flora. The National heritage resources Bill of 2011 has a Section (22) on the export of heritage objects and on heritage inspectors and Section 30 (1) “the Minister may, by notice published in the Gazette, designate any public officer to be a heritage inspector 30(2) – A member of the Lesotho Police Services and a customs and excise officer is a heritage inspector falling under this Act”.

Lesotho is faced with a few challenges such as:

- Continuous loss of heritage resources due to the absence of a museum or cultural centres;
- lack of space for storage and analysis of new discoveries/ findings (archaeological and paleontological discoveries), as a result they are stored in foreign countries. This is a risk because they may not be returned and there is no dependable record of the exported artifacts;
- absence of a museum structure in Lesotho having as a consequence that the objects are not well documented. This can lead to easy trafficking of them.

Ms. Molibeli concluded with suggestions that the solution to these problems can be to construct heritage centers aimed at storing artifacts and to build capacity of recruited staff to carry out inventorying of cultural objects.

2.3.3 Malawi



Mr. Lovemore Mazibuko the Acting Director for Museums of Malawi presented Malawi’s situation and he started off by defining two terms (cultural property and Illicit Trafficking). The term “cultural property” has been defined as property which, on religious or secular grounds, is specifically designated by each State as being of importance for archaeology, prehistory, history, literature, art or science. “Illicit Trafficking” of Cultural Goods means the illicit import; export or transfer of ownership of Cultural Property. In Malawi, there is no reliable data that shows the extent of the problem of illicit trafficking in cultural properties. However, when one travels and visit museums elsewhere, especially in

Europe, there are a lot of antiques being housed and displayed and when follow-ups are made with relevant authorities on how they were exported, nobody has an idea. It would therefore be safe to conclude that most of these objects and antiques were illegally acquired.

On the current situation regarding the ratification of relevant international legal instruments for fighting illicit trafficking in cultural property, he said Malawi has not yet ratified the UNESCO 1970 Convention and the UNIDROIT 1995 on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. However, Malawi has relevant national legislations that are aimed at fighting

the illicit trafficking of cultural goods. These include: Museums Act (1989) and Monuments and Relics Acts (1990). The two Acts talk about what constitutes Cultural Property and the issue of ownership of cultural property, which rests with Government.

He then pointed out various challenges facing Malawi in fighting illicit trafficking of cultural goods. Despite having one of the best legislations for fighting illicit trafficking, there are a number of challenges being faced, such as:

- Lack of public awareness on what constitutes cultural properties and their importance;
- Lack of coordination between relevant security agencies;
- Absence of collections database in their museums;
- Foreigners taking advantage of the poverty of the majority of rural people to entice them to sell their cultural goods at a small fee;
- The concept of universal museums; as well as
- Lack of vigilance by customs and immigration officials.

Mr. Mazibuko provided some recommendations of various measures for fighting illicit trafficking:

- There is a need to promote education, and launch awareness-raising campaigns, involving the media and the dissemination of information on the theft and pillaging of cultural property;
- Security measures in museums need to be tightened to prevent theft of objects;
- Capacity building and human resources on monitoring institutions e.g. the Police need to be developed;
- Although the relevant Acts in Malawi provide for punishments to offenders in the form of fines, the amount involved is too little to deter the would-be offenders, therefore punishment needs enhancement;
- For countries that have not ratified the 1970 UNESCO Convention and the UNIDROIT 1995, there is a need to speed up the process and ratify as a way of fostering international law enforcement cooperation with those that have ratified;
- The need to carry out inventories of cultural property in Malawi, has started with the support from the US Embassy through the Ambassador's Fund for Cultural Preservation. Already, the exercise has revealed that they have cards without the objects which could mean that the objects might have been stolen;
- The fight against illicit trafficking of cultural property requires concerted effort from all relevant institutions and individuals;
- Governments and museums in particular should lead the fight against illicit trafficking by making sure that there are proper legislations in place, that the issue of security is considered and that all objects in museums are properly documented with images;
- The general public needs to be vigilant and should not allow anyone with ill intentions to acquire or purchase objects without proper authorization from Government agencies. However, for that to happen, there is a need to sensitize the public on how they can best handle such issues once confronted with the situation.

2.3.4 Namibia



The presentation for Namibia was presented by Mr. Eugene Marais, Chief Curator at the National Museum and Ms Marina Mubusisi, Heritage Officer in the Ministry of Youth, National Service, Sport and Culture. Namibia is among the countries that have not yet ratified the UNESCO 1970 Convention and the UNIDROIT 1995 on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. However, there are various legal instruments that are used to protect cultural

property in Namibia such as: Copyright and Neighbouring Rights Protection Act (1994), National Art Gallery of Namibia Act (2000), National Arts Fund of Namibia Act (2005), National Heritage Act (2007) and the most relevant and active ones are the National Policy on Arts & Culture (2001) and National Heritage Act of 2004. The two presenters gave the structure of the cultural sector under the Ministry of Youth, National Service, Sport & Culture (MYNSSC) and the mandates of the Ministry, Directorate of National Heritage & Culture Programmes (DoNHCP) and Directorate of Arts (DoA). They also spoke of the roles of various heritage institutions such as National Heritage Council (NHC), National Art Gallery of Namibia (NAGN), National Museum of Namibia (NMN) and Museums Association of Namibia (MAN).

Below are various challenges that Namibia is facing with regards to the fighting of illicit trafficking:

- Inadequate inventory of what is being traded and what should be protected, e.g. traditional cultural objects (*ekipa*), works of art, historical objects;
- Generic classes proclaimed as national heritage objects is too limited (only shipwrecks, meteorites, fossils & archaeological objects before 2004);
- Training for heritage inspectors is needed, particularly police and customs;
- Lack of images to identify protected objects e.g. pictorial guide;
- Insufficient information exchange with other countries;
- Harmonization of regional protocols between member states, e.g. SACU and SADC level.

The presenters then gave various recommendations that can assist with the fighting of illicit trafficking not only at the national level but also at the regional level:

- Exchange of inventories at SADC level, e.g. website;
- Training programme for heritage inspectors;
- Establishment of SADC database on traffickers to inform immigration & customs officials;
- Developing a pictorial guide on trafficked African heritage objects as a practical tool for inspectors;
- Harmonize mechanisms for international conventions in SADC countries.

2.3.5 South Africa



Ms. Reinet Stander, Deputy Director: International Conventions and Legislation, Department of Arts and Culture and Ms. Regina Isaacs Manager: Heritage Objects Unit from South African Heritage Resources Agency (SAHRA) presented the situation on preventing and fighting illicit trafficking in South Africa. South Africa has accepted the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property in December 2003, and they are

currently in the process of ratifying the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Property. When it comes to the public perception of illicit traffic in South Africa, the general public are informed of crimes via the media. However, the public is unaware of the extent of heritage related crimes and how serious this problem is. As a result, some custodians do not report thefts due to a fear of being perceived as having poor security and therefore as being “soft” targets, and they are also concerned about the impact on donor relations if it is revealed that objects have been stolen from the museum/institution concerned.

According to the presenters, cultural property is protected by the National Heritage Resources Act of 1999; the regulations define types of objects to be protected and export is controlled through requirement of permit from SAHRA. In addition, the Act cites the SA Police and Custom Officials as Heritage Inspectors. This implies that they must be in a position to identify heritage objects about to be exported and confiscate if a permit is not available. One challenge of this system is that, in the event of refusal of a permit, the applicant may require the compulsory purchase of the object. In such a case, if SAHRA or another heritage institution is not in a position to purchase the object, a permit must be issued. The challenge with this is an obvious lack of funds, as the costs of either purchasing a large number of objects or an artwork by Irma Stern or Gerard Sekoto, whose works average between R2 million and R40 million, would be extremely high. The presenters also identified possible contributors to illicit trafficking in cultural goods which include: colonialism, theft from museums, and theft from sites, which include shipwrecks, archaeological digs, meteorites and fossils.

According to Bernadine Benson, Senior Lecturer: Forensic Investigations Department of Police Practice, University of South Africa, the current situation on illicit trafficking is that there is a definite move to steal Chinese ceramics as there have been several incidents in SA in just the last 6 months. Attempts are being made through the National Forum for the Law Enforcement of Heritage related matters to get Interpol to issue a purple notice to alert museums about this. When it comes to national cooperation, National Forum for the Law Enforcement of Heritage related matters (NALEH) was established to create a platform for a working relationship between law enforcement and heritage officials. This allows for the dissemination of information and the sharing of ideas regarding the protection of cultural property and since its inception in 2005, NALEH has had a number of success stories. Members of NALEH include SAPS, DAC, Interpol, SAHRA, SAMA, ICOM-SA, Customs and UNISA.

There are training seminars about illicit trafficking at the University of Pretoria and Police officers are made aware of the importance of combating heritage related crimes. The training includes knowing how to identify, handle and store heritage objects, and the list of contact details of experts is distributed to police. This is to ensure that, should police find a possible stolen heritage object, they could be in immediate contact with an expert who could identify the object and advise on correct handling and storage. Other initiatives include a brochure containing reporting procedures; the purpose of this brochure is to create awareness of reporting procedures within the heritage community. This will ensure that museums and other custodians of heritage objects follow correct procedures after thefts, which could expedite police processes.

On the issue of inventorying, most museums establish and update their own inventories independently. However, a major challenge is the lack of a centralised national database. Three critical aspects to prevent illicit traffic have been identified in 2006 at an Interpol meeting:

- Systematic establishment and updating of inventories of collections by cultural institutions based on the international Object ID system;
- A statistical monitoring and evaluation of thefts by law enforcement agencies; and
- Sharing or dissemination of information between the relevant government bodies and law enforcement agencies as well as the broader public.

Furthermore, SAHRA is in the process of identifying and inventorying state owned collections and objects, especially focussing on those at risk. The medium and long term outcome of this project was to establish the South African Heritage Resources Information System (SAHRIS), which will serve not only as a digitised inventory of cultural heritage resources, but also as a management tool to effectively and efficiently monitor cultural property. This system will allow SAHRA to effectively assist other heritage and cultural agencies with the management of heritage resources in their care.

2.3.6 Swaziland



The presentation for Swaziland was done by Ms. Nomsa Janet Dlamini, Senior Education Officer at the Swaziland National Trust Commission and Khetsiwe Bertina Simelane Customs Manager - Field Operation form Customs and Excise Department. Swaziland has not ratified the convention on means of prohibiting and preventing the illicit import, export and transfer of ownership cultural property of 1970. However, it awaits ratification. On the issue of cooperation between national heritage services and law enforcement agents, the two presenters said that in early 2000, several workshops were held by Swaziland National Trust Commission (The Swaziland National Trust Commission (SNTC)), the national agency responsible for the conservation of the Kingdom's natural and cultural heritage as mandated by the Swaziland National Trust Commission Act No. 9 of 1972, as amended by the King's Order in Council of 1973.

The SNTC carries out its mandate through proclamation and management of national parks and reserves, national museums and monuments, Interpol, Ministry of Agriculture, Ministry of Tourism and Environmental Affairs, Herbarium Department and other stakeholders to sensitize them on the Convention on the means of prohibiting and preventing the illicit import, export and transfer of ownership cultural and natural properties. Examples of the properties illegally moved from Swaziland were smoking pipes from royal graves to the Vets University, South Africa. Initiatives have been taken with South Africa to curb illicit trafficking of these cultural goods. Interpol has also played a big role in the success of this exercise.

The Customs Department, under the Swaziland Revenue Authority, apart from collecting revenue for the government by enforcing the Customs and Excise act of 1971 and Sales Tax act of 1983, is also responsible for controlling the movement of cultural goods in and out of the country through borders, and also tasked with the responsibility of protecting local industries by enforcing other laws including the National Trust Commission Act, Game Act and Flora & Fauna Act. Imports are also checked to protect local industries, for tracking down smugglers of prohibited and restricted goods, as well as the transfer of cultural goods by unauthorized individuals and companies. Objects, photographs, artworks etc, kept in the national museum and the national archives are securely kept and marked to be easily detected for the purpose of protecting them from would be smugglers or thieves. They are marked and these marks cannot be easily removed. In summary, it is very rare for people and companies to import and export protected cultural objects and books that are kept under strict security by the above mentioned institutions.

2.3.7 Zambia



Mr. Flexon M Mizinga, Executive Secretary, National Museums Board made a presentation on Zambia's situation of illicit trafficking. Zambia ratified the UNESCO 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property on 12th June, 1985 and they are signatory to the UNIDROIT convention on stolen or illegally exported cultural objects. The conventions are very useful legal instruments to state parties. However; there are limitations as it does not bind countries that have not ratified it. For instance, Zambia cannot use it to retrieve Broken Hill Man Skull from the British

Museum in London because that museum does not obliged to do so even though the people of Zambia want this skull back as they are part of their heritage and history. A new strategy that will work for Zambia needs to be proposed. According to Mr. Mizinga there are legal instruments such as the National Museums Act but it is out-dated and needs repeal to adequately cover illicit traffic of cultural property. The National Heritage Conservation Commission Act, which provides for prosecution of illegal export of cultural property, does not explicitly define what cannot be exported and it lacks an enforcement mechanism and needs amendment.

2.3.8. Zimbabwe

Dr. Godfrey Mahachi, Executive Director for the National Museums and Monuments of Zimbabwe presented Zimbabwe's situation on illicit trafficking. Zimbabwe has ratified the UNESCO 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property and signed the UNIDROIT 1954 Convention, but the illicit trafficking of cultural objects in the country continues. Zimbabwe has lost more than eight million museums artifacts and objects and these ranges from ethnographic, historic, and archaeological to geology, paleontology as well as specimens from different categories of the biological sciences. Zimbabwe has, since the early colonial period, been a victim of the illegal trafficking of cultural property that UNESCO and other international organizations, as well as national Governments and institutions are fighting to control. The illicit export of the Zimbabwe birds, highly symbolic and spiritual objects from the Great Zimbabwe World Heritage Site, is generally well known by most Zimbabweans because of the high profile nature of the objects in question. Legislative arrangements and statutory organizations to protect Zimbabwe's cultural heritage resources were put in place from the turn of the last century as part of the setting up of colonial administrative systems in the country.

The Historical Monuments Commission and the National Museums of Rhodesia were subsequently constituted and in 1972 with the coming into effect of the National Museums and Monuments Acts, the National Museums and Monuments, the institution mandated to protect Zimbabwe's cultural heritage was born. At the same time, the National Archives and National Art Gallery were also constituted, the two institutions that have complemented museums in their cultural heritage protection mandate. Zimbabwe presently has six national museums, 16 site museums and interpretive centres, three national art galleries and a diversified National Archives with several provincial records centres. The country also has two community museums that have been developed in communities that have become centres for looting of cultural property by local and international dealers in illegal works of art markets. He gave 8 incidences of theft of cultural property in Zimbabwe.

Mr. Mahachi gave various recommendations on how to address the loss of cultural property through illicit trafficking in Zimbabwe:

- All cultural/heritage objects that have value and are housed in institutions need to be documented using the object ID guidelines. The underlying principle is that unless museums have a complete inventory of their collections and are able to produce proof that the objects belong to their collection, managing and protecting those objects is nearly impossible;
- Museum buildings should not be the weakest link of the collections management process and they should not allow unauthorized access through break-ins, and museum buildings that exist need strengthening by prioritizing physical security;
- Electronic systems to assist more effective monitoring of movement; entry and exit into and from different security areas of the museum buildings should be installed. Other institutional measures to regulate access and use as well as accounting for objects needs to be institutionalized. Regular physical checks on collections in public areas could also be necessary;
- The role of "source" communities in the fight against illicit trafficking of cultural property also needs to be recognized through conscious efforts to get communities to desist from disposing of their cultural objects to dealers;

- Zimbabwe still needs to further develop the relationship between heritage management and law enforcement authorities so that current leakages of cultural property to external markets is managed and controlled; therefore
- Monitoring of archaeological excavations should be tighter given that retention of excavated objects by licensed archaeologists is yet another loophole through which heritage masterpieces are lost to the countries of origin.

2.4. ROLE OF OTHER PARTNERS IN THE PREVENTION OF ILLICIT TRAFFIC OF CULTURAL GOOD

2.4.1 AFRICOM



The International Council of African Museums - AFRICOM is an international organization dedicated to promote the development of museums and museum professions in Africa and the protection of Africa's cultural heritage. It grew out of an International Council of Museums (ICOM) program to address the needs of Africa's museums and professionals and is now fully coordinated within Africa. Its headquarters are in Nairobi, Kenya. Dr. Rudo Sithole, Executive Director at the International Council of African Museums - AFRICOM began her presentation with the definition of culture and identity; cultural and

natural heritage are important sources of identity for communities and nations throughout the world. The African continent has been the subject of intense looting since pre-colonial times and this has continued unabated throughout the colonial and post-colonial eras. Africa, as well as Southeast Asia, China, Latin America and the Middle East, are major source markets for illicit trade due to the abundance in heritage treasures. The existences of lucrative markets in the West ensure that the artifacts end up in their museums and private collections. What the looters don't understand is that 'stripping a nation of its cultural material is akin to robbing it of its identity'. Furthermore, cultural material provides economic support for communities through creating employment in museums, archives and sites as well as through exhibitions that attract tourists. In view of the above, losing cultural materials may have contributed to the diminished role of museums in the economic development of African societies.

Dr. Sithole said due to the changing landscape in the last few decades' perceptions and attitudes of people towards illicit trafficking and restitution of cultural objects have altered significantly and the recent restitutions and demands for restitutions usher in a new era for cultural patrimony. This new era calls for Museums, Universities and Heritage Institutions that are Inclusive especially in terms of valuing equality and mutual respect among nations and peoples so as to enable the restitution of looted/stolen artifacts back to the countries of origin. However, many countries recently had their cultural material returned from other countries or are currently making arrangements for the return of their artifacts. In line with the UNESCO 1970 Convention and its constitutional objectives 3 (Partnerships) and 5 (fighting against illicit trafficking), AFRICOM is calling for an Inclusive International Partnership of Museums and Universities to join hands with

AFRICOM, UNESCO and ICOM in the fight against illicit trafficking. She gave various International partnership objectives such as:

- Creation of inclusive inventories of shared heritage between countries;
- Information sharing on what heritage is all about;
- Planning of joint travelling exhibitions between museums and/or countries with shared heritage to enable people in countries of origin to have the opportunity to see some of the shared heritage;
- Conducting workshops and information campaigns on the 1970 Convention and its implementation;
- Facilitating repatriation of important/significant artifacts;
- Conducting joint programs on documentation, security and conservation.

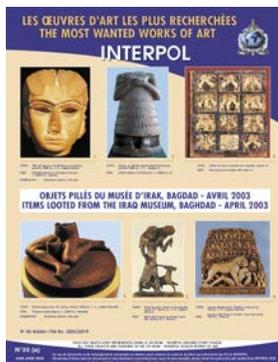
International partnerships come with various benefits which include transforming the repatriation issue into an inclusive shared heritage matter, reducing risks to collect shared and repatriated heritage, safeguarding cultural heritage for posterity through shared responsibility and improved understanding of shared heritage between peoples from different parts of the world, thus contributing to social harmony and world peace.

2.4.2 Interpol



Mr. Karl-Heinz Kind, Coordinator Works of Art Unit, from the Interpol General Secretariat presented Interpol's role in the fighting against the Illicit Trafficking of cultural properties. The two main purposes for Interpol organization is to ensure or promote the widest possible mutual assistances between all criminal police authorities, within the limits of the laws existing in the different countries and in the spirit of the Universal Declaration of Human Rights, and to establish and develop all institutions likely to contribute effectively to the prevention and suppression of ordinary law crimes. When it comes to fighting against the illicit trafficking of

stolen cultural property there are various tools that are used by the organization such as fast and wide diffusion of the information, telecommunications network, specialized computerized database and posters of the most wanted works of art (see below).



The most important tool is INTERPOL's stolen works of art database currently holding c. 38, 000 records (only 0.5% from African sub-Saharan countries). He stressed the need to communicate relevant theft information for integration in this database via INTERPOL's National Central Bureaus in its member countries. The database is publicly accessible through INTERPOL's web site (www.interpol.int) which considerably increases the opportunities of detection of stolen cultural property during police and customs operations and while checking offers on the art market.

Mr. Kind emphasised the vital importance of photographs in identifying and recovering stolen objects. Object ID is regarded as an important strategy to recover objects, the object ID checklist should have compulsory information such as what kind of object is it (e.g.: painting, sculpture, clock, mask)? What materials are the objects made of (e.g.: brass, wood, oil on canvas)? How was it made (e.g.: carved, cast, or etched)? Information should also include measurements, inscriptions and markings, distinguishing features, title, subject, date or period, maker and a short description of the object. He said it is important to take close-ups of inscriptions, markings, and any damage or repairs and if possible one should include a scale or objects of known size in the image. Interpol priorities include capacity building, conferences and meetings, working groups and training seminars. Furthermore, he highlighted the type of cooperation that Interpol has with other international organizations such as:

- Memorandum of Understanding INTERPOL - WCO: November 1998;
- Memorandum of Understanding INTERPOL - UNESCO October 1999; and
- Memorandum of Understanding INTERPOL - ICOM (International Council of Museums): April 2000.

2.4.3 SADC HA



Dr. Jeremy Sylvester, Project Planning & Training Officer for the Museums Association of Namibia gave a presentation on Southern Africa Development Coordination Heritage Association-SADC-HA which replaced SADCAMM = SADC Association of Museums and Monuments, which was established and operational since 1988 to 2004. In November 2009 a workshop on Building Cross-Border Museum Partnerships had a recommendation to appoint a four person task team

to develop a plan for the re-establishment of a regional organisation; as a result, SADC-HA was established or revived.

The aims for the regional association included the need to address training needs, to share specialised knowledge and resources, to explore connections between collections and to develop trans-border exhibitions. All activities will help to build greater public awareness of Southern Africa's intertwined history and culture and to put the 'C' in SADC. SADC- HA's strategic plan has five main themes:

- Institutional Development;
- Communications and Networking (start with a regional email group list and then newsletter);
- Training and Staff Development (annual regional workshop on issue of common concern);
- Cross-border Projects; as well as
- Illicit Trafficking in Natural and Cultural materials.

Below are various proposed strategies that can be used to combat Illicit Trafficking of Natural and cultural materials or objects:

- A 'Red List' of the most valuable cultural artifacts will be compiled in each member state within SADC countries;

- A region wide public awareness campaign that will address the issue of the illicit trade of cultural artifacts;
- Co-ordinated security appraisals, of all heritage institutions storing materials of heritage significance, will be facilitated;
- Initiatives to develop an effective regional 'alert' system designed to effectively prevent the illicit movement of material of heritage significance across borders within the region; plus
- Member states will be lobbied to ratify the 1970 UNESCO Convention and the 1995 UNIDROIT agreement to prevent the illicit trade in cultural heritage.

Challenges in establishing SADC-HA:

- No Secretariat/Office;
- No Budget;
- Dissolution of Culture Desk in SADC Secretariat; and
- Need to co-ordinate with and compliment (not compete with) existing international networks.

2.4.5 UNIDROIT



Ms. Marina Schneider, Senior Officer at the International Institute for the Unification of Private Law- UNIDROIT presented the UNIDROIT Convention on stolen or illegally exported cultural objects (Rome, 24 June 1995) which is an indispensable complement to the 1970 UNESCO Convention. She began her presentation with examples of various stolen and recovered objects from different African countries. Why a new Convention? The answer to this question was because non conventional law gives unsatisfactory answers regarding international claims for the restitution and return of stolen or illegally exported cultural objects, and the existing conventions are not satisfactory as far as private law aspects of the protection of cultural objects

are concerned. The UNIDROIT Convention is a very good example of cooperation between States and between international organisations; it has great ambitions in the fight against illicit activities, it adopts a highly constructive approach and it applies to claims of an international character for the restitution of stolen objects and the return of illegally exported cultural objects.

The definition given in Article 2 of the Convention is the same that in the 1970 UNESCO Convention (objects that on religious or secular grounds, are of importance for archaeology, prehistory, history, literature, art or science and belong to one of the categories listed in the Annex to this Convention) with one important difference: such objects are covered by the 1995 Convention even if not designated by the State as being important. When it comes to the restitution of stolen cultural objects the fundamental principle is for the possessor of a cultural object which has been stolen to return it (Article 3(1)), and there are two accessory rules which are time limitations and the right to payment of a reasonable compensation for the acquirer who can prove that he/she exercised the required diligence at the time of acquisition (no presumption of good faith). A claim for the return of an illegally exported object is also possible but under another mechanism (there must be violation of a legislation prohibiting export and the export significantly impairs scientific or historic interests). It is important to note that

the 1995 Convention has specific provisions to deal with archaeological objects and objects belonging to and used by a tribal or indigenous community, categories particularly important for African countries. There is no retroactive application meaning the Convention only applies to objects stolen or illegally exported after its entry into force, however it does not confer any approval or legitimacy upon illegal transactions of whatever kind which may have taken place before the entry into force of the Convention, nor limit any right or claim outside the framework of the Convention for the restitution or return (bilateral agreement, agreements between institutions, UNESCO Intergovernmental Committee ...). All in all, the Convention establishes common minimal legal rules which give certainty and promote the importance of international co-operation. As of 9 September 2011, the Convention had 32 States Parties among which two are African State parties, Gabon and Nigeria, and has 5 African countries that are signatory parties- Burkina Faso, Côte d'Ivoire, Guinea, Senegal and Zambia but have not ratified it yet. Zimbabwe indicated that they have acceded to the Convention but the instrument has not yet been formally deposited with the Depository, the Italian Government.

2.4.6 UNESCO



Mr. Edouard Planche, Programme Specialist Focal Point for the 1970 Convention at UNESCO HQ Paris presented UNESCO'S action in the fight against illicit trafficking in cultural property. The 1970 Convention is the 1st international instrument dedicated to the fight against illicit trafficking of cultural objects and it was adopted at UNESCO in November 1970. It has been ratified by 120 State Parties from all over the world, 14 Arab States, 22 African States, 22 Latin American and Caribbean States, 21 Asian-Pacific States and 40 European and North American States. The Convention addresses three key points:

- states parties must adopt protection measures in their territories (art.5);
- they must control the movement of cultural property (art. 6 to 9); and they must return all stolen cultural property (art. 7).

Mr. Planche gave a definition of cultural property by breaking it into sections such as:

- Rare collections and specimens or objects of paleontological interest and property relating to history;
- Products of archaeological excavations (including regular and clandestine);
- Elements of artistic or historical monuments or archaeological sites dismembered;
- Antiquities of more than one hundred years old; and
- Objects of ethnological and artistic interest.

It is important for countries to establish the State's ownership on cultural heritage, in particular archaeological heritage when they are not yet or illicitly excavated from the national territory. State ownership can be established by the following: regulating archaeological excavations, establishing national inventory system (use of the Object ID standard form), training police and customs as well as organizing education campaigns. According to Article 6 of the Convention, State parties have to introduce a system of

export certificates. The export of cultural objects not accompanied by such an export certificate is prohibited. The UNESCO-WCO model export-certificate for Cultural Objects aimed at serving States and Customs officials in combating illicit trafficking of cultural property and more information is available at www.unesco.org/culture/laws/illicit. States are also required to cooperate at regional and international levels in the prevention and fight against illicit traffic. Examples of potential cooperation include the banning of importing artefacts and bilateral agreements. There is an Intergovernmental Committee, for promoting the return of cultural property to its country of origin or its restitution in case of illicit appropriation, consisting of 22 States Members which act as a negotiation forum for the restitution of cultural property of particular significance. The functions of the Committee are guided by the article 4 of its Status of the Convention.

Mr. Planche mentioned key UNESCO partners in the fight against illicit traffic of cultural objects such as INTERPOL, WCO, UNIDROIT, UNODC, ICOM and specialized polices such as the Carabinieri. UNESCO has several projects on awareness-raising which include sensitization clips and the UNESCO films on the actions of the organization and its partners in the fight against illicit traffic of cultural property, which can be accessed on the following website: <http://www.unesco.org/new/en/culture/themes/movable-heritage-and-museums/illicit-traffic-of-cultural-property/videos>. UNESCO has also developed a database of National Cultural Heritage Laws which offers access to national legislation relating to cultural heritage in general and the laws on the main categories of heritage. The database also includes an international standard for describing cultural objects, international police units, customs agencies, the art trade, insurance industry, as well as various experts to be contacted. The UNESCO International Code of Ethics for Dealers in Cultural Property can be found at <http://unesdoc.unesco.org/images/0012/001213/121320m.pdf> and ICOM Code of Ethics for Museums' website is: <http://icom.museum/ethics.html>.

2.5. Highlights of the discussions per country

(a) Botswana

Representatives from Botswana indicated that they will go back and push for ratification of the 1970 Convention as well as the 1995 UNIDROIT Convention. There hasn't been anything taking place in the area of fighting illicit trafficking of cultural goods. Training of law enforcement agents will also be required as well as the training of museum curators on documentation and inventory.

(b) Lesotho

For Lesotho the most urgent issue would be to come up with institutional structures that would help in fighting against illicit traffic of cultural goods as well as to push for ratification of the UNESCO 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property and the 1995 UNIDROIT Convention. The country will need to advocate for a National Museum which will house documented cultural objects

(c) Namibia

Though Namibia hasn't ratified the 2 Conventions, it is implementing some elements that are contained in the Convention. The country would like to understand the options allowing State Parties to reclaim their cultural objects illegally exported before 1970 as well as questioning the clause of the 1970 Convention that requires countries to compensate those in possession of their cultural objects if they want to repossess them. There was concern of craft shops at the regional level which accept objects from other countries without asking the provenance of the object.

(d) South Africa

South Africa has accepted the 1970 UNESCO Convention and they are currently in the process to ratify the 1995 UNIDROIT Convention. There are several organizations in South Africa that are supporting the fight against illicit trafficking of cultural goods. Representatives from South Africa indicated that they would go back and intensify training of law enforcement agents and raising awareness on illicit trafficking of cultural objects.

(e) Swaziland

Participants from Swaziland noted that they will submit the following to their authorities:

- The need to raise more awareness on the UNESCO 1970 Convention and the 1995 UNIDROIT Conventions;
- Swaziland has started documentation of cultural objects, though slowly. There is a need to speed up the process and finalise everything;
- There is a need to tighten security in the museums/storerooms where cultural objects are kept;
- There is a need to train law enforcement agents, particularly customs officials and the police on the 2 Conventions.

(f) Malawi

In Malawi, cooperation with law enforcement agencies is very low, with very few training opportunities. As a result, there is a need to enhance cooperation between heritage institutions and law enforcement agents and to provide training on the two Conventions.

(g) Zambia

Zambia has ratified the 1970 Convention and is working on ratification of the 1995 UNIDROIT Convention. Zambia is keen to be a member of the Intergovernmental Committee. They will work on strengthening documentation systems as well as tightening security at museums. They will try to make sure that issues related to illicit trafficking of cultural objects are integrated in the National Development Plan. The country has laws that protect cultural objects but they are inadequate and proposals on strengthening such laws and domesticating international Conventions have been submitted to the Ministry of Justice. Training of law enforcement agents is also critically required. Zambia has proposed that Southern African countries should make full use of SADC-HA particularly in terms of the training of law enforcement agents.

(h) Zimbabwe

For Zimbabwe, documentation is the most critical item that needs prioritization. Documentation will prove ownership and enable managements. Electronic management is also important. Zimbabwe proposed that UNESCO should consider organizing capacity building workshops for institutions that are involved in documenting collections of cultural objects. The workshops need to emphasize the efficient and effective use of Object ID. Zimbabwe will also intensify the training of law enforcement agents as well as tightening security in all museums. There will be a need to build capacities of museum personnel before they can train others such as police and customs officials.

(i) Interpol

Interpol noted that situations are similar for most countries and it is important to strengthen cooperation between heritage institutions and law enforcements agencies. Interpol is available to assist countries with the training of law enforcement agents. He further suggested considering to nvite representatives of INTERPOL's Regional Bureau in Harare and of INTERPOL's National Central Bureaus of the region, should similqr regional workshops be organized in the future in order to widen the scope of co-operation aand getv law enforcement more involved in the efforts to curb the illicit trafficking in cultural goods in Southern Africa..

(j) UNIDROIT

Some countries have suggested reservations to the Convention, which would give countries a choice to indicate which provision of the Convention they do not agree with, but it was stated that no reservations to the UNIDROIT Convention are permitted.

3. RECOMMENDATIONS

During the discussion the participants of the workshop agreed to summarize their deliberations in the following recommendations:

1. The participants should contact the relevant ministries or institutions in their home countries in order to raise the awareness on the 1970 UNESCO and 1995 UNIDROIT Conventions;
2. Considering rather little ratifications of the UNESCO 1970 Convention and 1995 UNIDROIT Convention in SADC countries. Some countries have ratified, while others are still exploring the two Conventions. In specific cases of countries that has finalized the internal process for ratification of the UNESCO and/or UNIDROIT Conventions, follow-up will be undertaken ensuring that the relevant instruments are formally deposited with the Depository;
3. Regardless of the completion of the ratification/accession process to the mentioned Conventions, countries who have not yet ratified the Conventions or who are in the process of doing so will continue the active participation in the process of combat and prevention of illicit traffic of cultural goods. In this sense all the participants agreed on the need for improvement of the national legal provisions helping combat against the illicit traffic of cultural goods;

- . Countries should always explore other ways of repatriation of cultural objects, such as bilateral agreement, permanent loan, as well as agreement for loaning for a specific number of years;
- 4. Recalling the difficulty in measuring the level of illicit trafficking, the main reason was identified as absence or insufficient object documentation and inventorying systems in place. In this sense, participants agreed on the need for the promotion of the Object ID principle as well as an ongoing capacity building programme on documentation and inventorying collections was encouraged;
- 5. Additional training and the promotion of cooperation on illicit traffic combat and prevention was called for in the domains of law enforcement agencies and heritage officers. This is expected to establish/reinforce the collaboration between heritage institutions, police and custom officers as well as create a flow of information at the national level;
- 6. Whenever possible, a review of security measures should be undertaken in terms of physical and/or electronic surveillance equipment. Each participating country should adopt measures most appropriate to their specific situation.
- 7. Local communities should be involved in the process and awareness should be raised among them in order to add to the preventative measures against the looting of cultural objects;
- 8. Regional collaboration should be established and enhanced. Closely linked to this requirement, participants expressed a strong shared feeling of the necessity for the revival of the SADC Desk on Culture. In order for this to happen, participants agreed to transmit this message to the relevant national institutions;
- 9. UNESCO Harare and Windhoek Offices committed themselves to organize, to the extent possible, annual meetings for better coordination and progress on the prevention of illicit trafficking.

4. CONCLUSION

Participants agreed that the workshop successfully provided a platform for information sharing regarding the situation of illicit trafficking in participating countries as well as the way forward. What came out particularly clearly was the need for documentation and inventorying of cultural objects beside the ratification of the UNESCO 1970 Convention and UNIDROIT 1995 Convention. Additionally, participants' emphasized the need for regional collaboration between heritage institutions, police and custom officers for successful prevention of illicit trafficking. Overall, participants concluded that the workshop was well organized and well managed to end within the planned timeframe.

List of participants for the 1970 Convention workshop: Prevention and Fight against Illicit traffic of cultural goods in Southern African region on 14-15 September 2011, Windhoek, Namibia

	NAME	RANK	INSTITUTION	CONTACT NO.
1.	Ms Esther /Goagoses	Acting Director: NHCP	Ministry of Youth, National Service Sport & Culture	+264 (61) -276813 goagoses@hotmail.com
2.	Mr. Eugene Marais	Chief Curator: National Museum	Ministry of Youth, National Service Sport & Culture	+264 (61) - 276800 marais.eugene@gmail.com
3.	Ms Foussy Kambombo	Technical Assistant: National Museum of Namibia	Ministry of Youth, National Service Sport & Culture	+264 (61) - 276838 fousyst@hotmail.com
4.	Ms M. Mubusisi	Heritage Officer	Ministry of Youth, National Service Sport & Culture	+264 (61) - 2706542 mmubusisi@mynssc.gov.na
5.	Rev. S. April	Director	National Heritage Council	+264 (61) -244375 menthosapa1@yahoo.co.uk
6.	Ms Luness. Mpunwa	Acting Director	National Art Gallery	+264 (61) -231160 cmpunwa@nagn.org.na
7.	Mr. Charles Neib	Loss Control Officer	National Art Gallery	+264 (61) -231160 cneib3553@gmail.com
8.	Dr. Jeremy Sylvester	Project Planning & Training Officer	Museums Association of Namibia	+264 (61) -302236 silvestj@iway.na museums@iway.na
9.	Ms N. Izienda	Operations Manager	Museums Association of Namibia	+264 (61) -302236 Naitsi11@gmail.com/ museums@iway.na
10.	Mr. E. Ernest	Chief Immigration Officer	Ministry of	

			HomeAffairs	+264 (61) - 2922212/081 251 2291
11.	Mr. B. Dyakugha	Chief Legal Officer	Ministry of Justice	+264 (61) -2805356 bdyakugha@moj.gov.na
12.	Chief Inspector M.M. Andima (Mr)	Chief Inspector	Ministry of Safety and Security	+264 (61) 2093283 mbwakuni@yahoo.co.uk
13.	Inspector L. Sheelekeni (Ms)	Inspector	Ministry of Safety and Security	+264 (61) 2093283 etuna50@gmail.com
14.	Inspector C. Gontes (Ms)	Inspector	Ministry of Safety and Security	+264 (61) 2093283 cgontes@nampol.gov.na
15.	Ms. F. Kanime	Snr. Culture Officer	NATCOM	+264 (61) 2706321 kanimef@mec.gov.na
16.	Ms. Trudie Amulungu	Deputy Delegate to UNESCO	NATCOM	+264 (61) 2706321 dl.namibia@unesco-delegations.org
17.	Mr. Bonny Tjirongo	Senior CEO	Ministry of finance	+264 (61) 2092060
18.	Ms. Susan Beukes		Ministry of finance	+264 (61) 2092060 +264 81 2429246 susan.beukes@gov.mof.na
19.	Mr. Draga Boskovic		National Art Gallery	+264 (61) -231160 +26481 2418038 draga_boskovic@yahoo.com
20.	Mr. Thomas Telcaghiorghis		National Museum of Namibia	+264 81 7115811 persi.love3@gmail.com
21.	Mr. Borony Tjirongo		Customs	+264 81 3359038 boniface.tjirongo@gov.mof.na
22.	Ms. Alma Nankela	Archeology	National Heritage Council	amnankela@gmail.com
International Participants				
	NAME AND TITLE	COUNTRY	INSTITUTION	CONTACTS

23.	Ms. Nomsa Janet Dlamini Senior Education Officer at the Swaziland	Swaziland	National trust Commission	dlovunganjd@yahoo.com Mobile: +268 7 608 6365
24.	Khetsiwe Bertina Simelane Customs Manager - Field Operation	Swaziland	Customs and Excise Department	Email address: bsimelane@sra.org.sz Mobile is: +268 7 606 3145
25.	Ms. Reinette Stander Deputy Director: International Conventions and Legislation	South Africa	Department of Arts and Culture	Private Bag X897 Pretoria 0001 Tel: +27(012) 441-3711 Cell: +27 83 469 2931 Fax: +27 86 529 5930 E-mail: Reinette.Stander@dac.gov.za
26.	Ms. Regina Isaacs Manager: Heritage Objects Unit	South Africa	SAHRA	P.O. Box 4637 Cape Town 8000 Tel No +27 21 462 4502 Fax No +27 21 462 4509 e-mail: risaacs@sahra.org.za website: www.sahra.org.za
27.	Ms. Matsosane Molibeli Principal Museum Curator	Lesotho	Department of Culture	mmolibeli@yahoo.com cell: +266 63045370 Phone: +266 22313034/22321429 Fax: +266 22310194
28.	Mr Gaogakwe Phorano Director	Botswana	Botswana National museum and Monuments	P/Bag 114 Gaborone Botswana Tel : +267 3610445 (direct) Fax : +267 3902797 Cell : +267 72110752 E-mail: gphorano@gov.bw
29.	Mr. Ogopoleng Saitsoketsa, Detective Inspector	Botswana	Interpol Office/CID Headquarters	Email: osaitsoketsa@gov.bw

30.	Ms. Winani Kgwatalala (SADC HA) HOD Ethnology Division	Botswana	Botswana National Museum,	P/Bag 114 Gaborone Botswana Tel : +267 3610406 Cell : +267 72259614 E-mail: wkgwatalala@gov.bw
31.	Mr. Lovemore Mazibuko Acting Director Museums of Malawi	Malawi		P.O Box 30360 Chichiri Blantyre 3 Malawi Tel : +265 1 871 857 Fax : +265 1 875 909 Cell : +265 8 551 808 E-mail: Lovemazi-museum@sdpn.org.mw
32.	Mr. Flexon Mizinga Executive Secretary	Zambia	Lusaka National Museum	Independence Avenue P.O. Box 50491 10101 Lusaka Zambia Tel : +260 211 220204 Cell : +260 9787 05168 E-mail: flexonmizinga@yahoo.co.uk
33.	Mr. Chimbidzikai Mapfumo Junior Programme Officer- Culture	Zimbabwe	UNESCO Harare Cluster Office	8 Kenilworth Road, Newlands P.O. Box HG 435, Newlands Harare, Zimbabwe Tel: +263 (4) 776775/9 Cell; +263-912 411 253 Fax: +263-4-776055 Email: c.mapfumo@unesco.org Website: www.unesco.org/harare
34.	Ms. Mulekeni Ngulube Culture Programme Specialist	Zimbabwe	UNESCO Harare Cluster Office	8 Kenilworth Road, Newlands P.O. Box HG 435, Newlands Harare, Zimbabwe Tel: +263 (4) 776775/9

				Cell; +263-912 411 253 Fax: +263-4-776055 Email: md.ngulube@unesco.org Website: www.unesco.org/harare
35.	Dr. Godfrey Mahachi Executive Director	Zimbabwe	National Museums and Monuments of Zimbabwe	Box CY 1485 Causeway Harare Zimbabwe Fax: +263 4 753085 Tel: +263 4 752876 E-mail : natmus@utande.co.zw
36.	Ms. Marina Schneider Senior Officer	Rome, Italy	UNIDROIT	Via Panisperna 28 00184 Rome (Italy) Tel: +39 06 6962 142 Fax: +39 06 6994 1394 e.mail: m.schneider@unidroit.org
37.	Mr. Karl-Heinz Kind Coordinator Works of Art Unit Interpol General Secretariat Coordinator Works of Art Unit Specialized Crimes Directorate INTERPOL General Secretariat	Lyon, France	INTERPOL	200, quai Charles de Gaulle 69006 Lyon – FRANCE Phone : +33 4 72 44 74 02 Fax : +33 4 72 44 76 32 Email : kh.kind@interpol.int
38.	Dr. Rudo Sithole Executive Director	Nairobi, Kenya	International Council of African Museums - AFRICOM	Kipande Road P.O. Box 38706 Ngara 00600 Nairobi - KENYA Email: r.sithole@africom.museum Website: www.africom.museum Tel: +254-20-3748668 or +254-20- 3742161-4 Ext. 2303 Fax: +254-20-3748928

				Cell: +254-721392891 (official) Cell: +254-711947762 (personal)
39.	Mr. Planche, Edouard Programme Specialist Focal Point for the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970)	Paris, France	UNESCO HQ Paris	Email: e.planche@unesco.org
40.	Mr. Damir Djakovic Programme Specialist in Culture	Namibia	UNESCO Office in Windhoek	38-44 Stein Street, Klein Windhoek P.O. Box 24519 Windhoek, Namibia Phone: +264 61 291 7000 Fax: +264 61 291 7220 <u>e-mail:</u> d.djakovic@unesco.org
41.	Ms. Helvi Elago Culture Programme Assistant	Namibia	UNESCO Office in Windhoek	38-44 Stein Street, Klein Windhoek P.O. Box 24519 Windhoek, Namibia Phone: +264 61 291 7000 Fax: +264 61 291 7220 <u>e-mail:</u> h.elago@unesco.org
42.	Ms. Molly Steinlage Inter for Culture Sector	Namibia	UNESCO Office in Windhoek	38-44 Stein Street, Klein Windhoek P.O. Box 24519 Windhoek, Namibia Phone: +264 61 291 7000 Fax: +264 61 291 7220 <u>email:</u> m.steinlage@unesco.org



Workshop Programme
Prevention and fight against illicit traffic of cultural goods in Southern Africa
Current Situation and Way Forward
Windhoek, Namibia
Venue: Safari Hotel
14 and 15 September 2011

Day 1 14 Sep 2011		
Time	Session	Comments
8h00	Registration of participants	
8h30	Official Opening	Opening programme was shared separately
9h30	Introduction	Objectives of the workshop UNESCO 1970 Convention
10h30	Health break	
10h45		UNIDROIT 1995 Convention INTERPOL
11h00	Countries' situation presentation (either of the two representatives or jointly i.e. Culture or Law enforcement) 15 min per country.	Botswana; Lesotho; Malawi; Namibia; South Africa; Swaziland; Zambia; Zimbabwe Structure of the presentations: <ul style="list-style-type: none"> • Situation on the Conventions' ratification • Current situation on CLT sector documentation of cultural goods and relevant legislation(s) • Cooperation with the law enforcement • Examples of cases of illicit traffic or processes on restitution of cultural goods illegally exported

13h00	Lunch	
14h00	Role of other partners in the prevention of illicit traffic of cultural goods	SADC HA AFRICOM National ICOM committees UNESCO National Commissions
15h30	Health break	
15h50	Continued	
17h00	Closure of the first day	

Day 2 15 Sep 2011		
Time	Session	Comments
8h30	Discussion on way forward:	<ul style="list-style-type: none"> • Ratification of the normative instruments • Modalities of inventorying and tracing of stolen and/or illegally exported objects • National legislations and policies National and cross-border cooperation • Cooperation with the Secretariats of UNESCO (1970 Convention), UNIDROIT and INTERPOL
10h30	Health break	
10h50	Discussion continued	
13h00	Lunch	
14h00	Recommendations	
15h30	Health break	
15h50	Continued	
16h30	Closure of the workshop	
19h00	Dinner/reception	