

## Swedish legislation and regulations on the export and import of cultural objects

The Heritage Conservation Act serves as core legislation for the preservation of Sweden's heritage and historic environment.

Ancient remains are protected by the Act and may not be damaged. The Act defines the concept of cultural objects and regulates the handling of archaeological finds and procedures for obtaining a permit to remove remains. The Act regulates the export of older artefacts, identifies the objects covered and specifies procedures for obtaining a permit. The Act also regulates the return of specified artefacts that have been illegally removed from a country in the European Economic Area.

Two permits may be required to take certain objects out of Sweden. The regulations can be found in the 5th chapter of the Conservation Act<sup>2</sup>. In addition to the Swedish law there are EU directions concerning the trade of cultural objects, which come into effect when an object is about to leave the EU. In Sweden the law on smuggling<sup>3</sup> regulates offences relating to illicit export. The juridical sanction for illicit export of cultural heritage objects is confiscation of the smuggled goods, and a monetary fine or up to two years' imprisonment. The maximum punishment for a serious offence is six years' imprisonment.

There are five authorities that can issue export licences. Depending on the category of the object in question, the export licence can be obtained from one of the following institutions: the National Library of Sweden, the National Museum of Fine Arts, with Prins Eugen's Waldemarsudde, the Swedish National Heritage Board of Sweden, the National Archives of Sweden and the Nordic Museum foundation. The authorities offer more detailed information on export and application procedure.

The Swedish National Heritage Board of Sweden is working to minimize demand and to change the market regulations on relics of antiquity as well as to provide pertinent knowledge and information that is easily accessible to the public. Please contact us for further information.



### Contact

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See also:

*Objects prohibited to export*

– furniture and inventories prohibited to export outside the European Union.

[www.eoco.org/link1](http://www.eoco.org/link1)

*Fornsök*

– The Archaeological Sites and Monuments database.

[www.raa.se/fornsok](http://www.raa.se/fornsok)

[www.raa.se](http://www.raa.se)

# Heritage and illicit trade

Front cover photo: Björkö-Birka, photo Bengt A Lundberg. Other photos: pendants from Adelsö, photo Christer Ahlin / The Museum of National Antiquities.



2. Heritage Conservation Act (1988:950).

3. Act on Penalties for smuggling (2000:1225).





### Heritage and illicit trade

Today trading in archaeological and ethnographic objects under the tag “art” is a business that is growing worldwide. The demand for such objects surmounts the supply. Following

the collapse of political barriers and the significant drop in travelling costs, many inaccessible places of the past have become accessible and the geographical range of trade has thus expanded. The ease in communication stimulates the commerce at a global level. By selling objects on the Internet or in a foreign country, the seller reduces the risk of getting caught due to the difficulty in identifying the objects. The worldwide looting of ancient antiquities causes a great loss of information and local identity.

### International conventions

There are several international conventions and agreements that have been grafted to stop trade in illegally acquired cultural objects. The most important one is the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the illicit Import, Export and Transfer of Ownership of Cultural Property, which has been ratified by a lot of countries. According to UNESCO, the cultural heritage belongs to the nation whereas the “safeguarding process” is an international responsibility. By ratifying the convention, each nation has undertaken to prevent cultural crime. Sweden ratified the convention in 2003. Ratification of the 1995 UNIDROIT Convention is still under discussion.



### Nordic co-operation and investigation

The Scandinavian states have established close co-operation. These countries, except for Norway, have joint legislation on export control

and a common export licence system. But still they lack common import licences. Lost goods are registered by Interpol; however there is no specification of what objects are to be registered.

In 2006 the Swedish National Council for Crime Prevention issued a report based on the first Nordic study on “cultural heritage crimes”. Questionnaires were sent out to museums, antique dealers, libraries, churches, institutions and people to gather more accurate knowledge on the black market of antiquities. The conclusion highlighted that the most common motive for cultural heritage offences is financial gain. Most probable targets are museums, libraries, antique dealers and second-hand bookshops. As not many of these offences are spectacular, the mass media do not reserve enough space to attract public attention. Apart from the targeted objects most thefts relate to everyday objects that are freely accessible to visitors and therefore easy to steal. Poor security and poor inventory registration are common problems. Lately Swedish churches have experienced a series of thefts where many unique cultural objects have disappeared for the above-mentioned reasons.

As knowledge of cultural heritage is limited, it is difficult for most relevant parties and authorities to identify the correct priorities. Due to lack of information, it is hard to take the right action to help out victimized crime targets and prevent these offences. The Swedish National Council for Crime Prevention concluded in its study that any control and security measures must be based on correct prioritisations, which in turn must be based on knowledge. *Knowledge, prioritisation and control* are three inseparable key factors in the prevention of cultural heritage offences.

### Crime goes underground

The Swedish National Council for Crime Prevention has recently finished an in-depth study concerning offences related to archaeological remains in Sweden.



The study is based on data from two sources – an analysis of all court verdicts on cultural heritage offences since 1973, and a survey sent to relevant authorities and organisations. The aim here is to describe these offences, or rather, what we know about these offences in terms of extent and structure.

Since 1973 there have been 36<sup>1</sup> court convictions in Sweden. 23 of these concern damage to archaeological remains; 6 verdicts concern what we would call looting and in 4 cases no harm has been done, but the prosecuted has not applied for the mandatory permit, or has violated the conditions stipulated in the permit. In five cases a metal detector has been used: three cases concerned plunder, one case damage and one case failure to apply for a permit.

Whereas court rulings tell us what crimes have been discovered, reported, investigated and handed over to a prosecutor, finally leading to a verdict of guilty, the purpose of the survey was to gather information on those crimes that had not ended up in court and maybe had not even been reported to the police. Information was gathered primarily from Sweden’s County Administrations and County museums. Most counties reported no suspicion of looting over the last five years, whereas all counties reported knowledge of damage offences.

The conclusion is that damage might be a more serious threat to the archaeological remains than looting. There are, though, great difficulties in discovering and fighting these offences. A few problems will be mentioned, as a starting point for better work on crime prevention.



1. So far we have not been able receive three of these verdicts.