
Theft and Smuggling of Cultural Relics in China and Counter-Measures Against Them

1 Introduction

The text of the following announcement on the present state involving the theft and smuggling of works of art in China, and the counter-measures adopted against them, was delivered at a meeting of INTERPOL on Illicit Traffic in Cultural Goods, held at Lyon, France, in September 1993. It should be read in conjunction with the Digest of PRC Legislation on Cultural Property compiled by J. David Murphy and published in 1994 (pp. 227–242) 1 IJCP 159 and with the same author's article in the current issue.

2 The Announcement

China is a country of 2000 years of civilisation with a thesaurus of historical museums over the mainland of which 76 are of state and provincial level with a collection of 8 million exhibits. The Chinese government has all along attached great importance to the preservation and protection of historical relics proclaiming in 1961 the "Provisional Regulations on the Protection of Cultural Relics" and the "Law for the Preservation and Protection of Cultural Relics of PRC" was adopted by the Standing Committee of the National People's Congress in November 1982 which proclaimed that "All cultural relics found in China's territorial land, waters and seas are state properties and no authorities or individuals are permitted to deal in cultural relics unless with approval of the State Administration of Cultural Relics and the exit of cultural relics must be declared to the customs or will be deemed as smuggling". The Law also promises awards to departments and individuals who made outstanding contributions to the preservation of cultural relics and individuals who donate cultural relics to the state out of their private custody. This Law has played a positive role increasing the legal awareness of the people for the protection of cultural relics. In order to deter the theft and smuggling of cultural relics by perpetrators within and outside China, the Chinese government proclaimed in 1987 a "Notice on the Punishment of Theft and Smuggling of Cultural Relics", calling upon different authorities to enhance their efforts in this regard. According to incomplete census: police agencies have in recent years detected over 3000 cases involving the theft, smuggling and illegal transactions in the works of art, convicting perpetrators in 10000 s

with almost 130 000 items of Chinese cultural relics successfully retrieved. This has rendered positive contribution to the preservation of China's works of art.

China's police authorities have taken forceful measures in smashing the crime of theft and smuggling of cultural relics and a number of perpetrators have been brought to justice by the judicial organs. Nevertheless, the crime remains rampant and cultural museums are burglarised once in a while. Perpetrators in and outside China work hand in glove to steal, illegally excavate and purchase China's cultural relics and smuggle them abroad through different channels eg: over land and sea or by air transportation. There are aliens who conceal the cultural items in their luggage in an attempt to break through China's customs. In 1992 a foreign businessman was seized smuggling 1700 items of works of art from China. Some perpetrators are so audacious as to steal treasure relics from museums by themselves and smuggle them out. In September 18, 1992, 69 items of cultural gems were stolen from the Municipal Museum of Kaifeng, Henan Province. This was a premeditated offence perpetrated by a criminal syndicate who smuggled part of their booty to Macau. As a result of four months of hard work, the police authorities of Henan brought all perpetrators under arrest and successfully retrieved 68 stolen items of which 7 were recovered with the assistance of the Macau Police.

In recent years, smugglers from abroad purchase cultural relics in China at soaring prices inducing museum burglars and grave robbers to perpetrate the crime, which in turn furnishes a source of contrabands to the smugglers, forming thus a vicious cycle inflicting traumatic losses to China's cultural relics, particularly those to be unearthed. This constitutes the better part of the huge amount of relics smuggled to Hong Kong, Macau and abroad.

3 Principal Measures Taken by China's Police Authorities against the Crime

1. Enhance security control of cultural museums and exhibitions in close cooperation with cultural administrations. Emphasis is laid to impose security responsibility onto offices and personnels in charge, to increase the immunity of museums and exhibitions against burglary. Security devices are installed to form a comprehensive guard and alarm system. And thank to these effective measures museum burglaries and losses are decreasing yearly, eg: cases involving museum thefts were estimated as 56 in 1990, 48 in 1991 and 38 in 1992. From January to July, 1993, only 11 cases were reported. Thanks to the alert on the part of curators and guardian of museums and exhibitions some burglaries were discovered and forestalled in time.

2. Enhance case enquiries. Operational teams are organised by professionalised police to handle major burglaries and smuggling in

cultural relics. Efforts are made to sever the source and route of trafficking as two important links in the crime. In cultural areas infested with grave-diggers, the local inhabitants are mobilized to locate smuggling channels, routes and harbours of the contrabands. Suspects are closely scrutinized. Evidence is obtained by administrative measures and under-cover work to incriminate the perpetrators with the aim to intercept the contrabands before they leak abroad.

3. Emphatic efforts – manpower and workhours – are focalised on areas infested with the crime of cultural theft and smuggling. Campaigns of propaganda are launched to imbue with people's minds the "Law on the Preservation and Protection of Cultural Relics of the PRC", calling upon them to report against suspects involved in the theft and smuggling of cultural relics. Inquiries are conducted along the clue to obtain evidence and legally confiscate the contrabands of cultural relics. All loopholes are closed by amplified regulations and stern control.

In our combat against the crime of theft and smuggling of cultural relics, efforts are also made to enhance cooperations with relevant countries and regions. Team-work with police authorities of Hong Kong and Macau has been successful who have been rendering us support and assistance whenever in need. Thanks to their cooperation, out of the 7000 cultural items seized by the Hong Kong and Macau police the better part have been retrieved to China before they leak abroad from Hong Kong and Macau. Other countries too have made strenuous efforts helping China to retrieve her cultural gems smuggled abroad. I avail myself of this opportunity to express our profound thanks to our foreign colleagues for their sincere cooperation in the preservation of China's cultural relics.

Messrs. delegates, the crime of cultural theft and smuggling is a global occurrence and enhanced international cooperation is absolutely necessary to conduct a joint combat against them, to frustrate the leakage of cultural properties abroad. We hope to see similar symposia be held every 3–4 years internationally and regional symposia be held every two years with the aim to exchange prompt information on such crimes so that more effective measures could be taken to cope with them. We also suggest that auctioneers in different countries send catalogues of their auction to relevant countries before they are put to hammer. This will help the earlier discovery of cultural items stolen and smuggled out of the proprietary country. Convenience and assistance should be accorded by countries and regions in question to police forces enquiring abroad for evidence. In one word closer cooperation should be encouraged among different countries in the common combat to smash international smuggling of cultural relics and works of art.

Thank you!

The Chinese Delegation