

**ISSUES OF ORGANIZING COLLABORATIVE WORK WITH
AUTHORIZED ORGANIZATIONS IN CERTAIN AREAS IN
COMBATING THE ILLEGAL CIRCULATION OF CULTURAL
PROPERTY**

ABSTRACT. This article addresses some problematic issues arising from the looting of objects and collections of cultural, historical, and archaeological value through counterfeiting, their illegal circulation, as well as their sale on the "black market" for mercenary purposes. It also examines issues related to preventing the illegal circulation of cultural property in cooperation with authorized organizations.

KEYWORDS: forgery of objects and collections of cultural, historical, archaeological value, customs authorities, cooperation with competent organizations, prevention of illegal circulation of cultural property, inevitability of responsibility.

In recent years, numerous instances have been detected involving the looting of objects and collections of cultural, historical, and archaeological value through counterfeiting, and their illegal movement across customs borders. Today, approximately 6,100 cultural properties belonging to Uzbekistan have been identified in more than 40 countries worldwide. The majority of these are located in Russia, Turkey, Germany, and Great Britain. Sixty percent of cultural property belonging to Uzbekistan consists of material cultural objects, such as pottery, metal, glass items, and material monuments, while 40 percent are manuscripts and miniatures.

According to the Cultural Heritage Agency of the Republic of Uzbekistan, throughout the Republic of Uzbekistan, there are 530 registered landmarks, 617 monumental art monuments, 2,266 architectural monuments, 8,210 immovable cultural heritage objects, and 4,797 archaeological monuments [1].

Regarding the preservation of cultural property, Chapter XI of our main legal document, the newly revised Constitution of the Republic of Uzbekistan, is titled "Duties of Citizens." Article 61 of this chapter stipulates that citizens must preserve the historical, spiritual, cultural, scientific, and natural heritage of the people of Uzbekistan. It is established that "historical, spiritual, cultural, scientific, and natural heritage is protected by the state" [2].

Furthermore, each state body, while implementing its tasks and functions, also carries out a number of law enforcement activities such as ensuring legality, protecting human rights and freedoms, safeguarding the rights and legitimate interests of state and non-state organizations and labor collectives, and combating offenses and crime.

Additionally, the State Customs Committee is designated as the authorized body for state regulation of the export and import of cultural property in accordance with Article 5 of the Law "On Export and Import of Cultural Property" dated August 29, 1998 [3].

The illegal acquisition of items or documents of cultural value, failure to return artifacts of artistic, historical, and archaeological heritage of the peoples of the Republic of Uzbekistan and foreign countries to the territory of the Republic of Uzbekistan, and illegal movement of cultural property across the customs border of the Republic of Uzbekistan necessitate the introduction of specific provisions in administrative and criminal legislation.

The interaction of all law enforcement agencies with customs authorities is crucial in preventing violations in this area. This enables the timely receipt of relevant and important information about the illegal trade (black market) of cultural property and allows for monitoring the activities of criminal organizations.

It is important to establish working relationships between law enforcement structures to implement general anti-crime programs, create a stable mechanism for rapid information exchange in this direction, and study the experiences of leading organizations in its practical application.

It should be emphasized that the international experience of developed countries demonstrates that significant attention is being paid to the cooperation of operational-search activity agencies in combating the activities of criminal groups engaged in the smuggling of cultural property.

The Law of the Republic of Uzbekistan "On Operational-Search Activity" defines the cooperation issues of state bodies authorized to conduct operational-search activities in implementing operational-search measures [4].

In particular, it is expedient to make extensive use of the operational-search measures indicated in Article 14 of the Law to identify the operational mechanisms of criminal groups, apprehend them during the commission of crimes, and reach the main factors causing the crime, i.e., the "clients."

For instance, conducting controlled delivery operations to the "clients" based on obtained information not only prevents their illegal circulation but also prevents their sale on the "black market" for mercenary purposes.

In this context, the objects of controlled delivery operations include items and objects prohibited or restricted from free circulation (narcotic substances, firearms, cultural property, precious stones and metals, etc.), items and objects obtained through criminal means or containing traces of crime, and tools or means of committing crimes (money, documents, weapons, etc.).

By conducting this measure in cooperation with other law enforcement agencies, it is possible to identify the recipients of cultural property from criminal groups, apprehend criminals at the final delivery location, and fully expose members of transnational organized criminal groups.

In such cases, if operational-search measures are not used with a proper assessment of the situation, the organizers and leaders of criminal businesses

engaged in the smuggling of cultural property may escape punishment, with only ordinary executors being held accountable, resulting in the continued operation of cultural property smuggling channels.

Furthermore, the study of international experience has shown that effectiveness in preventing the illegal circulation of cultural property can be achieved through the application of stringent measures to offenders, up to and including criminal prosecution.

It should be noted that despite the unreliability of the "black market" formed on the basis of smuggled, stolen, or looted cultural property for capital investment, experts believe it attracts the attention of organized criminal groups and entrepreneurs and businessmen associated with criminal activities.

The World Customs Organization, which considers the protection of world cultural heritage as one of its goals, cooperates with international organizations such as the International Council of Museums (ICOM), UNESCO, and Interpol, as well as national law enforcement agencies, to exchange information and put an end to this illegal activity.

For this purpose, the WCO pays special attention to daily cooperation with the customs services of all member states through the Regional Intelligence Liaison Office (RILO network) [5].

Additionally, the WCO, in cooperation with the United Nations Educational, Scientific and Cultural Organization (UNESCO), has developed a model export certificate, and the organization supports the use of this certificate in the legal circulation of cultural property by member states. Currently, the organization is paying special attention to the training and retraining of personnel based on the "PITCH" program at regional and international levels.

Furthermore, the WCO, in cooperation with Interpol, Europol, and national law enforcement agencies, has been organizing and coordinating operational activities at the global and regional levels dedicated to combating the illegal circulation of cultural property.

All WCO member countries actively participate in the "Pandora" operation within the European region, organized every two years, and the global "Athena" operation in cooperation with Interpol.

For information, it should be noted that during the "Pandora" operation, led by Spain from June 1 to September 30, 2021, conducted at airports, checkpoints, auction houses, and museums, more than 9,400 illegally acquired cultural properties were identified, and 52 criminals were apprehended. Since customs authorities are bodies that exercise control over the movement of goods, vehicles, and citizens, this task provides an opportunity to operate at the forefront in combating the illegal circulation of cultural property.

However, this very process also creates a number of problems for customs officers, such as time constraints in seizing or confiscating cultural property identified during inspections. It is known that the process of making decisions about suspicious goods identified during the inspection of certain types of vehicles leads to violations of the established time regulations. Therefore, it is an urgent issue to create the possibility of establishing rapid communication with experts on cultural property in customs legislation.

The availability of knowledge in this area is naturally useful when making quick decisions when suspicious cultural property is identified and in identifying the international chain of cultural property smuggling. "ARCHEO" is a network that provides the opportunity to establish communication in real-time with customs services, other law enforcement agencies, international organizations, scientific experts, and non-governmental organizations to put an end to the illegal circulation of cultural property [6].

As a proposal:

To prevent the illegal circulation of cultural property, we consider it appropriate to introduce into national legislation a proposal to connect to the special "ARCHEO" information system and develop the skills of regular use of it

for raising the qualifications of customs authorities and Cultural Heritage Agency specialists in cooperation with the World Customs Organization.

Today, the National Central Bureau of the International Criminal Police Organization - Interpol in the Republic of Uzbekistan organizes the international search for stolen and looted cultural property in the Republic of Uzbekistan.

The international search for cultural property is announced by the Interpol General Secretariat [7].

Creating a simplified procedure for including looted or stolen cultural property in international searches.

This, in turn, will enable customs officers to obtain information about cultural property being placed on international wanted lists, which will help prevent the illegal circulation of looted or stolen cultural property across customs borders.

The Interpol NCB has launched online mobile application systems operating on the open internet for use by law enforcement agencies, state organizations, and the general public. This mobile application can be downloaded to "Apple" and "Android" mobile devices through the "App Store" and "Google Play." These mobile applications provide information about cultural property placed on international wanted lists by the Interpol NCB of member states, allow visual searches, and enable reports about stolen cultural property to be sent to Interpol [8].

Today, even the staff of most prestigious museums are not aware of how to use these online mobile application systems operating on the internet.

This indicates that the work being done to prevent the illegal circulation of cultural property using modern technologies is being carried out sluggishly.

Organizing online and practical training courses for staff working in prestigious museums on the use of online mobile application systems by industry specialists;

We believe that intensifying international cooperation in operations conducted in collaboration with WCO member countries and Interpol in this direction, and ensuring the participation of personnel working in practice in these operations, will yield good results.

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