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Educational, Scientific and
Cultural Organization



Convention for the fight
against the illicit trafficking
of cultural property

7 SC

C70/19/7.SC/6
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**Seventh Session of the Subsidiary Committee of the Meeting of States Parties to the
Convention concerning the Means of Prohibiting and Preventing the Illicit Import,
Export and Transfer of Ownership of Cultural Property
(UNESCO, Paris, 1970)**

**Seventh session
UNESCO Headquarters, Room XI
22 and 23 May 2019**

Item 6 of the provisional agenda: Review of National Reports submitted by the States Parties on the measures taken to implement the 1970 Convention

This document presents the summary of the national reports submitted by States Parties in the framework of the 2019 Periodic Reporting Cycle on the status of implementation of the 1970 Convention and provides the legislative and administrative provisions and other measures they have taken to promote and implement the Convention.

Draft Decision: Paragraph 14

BACKGROUND

1. The 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (referred to hereinafter as “the 1970 Convention”) was adopted by the General Conference at its 16th session, on 14 November 1970. As at 20 March 2019, there were 139 States Parties¹.
2. Pursuant to [32 C/Resolution 38](#), and with reference to [Article 16](#) of the 1970 Convention, the General Conference set the periodicity for reporting by States on the implementation of the Convention at four-year intervals. In that regard, it should be pointed out that reporting by Member States on action taken by them to implement conventions adopted by the General Conference is required under the [Constitution](#) of the Organization (Article VIII).
3. Furthermore, the [Operational Guidelines](#) on the implementation of the 1970 Convention recall the binding character of the submission of Periodic Reports by States Parties only under Article 16 of the Convention. It emphasizes the importance of such reporting for the follow-up, monitoring and exchange of information to ensure an improved implementation of the Convention.
4. One of the Subsidiary Committee’s functions is the review of national reports presented to the General Conference by the States Parties to the 1970 Convention. This function is listed in Article 14.6 of the [Rules of Procedure](#) adopted by the Meeting of States Parties to the 1970 Convention and recalled in Section I, paragraph (b) of the [Rules of Procedure of the Subsidiary Committee](#).
5. In this regard, the Subsidiary Committee has taken strides to improve the efficiency and effectivity of periodic reporting cycles. Notably, at its fourth session (26-28 September 2016), an amended reporting form was adopted (Decision [4.SC 14](#)) with a view to better enable the collection of information on new trends and developments in the fight against the illicit trafficking of cultural property. During the Fifth Session of the Subsidiary Committee (17-19 May 2017) Decision [5.SC 9A](#) was adopted welcoming the proposal to develop an electronic reporting tool.
6. As such, the Secretariat launched on 18 October 2018 the online platform by inviting all States Parties to the 1970 Convention to submit their reports in the implementation of the Convention by 4 February 2019. Moreover, three reminders were sent, the first on 28 November 2018, the second on 8 January 2019 and the last on 28 January 2019.
7. For the first time, the 1970 Convention received the reports electronically. Undoubtedly the 2019 Periodic reporting cycle of the Convention proved to be very effective as the Secretariat received a record number of national reports, a total of 68 reports from its 137 States Parties². This is the first time in the history of the Convention that half of its States Parties submitted their national reports.
8. This document presents, in its annex, the summary of the 68 national reports received by the Secretariat. Fifteen reports were submitted from Group I³, fourteen reports from Group

¹ The list of States Parties is available at the following address:
<http://www.unesco.org/eri/la/convention.asp?KO=13039&language=E>

² As of October 2018.

³ Austria, Canada, Cyprus, Finland, Germany, Greece, Iceland, Italy, Norway, Portugal, Spain, Sweden, Switzerland, Turkey and United Kingdom of Great Britain and Northern Ireland.

II⁴, fourteen reports from Group III⁵, eight reports from Group IV⁶, eleven reports from Group V(a)⁷, and six reports from Group V(b)⁸.

THE NEW REPORTING SYSTEM

9. The new reporting system platform was developed by an external company with the cooperation of the Division of Public Information (DPI) and Knowledge Management and Information Systems (KMI) of UNESCO to comply with the Organization's technical and security standards.
10. Access to the platform was given to UNESCO's Member States via its internal directory, allowing the Permanent Delegations to connect with their UNESCO email accounts. Furthermore, even though only electronic responses would be accepted, the Secretariat prepared a Word version of the questionnaire and sent it to all States Parties to facilitate the transmission of the questionnaire between different bodies. Some Permanent Delegations requested a government focal point to answer the questionnaire for their States so specific access to the electronic reporting tool website had to be granted. For each request, the Secretariat sent an invitation to the e-mail address of the focal point to allow him/her to access the reporting tool webpage.
11. The access to the reporting tool was the main challenge in this first experience with the 1970 Convention online questionnaire. The system would grant Outlook accounts exclusive access to the questionnaire, therefore a considerable number of focal points would have to use a personal email address or create a specific account to access the reporting tool webpage. Also, this "unique user access" would not give the opportunity to the different bodies to access the form or be able to read the answers once the form was completed. Aware of this inconvenience, the Secretariat undertook to work closely with the Division of Public Information (DPI) and Knowledge Management and Information Systems (KMI) to find an appropriate solution for the next period reporting cycle (2023).
12. At this stage, the questionnaire of the new electronic tool is the first step of the project in achieving a system that aims at developing a comprehensive searchable database encompassing policies, legislative systems, implementation and operative frameworks of States Parties. Furthermore, with all the data collected during this 2019 reporting cycle, it will be possible to present facts regarding good practices and international cooperation, as well as up to date statistics concerning thefts, illegal excavations, seizures and restitutions.
13. In addition to the purpose of periodic reporting in terms of monitoring and updating relevant information concerning the illicit trafficking of cultural property, the electronic reporting system shall significantly contribute to the institutional memory of the 1970 Convention.
14. The Subsidiary Committee may wish to consider adopting the following decision:

DRAFT DECISION 7.SC 6

⁴ Albania, Armenia, Bosnia and Herzegovina, Czechia, Estonia, Georgia, Lithuania, North Macedonia, Poland, Romania, Russian Federation, Serbia, Slovenia and Ukraine.

⁵ Argentina, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, Guatemala, Honduras, Mexico, Panama, Paraguay, Uruguay and Venezuela (Bolivarian Republic of).

⁶ Australia, Cambodia, Japan, Myanmar, Nepal, New Zealand, Pakistan and Republic of Korea.

⁷ Angola, Benin, Burkina Faso, Cameroon, Côte d'Ivoire, Lesotho, Madagascar, Mali, Mauritius, South Africa and Zambia.

⁸ Algeria, Iraq, Jordan, Lebanon, Palestine and Syrian Arab Republic.

The Subsidiary Committee,

1. Having considered document C70/19/7.SC/6;
2. Thanks the States Parties to the 1970 Convention who have actively responded to the obligation to submit Periodic Reports and welcomes of their efforts to guarantee relevant follow-up at national level;
3. Reminds States Parties of their obligations under the 1970 Convention in respect of effective implementation, and in particular their obligation to report under its Article 16;
4. Emphasizes that the content of such reports should be as detailed as possible to enable an accurate understanding and evaluation of the implementation of the 1970 Convention at national level;
5. Welcomes the Secretariat for the development of the electronic reporting platform for the 2019 Periodic Reporting Cycle and requests the Secretariat to pursue its efforts to complete the implementation of the new reporting system;
6. Encourages States Parties to the 1970 Convention to assess the adequacy and effectiveness of national measures undertaken to implement the Convention so that areas of weakness may be identified and appropriate adjustments or improvements made;
7. Invites the Director-General to send a summary of the reports received from Member States on measures taken to implement the 1970 Convention accompanied by comments from the Subsidiary Committee, to the 40th Session of the General Conference.

Annex

Analytical Summary of National Reports Received on the Implementation of the 1970 Convention

This document sets out an analytical summary of the reports handed over to the Secretariat by sixty-eight States Parties to the 1970 Convention on the measures they have adopted to implement the Convention and the principles contained therein, as well as their initiatives to combat the illicit trafficking of cultural property.

On the basis of the information provided by the States Parties, this summary also highlights the principal obstacles and difficulties encountered in order to hone the effectiveness of the 1970 Convention and, on certain points, trace developments since the previous summary of national reports, completed in 2015.

The information collected in the national reports are organized into six sections:

1. National legal framework for protection and control of the circulation of cultural property;
2. Institutional framework;
3. Systems of prevention of illicit trafficking in cultural property;
4. Ethics, awareness raising, education and public involvement;
5. International cooperation;
6. Statistical data.

The reports of the States Parties are presented in a standardized form of answers to a questionnaire drawn up by the Convention Secretariat. Many questions include a closed range of responses within a predefined scale of value – < poor >, < satisfactory >, < good >, < very good >, < excellent > – or a simple choice between a positive or negative value. On the basis of statistical processing of the standardized responses, illustrated with precise examples in so far as necessary, the analysis concerns the strengths and weaknesses of national situations for the implementation of the 1970 Convention, outlines fields where a dynamic instilled by the Convention produces effects, and makes it possible to identify margins of progress which remain to be fulfilled in order to consolidate the information and effectiveness of the 1970 Convention.

1. National legal framework for protection and control of the circulation of cultural property

1.1. In the majority of national situations, the implementation of the 1970 Convention and its incorporation into the national legal system results from a special law⁹, which adapts the public law devoted to protection and control of cultural property to the issues and legal principles promoted or instilled by the 1970 Convention.

By supporting this incorporation of the 1970 Convention into legislation on the protection of cultural property, most States have reinforced the application of the Convention's normative principles by introducing specific offences into their criminal law sanctioning violations of the provisions resulting from the 1970 Convention. This complementarity of legal sources is played out in the adaptation of the Civil Code, particularly the system of ownership of cultural property, especially archaeological property. In this regard, the influence of the *Model Provisions on State Ownership of Undiscovered Cultural Objects* is to be noted, drawn up under the joint auspices of UNESCO and UNIDROIT and adopted in 2011. Other notable elements in this register of adaptation of civil law include the extension of prescription periods for claims for cultural property (Switzerland), as well as incorporation of the principles of *due diligence*, which are symptoms of a cross-influence of the 1970 Convention and the UNIDROIT Convention

⁹ Note that when the constitutional structure of the State is that of a Federal State, this implementation through specific legislation falls under federal jurisdiction.

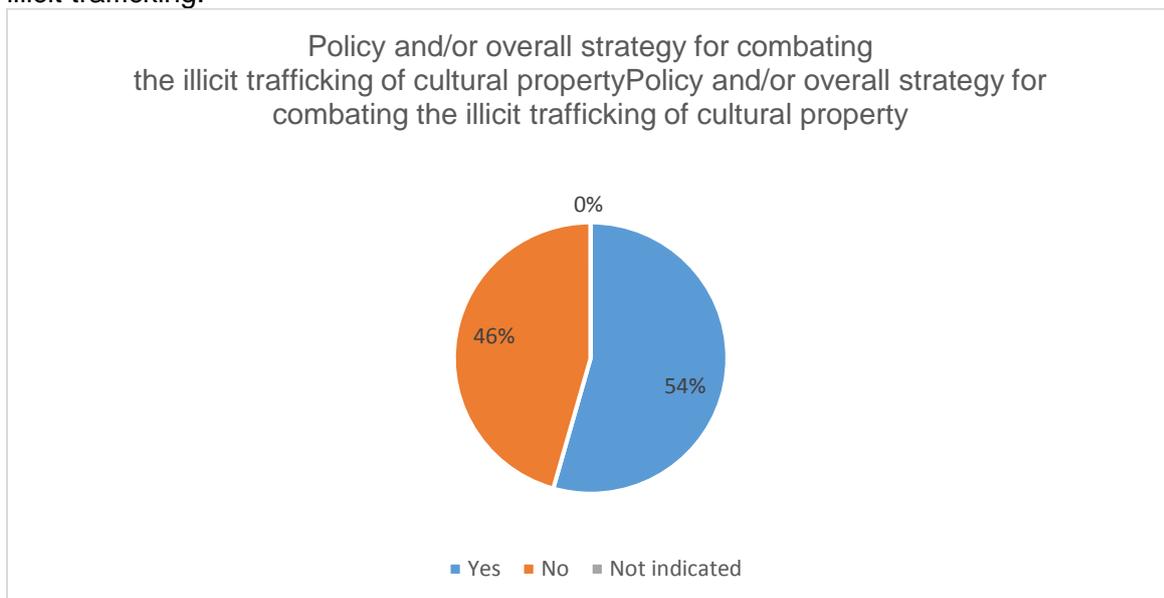
of 1995.

This consolidation of national laws for protection and control of the circulation of cultural property, in reference to the 1970 Convention, is also effected, in certain cases, by the inclusion of specific provisions in customs law.

The 1970 Convention thus acts as a matrix: the principles which it sets down and the legal obligations contained therein are strongly acknowledged by the States, which draw upon and transpose the provisions of the Convention into their national law in order to define and implement a legal framework on control of the circulation of cultural property. This strong level of acknowledgement reinforces and confirms the universality of the Convention's provisions in order to lay down a frame of reference in the fight against the illicit trafficking of cultural property. It thus revealing that with rare exceptions, national laws regulating the circulation of cultural property post-date 1970 and draw directly upon the provisions of the Convention.

On the basis of this matrix, the body of civil, criminal and customs laws have in most cases been adapted in order to hone the effectiveness of the provisions of public law regulating the circulation of cultural property and to establish a proactive approach to combating the illicit trafficking of property within national law.

1.2. In addition to the adoption and/or consolidation of a national legal framework for control of the circulation of cultural property and fighting against illicit trafficking, is the question of policy and national strategy to deal with these issues. With regard to this question, a time lag is observable between the development or renewal of the legal framework, on the one hand, and the definition of a policy or overall strategy which brings the issues of normative principles into line with the reality of the market and trafficking, on the other hand. Slightly more than half of the States (54%) have adopted a policy and strategy of this kind focused upon the issues of illicit trafficking.



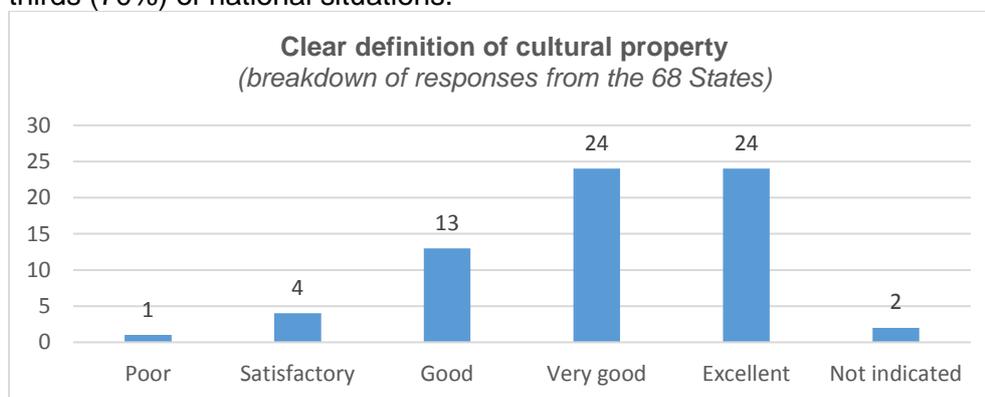
Among the actions and tools developed within the framework of these policies and strategies, are emerging websites dedicated to the question of control of the circulation of cultural property, access to databases of cultural heritage of national importance (according to the principle of definition of cultural property set out by the first article of the Convention), the elaboration of guidelines for museums and their acquisition policies with regard to the principles of the 1970 Convention (cf. for example: *Australian Best Practice Guide to Collecting Cultural Material* and *National Museum Network Regulation* of 2007 in the Dominican Republic), and the consolidation of technical and professional capacities by the organization of training and joint meetings.

In another approach, some States Parties adopt strategic documents on an occasional basis, in order to define an action plan for a definite period, to mobilize local and national actors or to set an objective to be fulfilled in the short or medium term, with regard to the fight against illicit

trafficking. By way of example, one might quote *The Crosscutting Strategy combating Organized Crime, illicit Trafficking and Terrorism 2013-2020* and *The National Action Plan “On Preventing and Fight against Trafficking of Movable Cultural Property 2016-2018* (Albania), the *Report on the implementation of objectives and proposals for other procedures within the framework of the integrated system for the protection of movable cultural property* (Czech Republic) between the years 2016-2020, and the signature of an *Interinstitutional Association Agreement* between 13 public institutions at national level in order to prevent and fight against the illicit trafficking of cultural property (in Colombia).

From a more institutional point of view, specialized bodies may be created, in direct connection with the implementation of the 1970 Convention, after the model of the *National Committee for the Combating of Looting and the Illicit Trafficking of Cultural Heritage* (Cyprus).

1.3. Concerning the inclusion of the key provisions within national law upon which the implementation of the 1970 Convention by the State Parties depends, there is a high level of suitable alignment between national law and the Convention. Virtually all of the 68 State Parties having provided reports have adopted a clear definition of cultural property, with an assessment scale ranging from < good > to < excellent >. Within this range, < very good > and < excellent > assessments each account for 24 responses, thus representing more than two thirds (70%) of national situations.

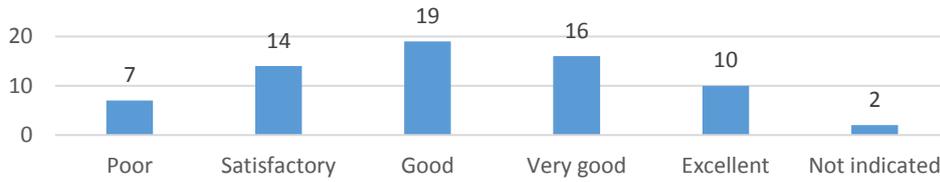


(breakdown in percentage)

Poor	2%
Satisfactory	6%
Good	19%
Very good	35%
Excellent	35%
Not indicated	3%

With regard to the adoption of regulations on the circulation and international trade of cultural property, 66% of the States Parties assess their national law as being between < good > and < excellent >, while assessments of < very good > and < excellent > account for 23% and 15% of responses respectively. In this context, control of exports and the counterpart thereof, the export certificate – which are cardinal provisions within national legislation directly resulting from the 1970 Convention in order to ensure minimal effectiveness thereof – are each assessed as being between < good > and < excellent > by 84% of the States Parties. Assessments of < very good > and < excellent > represent 37% and 22% respectively with regard to the control of exports, and 32% and 30% for export certificates.

Regulations on the trade of cultural property
(breakdown of responses from the 68 States)

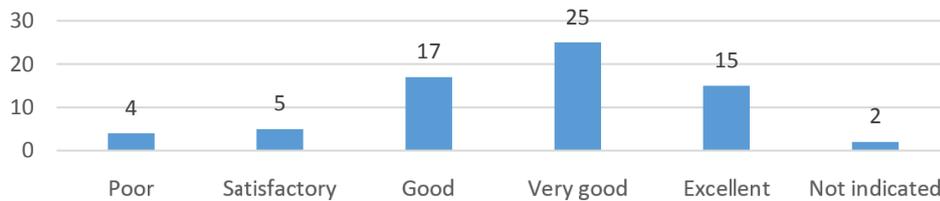


(breakdown in percentage)

Poor	10%
Satisfactory	21%
Good	28%
Very good	23%
Excellent	15%
Not indicated	3%

Export control

(breakdown of responses from the 68 States)

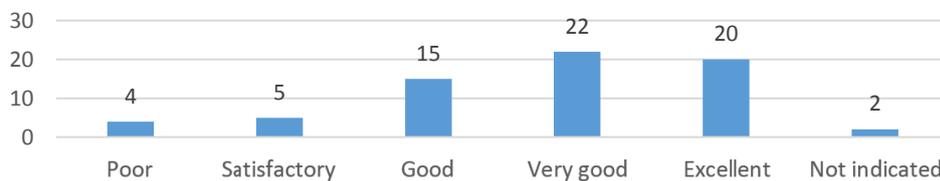


(breakdown in percentage)

Poor	6%
Satisfactory	7%
Good	25%
Very good	37%
Excellent	22%
Not indicated	3%

Export certificates

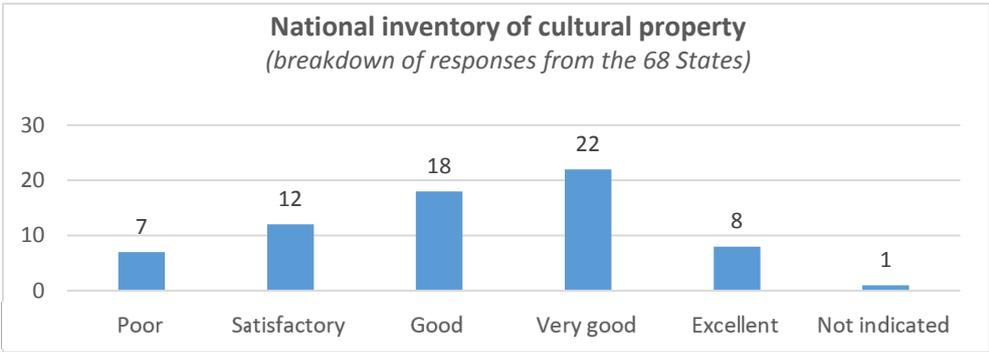
(breakdown of responses from the 68 States)



(breakdown in percentage)

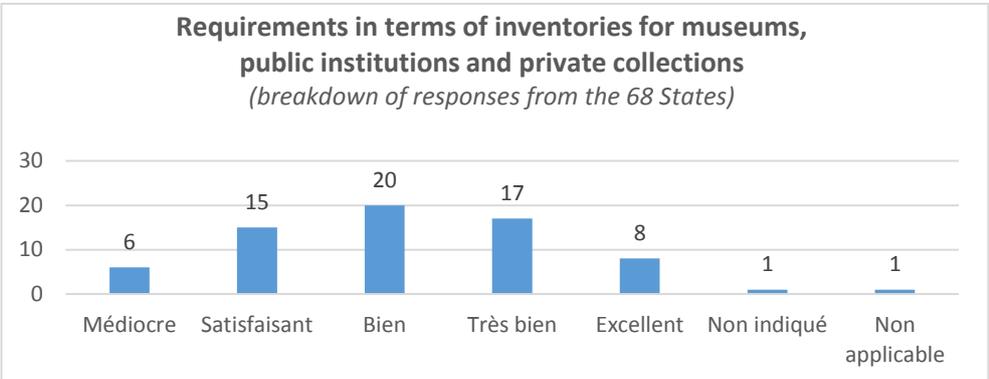
Poor	6%
Satisfactory	7%
Good	22%
Very good	32%
Excellent	30%
Not indicated	3%

1.4. The question of inventories shows a lower level of satisfaction, in the order of 60% for the total of assessments between < good > and < excellent >. Similarly, the assessment of due diligence, by the national legal framework, with regard to inventories for museums, public institutions and private collections, is just over 60% for the range between < good > and < excellent >. Major shortcomings: central inventory, digitalization and inventory of religious objects. In most cases, inventories are made according to sector (by institution or territory). Many States indicated difficulties in the conduct of inventory policies – difficulties inherent in human and material resources – and stressed the use of standardized inventory models, referring to international standards such as SPECTRUM, Object ID, etc.



(breakdown in percentage)

Poor	10%
Satisfactory	18%
Good	26%
Very good	32%
Excellent	12%
Not indicated	2%



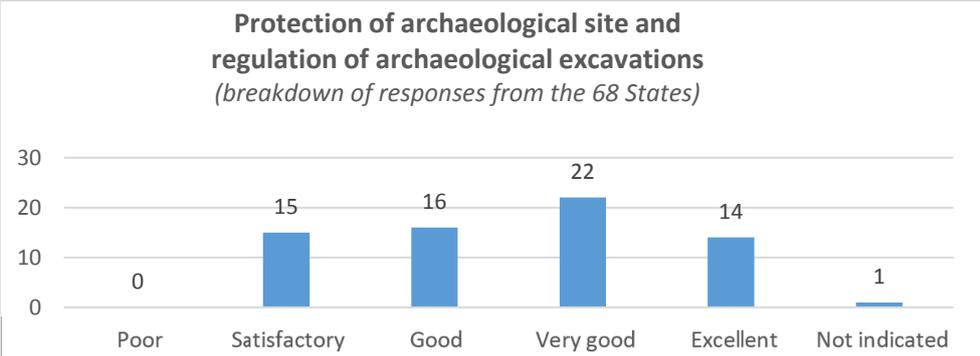
(breakdown in percentage)

Poor	9%
Satisfactory	22%
Good	29%
Very good	22%
Excellent	12%
Not indicated	3%

1.5. Regulations on archaeological excavations and the adoption of protective measures for archaeological sites noted a high level of satisfaction. On this question, the issues dealt with in the 1970 Convention, in particular with regard to the prevention of looting and measures for the safeguarding of endangered national archaeological heritage, in combination with the Recommendation adopted by UNESCO in 1956 defining the International Principles Applicable

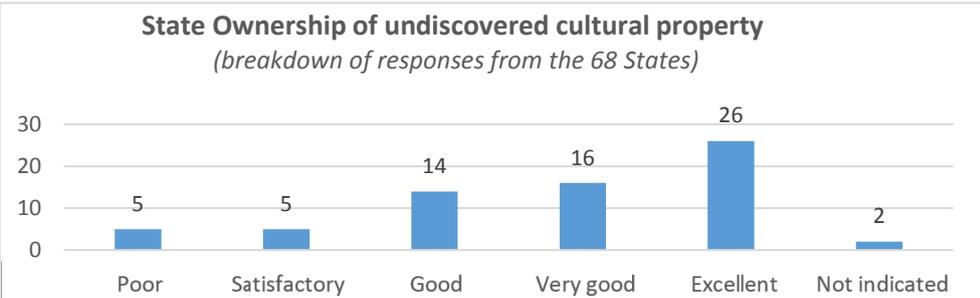
to Archaeological Excavations, determine this level of positive responses; in this regard, the requirements of the Convention find the means and basis of the measures to be implemented in the 1956 Recommendation. In the range between < good > and < excellent >, the rate stands at 77% and increases to 100% if < satisfactory > is included. The responses to the question of the legal status of undiscovered cultural property – expression used to designate archaeological properties – reveal a similar connection covered by a system of public ownership echoing the *Model Provisions on State Ownership of Undiscovered Cultural Objects*, adopted in 2011. The rate is 83% for assessments between < good > and < excellent > as a whole.

These statistics should not conceal the continual erosion of archaeological heritage by looting, which is increased in conflict zones.



(breakdown in percentage)

Poor	0%
Satisfactory	22%
Good	24%
Very good	32%
Excellent	21%
Not indicated	1%



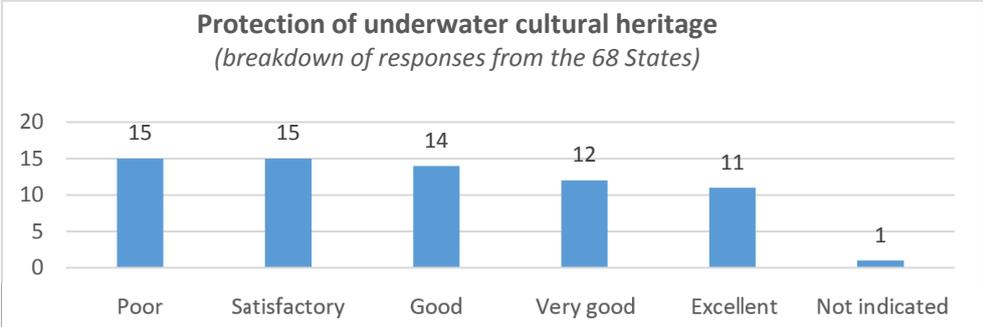
(breakdown in percentage)

Poor	7%
Satisfactory	7%
Good	21%
Very good	24%
Excellent	38%
Not indicated	3%

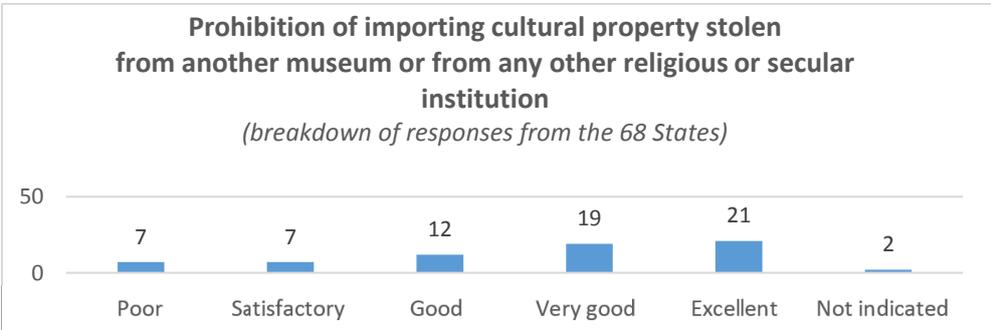
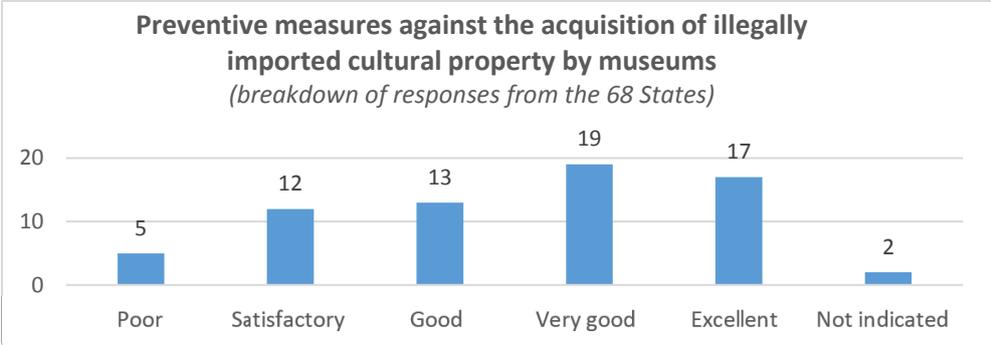
However, a varied situation is observable with regard to the assessment of rules for the protection of underwater cultural heritage. Responses in the < poor > and < satisfactory > categories account for 22% of responses, while responses in the < good >, < very good > and < excellent > categories represent 21%, 18% and 16% respectively.

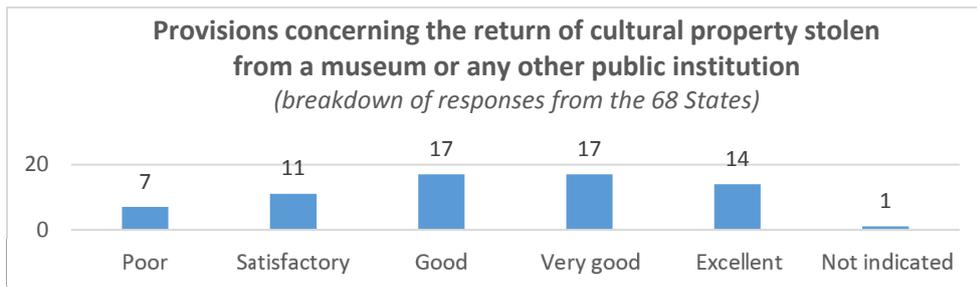
The prevention of looting of underwater cultural heritage, as well as the repression thereof, is

usually considered together with, or according to the same terms as, land-based archaeological heritage (Estonia, Finland, Greece and Sweden). Some States declare that they have – recently – equipped themselves with special legislation on the protection of underwater heritage (Argentina, Colombia, Costa Rica, Panama and Australia).



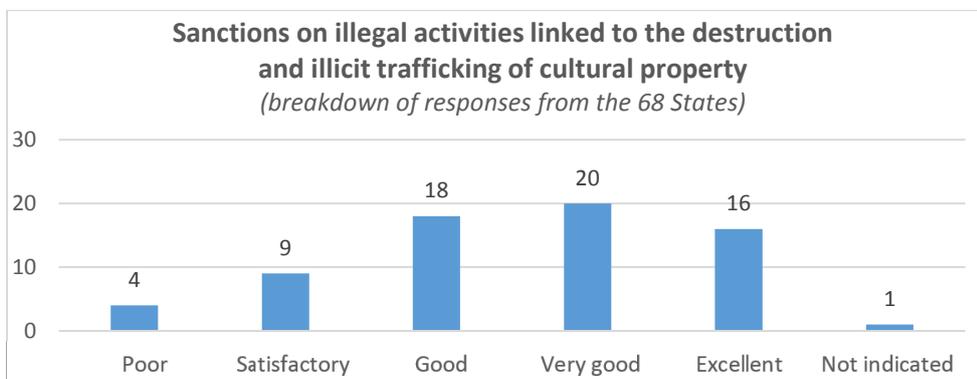
1.6. Overall, regulation of acquisitions by museums and control of the circulation of museum collections is effected in a suitable manner by national law, directly reflecting the requirements of the 1970 Convention. Whether with regard to preventive measures against the acquisition of illegally imported cultural property by museums (or any other similar institution), the prohibition of importing cultural property stolen from another museum (or from any other religious or secular institution), as well as provisions concerning the return of cultural property stolen from a museum (or any other public institution), the States’ responses fall within a scale of value of more than 70% inclusive for the sum of responses between ranging from < good > to < excellent >: 72% with regard to preventive measures against the acquisition of illegally imported cultural property, 77% with regard to the prohibition of importing stolen cultural property and 71% with regard to the return of cultural property stolen from a museum.





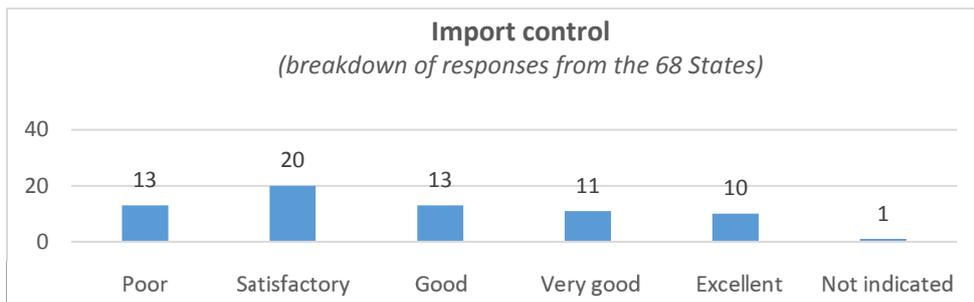
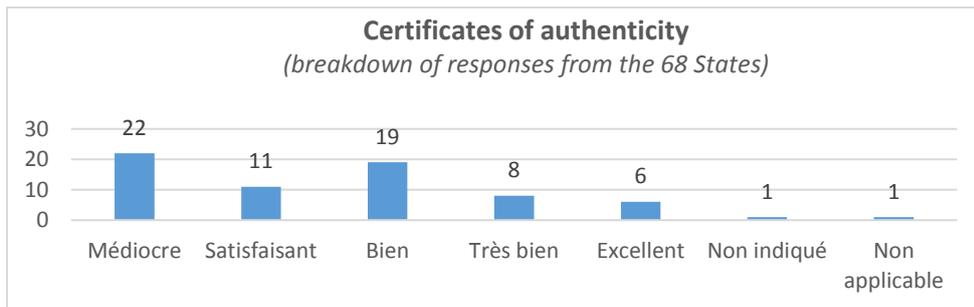
It thus appears that when national laws correspond to the provisions of the 1970 Convention, implementation thereof, or at least the perception of the effectiveness thereof, is described or perceived in a positive manner within the range of responses between < good > and < excellent >.

The same observation applies with regard to provisions sanctioning violations of or non-compliance with the provisions of national laws (criminal and/or administrative and/or civil sanctions) rendering the objectives and principles of the 1970 Convention; the total of responses between < good > and < excellent > reaching 79%.

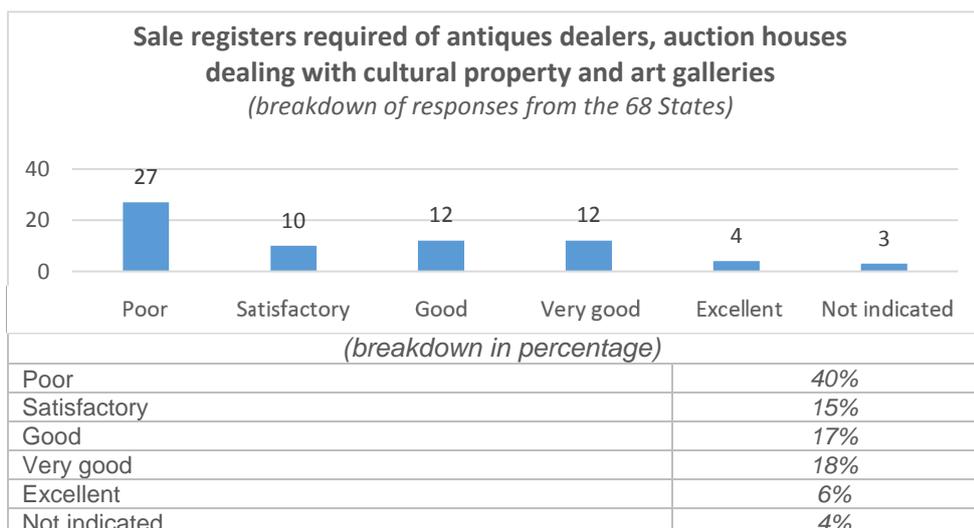


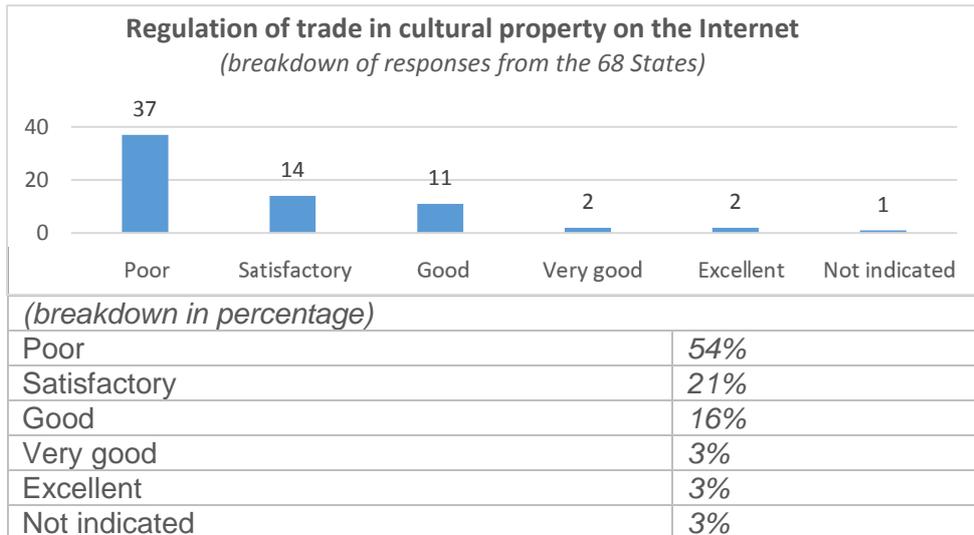
1.7. There is a lower degree of positive assessment for measures and provisions elaborated around the principles of the Convention, which do not directly reflect the provisions of the latter. These are either public policies that correspond to strategies aimed at establishing or consolidating a favourable environment for the implementation of the Convention – without which national measures arise from the normative corpus of the Convention –, or principles or legal measures regulating activities or developing systems of responsibility with regard to cultural property. In both of these contexts, the level at which relevant interests closely related to the Convention are taken into account is not high, nor is the performance thereof in national law. A preponderance of responses is thus observable delivering a negative or not very favourable assessment of the national legal framework devoted to these closely related measures; which, although on the margins of the Convention's normative corpus, nevertheless remain key tools in support of the effectiveness of the 1970 Convention.

The question on certificates of authenticity shows a cumulative level of response for the two categories between < poor > and < satisfactory > alone equivalent to the combined responses of the three categories between < good > and < excellent >. With regard to control of imports, the situation ascertained is more or less similar.

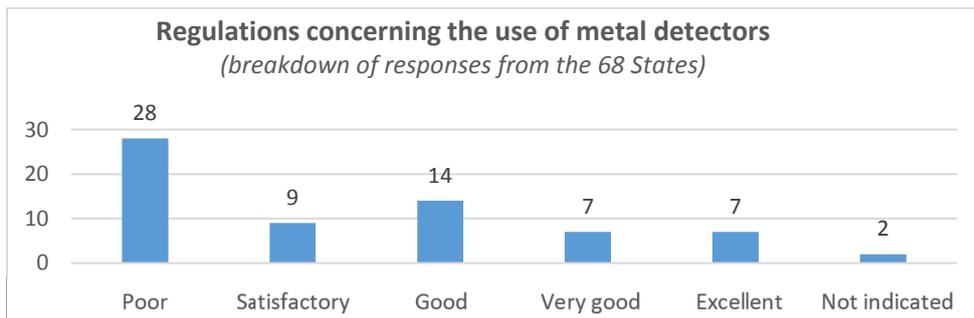


Under the headings that document relations with the art market, there is a marked division between unfavourable assessments – which form the majority – and favourable assessments – which are in the minority. For all that, on two questions, one concerning the sale registers required of antiques dealers, auction houses dealing with cultural property and art galleries, the other concerning regulation of trade in cultural property on the Internet, the level of negative assessment (combination of < poor > and < satisfactory > responses) stands at 55% and 75% respectively compared to 41% and 22% for positive assessments (combination of responses for the three categories between < good > and < excellent >). These percentages indicate the normative deficit on sensitive questions in order to hone the effectiveness of the Convention and deal with these issues; the < poor > response with regard to the regulation of trade in cultural property on the Internet alone comes to 54%.





Finally, in the field of archaeology, as was the case at the time of the last surveys of States Parties, the question concerning regulations concerning the use of metal detectors perpetuates the finding of a normative deficit with regard to a subject which affects the protection of movable cultural property. The rate of negative assessment (combination of < poor > and < satisfactory > responses) comes to 54% as compared with 41% positive assessments (combination of responses for the three categories between < good > and < excellent >).

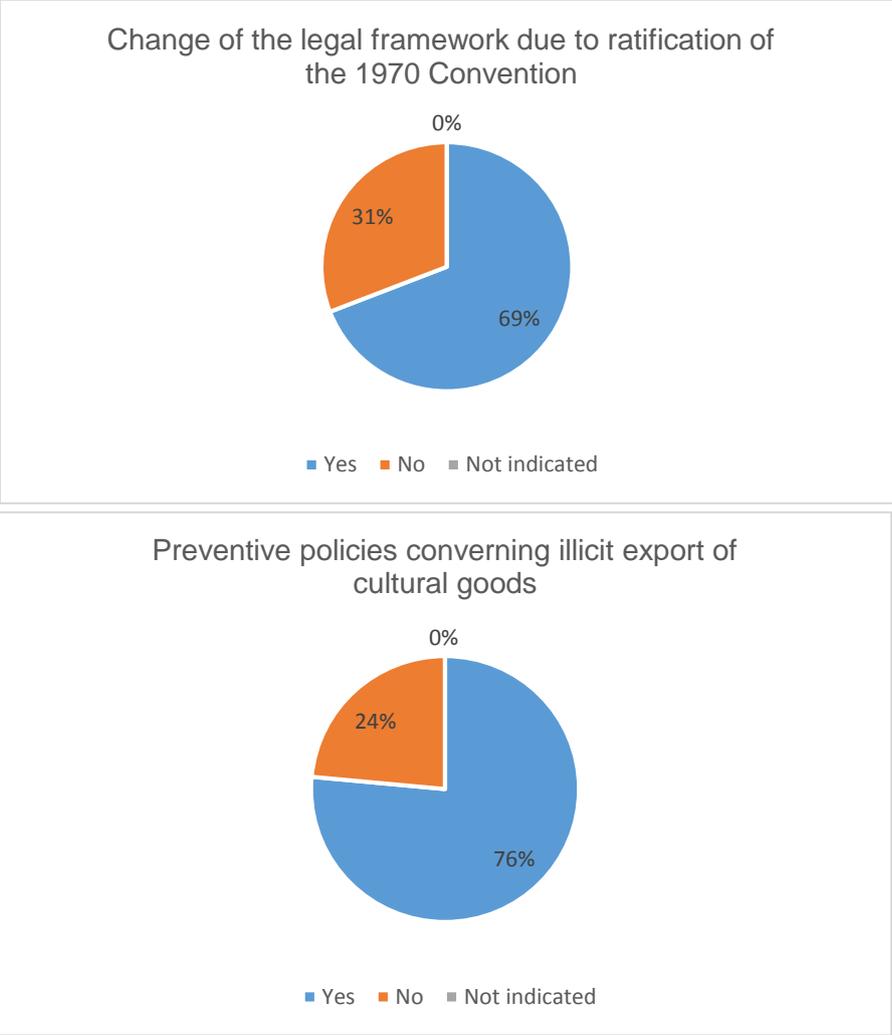


Indeed, many States mention illegal excavations undertaken with metal detectors as one of the principal scourges affecting archaeological heritage. One initiative in England and Wales for the regulation of this activity is to be noted, through the adoption of the 2006 *Code of Practice for Responsible Metal Detecting in England and Wales*.

From an analytical point of view, this discordance between the handling of the direct interests of the Convention between national laws – national provisions set out in response and outcomes of requirements of the Convention – and closely related interests – normative measures as a whole within the environment surrounding control of circulation and prevention of illicit trafficking of cultural property – demonstrates that the role of the Convention is a driving force and highlights the possible need for the international principles to be laid out, in a form to be determined in international law, collecting closely related issues and raising them at the level of international normative criteria. In this respect, without resorting to a strong or restrictive normative standard, *Orientations* or *Guidelines* may fulfil an objective of this kind, like the *Model Provisions on State Ownership of Undiscovered Cultural Objects*, adopted in 2011. The impact of such guidelines can be seen when they linked =with the Convention in order to hone its effectiveness.

The role of the Convention as a driving force, in order to provide momentum for a normative dynamic in international law, appears patents when responses are analyzed with regard to

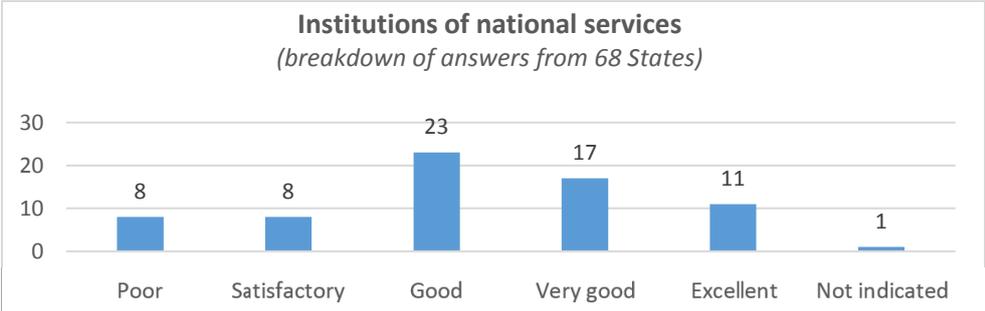
laws promulgated or amended after ratification of the Convention – 69% of States mention changes in their national law under the influence of the Convention – and with regard to policies for the prevention of illicit export of cultural property – 76% of States declare a preventive policy with regard to illicit export of cultural property – as well as with regard to the requirement for export certificates legally issued by the country of origin and/or transit of the cultural property. The responses – 63% positive responses – to this latter question (export certificates legally issued by the country of origin and/or transit), however, must be considered with caution; the majority of States have set out their own procedures with regard export certificates and do not appear to have realized the full significance of the question.



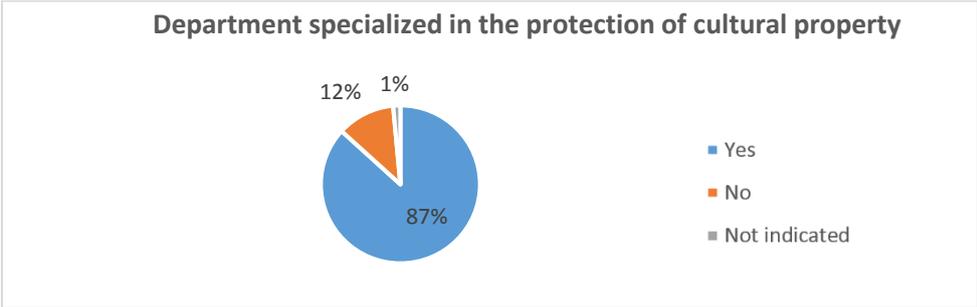
2. Institutional framework

2.1. The majority of States have organized national departments whose duties are in line with the objectives of the Convention. Apart from departments of a general nature on the question of the protection of cultural property, the establishment of specialized committees or commissions can also be observed with regard to the trafficking of cultural property (based on the model of the *National Committee for the Combating of Looting and the Illicit Trafficking of Cultural Heritage* established in Cyprus in 2015) or for the return of cultural property. With regard to the institutional handling of return or restitution, it should be noted that Italy established a *Committee for the recovery and return of cultural heritage* in 2015. This Committee acts within the *Ministero per i Beni e le Attività Culturali* (MiBAC), with the collaboration of the *Comando Carabinieri Tutela Patrimonio Culturale*, of the Ministry of Foreign Affairs and of the Ministry of Justice, in order to coordinate activity for recovery of

cultural heritage and fight against illicit trafficking. Analysis of reports on this institutional question shows a high level of positive assessments with regard to these national departments.

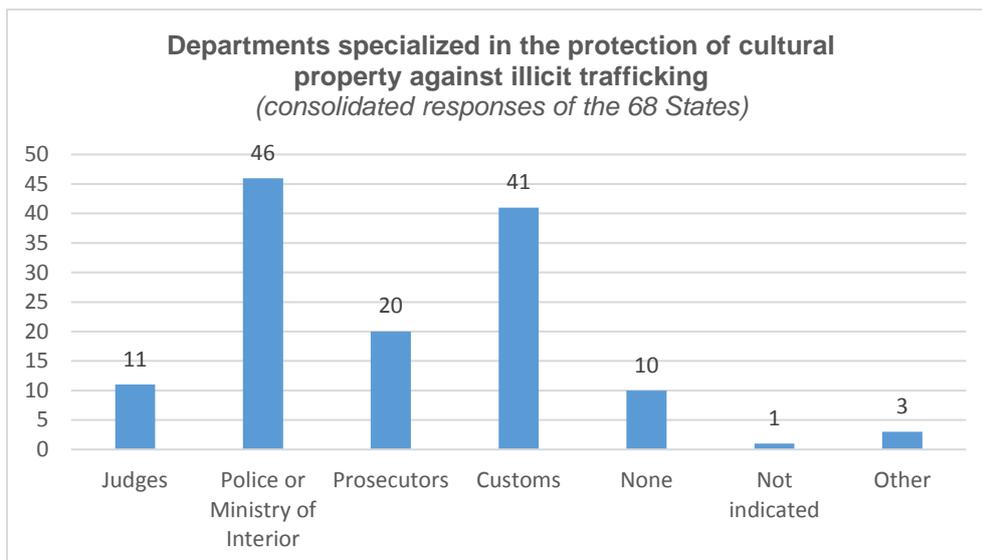


2.2. With regard to the establishment of a department specialized in the protection of cultural property (by reference to Article 5 of the Convention) whose duties may include the drafting of laws and legislation, the establishment of a national inventory, the promotion of the creation and development of technical and scientific institutions, the organization of the supervision of archaeological sites, the establishment of regulations for curators and archivists, antiques dealers etc., the development of educational activities and press coverage of the disappearance of cultural property, 87% of States declare that they have established a department of this kind.



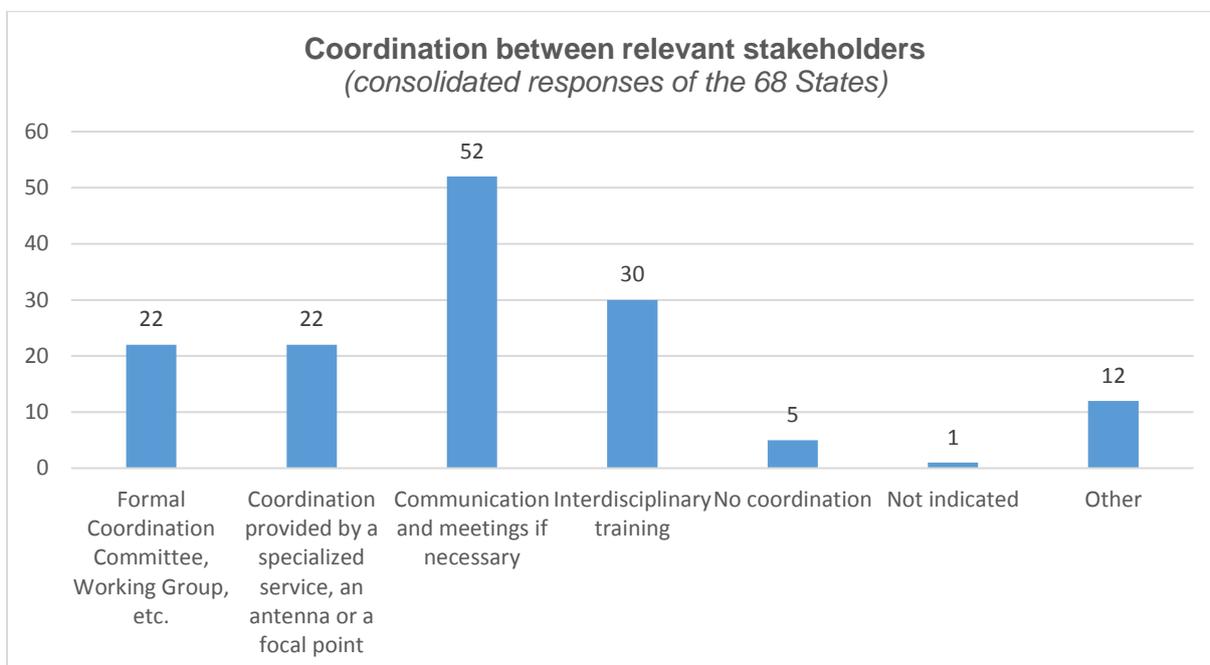
The responsibilities of these specialized departments include, in the majority of cases, regulation of the export and import of cultural property (including initiatives concerning changes to the legislative framework), organization of initiatives to promote cultural heritage and to involve the public in preservation, cooperation with the police and the Customs Department, and generally speaking the conduct of inventories and the protection of cultural heritage.

2.3. Apart from these specialized departments, other bodies enforce a policy to combat and curb illicit trafficking and thus directly contribute to the protection of cultural property against this illicit trafficking. Among these bodies, a stronger involvement of police and customs departments can also be observed; out of 68 States Parties, 46 declare the presence of specialized units within the police or gendarmerie, and 41 units within customs departments.



In a few cases, a special public prosecutor has been appointed (after the model of the *prosecutorial official* in Greece, exclusively responsible for the protection of cultural property, or of the *prosecutors' teams* in Italy, or again of the *International public prosecution office*, public prosecutor responsible for crimes connected with cultural heritage with an international dimension in Sweden; or the Specialized Unit of the Public Prosecutor including crimes connected with cultural heritage in Chile).

2.4. Coordination between the different actors is dealt with in a traditional manner by exchanges of information; more rarely through a focal point constituted by a formal coordination committee or a specialized department (22 States have established a focal point).

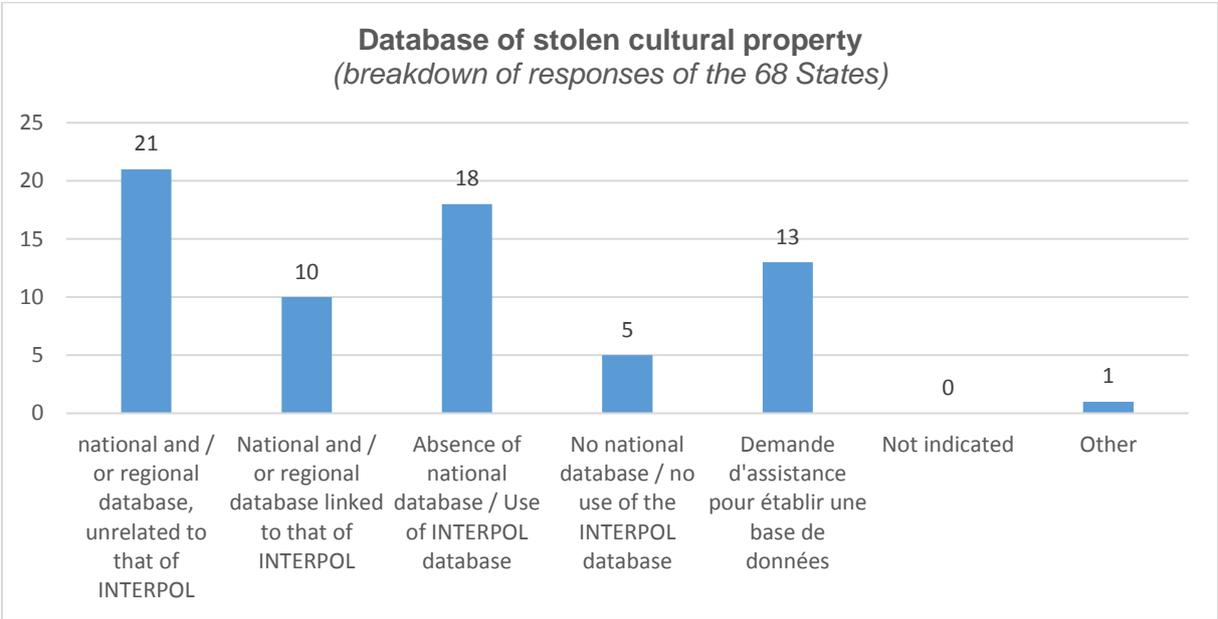


3. Systems of prevention of illicit trafficking of cultural property

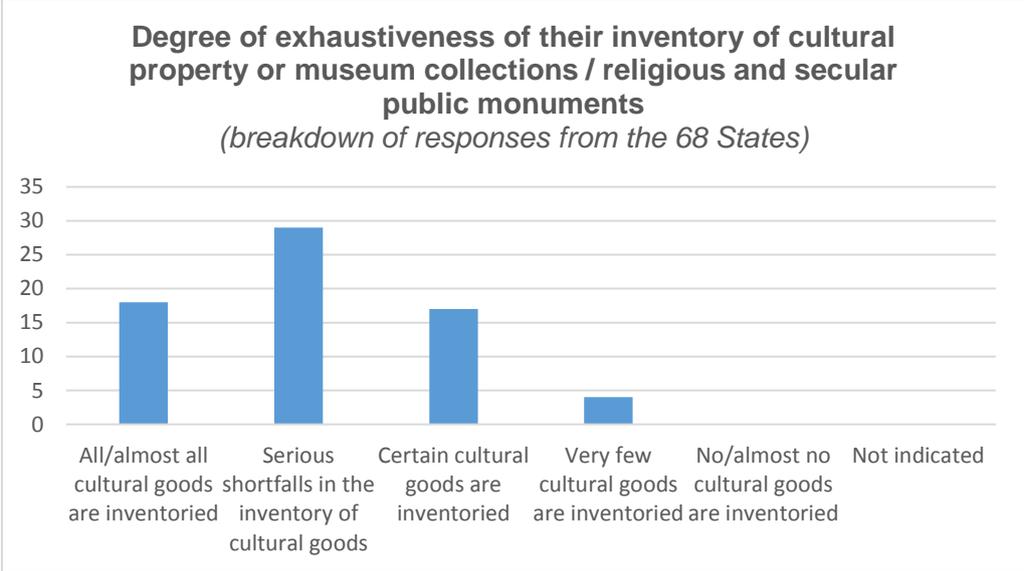
Systems of prevention of illicit trafficking of cultural property are organized into five areas: export certificates; State ownership of undiscovered property; licences for archaeological excavations; criminal sanctions; regulation of trade in cultural property.

However, a wide diversity of tools exists to supply systems designed to prevent illicit trafficking. From the obligation to keep a register of cultural property negotiated and sold, on one’s own account and on behalf of other persons, to databases on exports and, more commonly, in order to disseminate information on stolen cultural property.

3.1. The presence and use of databases on stolen cultural properties is variable. This cardinal question for the prevention and repression of illicit trafficking of cultural property does not receive a unified response, or at least a response focused on a primary area combining a national database with that of INTERPOL. On the contrary, a double system of exclusion is to be observed, in which the national database is disconnected from any connection to that of INTERPOL and where use of the INTERPOL database presumes the absence of a national database.



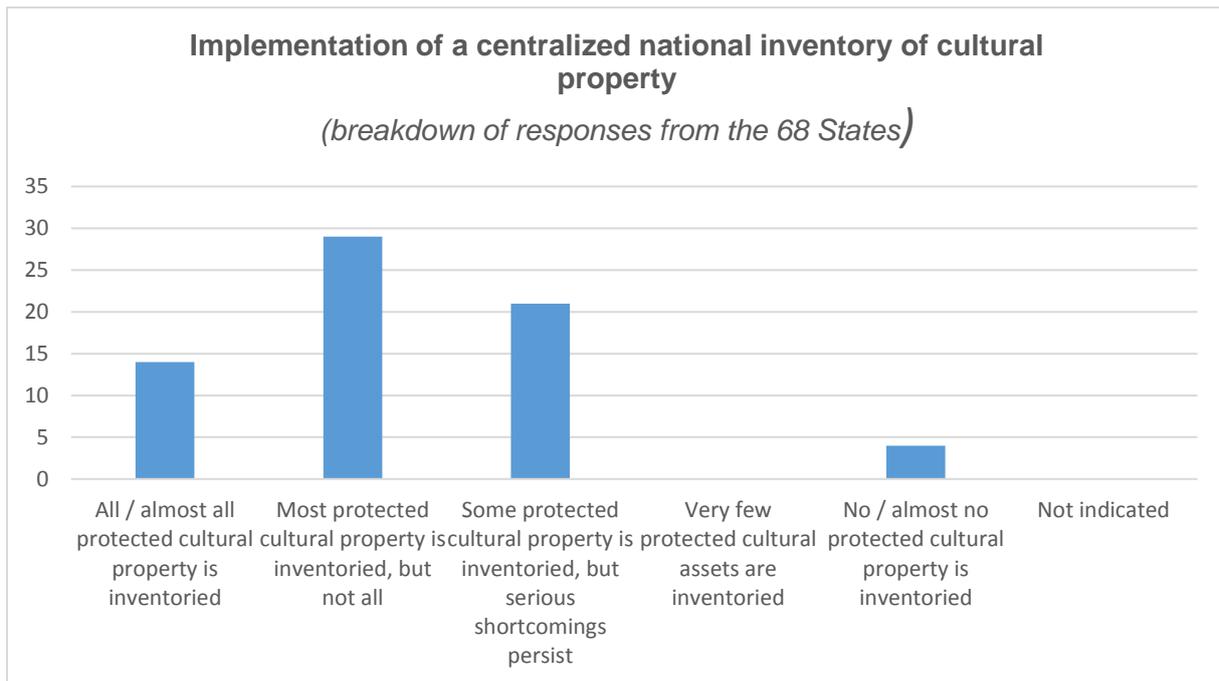
3.2. Use of databases is related to inventory policy. Inventories of cultural property remain a weak point within systems of protection and prevention of illicit trafficking of cultural property. Only 26% of States declare a degree of exhaustiveness of their inventory of cultural property, whereas 43% of States Parties consider that their inventory has serious shortfalls and only 25% of States Parties mention a partial inventory which only deals with certain cultural goods.



(breakdown in percentage)

All/almost all cultural goods are inventoried	26%
Serious shortfalls in the inventory of cultural goods	43%
Certain cultural goods are inventoried	25%
Very few cultural goods are inventoried	6%
No/almost no cultural goods are inventoried	0 %
Not indicated	0%

With regard to the implementation of a centralized national inventory of protected cultural property, greater investment on the part of the States Parties is observable for this category of cultural property. Exhaustive inventorying of all protected cultural property applies to 20% of States Parties, and 43% of them consider that most cultural property has been inventoried. The existence of shortfalls in the inventorying of protected property applies to 31% of national situations.



In the majority of cases, these inventories are divided into sections according to categories of cultural goods (religious, museum collections etc.), and digitalization thereof is either partial or in progress; both situations being combined in the national context.

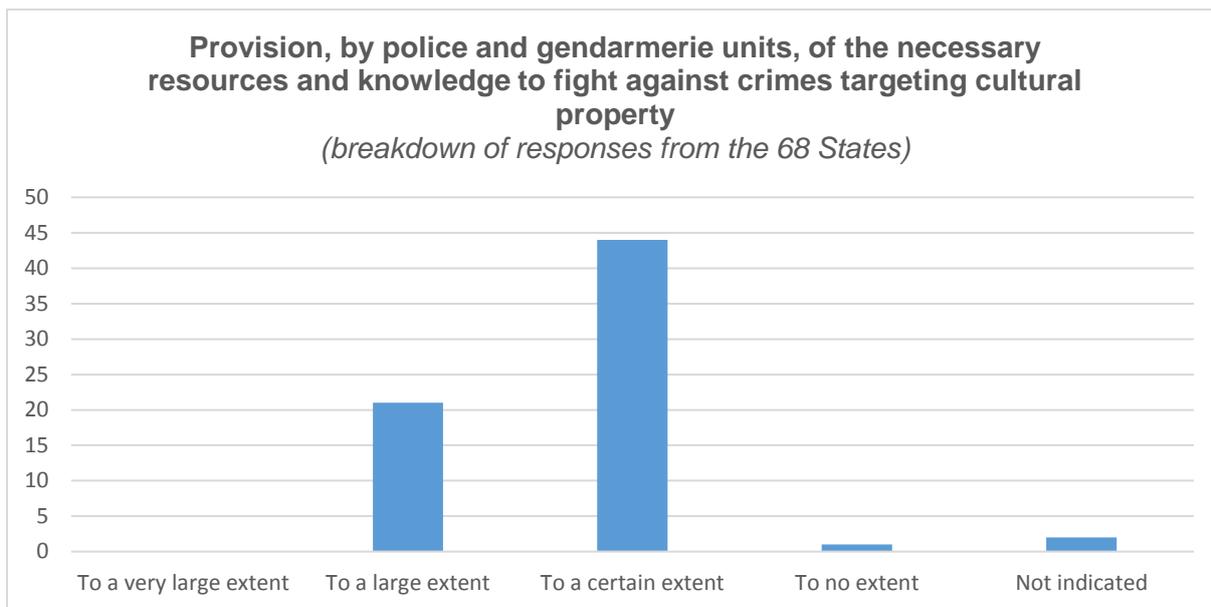
Two questions illustrate the difficulties and problems of an inventory policy. One aspect of the notion of “protected cultural property” is conceived differently according to the States Parties; these are either goods listed in the 1970 Convention, in reference to the first article thereof, or goods subject to a legal measure recognizing their importance and subject to a conservation system provided for by national legislation on the protection of cultural property. With regard to another aspect, the constitutional structure of the State contradicts the notion of a centralized national inventory; this is the case for States Parties with a federal structure when jurisdiction with regard to the protection of cultural property comes under the federal level (for example, Germany does not have a centralized national inventory of cultural property).

3.3. On the specific question of archaeological heritage, the responses of the States Parties focus on two sections: difficulties encountered and measures taken in order to provide a response to certain issues.

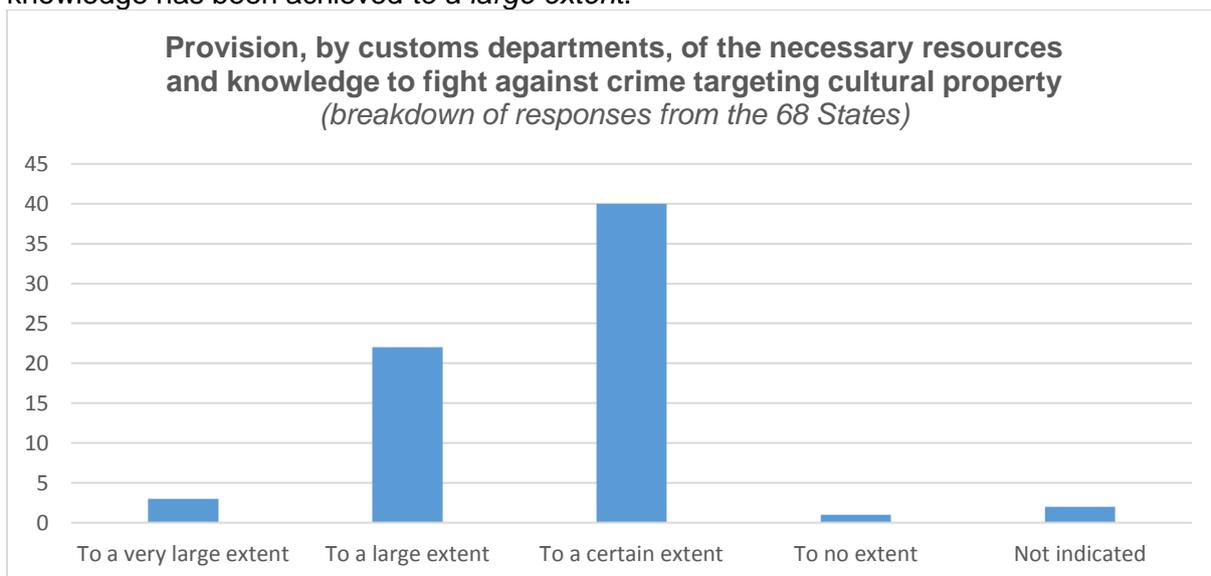
The difficulties encountered involved, for the most part: lack of regulation of archaeological salvage within the framework of town planning and development work connected, on the one hand, to inadequate coordination between departments; lack of awareness raising among the public; absence of inventory; online trade in archaeological objects.

As concerns the measures taken, they consist of regulations concerning the use of metal detectors, a policy of awareness raising and surveillance of archaeological sites, cooperation with online sales platforms, cooperation with associations/NGOs and the establishment of specialized police units.

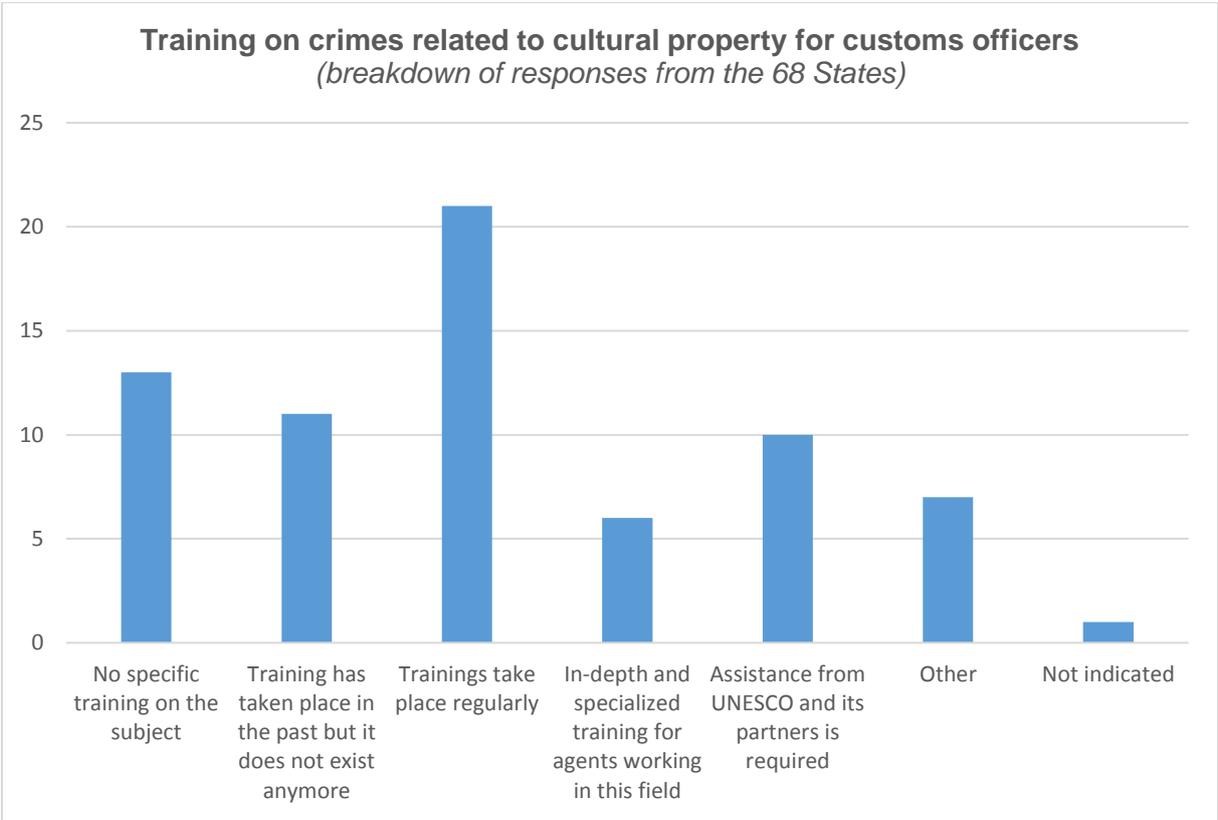
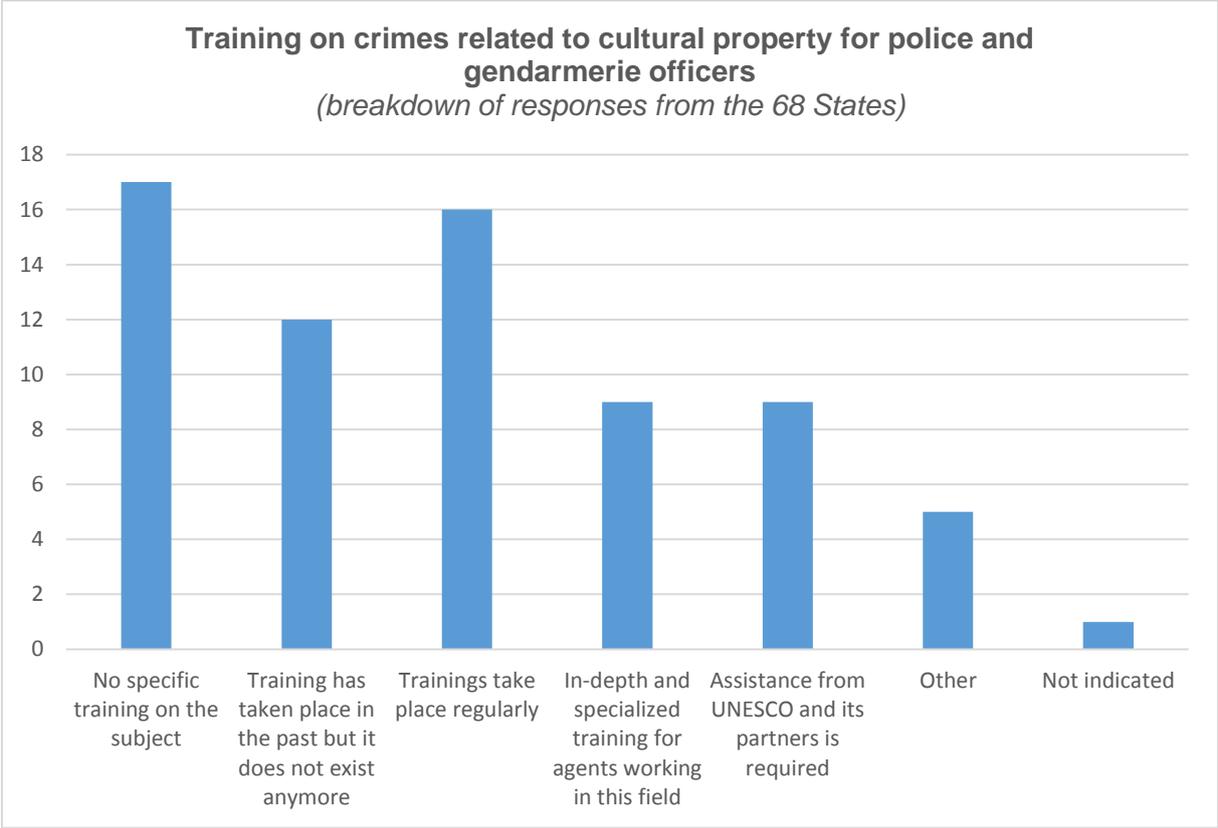
3.4. With regard to training and information, as well as to cooperation with police and gendarmerie units in initiatives to combat and curb illicit trafficking in cultural property, the question of the resources and knowledge necessary in order to fight against crimes targeting cultural property is a nodal point: 65% of the States Parties consider that police and gendarmerie units have, *to a certain extent*, these resources and knowledge, and 31% consider that the acquisition of these resources and knowledge has been achieved *to a large extent*.



The same question assessed with regard to customs departments produces similar responses: 59% of the States Parties consider that police and gendarmerie units have, *to a certain extent*, these resources and knowledge, and 32% consider that the acquisition of these resources and knowledge has been achieved *to a large extent*.

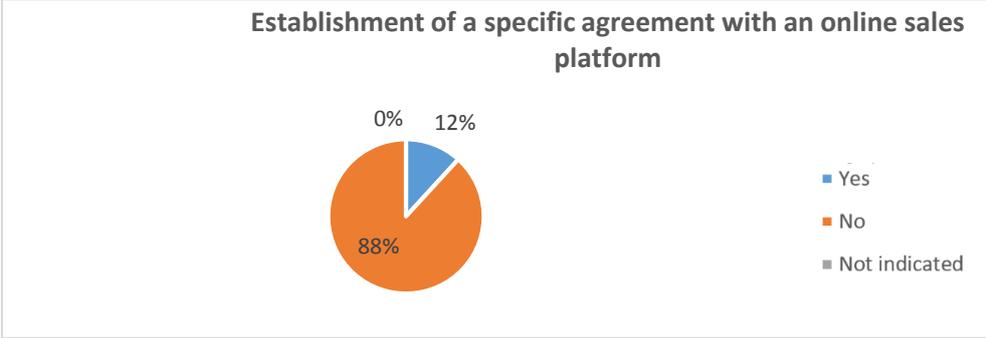
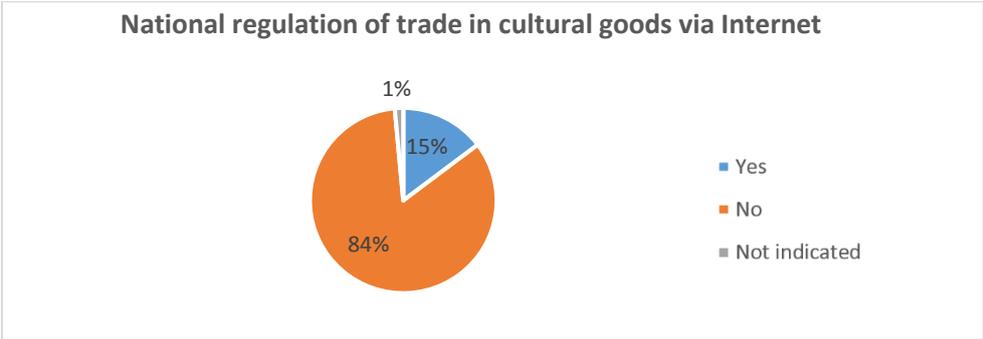


Acquisition and, therefore, the availability of the necessary resources and knowledge in order to fight against crimes targeting cultural property for the most part come under initiatives concerning training and the organization of specialized training sessions. In the first place, examination of the results reveals that 25% of the States Parties declare that no specific training initiative has been undertaken for police and gendarmerie officers; this level falls to 19% for customs officers. However, the rate of response concerning the regular organization of training sessions as well as in depth and specialized training in the fight against illicit trafficking come to 23% and 13% respectively for police and gendarmerie, and 30% and 9% for customs officers. For its part, assistance required from the UNESCO and its partners only achieved 13% in responses for police and gendarmerie and 15% for customs officers.



3.5. New forms of illicit trafficking, in particular via trade in cultural property, are identified as major issues. Whether with regard to the adoption of national regulations concerning trade in cultural property on the Internet or the conclusion of an agreement with an online sales platform, responses are in the great majority negative: 84% of the States Parties do not have

any specific regulation and 88% indicate that they have not entered into any specific agreement with an Internet platform.



3.6. Bilateral agreements serve as a decisive element in consolidating the effectiveness of the 1970 Convention. Apart from the importance of agreements negotiated within a regional framework, the importance of agreements exclusively concerning illicit trafficking, the import and export of cultural property is stressed, and to a lesser extent broader agreements on cooperation in cultural matters.

Certain States Parties, whose heritage is particularly exposed to illicit trafficking, have an active policy of entering into bilateral agreements in order to regulate import and export of cultural goods.

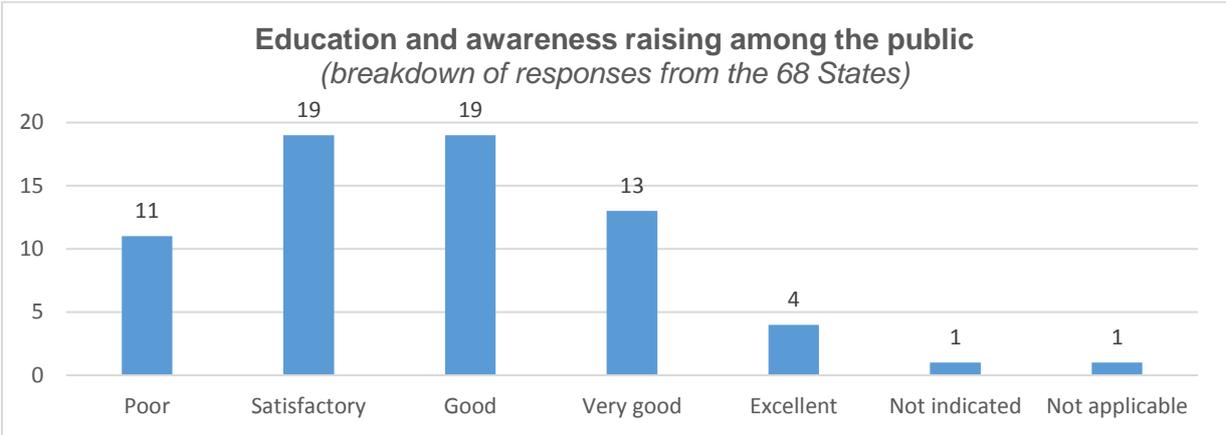
By way of example, Cyprus has entered into a *Memorandum of Understanding* with the United States concerning restrictions on the import of archaeological goods dating from before 1850 A.D., which was renewed in 2017 for 5 years (3rd time that the agreement, signed in 2002, has been renewed); an agreement with China in order to prevent the sale, illegal excavation and illicit export of cultural property, was signed in 2008 and came into force in 2014; an agreement with Russia over the prevention of theft, illegal excavation and illicit import and export of cultural goods was signed in 2010. Similarly, Greece has entered into agreements with Russia (signed in 1993, ratified in 1998), China (signed in 2007, ratified in 2011), Switzerland (signed in 2007, ratified in 2011), the United States (signed and ratified in 2011), Turkey (signed in 2013); agreements are currently being negotiated with Peru, Italy, Cyprus and Jordan. Norway has entered into several agreements concerning the illicit export and import of cultural goods, in particular a *Memorandum of Understanding* with Myanmar (2017) and another with Peru (2018). Portugal has also entered into an agreement with Peru for the protection, conservation and return of illicitly exported stolen goods (2012). Among the States Parties which declare having entered into agreements concerning the circulation and return of cultural goods are, notably, Estonia, Poland, Russia, Romania, Serbia, Argentina, Brazil, Chile, Colombia, Mexico, Ecuador, Honduras, Uruguay, Venezuela, Guatemala, Paraguay, Cambodia, Myanmar, Korea, Mali, Switzerland and the United States.

It is for the most part source countries, from which illicit trafficking of cultural goods is organized, and therefore countries which are victims of trafficking, that are active in entering into agreements of this kind. So-called market countries (in reference to art marketplaces), are markedly less active, with the notable exception of the United States and Switzerland.

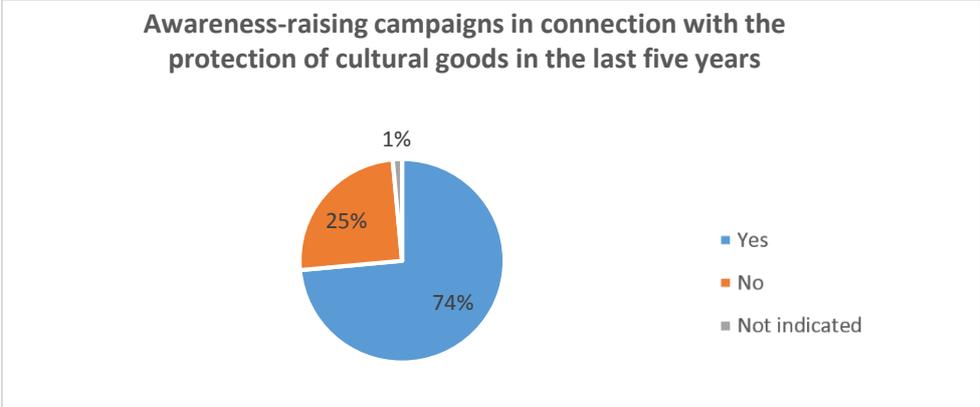
In other cases, the question of the import and export of cultural goods is included in a more general framework of cultural cooperation.

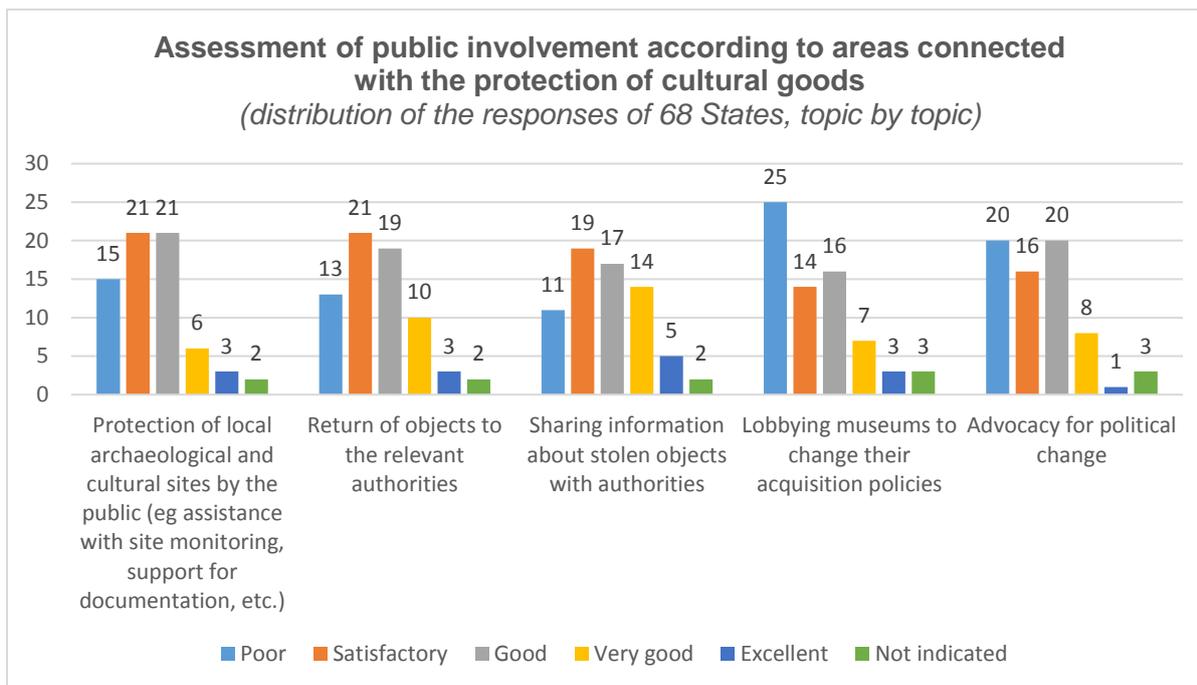
4. Ethics, awareness raising, education and involvement of the public

4.1. The question of education and awareness raising among the public receives 56% positive assessments divided between < satisfactory > and < good > – each of these assessments receiving 28% – and 25% between < very good > and < excellent >. The rate of < poor > assessments is 16%.



However, a large number of States Parties have not undertaken public awareness-raising campaigns in the course of the last five years.



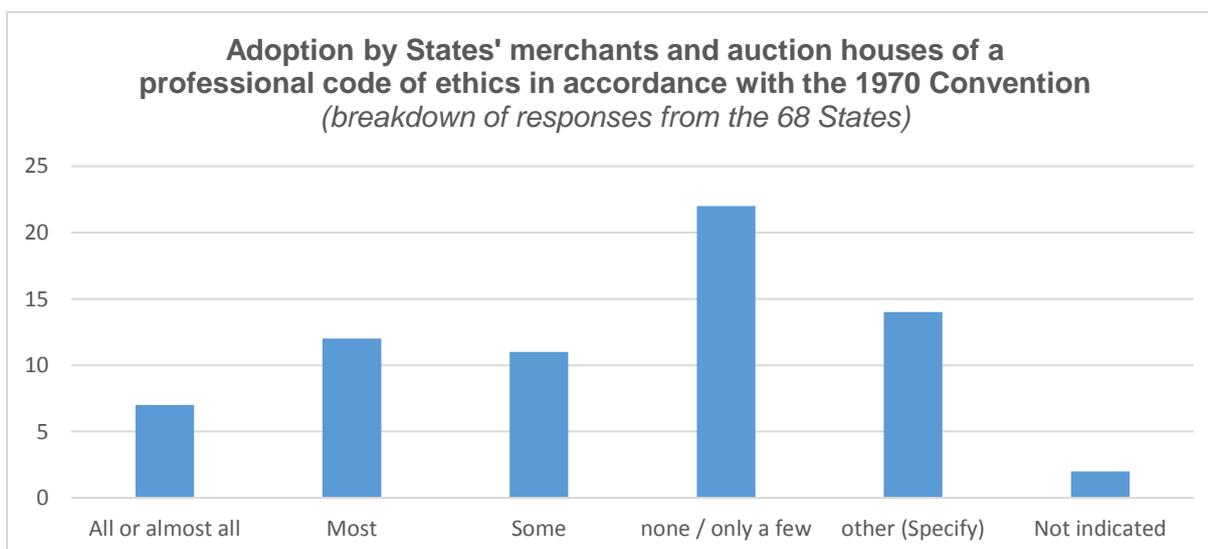


4.2. With regard to the ethics and professional ethics presiding over the activity of museums, the vast majority of States Parties refer to the ICOM Code of Ethics.

In certain cases, a legal obligation to comply with the ICOM Code of Ethics is provided for by national law. This is notably the case in Iceland where all museums supported by the State must work in accordance with the ICOM Code (*Museum Act* no. 141 of 2011). In Lithuania, museum professionals must comply with the *Rules of Professional Activities and Ethics of Employees of Cultural Institutions* included in the Museum Act and directly inspired by the ICOM Code. In Korea, the Museum Act obliges museums and galleries to comply with the ICOM code.

More rarely, national codes of ethics have been adopted by national museums associations, after the model of the *Ethics Guidelines for the use of professional employees of museums*, adopted by the Canadian museums Association, and United Kingdom's *An ethical approach to museums*, as well as *Museums Aotearoa*, New Zealand's independent professional organization for museums and art galleries.

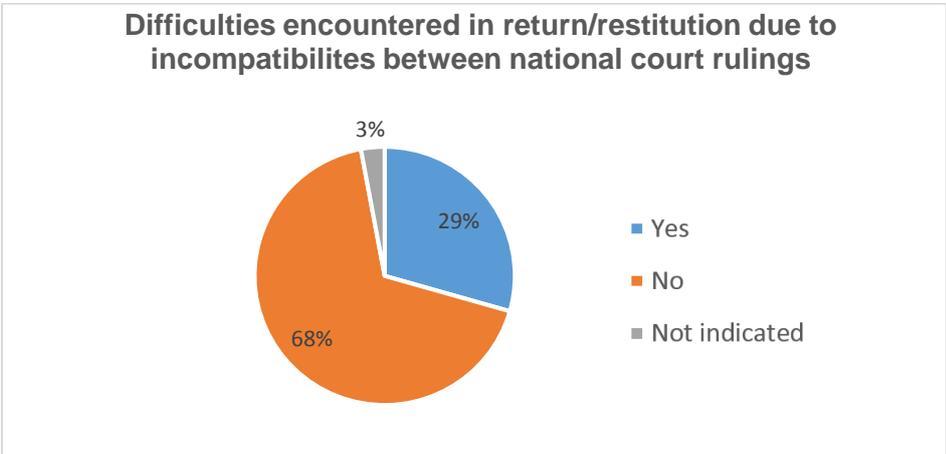
The professional ethics landscape among traders in cultural property and auction houses varies widely.



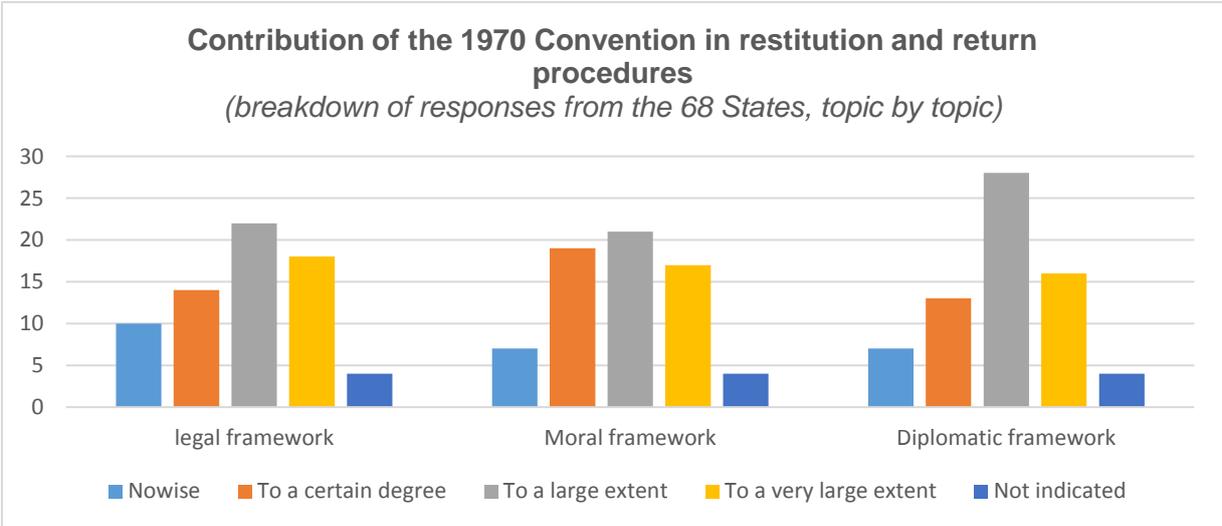
Although the major auction houses are aware of the regulations of the 1970 Convention, as are many art and antiques dealers (Austria), in other cases their ethical requirements do not include any reference to the UNESCO Code (Canada), or sellers either adhere to ethical practices resulting from the 1970 Convention to various degrees (Albania, Argentina, Brazil, Korea, Finland, Czech Republic, Sweden etc.), or refer to professional ethics codes of art and antiques dealing associations (South Africa, Australia, New Zealand and the United Kingdom). As part of another approach, national law imposes the recording of sales activities and obligations of due diligence upon art and antiques dealers and upon auction houses (Germany, Chile, Estonia, Greece, Lithuania, Norway, Pakistan, Poland and Switzerland).

5. International cooperation

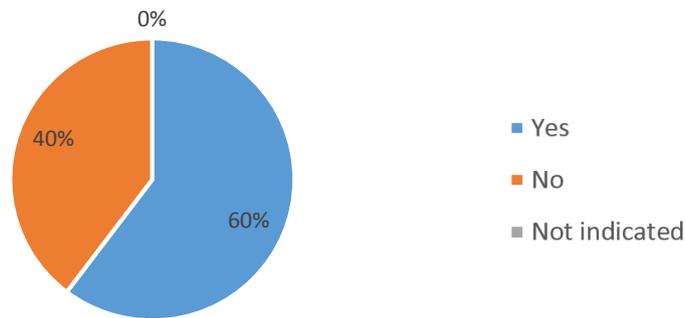
5.1. With regard to claims concerning cultural goods, just under one third of States Parties mention an obstacle in obtaining return restitution thereof, due to incompatibilities with national court rulings.



The contribution of the Convention in proceedings for the return or restitution of goods is manifest, both in its legal and moral aspects and dimensions and with regard to diplomatic considerations. This positive assessment of the 1970 Convention needs to be seen in relation with a more overall assessment of the system intended to facilitate international cooperation in case of illicit trafficking of cultural goods.



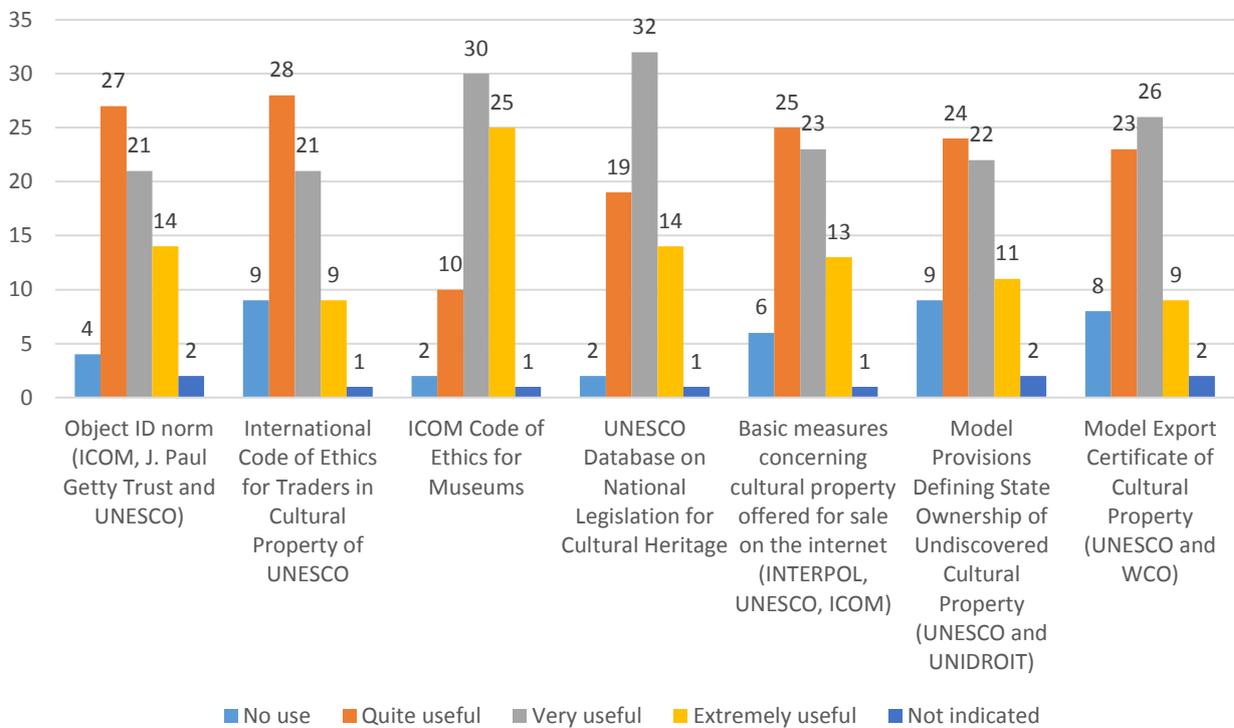
Possession of a system for facilitating international cooperation in case of illegal trafficking of cultural goods



Apart from the Convention's contribution, the normative tools developed in the direct environment of the 1970 Convention are also called upon, and in particular:

- the Object ID norm (ICOM, The J. Paul Getty Trust and UNESCO),
- the UNESCO International Code of Ethics for Dealers in Cultural Property,
- the ICOM Code of Ethics for Museums,
- the UNESCO Database of National Cultural Heritage Laws,
- basic measures concerning cultural goods for sale online (INTERPOL, UNESCO, ICOM),
- the Model Provisions on State Ownership of Undiscovered Cultural Objects (UNESCO and UNIDROIT),
- the Model Export Certificate for Cultural Objects (UNESCO and WCO).

Use by the States of the tools of UNESCO and its partners
(breakdown of responses from the 68 States, tool by tool)

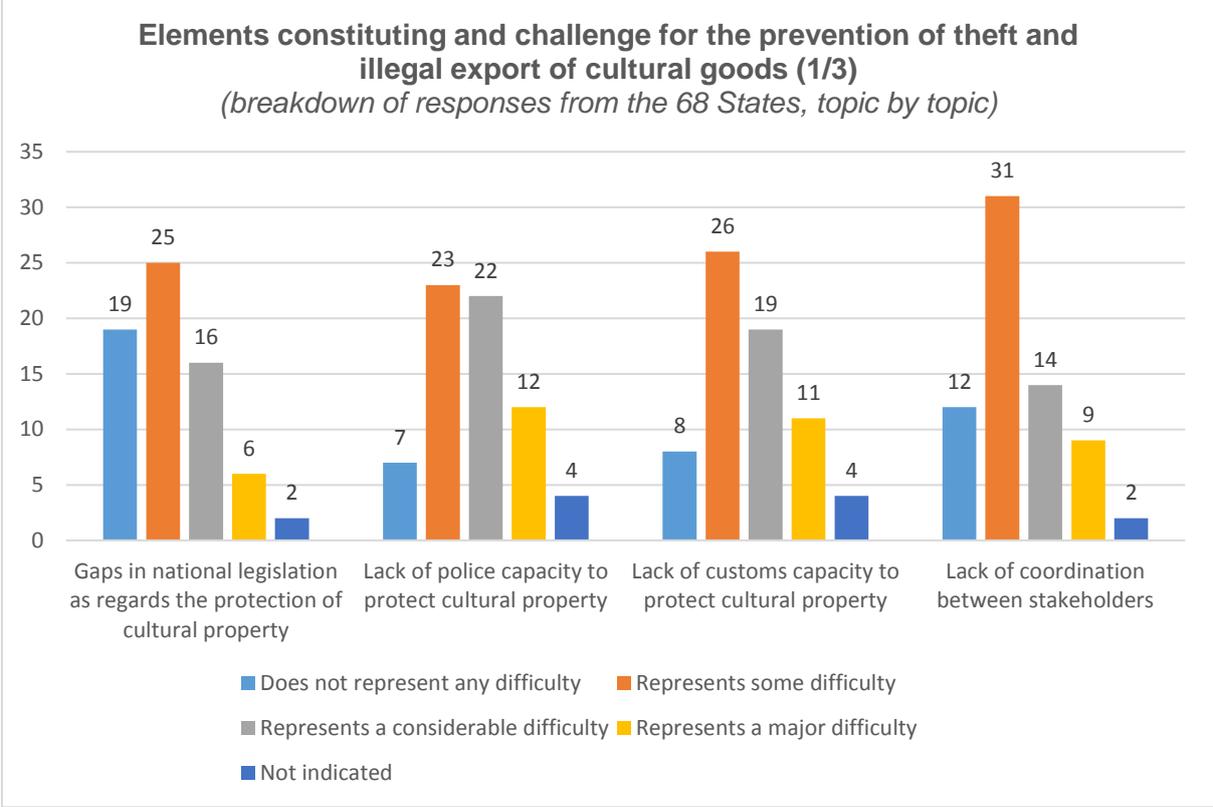


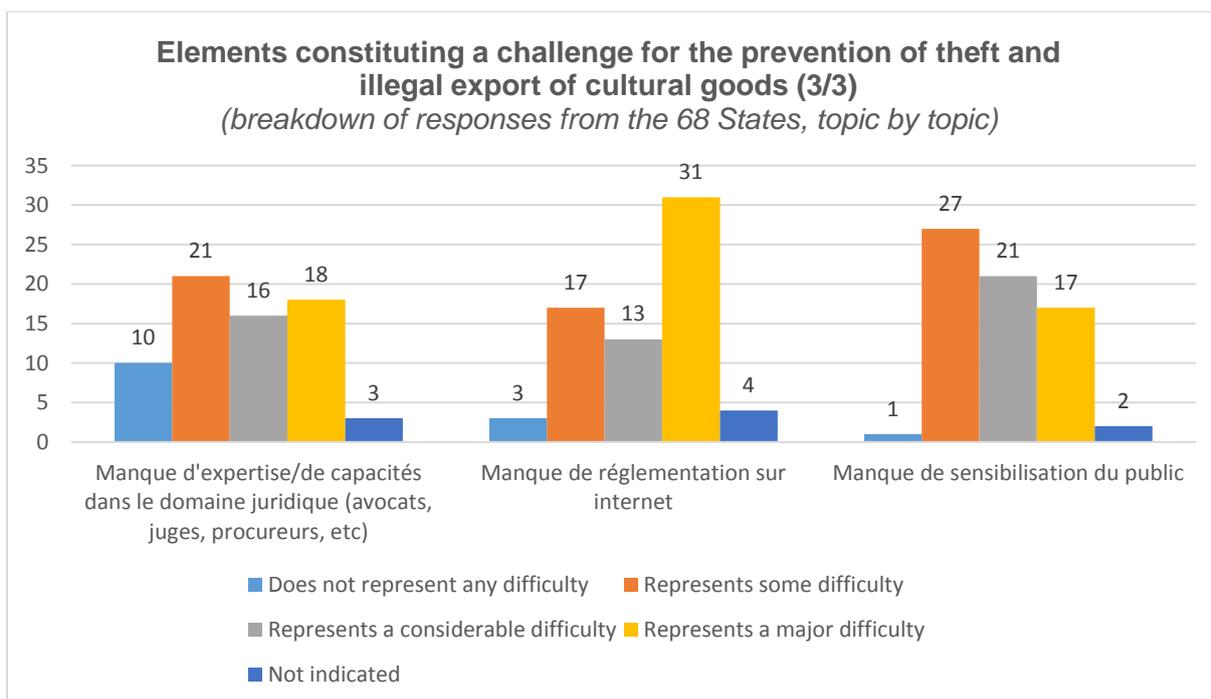
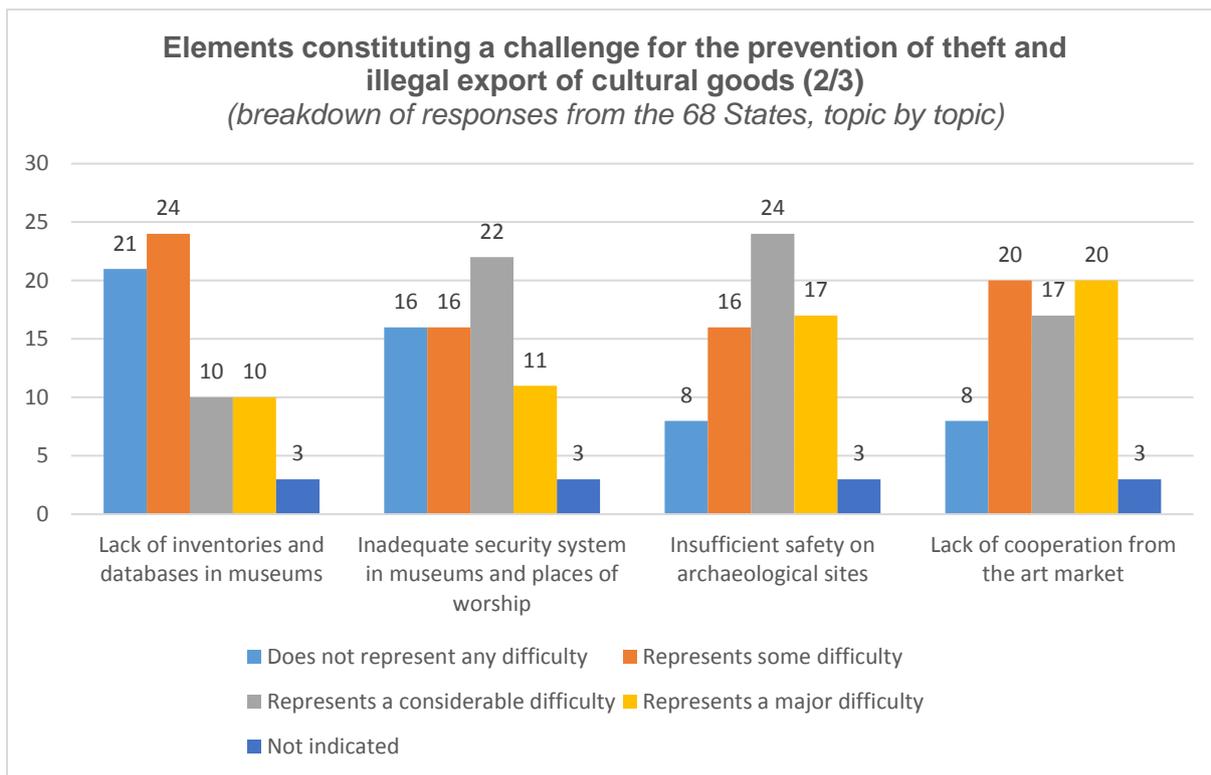
5.2. The following three graphs present the elements that States Parties consider the absence or lack thereof to constitute a challenge in terms of the prevention of theft and illegal export of cultural goods.

Gaps and shortcomings are thus assessed with regard to:

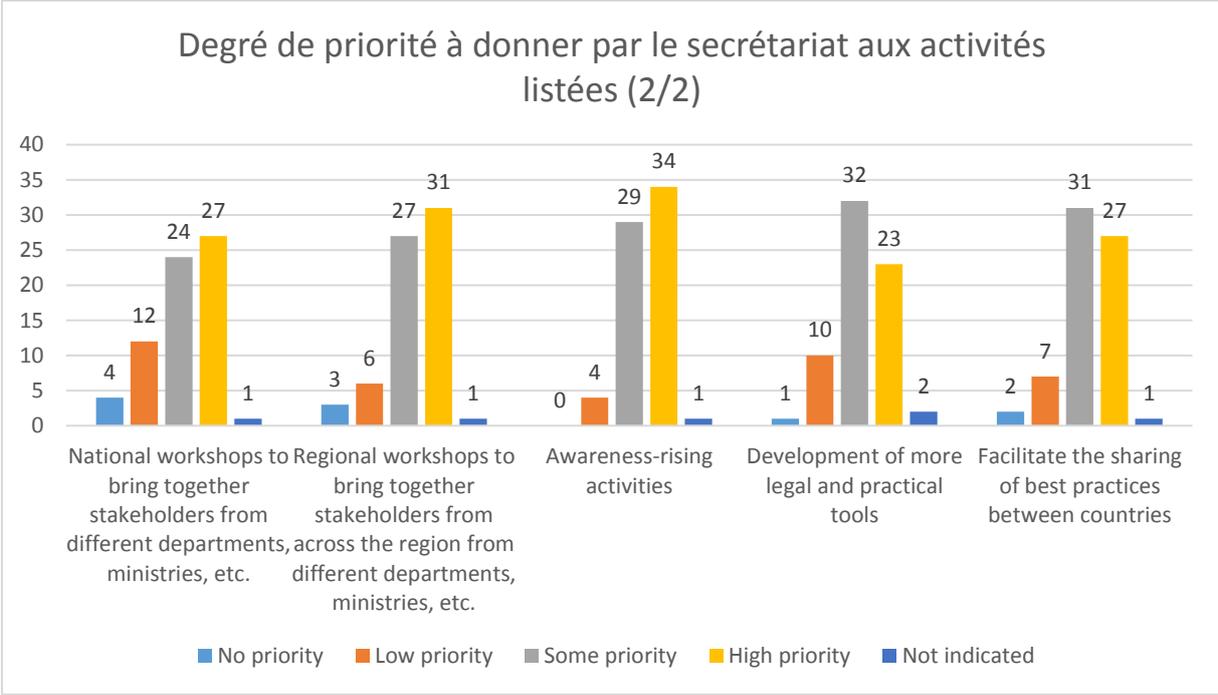
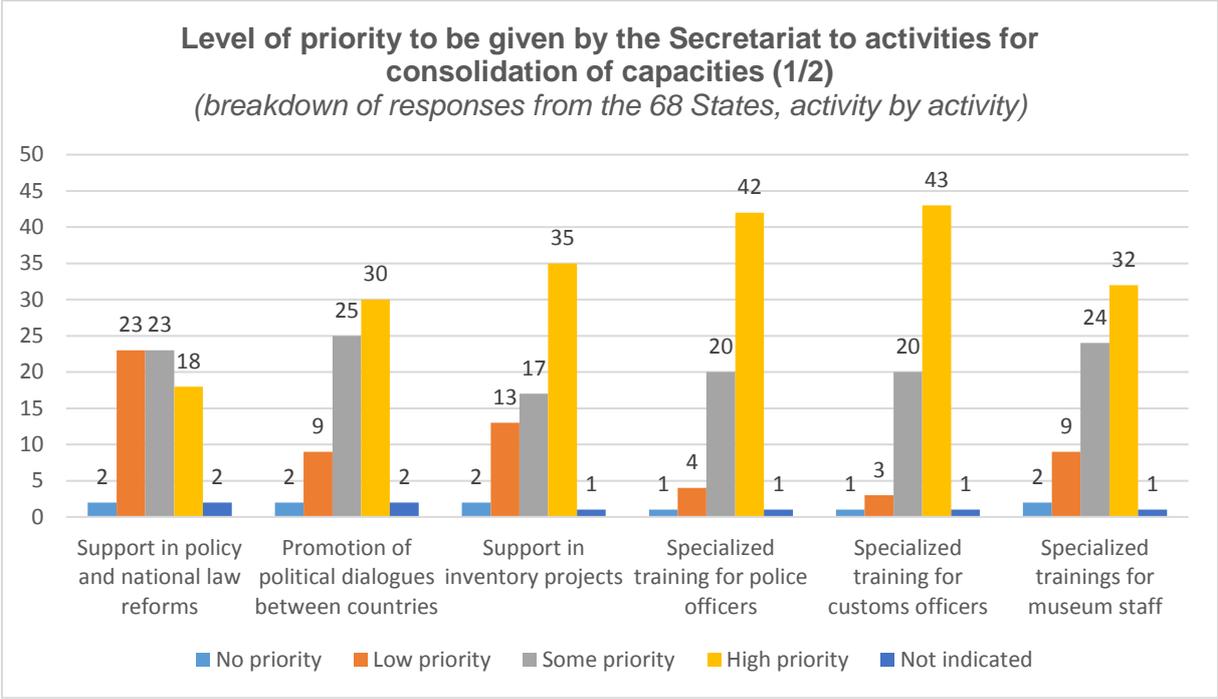
- national law on the protection of cultural goods,
- police capacities with regard to the protection of cultural goods,
- customs capacities with regard to the protection of cultural goods,
- coordination between the actors concerned,
- inventories and databases in museums,
- security systems in museums and places of worship,
- security on archaeological sites,
- cooperation with the art market,
- expertise and capacities in the legal field (lawyers, judges, public prosecutors etc.),
- regulation of trade on the Internet,
- awareness raising among the public.

These constitute indicators with regard to capacity-building through international cooperation.

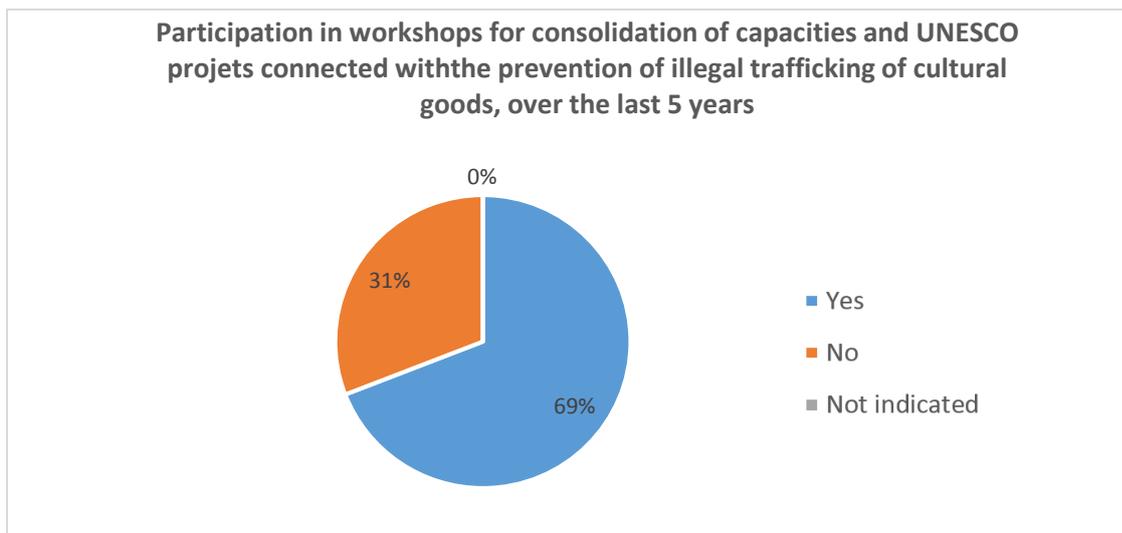




5.3. Regarding capacity-building and activities developed by UNESCO in order to support and consolidate implementation of the 1970 Convention, the priorities indicated by the States Parties suitably reflect the previously identified difficulties, in particular with regard to inventories and specialized training of police and customs officers.



Finally, in the course of the last four years, 69% of the States Parties declare that they have taken part, either directly or through their institutions, or via the intermediary of their stakeholders, in capacity-building workshops or projects connected with the prevention of the illicit trafficking of cultural property run by UNESCO.



6. Statistical data

The statistical data concerning theft of cultural goods suffered by the States Parties, illegal excavations undertaken and detected on their territory, seizures of cultural property from the State Party and from other States Parties, as well as restitutions are difficult to process from a statistical point of view. However, it is possible to set out a few observations.

6.1. Many States Parties have not completed these sections or have provided a value of zero by default.

By way of example, among the States Parties of group 4 (Asia and the Pacific), only Australia and the Republic of Korea completed the sections on theft, illegal excavations, seizures and restitutions; in group 5a (Africa), more than half of the States have not provided any data, or, with the exception of Burkina Faso, when data is provided by the States Parties, it remains partial. Finally, among the other groups, some States Parties have not provided quantitative data.

6.2. However, the States Parties particularly exposed to the dispersal and looting of their heritage, and their archaeological heritage in particular, as well as illicit trafficking, have provided precise data, which suitably reflects the policies they implement for the prevention of trafficking, the training of professionals (in particular among the Police and Customs), awareness raising among the public and the protection of heritage. In these cases, the data provided also reflects the State's commitment to the protection of its cultural heritage and control of the circulation of cultural goods.

On the contrary, the absence of quantitative data in all sections is a symptom of absence or inadequacy of the resources called upon, both in human and normative terms. Continued repetition, on the part of a State Party, of the < 0 > value in all fields is not a direct sign of the absence of theft, illegal excavation, seizures and restitutions; it also indicates needs in terms of capacity-building and training of police and customs officers, to be compared with the statistical data analyzed above under 3.4., concerning training, information and cooperation with police and gendarmerie units in actions to combat and curb illicit trafficking in cultural property.