



United Nations  
Educational, Scientific and  
Cultural Organization



Convention for the fight  
against the illicit trafficking  
of cultural property

**C70/16/4.SC/14/Rev**  
**Paris, August 2016**  
**Original: English**

Limited distribution

**Fourth Session of the Subsidiary Committee of the Meeting of States Parties to the  
Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and  
Transfer of Ownership of Cultural Property**

**(UNESCO, Paris, 1970)**

**Paris, UNESCO Headquarters, Room II  
26-28 September 2016**

**Provisional agenda item 14:** Periodic reporting on the implementation  
of the 1970 Convention

This document presents proposals to facilitate and strengthen mandatory periodic reporting on the implementation of the 1970 Convention. It includes observations submitted by States Parties to the 1970 Convention

**Decision required:** paragraph 15

## BACKGROUND

1. Under Article VIII of UNESCO's Constitution, Member States are required to submit a report on legislative and administrative provisions adopted and measures taken to implement the conventions and recommendations adopted by the Organization. In accordance with Resolution 32 C/38, reports on the implementation of the 1970 Convention should be submitted every 4 years with the express purpose of presenting action undertaken, progress achieved, and/or obstacles encountered by States Parties.
2. It is recalled that Member States are required to report on the follow-up to the conventions and recommendations adopted by the General Conference under Article IV, paragraph 4 of the Organisation's Constitution and Article 17 of the Rules of Procedure concerning recommendations to Member States and International conventions as well as Article 16 of the 1970 Convention applicable to States Parties only.
3. The review of national reports presented to the General Conference by the States Parties to the Convention is one of the Subsidiary Committee's functions listed in Article 14.6 of the Rules of Procedure adopted of meeting of States Parties to the 1970 Convention and recalled in Section I, paragraph (b) of the Rules of Procedure of the Subsidiary Committee.
4. The Roadmap for the fulfilment of the functions of the Subsidiary Committee, approved during the third Meeting of States Parties to the 1970 Convention in May 2015 (Resolution 3.MSP 5B), states that it "will strive to identify best practices, progress made and challenges arising from the implementation of the Convention and make recommendations to the Meeting of States Parties for appropriate follow-up, including issues related to the definition of cultural property and the classification and inventorying of cultural property (in particular regarding clandestinely excavated archaeological sites and other cultural property that pose special challenges in terms of their specific designation), the regulations for the trade of cultural property (including those relating to dealers and online sales), the export and import controls as well as the procedures facilitating restitution claims. The Subsidiary Committee will explore ways and means to establish an appropriate methodology to accomplish these objectives."
5. Furthermore, the Operational Guidelines on the implementation of the 1970 Convention, also adopted during the third Meeting of States Parties (May 2015, [Resolution 3.MSP 11](#)), recall the binding character of the submission of Periodic Reports under Article 16 of the Convention and emphasises the importance of such reporting for the exchange of information to ensure an improved implementation of the Convention and to "strengthen the credibility of the implementation of the Convention" (paragraphs 116 to 120).
6. The Evaluation Report of UNESCO's Standard-Setting Work of the Culture Sector produced by IOS – Part II – 1970 Convention<sup>1</sup> (hereafter referred to as "the IOS Evaluation Report"), presented during the second session of the Subsidiary Committee in July 2014 (C70/14/2.SC/4) and the third Meeting of States Parties in May 2015 (C70/15/3.MSP/8) addresses the question of follow-up and comments state that: "So far, the overall monitoring mechanism for the Convention has not been particularly effective. Periodic reports vary in quality, reporting rates are low, there have been no checks on the accuracy of the information contained therein, and hardly any follow up. The establishment of the Subsidiary Committee in 2013 presents an opportunity to strengthen the existing reporting system. This could entail the development of an

---

<sup>1</sup> See document IOS/EVS/PI/133 REV.4, <http://unesdoc.unesco.org/images/0022/002269/226931E.pdf>

overall results framework for the Convention, linked to a Convention Theory of Change (or another type of intervention logic) and including clear objectives, time-frames, indicators and benchmarks; as well as the improvement of the Periodic Reporting by revisiting the reporting format, introducing an online system for submission and analysis of the reports, and systematic follow up.”

7. Decision 3.SC 6, paragraph 9 adopted at the Third Session of the Subsidiary Committee (UNESCO, September 2015), invited States Parties to share with the Secretariat their observations related to improving the mandatory periodic reporting mechanism on the implementation of the 1970 Convention, and requested the Secretariat to include an agenda item on the topic at its next session. Accordingly, States Parties to the Convention were invited to submit to the Secretariat their proposals in English and/or French by 3 August 2016, using the reporting form proposed in the IOS Evaluation Report as a basis for their observations.

## **OBSERVATIONS SUBMITTED BY STATES PARTIES**

8. The Secretariat sent a letter (CLT/HER/MHM/16/4927) on the 6 July to all States Parties to the 1970 Convention in order to inform them of the decision taken by the Subsidiary Committee and to request their observations related to improving the mandatory periodic reporting on the implementation of the 1970 Convention. The Secretariat received replies from 19 States Parties<sup>2</sup>.
9. Some States Parties<sup>3</sup> considered the questions and scope covered in the proposed questionnaire to be comprehensive and covering the key elements.
10. The proposed questionnaire was also commended for including additional questions that reflect the contemporary context of illicit trafficking of cultural property, for example, by including request for information of online trade. Many States highlighted the need for the reporting form be flexible and adaptable to take into account future priority topics and unforeseen challenges.
11. Adopting a completely electronic reporting system was suggested by a number of States to simplify reporting, and to facilitate monitoring of progress achieved as each reporting cycle is logged and can easily be accessed as reference in future reporting cycles.
12. To further facilitate reporting, each question in the questionnaire should be numbered for ease of reference.
13. Many States Parties suggested that national reports, based on the completed questionnaires, be posted on the 1970 Convention’s website. The Secretariat, following Decision 3.SC 6<sup>4</sup> taken last year at the third session of the Subsidiary Committee, informed States Parties that it uploaded all national reports on the Secretariat’s periodic reporting webpage<sup>5</sup> unless the State Party objected to it.

---

<sup>2</sup> Australia, Belgium, Bulgaria, Canada, Chile, Colombia, Czech Republic, Ecuador, Estonia, Finland, France, Germany, Greece, Japan, Madagascar, Spain, Switzerland, Turkey, and Venezuela

<sup>3</sup> Australia, Canada, Chile, Finland, Switzerland, and Turkey

<sup>4</sup> [http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CLT/pdf/3SC\\_List\\_of\\_Decisions\\_EN.pdf](http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CLT/pdf/3SC_List_of_Decisions_EN.pdf)

<sup>5</sup> <http://www.unesco.org/new/en/culture/themes/illicit-trafficking-of-cultural-property/1970-convention/periodic-reporting/>

## OVERVIEW BY THE SECRETARIAT

14. Observations sent to the Secretariat by 3 August 2016 have been integrated and presented as an annex to this document in order to facilitate discussions.
15. The Subsidiary Committee of the Meeting of States Parties may wish to adopt the following decision:

### DRAFT DECISION 4.SC/14

*The Subsidiary Committee of the Meeting of States Parties,*

1. Having examined document C70/16/4.SC/14/Rev, and its annex;
2. Adopts its amended reporting form, as contained in the annex;
3. Permits the Secretariat to further amend and adopt the reporting form with a view to enable the collection of information on new trends and developments in the fight against illicit trafficking, under the condition that all amendments are approved by the Bureau of the Subsidiary Committee;
4. Requests the Secretariat to present to the Subsidiary Committee at its next session, a proposal for an electronic reporting system which corresponds to the needs and expectations of the States Parties;
5. Invites the Subsidiary Committee to present the new version of the reporting form to the Meeting of States Parties at its next session.

## Annex - Reporting Form

### Respondent Information

Name:	
-------	--

Position	
Organization/Agency	
Country	

### Policy and Legislative Framework

- 1) Does your country have an overall policy and/or strategy for fighting illicit trafficking of cultural property (i.e., a document that describes the country's overall vision for fighting illicit trafficking)?

<input type="checkbox"/>	Yes
<input type="checkbox"/>	No

- 2) If yes, please provide the name and year the policy was passed (and web link to the policy/strategy if possible)

--

- 3) Please describe your country's overall legal framework for protecting cultural property from illicit trafficking, referencing specific laws and years passed [including specific provisions on the return of cultural objects illegally exported from other States Parties to the Convention (Germany)].

--

- 4) To what extent does your country's policy and legislation on this issue address the following topics: (mark all that apply) [Observation : change the table to allow States to indicate the 'degree of achievement' (Chile)]

<input type="checkbox"/>	Clear definition of cultural property
<input type="checkbox"/>	State ownership of undiscovered cultural heritage
<input type="checkbox"/>	Regulations on trade of cultural property
<input type="checkbox"/>	Export controls
<input type="checkbox"/>	Export certificates
<input type="checkbox"/>	[Certificate of authenticity (Madagascar)]
<input type="checkbox"/>	Import controls
<input type="checkbox"/>	Establishment of national services
<input type="checkbox"/>	National inventory of cultural property
<input type="checkbox"/>	Inventory requirements for museums, public institutions, private collections
<input type="checkbox"/>	Protection of archaeological sites and regulation of archaeological excavations
<input type="checkbox"/>	Public education and awareness raising
<input type="checkbox"/>	Measures to prevent museums and similar institutions from acquiring illegally exported cultural property
<input type="checkbox"/>	Prohibition of import of cultural property stolen from a museum or religious/secular institution
<input type="checkbox"/>	Regulation of the diplomatic pouch
<input type="checkbox"/>	Provisions for the return of cultural objects stolen from a museum or other public

	institution
	Sanctions (criminal and/or administrative and/or civil) of illicit activities related to destruction and illicit trafficking of cultural property
	Requirement of register of sales for antique dealers [auction houses and dealers of cultural heritage (Bulgaria)] [and art galleries (Madagascar) ]
	Protection of underwater cultural heritage
	Regulations regarding the use of metal detectors
	Regulations regarding the trade of cultural artefacts on internet (agreement with internet platforms) etc. [Observation: specify which internet platform(s) (Bulgaria)]
	Other (please specify):

**5) Did your country's legal framework regarding illicit trafficking of cultural property change as a result of ratifying the 1970 Convention?**

	Yes
	No

**6) If yes, what laws were passed or changed as a result of ratification? (Please provide the name of the law and the year it was passed)**

**7) Any additional comments on the legislative/policy framework**

**8) [Has your country implemented a policy to prevent the illicit export of cultural property?**

**9) Has your country implemented a policy to prevent the illicit import of cultural property? Among them the requirement of a legally issued export certificate of the country of origin and/or transit? (Ecuador) ]**

**10) [Has your country encountered difficulties in returning/restituting cultural property to its place of origin due to incompatibilities with national judicial decisions? Please specify (Spain)]**

## Implementation and operative framework

### Institutional Framework

**11) Does your country have a specialized service for the protection of cultural property (as described in Article 5 of the Convention) whose functions may include drafting laws and legislation, establishing national inventory, promoting establishment/development of scientific and technical institutions,**

organizing the supervision of archaeological sites, establishing rules for curators, antique dealers, etc., developing educational activities and/or publicizing the disappearance of cultural property?

	Yes
	No

**12) If yes, please describe this service's major roles and responsibilities:**

--

**13) Please indicate which of the following departments/ministries/agencies also have specialized services for the protection of cultural property against illicit trafficking: (mark all that apply)**

	Magistrates and/or judges
	Police, gendarmerie, and/or Department of Interior
	Public prosecutor
	Customs
	Other (please specify):

**14) Please describe the roles and responsibilities of these specialized services in more detail:**

--

**15) How do relevant stakeholders (Ministry of Culture, police, customs, etc.) coordinate regarding the protection of illicit trafficking? Mark all that apply**

	Formal coordinating committee, working group, etc.
	Coordination lead by specialized service (as described in Article 5), antenna or focal point
	Communication and meetings as necessary (i.e., for specific cases)
	Cross-trainings (i.e., trainings for police from Ministry of Culture staff)
	Other (please specify):

**16) Please provide more detail on this coordination, including how it functions and who is involved:**

--

**17) Does your country use a database of stolen cultural objects?**

	Yes, we have our own national [or/and regional (Bulgaria)] database that is not linked with the INTERPOL database
	Yes, we have our own national [or/and regional (Bulgaria)] database that is linked with the INTERPOL database
	Yes, we use the INTERPOL database (and do not have our own national database)
	No, we do not currently have a national database or use the INTERPOL database
	We would request assistance to establish such a database

**18) Please provide additional details on how your country uses such a database:**

--

## Protection and Prevention Systems

**19) To what extent do museums and religious or secular public monuments have their own specific inventories of their cultural property/collections?**

	All/almost all cultural property is inventoried
	Most, but not all, cultural property is inventoried
	Some cultural property is inventoried, but significant gaps remain
	Very little cultural property is inventoried
	No/almost no cultural property is inventoried

**20) Please provide additional details on these inventories, [specifying whether they are digitized, and (Bulgaria)] including any challenges in creating/maintaining them:**

--

**21) To what extent does your country have a centralized national inventory of cultural property?**

	All/almost all protected cultural property is inventoried
	Most, but not all, protected cultural property is inventoried
	Some protected cultural property is inventoried, but significant gaps remain
	Very little protected cultural property is inventoried
	No/almost no protected cultural property is inventoried

**22) Please provide additional details on this inventory, including any challenges in creating/maintaining it:**

--

**23) Please describe the extent to which looting/pillaging [/illegal excavations (Greece)] of archaeological and ethnological objects is a challenge, including actions taken to combat it.**

--

## Knowledge, Skills and Values of Stakeholders and the Public

**24) Has your country undertaken any public awareness campaigns related to the protection of cultural property in the past five years?**

	Yes
	No

**25) If yes, please describe, including methods, target audience, etc.**

--

**26) To what extent is the public in your country engaged in the protection of cultural property? Examples of engagement may include**

	Protection of local archaeological and heritage sites by the public (eg. assistance in monitoring of sites, support in documenting etc.)
	Return of objects to relevant authorities
	Sharing information on stolen objects with authorities
	Placing pressure on museums to change acquisition policies

Advocating for policy change
------------------------------

**27) Overall, to what extent do police and/or gendarmerie have the necessary resources and knowledge to address cultural property crime?**

--

**28) Overall, to what extent do customs officers have the necessary resources and knowledge to address cultural property crime?**

--

**29) What type of training do police receive on cultural property crime?**

	No specific training on this issue
	Training has occurred in the past, but is not ongoing
	Training occurs periodically
	In-depth, specialized training for officers working on this issue
	An assistance is required from UNESCO and its partners
	Other (please specify):

**30) Please provide additional details on the content and frequency of these trainings:**

--

**31) What type of training do customs officers receive on cultural property crime?**

	No specific training on this issue
	Training has occurred in the past, but is not ongoing
	Training occurs periodically
	In-depth, specialized training for officers working on this issue
	An assistance is required from UNESCO and its partners
	Other (please specify):

**32) Please provide additional details on the content and frequency of these trainings:**

--

**33) To what extent have museums in your country adopted a code of ethics, such as the ICOM Code of Ethics, that is in line with the principles of the 1970 Convention?**

	All or almost all have adopted such a code of ethics
	Most have adopted such a code of ethics
	Some have adopted such a code of ethics
	None/only a few have adopted such a code of ethics

**34) Please provide additional details on the degree to which museums adhere to such a code of ethics:**

--

**35) To what extent do dealers and auction houses in your country follow practices that are in line with the principles of the 1970 Convention, such as those outlined in the UNESCO International Code of Ethics for Dealers in Cultural Property [and the Operational Guidelines of the 1970 Convention (Ecuador)]?**

<input type="checkbox"/>	All or almost all follow such practices
<input type="checkbox"/>	Most follow such practices
<input type="checkbox"/>	Some follow such practices
<input type="checkbox"/>	None/only a few follow such practices

**36) Please provide additional details on the policies and practices of dealers and auction houses in your country:**

**37) How has your country engaged art and antiquities dealers around the issue of illicit trafficking of cultural property?**

**38) Do you regulate the trade of cultural objects on internet?**

**39) Have you entered into a specific agreement with an internet platform?**

### International Cooperation

**40) Please list any formal, bilateral agreements your country has regarding the protection of cultural property, including the years for which the agreement is in effect.**

**41) Please indicate how the 1970 Convention helped with return/restitution cases your country has been involved in?**

	To no extent	To some extent	To a considerable extent	To a great extent	N/A
Provided a legal framework for return/restitution					
Provided a moral framework for return/restitution					
Provided a diplomatic framework for return/restitution					
Other (please specify):					

**42) Please provide additional details on or examples of how the 1970 Convention has facilitated return/restitution cases**

**43) [Does your country have a system in place to facilitate international cooperation (e.g. single points of contacts and easily accessible information) in cases of illicit trafficking of cultural property?**

--

**44) How have your country promoted this system and ensure the international community is aware of it? (Finland) ]**

--

**Overall**

**45) [Yearly statistics (Greece) ]**

	Reporting year	Number of objects	Additional information
Thefts	1 <sup>st</sup> year		
	2 <sup>nd</sup> year		
	3 <sup>rd</sup> year		
	4 <sup>th</sup> year		
Illegal Excavations	1 <sup>st</sup> year		
	2 <sup>nd</sup> year		
	3 <sup>rd</sup> year		
	4 <sup>th</sup> year		
Seizures (cultural objects originating from own country)	1 <sup>st</sup> year		
	2 <sup>nd</sup> year		
	3 <sup>rd</sup> year		
	4 <sup>th</sup> year		
Seizures (cultural objects originating from another country)	1 <sup>st</sup> year		
	2 <sup>nd</sup> year		
	3 <sup>rd</sup> year		
	4 <sup>th</sup> year		
Restitutions	1 <sup>st</sup> year		
	2 <sup>nd</sup> year		
	3 <sup>rd</sup> year		
	4 <sup>th</sup> year		

**46) Please rate the extent to which each of the following is a challenge your country faces in preventing theft and illicit exportation of its cultural property:**

	Not a challenge	Somewhat of a challenge	A considerable challenge	A major challenge	N/A
Gaps in national legislation to protect cultural property					

	Not a challenge	Somewhat of a challenge	A considerable challenge	A major challenge	N/A
Lack of police capacity related to cultural property					
Lack of customs capacity related to cultural property					
Lack of coordination between relevant stakeholders					
Lack of inventories and databases in museums					
Inadequate security systems in museums and places of worship					
Inadequate security of archaeological sites					
Lack of cooperation from the art market					
Lack of expertise/capacity in the legal field (lawyers, judges, prosecutors, etc.)					
Lack of regulation on the internet					
Lack of public awareness					
Other (please specify):					

**47) If applicable, please describe the three biggest barriers your country faces in securing the return/restitution of cultural property that has been stolen/illegally exported (e.g., cost of legal proceedings in other countries, lack of communication with counterparts in other countries, etc.):**

--

**48) If applicable, please describe the most common reasons why your country is not able to fulfill requests for return/restitution made by other countries (e.g., requests made outside parameters of existing legal framework, lack of evidence base for claims, etc.)**

--

#### UNESCO Support for the Implementation of the 1970 Convention

**[General awareness raising and communication strategies (Chile)]**

**49) UNESCO and its partners have developed a number of tools to help State Parties implement the 1970 Convention. Please rate how helpful these tools have been to your country:**

	Not at all helpful	Somewhat helpful	Very helpful	Extremely helpful	N/A
Object ID Standard (ICOM, the Getty, and UNESCO)					
UNESCO International Code					

	Not at all helpful	Somewhat helpful	Very helpful	Extremely helpful	N/A
of Ethics for Cultural Property Dealers					
ICOM Code of Ethics for Museums					
UNESCO Database of National Cultural Heritage Laws					
Basic Measures Concerning Cultural Items Offered for Sale on the Internet (INTERPOL, UNESCO, ICOM)					
Model Provisions Defining State Ownership of Undiscovered Cultural Property (UNESCO and UNIDROIT)					
Model Export Certificate for Cultural Objects (UNESCO and WCO)					

**50) Please provide additional details on how your country has used UNESCO's tools:**

--

**51) [Please indicate whether your country has uploaded relevant national laws to the UNESCO Database of National Cultural Heritage Laws (Germany)]:**

--

**52) What additional tools would be helpful for UNESCO to develop:**

--

**53) Have you or other stakeholders in your country participated in any of UNESCO's capacity building workshops or projects related to preventing illicit trafficking of cultural property in the past five years?**

	Yes
	No

**54) If yes, how did these workshops or projects contribute to the implementation of the 1970 Convention in your country? Please provide specific examples where possible.**

--

**55) There are a number of ways the UNESCO Secretariat could support State Parties in the implementation of the 1970 Convention in the future, in addition**

**to servicing the governing bodies of the Convention. Please indicate the extent to which the Secretariat should give priority to the following activities:**

	No priority	Low priority	Somewhat of a priority	High priority
Support in reforming national policies and legislation				
Promoting policy dialogues between countries				
Support for inventorying projects				
Specialized trainings for police				
Specialized trainings for customs				
Specialized trainings for museum staff				
National workshops to bring together stakeholders across departments, ministries, etc.				
Regional workshops to bring together stakeholders from across the region across departments, ministries, etc.				
Awareness raising activities (press releases, video clips, etc.)				
Development of more legal and practical tools such as the WCO model export certificate, the Database of National Cultural Heritage Laws, etc.				
Facilitating the sharing of best practices between countries (e.g., online or through a newsletter)				
Other (please specify):				

**56) Please provide any additional suggestions for how UNESCO should focus its work on this topic going forward:**

**57) Any other additional issues or comments you would like to share:**

**58) [What difficulties did you State encounter while implementing the Convention during the last reporting cycle period : (Colombia)]**

**59) [Has your country used the Operational Guidelines of the 1970 Convention adopted in UNESCO during the Third Meeting of States Parties (2015): (Ecuador)]**