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REPORTS ON THE MEASURES TAKEN FOR THE IMPLEMENTATION OF THE 1970 CONVENTION ON THE MEANS OF PROHIBITING AND PREVENTING THE ILLICIT IMPORT, EXPORT AND TRANSFER OF OWNERSHIP OF CULTURAL PROPERTY

OUTLINE

Source: 36 C/Resolution 102.

Background: In connection with the new follow-up mechanism for the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, established in 2012, the Subsidiary Committee of the Meeting of the States Parties is required to examine periodic reports on the implementation of the Convention before they are submitted to the General Conference.

In accordance with 36 C/Resolution 102, and after an examination by the Subsidiary Committee of the Meeting of the States Parties at its third session (September 2015), the Director-General presents to the General Conference the following report on the measures taken by the States Parties to ensure promotion and application in the period 2011-2015.

Decision required: Paragraph 7.

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 30 September 2015, there were 129 States Parties.¹
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. At its 36th session, in October-November 2011, the General Conference of UNESCO, after examining the reports of States on the action taken by them to implement the 1970 Convention, invited the Director-General, by 36 C/Resolution 102, to “transmit to it, at its 38th session, the next summary of the reports received from Member States on the measures taken for the implementation of the 1970 Convention, together with information on the results obtained,” and decided to “include an item on this matter in the agenda of its 38th session”.
4. It should be noted that the follow-up mechanism for implementation of the 1970 Convention has changed since the last examination of national reports by the General Conference in 2011. Indeed, given that the 1970 Convention did not have an institutional follow-up mechanism, the summary of periodic reports on the application of the Convention prepared by the Convention Secretariat was, until 2012, examined by the Committee on Conventions and Recommendations of the Executive Board before being submitted to the General Conference. The procedure changed in 2012 with the establishment by the States Parties to the 1970 Convention of a framework of governance. Pursuant to the discussion at the celebration of the 40th anniversary of the 1970 Convention, as well as 187 EX/Decision 43, the Second Meeting of State Parties in June 2012 adopted rules of procedures that established a biennial Meeting of State Parties and a Subsidiary Committee composed of representatives of 18 States Parties that would meet annually (Resolution 2.MSP 3). That is the Committee now in charge of examining periodic reports before they are transmitted to the General Conference.

CONSOLIDATED REPORT

5. This document presents, in its annex, the summary by the Secretariat of the 51 national reports received as at 12 October 2015, together with the observations of the 18 members of the Subsidiary Committee of the Meeting of the States Parties at its third session (28-30 September 2015).² The Committee was invited by the Secretariat to rethink the reporting system (C70/15/3.SC/6) particularly in the light of the recommendations of the Internal Oversight Service following its evaluation of UNESCO’s standard-setting work in relation to the 1970 Convention (final report, April 2014).
6. The Committee observed that the problems linked to the procedure’s follow-up and lack of efficacy, as well as other possible shortcomings, were neither new nor specific to the 1970 Convention.³ It noted, among other things, the low rate of reporting and the inadequate processing of data with the previous mechanism while welcoming the fact that the Convention’s new governance system would give fresh impetus to the process. It expressed a desire to consider, as

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

² <http://www.unesco.org/new/fr/culture/themes/illicit-trafficking-of-cultural-property/subsidiary-committee/3rd-sc-session-2015/>

³ Document 164 EX/23, Proposals by the Committee on Conventions and Recommendations on the conditions and procedures applicable to the examination of questions relating to the implementation of UNESCO’s standard-setting instruments, 164th session of the Executive Board, 8 April 2002, Paris, France.

a matter of priority, the purpose of the periodic reporting system and the examination conditions and procedures, and decided accordingly to set up an informal working group to consider such matters.

PROPOSED RESOLUTION

7. In the light of the above, the General Conference may wish to consider the following draft resolution:

The General Conference,

Recalling 36 C/Resolution 102,

Having examined document 38 C/29,

Taking note of the new follow-up mechanism of the 1970 Convention established in 2012 pursuant to discussions at the celebration of the 40th anniversary of the 1970 Convention and to Executive Board decision 187 EX/Decision 43, based on biennial sessions of a Meeting of the States Parties and annual meetings of a Subsidiary Committee,

Also taking note of the fact that periodic reports by States on the implementation of the Convention shall henceforth be examined by the Subsidiary Committee of the Meeting of the States Parties,

Further taking note of the reports of the States Parties to the 1970 Convention on the measures taken by them for the implementation of the Convention, as well as the information provided by those States on the measures taken to protect, and to control the illicit import, export and transfer of ownership of, cultural property,

Stressing the importance of transmitting to UNESCO as precise information as possible on the measures taken by States to protect cultural property on their territory, particularly in regard to the successes, failures and obstacles encountered in implementing the Convention, as well as on any requests for assistance that they might make in that respect,

Aware of the extreme usefulness of national reports to the Secretariat and the additional activities undertaken since the 36th session of the General Conference with respect to the protection of cultural property,

Taking note of decision 3.SC/6 of the Subsidiary Committee of the Meeting of the States Parties (30 September 2015) to consider the review of the process relating to periodic national reports, focusing in particular on the format, the use and analysis of data, the efficacy of the exercise and synergies with other UNESCO cultural conventions based, inter alia, on the recommendations set out in the final report of the Internal Oversight Service on the evaluation of the implementation of the 1970 UNESCO Convention,

Noting with satisfaction the growing number of States Parties to the 1970 Convention, and *noting* the intentions of those that plan to become States Parties and thus strengthen the effective scope of this international instrument,

Deeply regretting the serious, unprecedented, damage done to cultural heritage, particularly in the Middle East,

1. *Calls on* all Member States that are not yet Parties to the 1970 Convention to accede to it at the earliest opportunity so as to enable it to become universal;

2. *Recommends* that Member States also become Parties to the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects, which complements the 1970 UNESCO Convention in regard to return and restitution;
3. *Reminds* States Parties of their obligations under the 1970 Convention in respect of its effective implementation and, in particular, their reporting obligations under Article 16;
4. *Invites* Member States and the Director-General to continue activities aimed at strengthening regional and international cooperation, in particular through greater recourse to the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation as an international mechanism designed to facilitate the restitution of stolen or illicitly exported cultural property;
5. *Requests* the Director-General to transmit to it, at its 40th session, the next report on the measures taken by States Parties for the implementation of the 1970 Convention, after prior examination by the Subsidiary Committee of the Meeting of the States Parties;
6. *Also requests* the Director-General to support Member States in their efforts to compile reports on the implementation of the 1970 Convention or on the means of becoming Parties to the Convention.

ANNEX

SYNTHESIS OF REPORTS RECEIVED

1. This document contains a general summary of reports submitted to the Secretariat as of 12 October 2015 by 51 States Parties⁴ to the 1970 Convention on the most significant measures they have adopted to implement the Convention and its principles but also, on the actions they have taken at national level to more effectively fight against illicit trafficking in cultural property. It also draws the attention of the General Conference to the information provided by States on the main obstacles and difficulties encountered.

2. The information is presented according to the guidelines proposed to the States for the preparation of their reports, under the following headings:

- Implementation in the national legal system and in the organization of services;
- Definitions, inventories and identification;
- Measures taken to prevent illicit excavations;
- Monitoring of the export and import of cultural property;
- System for trade-in, acquisition, ownership and transfer of ownership of cultural property;
- Bilateral agreements;
- Code of ethics, awareness-raising and education;
- Cooperation with other international and regional agencies;
- Emergency situations and Heritage at risk;
- Other legislative, judicial and administrative measures taken by States.

I. Implementation in the national legal system and in the organization of services

3. To comply with legal mechanisms of the Convention, the great majority of States Parties having submitted a periodic report adopted **specific laws and regulations for the protection of cultural heritage** and many of them have recently reviewed their legal instruments (Bolivia, Bulgaria, Estonia, Ecuador, Mexico, Myanmar, Niger, Norway, Portugal, Spain, Swaziland and Ukraine). Some also featured **specialized units** in the fight against illicit trafficking in cultural property (Argentina, France, Honduras, Serbia, for instance). At the national level, cooperation occurs most commonly between the Ministries in charge of cultural properties, police and customs (notably Bolivia (Plurinational State of), Bulgaria, China, Denmark, Estonia, Hungary Lebanon, Pakistan and Poland, notably), services tax (Lithuania, Morocco and the Netherlands) and the ecclesiastical authorities (Czech Republic).

II. Definitions, inventories and identifications

4. The majority of States indicates that the definition of cultural property is established with reference to the 1970 Convention and have established a **comprehensive national register** or a list of all the cultural property in the country's public collections, in which the objects may be ranked according to their heritage significance. As part of its ratification process, one State (France) had inserted financial thresholds for the value of cultural property defined in accordance with the Convention.

5. **National treasures** are defined by some countries (Belgium, Bosnia and Herzegovina, Bulgaria, France, Japan, Lithuania, Nigeria, Czech Republic, Romania and Slovakia).

⁴ Argentina, Australia, Bahrain, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Bulgaria, Canada, China, Costa Rica, Cyprus, Czech Republic, Denmark, Democratic Republic of the Congo, Estonia, Ecuador, Finland, France, Georgia, Greece, Guatemala, Honduras, Hungary, Japan, Jordan, Lebanon, Lithuania, Luxembourg, Mexico, Morocco, Myanmar, Niger, Nigeria, Norway, Pakistan, Poland, Portugal, Romania, Serbia, Slovakia, Spain, Swaziland Sweden, Switzerland, Syrian Arab Republic, the former Yugoslav Republic of Macedonia, the Netherlands, Turkey, Tunisia, United States of America, and Ukraine.

6. While some States use the **Object ID Standard** (Australia, Ecuador, the former Yugoslav Republic of Macedonia and Syrian Arab Republic, for instance) to list their cultural objects, and have **digitized registers and documents** (Canada, Cyprus, 'Czech Republic, Estonia and Morocco), others have created **inventories and publicly accessible databases** (Belgium, Canada) on private (Cyprus) or religious collections (Netherlands).

7. With regard to the **spoliation of cultural property during World War II**, some countries (Norway, Czech Republic and Ukraine) have adopted specific provisions in order to facilitate the **identification** and **restitution** of the property concerned.

8. To **prevent large-scale theft** of cultural objects, **security systems** have been strengthened in most of cultural institutions, and workshop trainings including practical exercises have been organized to help their staff to **mitigate and reduce risks** (Bolivia (Plurinational State of), France, Japan, Morocco, Poland, Syrian Arab Republic, Sweden and Turkey).

III. Archaeological excavations

9. Archaeological excavations are generally carried out by **specialized entities** with an **authorization** issued by the competent authorities (Cyprus, Greece, Honduras, Norway, Romania and Ukraine, for example).

10. Some States work on the identification of archaeological sites and findings (Argentina, Bulgaria, Estonia in particular). Protection of the archaeological heritage is also ensured by a broad **definition** (Costa-Rica and Cyprus for example), the introduction of **preventive archaeology measures** (France, Sweden) and, more generally, by **specific rules** governing excavations (Cyprus, Georgia, Morocco, Niger and Portugal in particular).

11. Almost all of the reports mention that archaeological objects discovered or yet to be discovered are under **State ownership** (Argentina, Bosnia and Herzegovina, China, Cyprus, Denmark, Ecuador, Hungary, Mexico, Switzerland and Ukraine, for instance).

12. **Illegal archaeological excavations** are a serious problem (Ecuador, France, Greece, Slovakia), growing in some areas (China and Syrian Arab Republic), and the increasing number of such objects sold on Internet shows the scale of this issue. Offenders are liable to **criminal sanctions** (Ecuador, France, Nigeria and Syrian Arab Republic). Although the use of **metal detectors** is not prohibited, it is increasingly regulated (Cyprus, Hungary and Luxembourg).

13. Two States (France and Portugal) also highlight the fact that underwater wrecks and other components of their **underwater cultural heritage** are looted. Cyprus law in this field was recently amended.

IV. Monitoring of the export and import of cultural property

14. Although some countries can provide **accurate data** on the number of **stolen and returned objects** (Bolivia (Plurinational State of), Ecuador, Georgia, the former Yugoslav Republic of Macedonia, Turkey), they all agree on how **difficult** it is **to quantify illicit trafficking** in cultural property. The **amount of illegally exported cultural objects** can be explained in particular by the extent of the borders to be controlled, the lack of human and financial resources, as well as by gaps existing in the legal supervision framework.

15. To remedy this situation, the **authorizations** (permits, certificates, licenses, etc.) are generally required to export cultural objects (Argentina, Belgium, Bosnia and Herzegovina, Cyprus, Denmark, Democratic Republic of the Congo, Myanmar, Niger and Romania for example). Some States **prohibit the export of cultural objects** (Lebanon), especially those which are of **particular significance** (Hungary, Greece). Customs have also strengthened **controls** (Finland), especially in ports and airports (Argentina and Costa Rica).

16. Some national laws include provisions on the **restitution of cultural property** (Argentina, Australia, Bolivia (Plurinational State of), Denmark, the former Yugoslav Republic of Macedonia, Niger, Portugal and Turkey in particular). Member States of the European Union (Finland for example) highlight the **difficulties** they face in **implementing Directive 93/7 / EEC** of 15 March 1993 on the return of cultural objects unlawfully removed from the territory of a Member State, due in particular to the short deadlines for filing requests (Czech Republic) and time limits for action (Netherlands). The recast of this legal instrument - **Directive 2014/60/EU** – was felt to be necessary, and the majority of European States highlight the ongoing work to transpose this new Directive, which must be completed by 18 December 2015 (18 June 2016 for Norway). One State (France) points out that it already transposed it into its national legislation.

17. Other **obstacles** are raised by States relating to **restitution claims**, among which the disparities between national laws, the non-retroactivity of international legal instruments, the lack of cooperation from the destination States and the difficulties in identifying objects and their provenance (China, Greece, Japan, Myanmar, Romania and Syria, for example).

V. System for trade-in, acquisition, ownership and transfer of cultural property

18. Although several States indicate not being able to provide **reliable data** on their **domestic market** (Argentina, Czech Republic, Denmark, Ecuador, Finland, Japan, the former Yugoslav Republic of Macedonia, Myanmar, the Netherlands, Niger, Nigeria, Norway, Slovakia), others **centralize information** on the number of auction houses, art galleries, antique dealers, and on their turnover (Bulgaria, China, Czech Republic, Estonia, Greece, Hungary, Lithuania, Switzerland).

19. In some countries, **art market professions** are not specifically regulated, but are governed by the general trade regulations (Georgia, Serbia, Slovakia). A **license** is generally required and the profession is also asked to maintain a **register** to keep track of their transactions (Czech Republic, France, the former Yugoslav Republic of Macedonia, Norway, the Netherlands, Pakistan and Spain).

20. Due to the growing number of **cultural objects of doubtful origin** appearing on sale on Internet, States are more aware of the need to fight against this form of illicit traffic. They enhance the monitoring of online sales (Argentina) and the cooperation with online auction platforms (Estonia). Some States (Argentina and Netherlands) consider insufficient the **Basic Actions concerning Cultural Objects being offered for sale over the Internet** (INTERPOL-UNESCO-ICOM).

21. In many countries, the **provenance** of the objects must be verified **prior to acquisition** (Argentina, Belgium, Canada, China, Cyprus, Czech Republic, Denmark, Estonia, United States of America, Finland, Greece, Japan, the former Yugoslav Republic of Macedonia, the Netherlands, Niger, Norway, Pakistan, Sweden). In one State (Switzerland), a specialized service, the Federal Office of Culture, is responsible for the **control** of the particular **duty of care** required from art dealers and auction houses.

22. The principles of **public ownership** and/or **inalienability** apply to archaeological objects in several States (Belgium, China, Ecuador, Finland, Portugal, Romania and Ukraine in particular). Two countries (Bahrain and Turkey) have established a pre-emptive right of the State to acquire antiquities.

VI. Bilateral Agreements

23. While some States consider that the universal dimension of the Convention exempts them from entering into **bilateral agreements** for the return of cultural property (Canada, Hungary, the Netherlands), many have signed such agreements as they consider they facilitate the implementation of the Convention and enhance its effectiveness (Australia, Bulgaria, China,

Cyprus, Estonia, Greece, Niger, Pakistan, Switzerland and Turkey), in particular at the regional level (Argentina, Bolivia (Plurinational State of), Ecuador, Jordan, Mexico, Serbia and Ukraine).

24. Interstate cooperation could also be in the form of **common exhibitions and research programmes** (Cyprus) or **cultural exchanges** (Portugal).

25. States which have not entered into a bilateral agreement underline nevertheless the importance of **international and regional cooperation**, particularly in respect of customs (Bahrain, Japan).

VII. Code of ethics, awareness-raising and education measures and public awareness

26. Many countries have adopted and implemented the **UNESCO International Code of Ethics for Dealers in Cultural Property** and **ICOM Code of ethics for museums**, with some national adjustments (Canada), and ensure their wide dissemination, in particular in digital format (Norway and Switzerland) among relevant professionals.

27. Not being **legally binding**, the effective implementation of these texts is difficult to achieve in practice, and a State (Finland) suggests they should become so. Another State (Belgium) imposes compliance with, and implementation of the ICOM Code of Ethics as a pre-requisite for the official recognition of a museum, such recognition being a pre-condition to obtain funding from national public authorities.

28. The "**100 Missing Objects**" series and the **ICOM Red Lists** are widely consulted and disseminated by many States (Bahrain, Belgium, Bosnia and Herzegovina, China, Cyprus, Finland, France, Greece, Japan, Pakistan, the Netherlands, Poland, Syrian Arab Republic, Switzerland, Swaziland, United States of America).

29. Most countries have already established **awareness-raising programs**, as well as radio and television **alert campaigns** (Argentina, Bolivia (Plurinational State of), Canada, Colombia, China, Czech Republic, Denmark, Estonia, Greece, Honduras, Jordan, Norway, Latvia, the former Yugoslav Republic of Macedonia, Mexico, Slovakia, Syrian Arab Republic, Switzerland, United States of America). One State (the Netherlands) disseminates information on the fight against illicit trafficking to the public through a specific application (app) and social networks (customs services).

30. A State has created a **website specifically dedicated to the 1970 UNESCO Convention** which also contains the national legislation on import and export of cultural goods (Japan) and another has set up an education centre in various museums (the former Yugoslav Republic of Macedonia).

31. An increasing number of countries (Bahrain, Ecuador, Estonia, Japan, Jordan, Morocco, Syrian Arab Republic, Turkey) implement **educational and recreational programs** for children on the importance to protect cultural heritage: **school visits** to concretely illustrate the irreversible effects of the deterioration of archaeological sites (Cyprus), **learning paths** in museums to make them more attractive and participatory (Turkey), or dissemination of a **cartoon** explaining the approach to be followed when a cultural object is discovered (Estonia).

32. Alongside initiatives developed at national level, States globally consider that **UNESCO should play a more important role** in the areas of **education** and **awareness-raising** (Denmark, Ecuador, Finland, Norway, Niger and Swaziland). As such, UNESCO should conduct awareness-raising campaigns among young people, local populations and the art market but also facilitate the organisation of seminars and the training of professionals.

33. In support of these requests, it is recalled that raising the awareness and appropriation of cultural heritage by local populations is a lengthy and complex process, particularly in developing countries where trafficking is a potential source of income.

VIII. Cooperation with other international and regional agencies

34. The majority of the reports analysed shows that most States **cooperate with INTERPOL** through the National Central Bureaus (NCBs) of this Organisation. The degree of such cooperation depends on whether the State has a specialized police unit and/or specialized police officers within the NCBs. The specialized police units or NCBs, if any, are also the focal points for communication with heritage professionals. Several States indicate the specific units to which those persons can refer to (Argentina, Canada, China, Cyprus, Georgia, Greece, Hungary, Lithuania, the former Yugoslav Republic of Macedonia, the Netherlands, Norway and Switzerland). One State (Sweden) intends to set up such a specialized unit in 2016.

35. The **INTERPOL Database on stolen works of art**, which is on free access, is indicated by States as a widely used tool in order to communicate information in case of theft, through the NCBs, and to consult it for searches (Bosnia and Herzegovina indicates that police officers are specifically trained). Several States indicated that they also communicate to INTERPOL information relating to persons involved in the theft (such information is not accessible to the public).

36. If some States implement **special training programs for police** in police academies or as part of continuing training (Argentina, Bosnia and Herzegovina, Bulgaria, Canada, Cyprus, Czech Republic, Greece, the Netherlands, Spain, United States of America), in most States this training is occasional (Costa Rica, Cyprus, Ecuador, Finland, the former Yugoslav Republic of Macedonia, Hungary, Niger, Norway, Slovakia, Switzerland, Swaziland, Turkey) and often takes the form of participation in awareness-raising workshops, sometimes multidisciplinary and regional.

37. The majority of reports analysed indicates the existence of **specific criminal law provisions** for the punishment of fraud and theft related to cultural property (Argentina, Bahrain, Bosnia and Herzegovina, Canada, China, Cyprus, Denmark, Georgia, Greece, Guatemala, Hungary, Japan, Lithuania, the former Yugoslav Republic of Macedonia, Norway, Poland and Turkey), or of general criminal law (Belgium, Canada, Czech Republic, Finland, Niger, the Netherlands, Sweden). If a few States report having **specialist judges** in this area (China, the Netherlands), most of them point out that the normal training of judges and the opportunity they have to consult experts allow them to deal with these cases.

38. While most reports stress the existence of **cooperation** with the **United Nations Office on Drugs and Crime (UNODC)**, especially during the development of the “International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking in Cultural Property and Other Related Offences” (adopted in 2014), some countries indicate that this cooperation is weak or non-existent (Hungary, Nigeria, Swaziland) or not specific to property cultural (Bosnia and Herzegovina, Japan, Norway and the Syrian Arab Republic). Some States refer to the national focal point in case they need expertise in this field (Greece, Pakistan, Switzerland).

39. Cooperation with the **World Customs Organization (WCO)** has increased in terms of exchange of information through the Customs Enforcement Network (CEN) and its specific ARCHEO platform for cultural property. Several States have participated in international operations (e.g COLOSSEUM in 2012 and ODYSSEUS in 2014) organized by Regional Intelligence Liaison Office (RILO) network – (notably Belgium, Bulgaria, the former Yugoslav Republic Macedonia, Sweden and Switzerland). Other States report that they cooperate with the WCO but not specifically in the field of cultural property (Canada, Norway, Syrian Arab Republic).

40. Most of the reports submitted emphasize that **customs specialized units** were trained to identify exported and imported cultural objects, and to combat their illegal traffic. These units work closely with heritage professionals in particular they organise trainings and can be consulted (Argentina, Belgium, China, Cyprus, Estonia, Finland, Georgia, Hungary, Japan, Pakistan, Portugal, Serbia, Turkey).

41. Many analysed reports indicate the existence of **special training for customs officers** (Argentina, Bulgaria, Canada, China, Cyprus, Estonia, Finland, France, Georgia, Guatemala, Switzerland, Turkey, United States of America,) as part of continuing training. In addition, some States have established e-learning modules or make specialized information available to customs administration on the intranet (Belgium, France, the Netherlands). Other States emphasize the involvement of customs officials in occasional trainings or multidisciplinary awareness-raising sessions (Bolivia (Plurinational State of), Costa Rica, the former Yugoslav Republic of Macedonia, Hungary, Niger, Portugal) and one State (Hungary) indicates that it published a handbook for customs officers to explain how to handle cases involving cultural property.

42. Some States report that they use the **UNESCO-OMD Model Export Certificate for Cultural Objects** which is sometimes adapted (Argentina, China). Other States do not use such Model but the requirements in their national export licenses are very similar to those of the UNESCO-WCO Model, in particular the European model that member States of the European Union are required to use.

IX. Emergency Situations and Heritage at risk

43. Some States have developed **risk management programs as well as safety and prevention of damage plans** in museums, archaeological sites and monuments (in particular Bosnia and Herzegovina, Denmark, France, Georgia, Portugal, Romania, Serbia, United States of America).

44. The national provisions related to the **protection of cultural heritage in case of armed conflict** mainly result from the transposition into national law of the 1954 Hague Convention and its two Protocols (Finland, Greece, Honduras, Norway, Sweden and Switzerland). Two States (Bahrain and Cyprus) are also referring to the system of **enhanced protection**, established by the Second Protocol of 1999 for their sites inscribed on the World Heritage List.

45. Considering the recent increase of natural disasters, **preventive measures** have been widely adopted to map the sites and prevent risks to movable and immovable cultural property.

46. To optimize the **protection of collections**, some national initiatives have also been taken: advice on emergency measures provided to heritage professionals by a specialized institute (Canada) and possibility to create – under the patronage of UNESCO – safe havens for movable cultural property of other countries (Switzerland). This pioneering initiative provides for the return of these collections after the conflict. Turkey also mentioned that Iraqi and Syrian cultural objects seized by national authorities are kept by the management of museums and will be returned to their region of provenance at the end of hostilities.

47. Many measures are taken to implement the **Resolution 2199 adopted by the UN Security Council** under Chapter VII of the UN Charter on the protection of the Syrian and Iraqi cultural heritage: first, States have condemned the attacks to Iraqi and Syrian cultural heritage (e.g. Belgium, Bahrain, Denmark, Finland, the Netherlands) and supported UNESCO's activities (Estonia) sometimes also financially (France and Norway).

48. At the national level, cooperation between the competent services has largely been strengthened and **controls made by Customs** have significantly increased (Canada, Czech Republic, France, the former Yugoslav Republic of Macedonia, Pakistan). States also indicated that **ethics** are central for heritage professionals, above all for museum staff, and that they must **systematically verify the provenance of the objects** (Czech Republic, Estonia, Finland and Romania).

49. Sweden states that it introduced **sanctions** after the adoption of Resolution 2199, as most countries reported that their national legislation already provided **punitive provisions and/or provisions preventing the illegal import** of cultural objects from Iraq and Syria on their national

territories (Canada, Czech Republic, Denmark, Japan, Netherlands, Norway, Pakistan, Switzerland, United States of America).

50. In some States (Estonia, Denmark, Greece, Norway, Sweden), the organisation of meetings, conferences and trainings on this issue is fundamental to **raise awareness** among the competent authorities, heritage professionals and the public concerning the importance of preventing and fighting against the impoverishment of the heritage in Iraq and Syria.

X. Other legislative, legal and administrative measures taken by States

51. Regarding the **1995 UNIDROIT Convention**, some States report they begun a review process in view of a possible ratification (Bahrain, Bulgaria, Luxembourg, Niger, Pakistan, Poland and Turkey), others are about to ratify (Bosnia and Herzegovina, Morocco, Serbia, Syrian Arab Republic and Swaziland), and others indicate that, even though they are not Parties to the Convention, their legislation contain provisions complying with it (Canada, the Netherlands and Switzerland, for instance). Two States (Belgium and France) stress the fact that some provisions of the Convention differ from their domestic law which prevent them from ratifying the Convention (reversal of the burden of proof of the good faith possessor invoked by Belgium for example). Finally, two States indicate that technical assistance would be desirable to speed up the procedure (Niger and Swaziland).

52. Most States closely follow the work of the **UNESCO Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation**, as members or observers, and support its activities. Some States indicate that they systematically transmit the documents of the Committee to their national stakeholders (Argentina, Finland, Sweden).

53. The **UNESCO Database of National Cultural Heritage Laws** is recognized as a practical and very useful tool. The majority of States regularly send their legislation in the original language with an English version for inclusion into the Database. Some States stress the fact that they need to update the information on line because of new legislations adopted or amendments, or in terms of translation (Argentina, Bolivia (Plurinational State of), Cyprus, Denmark, Nigeria, Norway, the Syrian Arab Republic, Slovakia, Turkey). Finally, some States also indicate where, on national websites, to find the whole national legislation (Estonia and Switzerland). Two States stress the difficulties they face to update and translate their legislation, because of the very frequent amendments (Hungary and Turkey).