



United Nations
Educational, Scientific and
Cultural Organization



Convention for the fight
against the illicit trafficking
of cultural property

2 MSP

**C70/12/2.MSP/5
Paris, June 2012
Original French/English**

Restricted Distribution

**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)**

**Second Meeting
Paris, UNESCO Headquarters, Room II
20-21 June 2012**

Item 5 of the provisional agenda:

**Report of the Secretariat on its activities and on
the implementation of the 1970 Convention by
States Parties**

Decision required: paragraph 123

INTRODUCTION

1. The Secretariat reports to the Meeting of States Parties to the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (hereinafter “the 1970 Convention”) on activities carried out since 2007 (Part I), year of the penultimate quadrennial report on the implementation of the Convention by States Parties (Part II).

I. REPORT OF THE SECRETARIAT ON ITS ACTIVITIES

I.1 Ratifications¹ (see chart in Annex I)

2. In five years, 12 States have become parties to the 1970 UNESCO Convention, bringing the total number of States Parties to 122:

- 2007: Germany, Montenegro, New Zealand, Norway and Republic of Moldova;
- 2008: Chad;
- 2009: Belgium and Netherlands;
- 2010: Equatorial Guinea and Haiti;
- 2012: Kazakhstan and Palestine.

3. Furthermore, three States have become parties to the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects (1995) since 2007, thus raising the number of Contracting States to 32:

- 2007: Greece;
- 2011: Denmark and Sweden.

I.2 Development of legal and practical tools

4. In five years, seven legal, practical and awareness-raising tools have been devised by UNESCO and its partners in order to facilitate and improve the implementation of the 1970 Convention.

I.2.1. UNESCO Database of National Cultural Heritage Laws (2005-2007)

5. The UNESCO Database of National Cultural Heritage Laws protects cultural heritage by fighting against the looting, theft and illicit traffic of cultural property. The development of this innovative tool was launched in 2005 at the 13th session of the Intergovernmental Committee and has been funded regularly by contributions from the United States of America (funds-in-trust). It currently comprises 2,367 national cultural laws from 180 countries. All of these texts are available online at <http://www.unesco.org/culture/natlaws>.

6. The database is systematically described and promoted in meetings, conferences and training workshops on the protection of cultural heritage. In 2011, in order to continue effectively to raise the profile of the database, its content was added to the World Heritage Centre's States Parties web pages (whc.unesco.org), the aim being to increase the number of users. Two consultants are working specifically to promote this tool in Africa, Latin America, Asia, the Arab States and Europe.

¹ For further information on ratification changes, see document C70/012/2.MSP/INF.2.

7. States are still strongly encouraged to submit their national cultural heritage legislation to the Secretariat for inclusion in the database.² In addition to updating incoming texts regularly, the secretariat ensures that the translations (from the original language into English) requested by some countries are done. Furthermore, the Secretariat continues to inform Member States and the public of the existence of this tool. To that end, a brochure was compiled and published in the Organization's six languages in 2009. It, too, is available online, together with a glossary of keywords. The updates, translations and publications are funded by the Department of State of the United States of America.

I.2.2. Basic measures concerning cultural items offered for sale on the Internet (2007)

8. Drawn up in cooperation with the International Criminal Police Organization (INTERPOL) and the International Council of Museums (ICOM), these measures³ are proposed to States that wish to follow specific procedures in order to control the sale of cultural items on the Internet and, more precisely, monitor movements of such items on virtual sales platforms more effectively, increase cooperation with police forces (foreign and international) and facilitate the seizure of items.

I.2.3. Model Export Certificate for Cultural Objects (2007)

9. Developed jointly by the UNESCO and World Customs Organization (WCO) secretariats, the Model Export Certificate⁴ is a tool for combating trafficking in cultural property. Both organizations recommend that their Member States consider adopting it as an international standard, stressing its considerable advantages in that it is specially adapted to the growing phenomenon of cross-border movements of cultural objects and is useful to Member States, their police forces and their customs officers, enabling them to combat trafficking in cultural property more effectively.

10. In late 2007, the UNESCO and WCO secretariats respectively requested their Member States to fill in an evaluation questionnaire on the usefulness and effectiveness of the certificate in order to improve the assistance provided to national authorities that adopt and use it as a tool and, if need be, to adapt it further to the States' needs. In early 2008, UNESCO and WCO received replies from 42 States and from the European Union. Those contributions were summed up in a report sent to UNESCO's and WCO's Member States and partners, together with a letter from the then Director-General of UNESCO and the Secretary-General of WCO.

I.2.4. "Witnesses to History – Documents and writings on the return of cultural objects" (2010)

11 With financial support from the Republic of Korea, UNESCO has published "Witnesses to History – Documents and writings on the return of cultural objects",⁵ edited by Professor L. V. Prott, as a scientific publication giving historical, philosophical and legal insights into the return of cultural property. This compendium, intended for the public, students, specialists and decision makers, contains a selection of significant writings published by authors and reference institutions from the late eighteenth century to the present day, thus elucidating the contemporary debate on issues relating to worldwide movements of cultural property and on restitution problems. Originally in English, it is now available in French and Chinese and is being sold by UNESCO Publishing. It is being translated into Arabic and Spanish (under the responsibility of the Ministry of Culture of Bahrain and the UNESCO

² States are invited to provide information in electronic format (diskette, CD-ROM or e-mail) officially to UNESCO, together with official written authorization from the competent national authority for UNESCO to reproduce the legislation and the export/import certificates on its website and to link the website to the official national website, unless it is expressly specified that such a link is prohibited or not desired.

³ www.unesco.org/culture/natlaws

⁴ <http://www.unesco.org/new/fr/culture/themes/movable-heritage-and-museums/illicit-traffic-of-cultural-property/juridical-and-ethical-instruments/>

⁵ *Ibidem.*

⁵ *Ibidem.*

Office in Havana respectively). The Secretariat is seeking support from the States concerned for the Russian version.

I.2.5. Video materials (since 2010)

12. The Organization has implemented several projects since 2009 in order to promote its activities and raise State and public awareness of the importance of protecting heritage and of participating in action to combat trafficking in cultural property. The secretariat has produced an 18-minute documentary⁶ portraying the action taken by UNESCO and its main partners to combat such trafficking. It illustrates the commitment of the various stakeholders involved in this activity and highlights the importance of international cooperation to the protection of cultural heritage.

13. A series of video clips⁷ designed to alert the general public in Africa and Latin America to the dangers of such trafficking has also been produced. The aim of the clips is to sensitize tourists and the local people by showing images of looted sites and destroyed objects in order to illustrate the link between the item, the site and the act of pillaging. Each clip (approximately one minute and 30 seconds) is to be shown in public places and areas frequented by travellers in the region (airports, stations, aircraft, tourist information offices and so on) and at tourist sites (particularly those on the World Heritage List). Depending on available resources, the clips will also be customized for use in other countries and regions. This project has been implemented owing to extrabudgetary funds from the Netherlands and the Swiss Confederation.

14. The UNESCO Office in Venice, in cooperation with UNESCO Headquarters, has produced a 12-minute film⁸ to raise awareness of action taken by UNESCO and its partners to combat trafficking in cultural property in South-East Europe. This project was implemented in close cooperation with ministries of culture and National Commissions throughout the region. The Director-General was interviewed for the film, which stresses the scale of trafficking in cultural property in the region, the steps (“best practices”) taken by States in the region (ratification of the 1970 Convention, development of databases, training of professionals, general introduction of export certificates and so on) and the need for effective and supportive regional and international cooperation.

15. One of the many activities and events organized to mark the fortieth anniversary of the 1970 Convention was the coproduction by the secretariat, OnePlanetPictures and Dev.tv of “Stealing the Past”,⁹ a documentary on the looting of archaeological sites, the various traffickers in cultural property and action taken by the international community to deal with this problem, with particular emphasis on UNESCO’s role. The film was broadcast by the British Broadcasting Corporation (BBC) in March 2011.

I.2.6. Continuing distance education – e-patrimoines.org (2011)

16. In February 2011, the French Ministry of Culture and Communication, in partnership with the Agence Universitaire de la Francophonie (AUF) and the Université Numérique Francophone Mondiale (UNFM), launched a continuing distance-education project for French-speaking countries. UNESCO is a partner in this provision of free distance education, delivered by high-level professionals through the AUF digital campuses (in 16 countries to more than 60 learners). The first module, on combating the theft and illicit traffic of cultural property, consists of nine lessons and a documentary.¹⁰ Teaching focuses on current legislation in France and in those countries for which the module is intended, on

⁶ <http://www.unesco.org/new/fr/culture/themes/movable-heritage-and-museums/illicit-traffic-of-cultural-property/videos/>

⁷ *Ibidem*

⁸ *Ibidem*

⁹ http://www.dev.tv/index.php/productions/documentary/stealing_the_past/

¹⁰ <http://www.e-patrimoines.org/data/spip.php?rubrique1>

organizations working to combat trafficking and on all types of heritage trafficked (movable, natural and subaquatic heritage). This initiative has aroused curiosity, interest and enthusiasm. The second module focuses on inventories. Two training modules will generally be provided online each year.

17. Such training is designed primarily for heritage professionals and for all persons needing, for work purposes, to increase their knowledge by means of one of the modules offered. To receive such distance education free of charge, applicants must register by filling in the registration form and attaching a curriculum vitae. Once the application has been reviewed, successful applicants receive a username and password that give access to the module.

I.2.7. Model Provisions on State Ownership of Undiscovered Cultural Objects (2011)

18. For a number of years, and recently during the fortieth anniversary of the 1970 Convention (UNESCO Headquarters, 15 and 16 March 2011), several international experts have pointed to the legal obstacles faced by many countries in applying for the restitution of cultural property, particularly in regard to archaeological materials taken from uninventoried and undocumented sites. In that context, Professor Marc-André Renold (Switzerland) and Professor Jorge Sanchez-Cordero (Mexico) assisted the secretariats of UNESCO and of the International Institute for the Unification of Private Law (UNIDROIT) in establishing a group of experts that is as geographically representative as possible. The group has been tasked with drafting model legislative provisions defining State ownership of undiscovered archaeological heritage, in particular. Such legal guidance could inform the drafting of national laws and promote the standardization of terminology in order to ensure that all governments adopt sufficiently explicit legal principles on the subject.

19. The outcome of the group's work was submitted to the UNIDROIT Governing Council at its 90th session (May 2011) and to the UNESCO Intergovernmental Committee at its 17th session.

20. In early 2012, a letter co-signed by the Director-General and the Secretary-General of UNIDROIT was sent to all Member States of both organizations, officially transmitting to them the results of the expert group's work. The model provisions, background information on the project and explanatory notes were enclosed in the official letter. The UNIDROIT and UNESCO secretariats will continue to promote the model provisions through training workshops worldwide and by calling for support from national governments in order to disseminate this new tool effectively.

I.2.8. Cultural heritage protection handbook No. 6. Securing religious heritage (2012)¹¹

21. A series of cultural heritage protection handbooks on practical topics such as museum security, documentation of artefact collections and museum disaster-risk management has been published under UNESCO's movable heritage outreach programme. The purpose of the programme is to inform museum staff, owners of collections and the general public about the protection and preservation of different types of movable cultural property (works of art, manuscripts, cultural items, and so forth). It is important to promote the appropriate management of collections.

22. A new handbook in this series was published in 2012 on the security of religious heritage. The 1970 Convention secretariat contributed and INTERPOL's Works of Art Unit participated actively (drafting the texts).

¹¹ <http://unesdoc.unesco.org/images/0021/002162/216292E.pdf>

I.3 Training¹²

I.3.1. Training for Africa

- (a) *Training workshops for Africa on cultural-heritage protection and combating trafficking in cultural property (Vicenza – Italy, 15-26 June 2009)*¹³

23. This training workshop on combating trafficking in cultural property in African countries was held in Vicenza, in June 2009, in partnership with the Italian police force and with support from the Italian cooperation agency. Ten African countries (with 21 participants, including five women), namely Republic of the Congo, Democratic Republic of the Congo, Djibouti, Eritrea, Ethiopia, Namibia, Niger, Nigeria, Senegal and Zimbabwe, participated. The two-week workshop was designed specifically for African professionals involved in combating trafficking and in the restitution of cultural items. The courses and seminars were given by UNESCO officials and Italian police officers, assisted by the International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM), INTERPOL and UNIDROIT.

- (b) *Preventing and combating trafficking in cultural goods in the southern Africa – Current situation and way forward (Windhoek – Namibia, 14 and 15 September 2011)*

24. On 14 and 15 September 2011, the UNESCO Offices in Harare (Zimbabwe) and Windhoek (Namibia), in cooperation with the appropriate governmental partners in this field in Namibia, held a training workshop in Windhoek entitled “Prevention and fight against illicit traffic of cultural goods in the southern African region”. The purpose of the workshop was to assess the current situation in the institutional network for preventing and combating trafficking in cultural property and to identify ways of strengthening cooperation nationally and subregionally in this field, on the basis of the UNESCO Convention of 1970 and the UNIDROIT Convention of 1995. Representatives of eight African countries (Botswana, Lesotho, Malawi, Namibia, South Africa, Swaziland, Zambia and Zimbabwe) were invited to participate in the workshop, to which representatives of INTERPOL and UNIDROIT contributed.

I.3.2. Training for Latin America

- (a) *International course on capacity-building for cultural-heritage protection – Latin America (Quito, Ecuador, 23-27 April 2007)*

25. A training course was held jointly with the Latin Union in Quito, Ecuador, for customs and police officers and various ministerial officials in Ecuador and Colombia concerned about illicit cultural-property flows from those two countries.

- (b) *Andean subregional workshop on the 1970 Convention, the control of trafficking in cultural property, and museums – Latin America (Quito, Ecuador, 17-19 September 2008)*

26. The aim of this workshop, held in Quito by the UNESCO Cluster Office and the Ministry of Natural and Cultural Heritage of Ecuador, was to assess the current implementation of the 1970 Convention in Bolivia, Colombia, Ecuador, Peru and Venezuela and to provide practical training in

¹² For an overview of these training workshops held between 2007 and 2011, see the table in document C70/12/2.MSP/INF.2 (Annex II).

¹³ For further information, see <http://www.unesco.org/new/en/culture/themes/movable-heritage-and-museums/illicit-traffic-of-cultural-property/capacity-building/workshops-in-africa/>

inventorying and policing against trafficking in cultural property. The workshops were held with support from ICOM-LAC, INTERPOL and the Italian police corps specialized in cultural-heritage protection.

- (c) *Regional workshop on the protection and safeguarding of the cultural heritage of the Church in Latin America and the Caribbean (Mexico City, Mexico, 29 September – 2 October 2009)*

27. Given the enthusiasm of collectors and in view of the art-market value, particularly in the West, of religious objects (paintings, sculptures, architectural components, jewellery and other religious items), UNESCO held, from 29 September to 2 October 2009 on the campus of the Autonomous University of Mexico (UNAM), a legal and operational training course on the specific issue of protecting religious heritage, a major target of looters. The workshop, held in cooperation with the UNESCO Offices in Cuba and Mexico, with support from the Mexican Centre of Uniform Law, brought together about forty museums managers, heritage managers, Church representatives and policy makers from Argentina, Bolivia, Colombia, Costa Rica, the Dominican Republic, Ecuador, Guatemala, Mexico and Peru. The training course was conducted in cooperation with the Latin American Museum Institute (ILAM), INTERPOL, UNIDROIT and a police officer specialized in the security of places of worship.

I.3.3. Training for Asia

28. Since 2008, Monaco's cooperation agency has agreed to provide financial support for a UNESCO capacity-building project in Mongolia to combat trafficking in cultural items (2010-2013). The project, negotiated by the authorities of Monaco and Mongolia, the Secretariat at Headquarters and the UNESCO Office in Beijing, is being implemented in coordination with the Mongolian National Commission for UNESCO. The main goal of this three-year project is to build Mongolia's capacities to combat trafficking in its cultural property by strengthening its operational capacities and by conducting awareness-raising activities. A series of seminars have been and will be held in Ulaanbaatar.¹⁴

I.3.4. Training for the Arab States

- (a) *UNESCO workshop on the protection of cultural heritage through the implementation of international conventions and related tools – Iraq and neighbouring countries (Amman, Jordan, 18-20 June 2007)*

29. This legal and operational workshop forms part of joint action by the UNESCO Offices in Iraq and Lebanon and UNESCO Headquarters to support the Iraqi authorities in rebuilding their heritage (inventories and legal expertise), looted and destroyed since 2003. The workshop was supported by UNIDROIT, INTERPOL, ICOM and WCO experts.

- (b) *Workshop to build Iraq's legal and operational capacities (Beirut, Lebanon, 2-6 November 2008)*

30. After the June 2007 seminar (see above), the second part of this training course was designed specifically for Iraqi lawyers, museum professionals, officials and police officers. This course, tailored to the region's specific features, was provided owing to funding from the Czech Republic.

¹⁴ For further information, see <http://www.unesco.org/new/en/culture/themes/movable-heritage-and-museums/illicit-traffic-of-cultural-property/capacity-building/workshops-in-asia/>

(c) UNESCO regional workshop on strengthening cultural-heritage institutional and legal frameworks (Beirut, Lebanon, 9-11 November 2009)

31. The holder's ownership status, the transfer of ownership, ICOM's activities, the UNIDROIT Convention and the updating of several national laws were discussed at the workshop, which was held in close collaboration with Euromed Heritage IV (European Commission) and the UNESCO Regional Office in Beirut under the patronage of Lebanon's Ministry of Culture. UNIDROIT, ICOM, INTERPOL and WCO also took part in the training course, which was designed for customs and police officers and various ministerial officials concerned about illicit cultural-property flows from their countries (Algeria, Egypt, Jordan, Lebanon, Morocco, Palestine, Syrian Arab Republic and Tunisia).

(d) National institutional capacity building to prevent trafficking in cultural property, for the Gulf States and Yemen (Bahrain, 21-25 November 2010)

32. The workshop, organized by the UNESCO Secretariat (Headquarters and the UNESCO Offices in Bahrain and Doha), in cooperation with the UNESCO National Commissions of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, United Arab Emirates and Yemen, was designed primarily for institutions active in protecting cultural property against trafficking, in particular public and private museums, the aim being to provide those institutions' professionals with sufficient information on standard legal instruments on the subject and with practical methodological tools for the compilation of inventories. The training course contributed to the implementation of the 1954 Hague Convention, the two Protocols thereto and the UNESCO 1970 and 2001 Conventions. Expert contributions were made by UNIDROIT, INTERPOL and WCO representatives and by a cultural-property inventory specialist.

(e) Saudi Arabia (12-14 February 2012)

33. An international conference on the return of Saudi Arabian antiquities was held in February 2012 by the Saudi Commission for Tourism and Antiquities. (SCTA) On that occasion, various events were held on the return of cultural property, such as an exhibition on recovered antiquities and a workshop for a national audience (with representatives of public institutions, private companies and civil society). Some 120 participants attended, including delegates from Egypt, Oman, Qatar, Saudi Arabia and United Arab Emirates and experts from INTERPOL and UNIDROIT.

34. This meeting betokened Saudi Arabia's commitment to making greater efforts to safeguard its cultural and natural heritage. It aimed to raise the general public's awareness of the importance of cultural heritage and its protection. Various projects were formulated in order, in particular, to conserve the built heritage, establish museums, transform some fifty regional palaces in order to house collections of cultural property and encourage scientific research in universities. The voluntary return of cultural property was encouraged. Consideration was also given to redoubling efforts to regulate illegal archaeological excavation by taking scientific standards into account, to work more with the media and to put in place incentives (rewards) for anyone wishing to return cultural property to the authorities.

35. As shown by the diversity of the participants, the objective was to integrate the issue of combating trafficking regionally (through the League of Arab States and the Gulf Cooperation Council (GCC)). It is now essential to increase the number of training courses and workshops on the legal and practical implementation of heritage protection.¹⁵

¹⁵ For further information on future training workshops in the region, see document C70/12/2.MSP/INF.2.

(f) Iran (Islamic Republic of), (March and May 2012)

36. On 7 March 2012, a working group on practical legislative measures in the Islamic Republic of Iran, research, international cooperation, the return of cultural property, artefacts and antiquities was convened jointly by the offices of UNESCO and the United Nations Office on Drugs and Crime (UNODC) in Tehran, in close cooperation with Iran's Cultural Heritage, Handicrafts and Tourism Organization (ICHHTO). The aim was to focus on legal and practical issues in transnational crime and money laundering relating to trafficking in cultural property, artefacts and antiquities. In that connection, a working group composed of national experts was formed in 2011 to discuss those issues in close collaboration with UNESCO and UNODC. At the first meeting, priorities and strategies were recommended in order to have a better understanding of those issues in Iran.

37. At that meeting, the new phase identified by the working group was launched and clear objectives and mechanisms were set for the future (linked to the UNODC Programme for 2011-2014). The meeting brought all competent authorities and experts active in protecting cultural property, artefacts and antiquities together in order to facilitate internal cooperation and implement strategies to develop international collaboration. The main three items on the agenda of the meeting were analysis of national cultural-heritage legislation, implementation of the culture programme and conduct of the awareness campaign.

38. In May 2012, the UNESCO Office in Tehran was invited to speak on the 1970 Convention and the secretariat's activities relating to its implementation at a training workshop, in Iran, on international mechanisms used in the search for stolen and illegally exported cultural objects. The statement on combating trafficking in cultural property was very well received by the participants, who called for more training workshops on the topic to be held in Iran.

I.3.5. Training for States in South-East Europe

(a) Workshop on the Cultural Heritage Objects Database – South-East Europe (Rome-Italy, 26-28 January 2010)

39. This workshop was held by the UNESCO Office in Venice, in cooperation with the Italian police corps specialized in cultural-heritage protection. The workshop mainly targeted experts from South-East Europe, who gained from the Italian police corps' experience. The main aims of the workshop were to:

- strengthen procedures for documenting and compiling inventories of cultural items;
- identify problems, needs and priorities in this field;
- find solutions in order to combat trafficking in cultural property; and
- share experience, knowledge and best practices for the establishment of the cultural-heritage database and, more generally, the protection of cultural property.

40. The workshop highlighted the importance of the database as a tool for cultural-heritage protection and against looting, theft and the illegal export and import of cultural property under UNESCO's 1970 Convention and the UNESCO 2001 Convention on the Protection of the Underwater Cultural Heritage.

- (b) *International expert meeting on awareness-raising and communication strategies to combat trafficking in cultural property in South-East Europe (Skopje, the former Yugoslav Republic of Macedonia, 13 October 2011)*

41. On 13 October 2011, an international expert meeting was held in Skopje by the UNESCO Office in Venice, in cooperation with the Macedonian National Commission for UNESCO, on *awareness-raising and communication strategies to combat trafficking in cultural property in South-East Europe*.

- (c) *International expert meeting of on awareness-raising and communication strategies to combat trafficking in cultural property in South-East Europe (Tirana – Albania, 23 November 2011)*

42. An international expert meeting on *awareness-raising and communication strategies to combat trafficking in cultural property in South-East Europe* was held on 23 November 2011, in Tirana, by the UNESCO Office in Venice, in collaboration with the Ministry of Tourism, Culture and Sports of Albania and with support from Albania's One UN Coherence Fund.

I.3.6. The secretariat's future activities

43. Training and capacity-building continue to be of the essence. The secretariat will therefore increase its activities during the 2012-2013 biennium, owing to support granted by the Director-General under the Emergency Fund. These workshop projects will cover all world regions. Document C70/12/2.MSP/INF.2 contains a detailed description of each of these projects.

I.4 International cooperation

I.4.1. Cooperation with governmental and non-governmental organizations

44. Since 2007, cooperation with INTERPOL, UNIDROIT, WCO, UNODC, ICOM, the specialized Italian police corps and France's *Office Central de Lutte contre le Trafic des Biens Culturels* (OCBC) has been growing ever stronger to combat trafficking and to develop and implement tools for the return and restitution of cultural property, State information, training and awareness raising. Those organizations communicate frequently with each other, particularly in regard to thefts and illegal exports of cultural property worldwide and procedures for its restitution. Such cooperation entails regular meetings and yields tangible results such as lawful restitutions of cultural property and an improvement in the legal and practical framework for combating the pillaging and illicit transfer of cultural property.

- (a) *International Institute for the Unification of Private Law (UNIDROIT)*

45. Together with INTERPOL, UNIDROIT is one of UNESCO's most important partners in combating trafficking in cultural property. Owing to the complementarity of the 1970 and 1995 Conventions, their implementation entails quasi-daily cooperation between the secretariats and UNIDROIT's routine participation in training workshops and statutory meetings held by UNESCO. One tangible illustration of such cooperation was the drafting and adoption of model provisions on State ownership of undiscovered cultural property in 2011.¹⁶ Lastly, as a token of such close collaboration, the first meeting of the UNIDROIT secretariat's special committee on the practical operation of the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects was hosted at UNESCO Headquarters on 19 June 2012, from 10 a.m. to 6 p.m.

¹⁶ See Section II.8.

(b) International Criminal Police Organization (INTERPOL)

46. In addition to the legal and political implementation of the 1970 and 1995 Conventions, it is important for the UNESCO and UNIDROIT secretariats to be in close contact with the various specialized national police forces and, above all, with INTERPOL in order to be informed of results achieved by implementing the provisions of the UNESCO conventions against trafficking in cultural property, and members of the UNESCO secretariat attend INTERPOL meetings, in particular the meeting of the INTERPOL Expert Group on Stolen Cultural Property.¹⁷

47. The UNESCO and the INTERPOL Secretariats also cooperate by exchanging information on cases of thefts of cultural property. The INTERPOL database is in that regard an excellent, rapid and efficient tool for seeking and checking information on those cases.

(c) World Customs Organization (WCO)

48. WCO, historically an institutional partner, is invited to participate in meetings convened by UNESCO on combating trafficking in cultural property. The basis of such cooperation is the UNESCO-promoted model export certificate (2007),¹⁸ use of which was appraised in 2012.

49. UNESCO and WCO also cooperate by conducting training courses in workshops worldwide.

(d) United Nations Office on Drugs and Crime (UNODC)

50. Pursuant to ECOSOC's adoption of resolution 23 in July 2008, UNESCO responded favourably to ECOSOC's invitation to UNODC to convene an intergovernmental expert group in order to formulate recommendations on protection against trafficking in cultural property for submission to the Commission on Crime Prevention and Criminal Justice at its eighteenth session. UNESCO was associated with that group's work in November 2009 in Vienna in order to give pride of place to strong cooperation between agencies and States on the basis of existing legal tools and practices.

51. UNESCO follows UNODC's work against cultural-property-related crime closely. A secretariat representative has participated regularly in meetings held in Vienna in the last few years:

- fifth session of States Parties on the United Nations Convention against Transnational Organized Crime (Palermo, 2000), 18 to 22 October 2010;
- twentieth session of UNODC's Commission on Crime Prevention and Criminal Justice (CCPCJ),¹⁹ 11 to 15 April 2011;
- informal meeting of the expert group on protection against trafficking in cultural property, Vienna, 21 to 23 November 2011. The purpose was to study specific draft guidelines for crime prevention and criminal-justice responses to trafficking in cultural property.

Similarly, a UNODC representative has been invited to speak at sessions of the Intergovernmental Committee.

¹⁷ The INTERPOL Expert Group on Stolen Cultural Property (GEI) meets once a year, generally at INTERPOL Headquarters in Lyon. The ninth meeting was held on 28 and 29 February 2012.

¹⁸ See Section II.3.

¹⁹ CCPCJ is the United Nations primary crime prevention and criminal justice organ. The Commission formulates international policies and recommendations on criminal justice issues, in particular human trafficking, transnational crime and several aspects of terrorism prevention. It monitors the use and implementation of the relevant United Nations standards and norms and guides policy development to meet new problems.

(e) International Council of Museums (ICOM)

52. In the last few years action against trafficking in cultural property has become one of ICOM's priority programmes. In addition to the Code of Ethics for Museums (revised in 2006), action has been taken to raise the awareness of heritage professionals and the public at large. The Red Lists are of particular interest in that they document categories of items (archaeological or works of art) belonging to weakened regions or countries (political crisis, natural disaster, etc.) whose heritage could be exported illegally. Compiled in cooperation with international museum community experts, they facilitate the identification of types of items that are particularly at risk and they are distributed worldwide to police forces and customs services (through INTERPOL, UNESCO, WCO and the museum network, among others).

53. Since 2007, ICOM has published the following red lists:

- Red List of Peruvian Antiquities at Risk, 2007;
- Red List of Cambodian Antiquities at Risk, 2009;
- Red List of Endangered Cultural Objects of Central America and Mexico, 2009;
- Emergency Red List of Haitian Cultural Objects at Risk, 2010;
- Red List of Chinese Cultural Objects at Risk, 2010;
- Red List of Colombian Cultural Objects at Risk, 2010.

I.4.2. The art market

54. Since the previous meeting of States Parties to the 1970 Convention in October 2003, UNESCO has increased overtures to the art market. New professional contacts have been made and in-depth dialogue has been conducted since 2008 between the secretariat and international art-market representatives. The goal is to encourage better mutual knowledge of art-market working methods on the one hand and, on the other, of Member States' concerns about movements of works of art and issues relating to the restitution of cultural property. To that end, during the celebration of the fortieth anniversary of the 1970 Convention and at the 16th and 17th sessions of the Intergovernmental Committee (in September 2010 and June 2011 respectively), the secretariat invited the most representative art-market stakeholders (including Christie's and Sotheby's – the auctioneers, the Confédération Internationale des Négociants en Œuvres d'Art (CINOA) and the Syndicat National des Maisons de Ventes Volontaires (SYMEV) to send representatives to take part in discussions

55. Furthermore, at the urging of the Director-General of UNESCO, discussions are under way with the international art world in order to improve practices and awareness raising in such areas as provenance investigations, ethics, restitution procedures and knowledge of the international legal framework.

I.4.3. European Union

56. In 2011, a team of European researchers won an invitation to tender for a European Union (Directorate-General for Home Affairs of the European Commission) feasibility study, entitled "HERMES 2011", on the means of preventing and combating trafficking in cultural goods. The project was implemented with support from UNESCO, UNIDROIT, INTERPOL and European universities.²⁰ UNESCO's support was decisive for the award of the bid and constituted strong intellectual and financial backstopping for the completion of the study.

²⁰

Available online at: http://ec.europa.eu/home-affairs/doc_centre/crime/crime_prevention_en.htm.

57. Owing to that work, completed in November 2011, stumbling blocks and difficulties arising from the legal framework and various partners' practices geared to preventing and combating trafficking in cultural goods in the European Union and other States (Iraq in particular) were identified, a series of solutions was proposed and legal and operational recommendations were formulated for implementation in Europe.

58. Following that study, the Council of the European Union adopted conclusions in December 2011 on preventing and combating crime against cultural goods.²¹ In its conclusions, the Council recommended, in particular, the establishment of an expert group under the Work Plan for Culture 2011-2014 to produce a toolkit on the fight against trafficking in and theft of cultural goods. The group met for the first time on 14 March 2012 and involved several European Directorates-General and the UNESCO Office in Brussels, which drew up and submitted proposals for the establishment of a partnership. The goal was to persuade the Commission to cooperate with UNESCO in training people to combat trafficking in cultural property (in particular in Africa and the Caribbean). The UNESCO Secretariat (Headquarters and the field) is organizing several training courses on combating trafficking in cultural property, which will be held between September 2012 and December 2013.²²

I.5 Emergency activities

I.5.1. Protection of cultural heritage in Haiti (January 2010)

59. In the immediate aftermath of the January 2010 earthquake, UNESCO responded by establishing a crisis unit and dispatching a mission to Port-au-Prince. The Organization mainly monitored educational projects and mobilized the international community to deter looters. Precautionary steps had to be taken to ban temporarily trading in and transfers of Haitian cultural property suspected of being stolen from cultural institutions or places of worship. Consequently, drawing on the principles of the 1970 Convention, an appeal was made to the United Nations Stabilization Mission in Haiti (MINUSTAH) to protect the country's flagship sites and museums, and a campaign was mounted to ban international trade in Haitian works of art temporarily. Also drawing on the 1970 Convention, the Director-General alerted WCO, INTERPOL and the French and Italian specialized police corps to be particularly watchful over items taken out of Haiti and in the importing countries. Those organizations all reacted positively and quickly to that alert. Furthermore, after appealing to the United Nations Secretary-General to request the Security Council to adopt a resolution temporarily banning the transfer of and trade in Haitian cultural property, the Director-General stated that the aim was indeed – for art-market stakeholders, in particular – to ascertain the provenance of works likely to be imported, exported and/or offered for sale on the Internet, in particular. The purpose of that initiative was not at all to impede commercial transactions on crafts and contemporary creative works that were the Haitian people's major source of income.

I.5.2. Protection of cultural heritage in Egypt, Tunisia and Libya (Spring 2011)

60. UNESCO reacted promptly to the uprisings in Arab countries in Spring 2011 by alerting the international community to the need to protect the heritage and combat trafficking in cultural property in the crisis-stricken region. In a press release dated 16 February 2011, the Director-General called primarily on art dealers and collectors to be on heightened alert for movements of artefacts stolen in Egypt. On 15 March 2011, during the celebrations of the fortieth anniversary of the 1970 Convention, advantage was taken of the presence of international experts to hold, at UNESCO Headquarters, an emergency technical meeting, chaired by the Director-General, on cultural-heritage protection in Egypt, Tunisia and Libya. As a result of that meeting, UNESCO, assisted by ICOM, dispatched a

²¹ See 3135th Justice and Home Affairs Council meeting (Brussels, 13-14 December 2011).

²² Document C70/12/2.MSP/INF.2

special mission of experts to Cairo to assess needs in the museum sector and make contact with Egyptian authorities in order to continue work to protect Egypt's cultural heritage. INTERPOL, UNESCO's partner in combating trafficking in cultural property, was working on the spot, too. A list of stolen items, mostly with descriptions provided, was submitted for inclusion in INTERPOL's stolen art database. Furthermore, the second mission, comprising two experts, including one from INTERPOL, was dispatched in May 2011 to assess the site security situation and the looting of Egyptian cultural property. A mission was sent to Tunisia, too, in order to contact the new culture officials, make a preliminary assessment of the situation on the ground and, subsequently, enrich the action plan adopted at the emergency meeting held on 15 March 2011. Following those missions, an information meeting on UNESCO's activities and strategy in response to events relating to the Arab States region was held on 1 April at UNESCO Headquarters and was attended by delegations from those States. The UNESCO experts sent on mission submitted their reports on that occasion.

61. Switzerland's Federal Office for Culture has approved substantial financial assistance in order to provide long-term anti-trafficking training, preserve museum collections and build capacities to protect Egypt's heritage.

I.5.3. Heritage protection in Syria

62. In March 2012, after receiving alarming reports that historical sites had been damaged and cultural property looted in various regions of Syria, the Director-General alerted the international community in a press release issued on 30 March 2012, setting out the obligations incumbent upon States signatories to the 1970 Convention and to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict.

63. Furthermore, in April 2012, the Director-General wrote to UNESCO's partners in action against trafficking in cultural property (INTERPOL, WCO, OCBC and the Italian police force), to put them on heightened alert for movements of cultural property. To minimize the risk of illegal exports of cultural property, Syria's neighbours, too, were alerted.

64. Lastly, referring to United Nations Security Council resolution 2043 (2012),²³ the Director-General formally contacted the United Nations Secretary-General and the President of the Security Council to report specific threats to Syria's heritage and requested them to alert the United Nations Special Envoy to the importance of ensuring that the provisions of the various international conventions on the protection of cultural property were observed.

I.5.4. Heritage protection in Mali

65. In March and April 2012, when Mali's cultural heritage was seriously at risk, the Director-General issued press releases (on 3 and 15 April and 9 May 2012) to alert the international community. UNESCO's partners in combating trafficking in cultural property and Mali's neighbours were again alerted to avoid thefts and the illegal export of Mali's cultural property as much as possible.

66. Furthermore, the Director-General drew the attention of the Chairperson of the Commission of the African Union to the state of Mali's cultural heritage and, in particular, to the world heritage sites at Timbuktu and Gao. Similar representations were made to the President of the Economic Community of West African States.

²³ United Nations Security Council resolution 2043 (2012) establishing, in particular, a United Nations Supervision Mission in Syria (UNSMIS) tasked with monitoring observance of all parties of the cessation of armed violence and the full application of the six-point proposal of the Joint Special Envoy for the United Nations and the League of Arab States.

67. From 18 to 20 May 2012, an emergency UNESCO mission composed of the Assistant Director-General for Africa, the Director of the World Heritage Centre and the Chief of the Africa Unit of the World Heritage travelled to Mali. The purpose of that mission was to hold talks with the competent authorities of Mali in order to find ways and means of saving that country's world heritage.

I.6 Celebration of the fortieth anniversary of the 1970 Convention

68. On 15 and 16 March 2011, the fortieth anniversary of the 1970 Convention was celebrated at UNESCO Headquarters.²⁴ To mark the occasion, the secretariat held an international round table on trafficking in cultural property, a press conference and a forum of experts. The purpose was to appraise the effectiveness of the Convention and to design strategies in order to improve its implementation in response to the new forms that cultural-heritage trafficking now takes.²⁵

69. More than 500 persons, namely representatives of UNESCO Member States and Observers, intergovernmental organizations, non-governmental organizations specialized heritage protection, experts, legal experts, archaeologists, historians, art dealers, researchers, students and many international journalists, participated in the debates. The secretariat drew on the discussions to formulate several recommendations and an action plan, which have been submitted to the Director-General, the goal being to monitor the 1970 Convention and action to combat cultural-property trafficking (in particular the undiscovered archaeological heritage) more efficiently and ensure restitution of stolen or illegally exported cultural property, in cooperation with Member States, partner IGOs and NGOs, experts and the public. The anniversary celebrations were held owing to financial support from Switzerland's Federal Office for Culture, Mexico, the Banco di Sicilia Foundation and Dev.tv corporation and logistical support from VMF-Heritage Historique, an NGO.

I.7 Support from States Parties

I.7.1. United States of America

70. The Department of State of the United States of America is one of the major sources of financial support for the 1970 Convention secretariat's activities. As specified in Section II.1 above, the UNESCO Database of National Cultural Heritage Laws has been wholly funded by the United States of America. That tool, acknowledgedly crucial to combating trafficking in cultural property, has been improved and updated regularly since 2005 under funds-in-trust from the United States of America.

I.7.2. Switzerland

71. Switzerland's Federal Office for Culture (FOC) strongly supports the 1970 Convention secretariat's operational activities. Most awareness-raising projects (publications, films, video clips, celebration of the fortieth anniversary of the 1970 Convention, etc.) have been funded by that State's authorities, and training workshops will be held in Egypt owing to Switzerland, whose financial support has been crucial to many projects.

72. In 2012, UNESCO and the University of Geneva (Faculty of Law) signed an agreement establishing a Chair entitled "international law of the protection of cultural heritage", which will be opened at the beginning of the 2012-2013 academic year and will complement the activities of the

²⁴ Final report on the meeting (Ref. CLT/2011/CONF.207/8 REV) available at the following address: <http://unesdoc.unesco.org/images/0019/001927/192779F.pdf>

²⁵ See Recommendation No. 7 adopted at the 16th session of Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation (September 2010).

University's Art-Law Centre. It will have two components, namely teaching and research, and its purpose is to enrich the courses on offer and encourage training in this subject-area. Furthermore, cooperation under the UNITWIN programme ("university twinning and networking") will encourage international cooperation.

I.7.3. Italy

73. The Italian police force is an important institutional partner, in particular in training workshops conducted for countries or regions that request training so that they can combat trafficking in cultural property. Its specialized corps' experience of cultural-heritage protection is an invaluable asset inasmuch as it can give advice, make recommendations and share field-tested best practices that participants can subsequently teach to others locally.

74. Furthermore, at the beginning of 2012, Italy seconded a police officer specialized in combating trafficking in cultural property to the 1970 Convention secretariat for two years. That police officer has lengthy experience of training and can strengthen the secretariat substantially, in particular, for the organization of operational activities and the conduct of training workshops.

75. The Italian authorities, the Italian police force and UNESCO held a unique exhibition of some thirty stolen and recovered cultural items from 19 June to 6 July 2012 at UNESCO. The purposes of that event were to illustrate and highlight the work and success of the Italian police force and international cooperation in combating trafficking in cultural property and to enable visitors to view outstanding works of art.

I.7.4. Belgium

76. Since its ratification of the 1970 Convention in 2009, Belgium has supported the Convention's secretariat actively. In 2011 and 2012, extrabudgetary contributions were made to strengthen the secretariat's human resources temporarily.

I.7.5. Monaco

77. As noted in Section II.3 above, Monaco's cooperation agency provides financial support for a UNESCO capacity-building project in Mongolia in the field of heritage protection (2010-2013). The project, negotiated by both countries' national authorities, the secretariat at Headquarters and the UNESCO Office in Beijing, is being implemented in coordination with the Mongolian National Commission for UNESCO. The main goal of this three-year project is to build Mongolia's capacities to combat trafficking in its cultural property by strengthening its operational capacities and by conducting activities to raise the awareness of target groups such as legal experts, police officers and museum professionals.

I.7.6. Czech Republic

78. Owing to funding from the Czech Republic, workshops have been held and materials promoting Iraqi heritage have been developed since 2009 in cooperation with the UNESCO Office in Baghdad. These new educational tools are designed to raise awareness – particularly among children – of the importance of preserving the country's cultural heritage.

I.7.7. Netherlands

79. Since 2009, the Netherlands Ministry of Education, Culture and Science has provided financial support for several promotional projects and awareness-raising initiatives against trafficking in cultural property. Video clips tailored to Africa and Latin America have been produced, for example, to alert

the general public to the dangers of such trafficking and to make tourists and local people aware of the importance of protecting cultural heritage.

I.8 Mobilizing extrabudgetary resources to strengthen the Convention secretariat

80. Since 2007, the secretariat has redoubled its efforts to promote the 1970 Convention. In part, this has meant securing adequate human and financial resources with which to meet existing challenges. Currently, the 1970 Convention secretariat consists of one full-time Professional staff member, two Professional temporary staff members, one temporary secretary and, for a two-year period as from February 2012, an expert seconded by Italy (see paragraph 82 below).

81. To remedy this situation, as the Convention, a UNESCO cultural instrument, was deemed a priority for monitoring, the General Conference decided at its 36th session in 2011 to allocate an additional US \$700,000 for Major Programme IV, Main Line of Action 2, which covers the 1970 Convention. However, as the payment of some Member States' contributions to the Organization's regular budget has been suspended, no action could be taken on that decision. The Director-General therefore decided in March 2012 to offset that shortfall by allocating \$374,000 from the Emergency Fund to cover programme implementation (training workshops – see document²⁶ C70/12/2.MSP/INF.2) and human resources (see below) expenditure in 2012.

82. Owing to the monies allocated by the Director General from the Emergency Fund for human resources, a full-time secretary was recruited in May 2012 and the contract of the junior legal expert was extended to the end of 2012. The temporary contract of the second professional on the team is funded from extrabudgetary resources and the Italian expert mentioned above is remunerated by her State. In view of the current budget situation, however, it would be unrealistic to expect additional staff to be recruited against programme and regular budget funds to the Convention secretariat in the medium term, even though such additional recruitment is the basic necessity. By sustainably mobilizing extrabudgetary resources, Member States can resolve those difficulties and can help to strengthen the secretariat, thus improving its capacity to meet their expectations, particularly in training and in raising awareness.

83. Using the resources at its disposal, the 1970 Convention secretariat – which is also responsible for the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation – is making best endeavours to implement the Convention and to focus on training. It cannot, however, meet the great medium- and long-term needs and expectations of the States Parties to the Convention in respect of sustainable capacity-building, awareness raising, technical assistance and legal expertise in order to implement the 1970 Convention, statutory meetings, the intergovernmental committee for the monitoring of the implementation of the 1970 Convention – if it is ever established – and the existing Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation.

84. Given the nature of the above responsibilities and tasks, the secretariat reckons that three more Professional posts and one more General Service post are required for the established staff complement. Those posts should include a legal expert for the 1970 Convention (to support the Programme Specialist), a legal expert for the Intergovernmental Committee (to support the Programme Specialist), a promotional and awareness-raising specialist (assisted by the expert seconded by Italy) and a person to perform administrative tasks (currently performed, in part, by the Programme Specialist).

²⁶ Online at <http://unesdoc.unesco.org/images/0021/002163/216391F.pdf>

85. The Meeting of States Parties may wish to set up a mechanism to establish a special fund to finance those posts. States Parties wishing to meet the needs specified above would voluntarily contribute an amount of their choice to the fund. The fund would support the secretariat's human resources in the long term and would help it to plan operations for a longer period of time in a more stable, sustainable and assured manner. Recruitment and appointments to posts financed from the fund would be competitive in accordance with the criteria enshrined in UNESCO's Staff Regulations and Staff Rules and Human Resources Manual.

86. Lastly, States Parties may wish to fund two- to three-year temporary posts (associate experts or secondments) for citizens of developing countries – in Africa and Latin America in particular – in order to build those countries' capacities while strengthening the secretariat's human resources. Such posts would allow States whose nationals are thus employed to capitalize on the experience gained in the secretariat when they return home at the end of their tour of duty.

II. REPORT ON THE IMPLEMENTATION OF THE 1970 CONVENTION BY STATES PARTIES (2007-2011)

II.1 Introduction

87. This document presents a summary of the reports submitted to the Secretariat as of 30 March 2012 by 45 States Parties²⁷ to the 1970 Convention and three States that are not Parties²⁸ to the instrument, on the most significant measures they have adopted to implement the 1970 Convention and the principles contained therein, and the action they have taken at the national level to combat trafficking in cultural property more effectively. It also draws the attention of the participants of the meeting to the information provided by the States on the main obstacles and difficulties encountered and proposes means of overcoming them, drawn from the practical experience of these States.

88. Under Article IV and VIII of the Constitution of UNESCO, as well as under Article 17 of the Rules of Procedure concerning recommendations to Member States and international conventions, and Article 16 of the 1970 Convention, Member States and States parties are required to submit a report on the legislative and administrative provisions they have adopted and on other measures taken to implement the conventions and recommendations adopted by the Organization. In accordance with the specific multi-stage procedure for the monitoring of the implementation of UNESCO conventions and recommendations for which no specific institutional mechanism is provided (177 EX/Decision 35 (I)) and with 32 C/Resolution 38, the periodicity for submitting such reports on the implementation of the 1970 Convention is set at four-year intervals. The purpose of reporting is to illustrate the action taken to implement the Convention and the progress achieved or obstacles encountered by States Parties and non Parties.

²⁷ Angola, Argentina, Australia, Belgium, Bosnia and Herzegovina, Burkina Faso, Canada, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Ecuador, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Italy, Japan, Jordan, Lithuania, Mauritius, Mexico, Netherlands, Norway, Peru, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Ukraine, United Kingdom, United Republic of Tanzania, United States of America and Viet Nam.

²⁸ Botswana, Latvia and Monaco.

89. Reports were received by the Secretariat in 1978, 1983, 1987, 1995, 2003, 2007 and in 2011. The details on these reports can be found on our website²⁹.

Years	1978	1983	1987	1995	2003	2007	2011
From States Parties to the Convention	17	13	25	1	7	25	45
From non-States Parties to the Convention	10	2	12	17	12	6	3
Total Reports received	27	15	37	18	19	31	48

Ratifications of the Convention	38	50	58	82	103	115	120
Percentage of States Parties that sent a report	44.7%	26%	43.1%	1.2%	6.8%	21.7%	37.5%

90. The information is presented according to the guidelines given 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;
- inventories and identification;
- measures taken to prevent illicit excavations;
- measures taken to control the export and import of cultural property;
- system of exchange, acquisition, ownership and transfer of ownership of cultural property;
- bilateral agreements;
- educational means and raising of public awareness – code of ethics;
- cooperation with other international and regional agencies;
- adequacy, effectiveness, weakness and adjustments or improvements to be made;
- other measures and additional comments.

II.2 Implementation in the national legal system and in the organization of services

91. Most of the reports received mention that the States have adopted specific regulations on the protection of cultural heritage and have specialized public services (Mexico) at the national and/or local level that guarantee the enforcement of these regulations (e.g., inter-ministerial and administrative coordination in France, Jordan, Mexico, Norway, Netherlands and Ukraine; cooperation in tax matters between the cultural heritage department and customs officials in Angola). Several States have legal structures and measures for dealing with offences against cultural property

²⁹

<http://www.unesco.org/new/en/culture/themes/movable-heritage-and-museums/illicit-traffic-of-cultural-property/1970-convention/examination-of-the-report-by-member-states-and-other-states-parties-on-measures-taken-in-application-of-the-convention/>

(Australia, China, Croatia, Cuba, France, Greece, Latvia, Lithuania, Mexico, Netherlands, Peru, Romania, Sweden, Switzerland, Ukraine, United Kingdom and United States of America).

92. A number of States have put in place risk management programmes and security plans for the prevention of damage to cultural property for museums, archaeological sites and monuments (Argentina, Ecuador, Mexico, Norway, Netherlands and Ukraine).

II.3 Inventories and identification

93. Most States that submitted a report indicated that they describe cultural property with reference to the definition provided in the 1970 Convention (e.g., Peru), and have established a comprehensive national register or list of all the cultural property in the country's public collections, in which the objects may be ranked according to their heritage value.

94. Some States use the Object-ID criteria³⁰ (e.g., Republic of Korea), or are currently in the process of implementing it (Switzerland), to identify their cultural property, and some have digitized registers and documents (Canada, Czech Republic and Estonia). Others have created inventories and databases for the management of cultural objects (Colombia, Ecuador and United Kingdom) accessible to trained staff who are responsible for their protection. There are also lists of property owned by non-governmental organizations and individuals (Jordan and Viet Nam).

95. Inventories of public or private objects and of ecclesiastical heritage have also been established in some countries (Ecuador, Finland, Italy, Netherlands, Peru and Sweden) and cooperation with religious authorities is ensured (e.g., Colombia, Norway and Romania) to ensure specific protection of property used for worship.

96. With regard to the spoliation of cultural property during the Second World War, several States (Germany, Poland and United Kingdom) have adopted specific provisions in order to facilitate the identification and restitution of the property concerned.

II.4 Measures taken to prevent illicit excavations

97. Illegal archaeological excavations remain a serious problem (for example in Ecuador, Greece, Mexico, Romania and United Kingdom), and it is still very difficult to determine the origin of an object that has been illicitly excavated, and at what moment it was extracted from the ground and exported (Italy, Ukraine). Most States protect their archaeological heritage, by defining antiquities (e.g., Cyprus), identifying archaeological sites and findings (Peru, Saudi Arabia and United Kingdom), implementing preventive archaeology measures (Czech Republic), and prohibiting unauthorized excavation (e.g., Estonia, France and Ukraine), particularly at historic sites (Viet Nam). Some States consider that ownership of cultural objects that have not yet been discovered or have already been extracted from archaeological excavations lies with the public authorities (Angola, Argentina, Bosnia and Herzegovina, China, Ecuador, Hungary, Italy, Mexico, Poland and Ukraine).

98. In general, excavations are carried out by specialized agencies with an authorization from the competent authorities (e.g., in the former Yugoslav Republic of Macedonia, Lithuania, and Mauritius). Metal detectors are a recurrent problem (Estonia, France and United Kingdom) and although they are not prohibited, a licence is sometimes required for their use (Belgium, Germany, Lithuania and Sweden).

³⁰ Object-ID: an international standard for describing art, antiques and antiquities.

II.5 Measures taken to control the export and import of cultural property

99. Generally, as regards the export of cultural property, permits are required (e.g., Bosnia and Herzegovina, Botswana, Canada, Cyprus, France, Greece, Hungary, Romania and United Kingdom) and controls are ensured (e.g., Ukraine and United States of America), notably in airports, ports and customs checkpoints (Colombia, Ecuador, Peru and Switzerland) and particularly for Iraqi cultural property (Germany). However, generally speaking, European Union regulation is regarded as a restraint on effective control.

100. Most of the reports submitted highlight the fact that specialized police units (Belgium, Burkina Faso, Colombia, France, Hungary, Italy, Jordan, Lithuania, Romania and United Kingdom) and customs units (Canada, China, Ecuador, Greece, Latvia, Mexico, Romania and United States of America) have been trained to identify and protect cultural property that is imported and exported, particularly that of museums or of an archaeological nature, and to suppress trafficking (Netherlands, Poland, Sweden and Viet Nam).

101. In one State that is not yet party to the Convention (Monaco), the non-distrainability of loaned cultural property is guaranteed.

II.6 System of exchange, acquisition, ownership and transfer of ownership of cultural property

102. Several States have established the principle of the inalienability of archaeological property or cultural property belonging to the State (Belgium, Burkina Faso, China, Ecuador, Finland, France, Portugal, Republic of Korea, Romania, Switzerland and Ukraine) and sometimes of that belonging to individuals (e.g., Cyprus) while others allow institutions to part with their cultural property (e.g., Australia). In Australia and Burkina Faso the sale of human remains and ritual, secret and sacred indigenous objects, is prohibited. Some States also believe that the European Directive of 1993 is insufficient and too vague to facilitate the return and restitution of cultural property (Czech Republic and Netherlands).

103. In certain countries, art market professionals are either not regulated by the State or simply follow general trade rules (Angola, Costa Rica, Germany, Hungary and Latvia) while in countries such as Cyprus and Jordan, trade in antiquities is prohibited. Generally, professionals are granted a licence and required to keep an account book or register specifying the nature of their transactions (Belgium, France, Greece, Italy, Monaco, Norway, Romania and Switzerland) and must sometimes even provide certificates of authenticity (Italy). In Australia, art dealers must pass a test before they can practice the profession.

104. Some States have provided their heritage service or specialized police with catalogues and databases of stolen objects (Croatia, Czech Republic, Hungary, Italy, Latvia, Lithuania, Norway, Romania, Ukraine and United Kingdom).

105. Generally speaking, there is a disparity between the scale of the trafficking and movement of cultural property and the extent of regulation. However, in some countries, the sale of archaeological property is prohibited, sometimes specifying a date prior to which the property is considered as *extra commercium* (Greece). National treasures are qualified (Finland and Japan) and are banned from export (Bosnia and Herzegovina and Croatia).

106. As regards the sale of cultural property on the Internet, there is growing awareness in some States (Netherlands) of the importance of combating this new form of trafficking through staff training (Croatia and Sweden) and by signing agreements with virtual auction platforms (Germany and United Kingdom).

II.7 Bilateral agreements

107. Some States consider that these agreements are not necessary in view of the universal dimension of the Convention, but, the majority of them have signed bilateral agreements, arguing that it facilitates the implementation of the Convention and enhances its effectiveness (Ecuador, Greece and Mexico), particularly for the protection of property considered to be vulnerable (Argentina, Australia and China). Another State (United States of America) requires that the importation of cultural property be contingent upon the existence of a bilateral agreement with another State Party. The United States of America imposes import restrictions (i.e. prohibiting the importation of certain materials in the absence of satisfactory documentation) by entering into bilateral agreements on a country-by-country basis with the exporting State.

108. Cooperation for the return of cultural property is also favoured by the lending of objects, joint excavations and the organization of joint exhibitions (Italy). However, most States understand the importance of international and regional cooperation (particularly in respect of police and customs services and mutual legal assistance in criminal matters) while denouncing, however, the lack of political will to cooperate (Latvia) in the fight against trafficking in cultural goods, particularly on the part of the States that are recipients of cultural property.

II.8 Educational means and raising of public awareness – code of ethics

109. Several States have already established training programmes and advertising campaigns, on the radio and television (Argentina, Canada, Colombia, Estonia, the former Yugoslav Republic of Macedonia, France, Greece, Italy, Latvia, Mexico, Switzerland, United Kingdom and United States of America), but it is generally argued that UNESCO should play a greater role in education and awareness raising (Bosnia and Herzegovina, Greece, Norway and Romania) and in the development of ethical standards for the protection of cultural property (such as work carried out in Mongolia with support from Monaco). This would involve translating legal texts contained in the cultural heritage laws database, conducting awareness campaigns for young people, local populations and the art market, organizing and facilitating the organization of seminars and providing training for professionals (Canada and Viet Nam).

110. In this regard, it should be noted that raising the awareness of communities is a lengthy and complex process, particularly in developing countries where trafficking is a potential source of income. Consequently, development of awareness-raising policies should be aimed at local communities, tourists, young people and universities (Cuba and Georgia). Nevertheless, this action can only be truly effective if it is coupled with a real incentive to regulate effectively professions related to the art market. One State (Netherlands) has developed a set of cards raising awareness about the protection of heritage and the implications of trafficking in cultural property.

111. Several countries adhere to codes of ethics for museums and dealers in cultural property (ICOM Code of Ethics and national codes of ethics), and ensure their dissemination (Republic of Korea and Switzerland). It is recognized, however, that, as these texts are not binding, few countries guarantee their effective implementation (e.g., Peru).

112. Lastly, one State has adopted specific directives for museums, libraries and archives in order to more effectively fight trafficking in cultural property (United Kingdom), and another (Poland) publishes and distributes magazines listing stolen and/or lost cultural property.

II.9 Cooperation with other international and regional agencies

113. Most of the reports analysed show that the majority of States cooperate with INTERPOL particularly through the establishment of National Central Bureaux of INTERPOL. The Database on stolen works of art developed by that organization is freely accessible to the public and has proven to be a tool that is used extensively and updated by the State authorities.

114. With regard to the 1995 UNIDROIT Convention, some States reported that they were in the process of ratifying the instrument (Burkina Faso and Sweden) and others said that they have incorporated certain provisions of it in their legislation (e.g., Netherlands) while not ratifying it. For one State (United Kingdom) the time limit (50 years) of the Convention is an obstacle to its ratification.

115. Cooperation with the World Customs Organization (WCO) is not yet ensured at the national level, but is at the regional level (Regional Intelligence Liaison Office – RILO). The UNESCO-WCO Model Export Certificate for Cultural Objects is well known and frequently referred to.

116. The ICOM Red Lists and the “One Hundred Missing Objects series” are considered to be necessary by most States and their use for educational purposes and for the identification of missing property is appreciated (Argentina and Peru).

II.10 Adequacy, effectiveness, weakness and adjustments or improvements to be made

117. For several States, it is alleged that the payment of compensation to the possessor in good faith is an obstacle to restitution and that the provisions of certain civil codes are over protective of the owners, even if the object was obtained by criminal means (Mexico and Poland). Moreover, it is considered complicated to prove ownership or illegal possession of an object (Netherlands) and to define good faith.

118. The other main obstacles to restitution of property more specifically concern the implementation of European Community provisions (EEC Council Regulation of 9 December 1992 and Council Directive of 15 March 1993): the time limit for appeal for restitution in countries that have implemented these texts, the lack of border control and the lack of permits required for exporting cultural property below a certain value in the European area. There is a working group focusing on the revision of this Directive (Finland).

119. Some States identified several obstacles to restitution: differences in the definition of cultural property, varying degrees of protection granted under different legislation (Greece), cost and length of procedures (Costa Rica, Cuba and Hungary), excessive disparities in the investigative powers of the police (Italy).

II.11 Other measures and additional comments

120. Generally speaking, in regard to action to combat trafficking in cultural property, particularly on the Internet, it is requested that UNESCO become more actively involved with the main international players in this field (Ecuador and Netherlands) and that an International Tribunal be established for disputes regarding cultural property (Ecuador).

121. It is acknowledged that the UNESCO Database of National Cultural Heritage Laws is a highly appreciated and practical tool, particularly thanks to its universality and because it is an authoritative reference on past and current regulations applicable in a given territory. However, several States request that UNESCO take responsibility for the official translation of the texts posted on the Internet.

122. Several States stated that they followed closely 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, either by participating as a member or as an observer. Some states wished to be involved more actively in sessions by ensuring the participation of specialists, but were unable to do so for financial reasons. Thus, it is requested that the Secretariat of the Intergovernmental Committee cover more of the travel expenses of foreign experts.

III. DRAFT RESOLUTION 2.MSP 5

123. The Meeting of States Parties may wish to adopt the following resolution:

The Meeting of States Parties,

Having examined document C70/12/2.MSP/5,

Having also examined document C70/12/2.MSP/INF.2 containing proposals for strategies to improve the implementation of the 1970 Convention, in particular to combat more effectively the looting of archaeological property,

Considering that the number of ratifications is still too low,

Congratulating the Secretariat on the legal, practical and awareness-raising tools developed to facilitate the implementation of the 1970 Convention,

Noting with satisfaction the Director-General's decision to hold several capacity-building workshops (Headquarters and field offices) with support from States Parties and by allocating monies from the Emergency Fund,

Welcoming the high level of cooperation between intergovernmental and non-governmental organizations in combating trafficking in cultural property,

Noting all of the emergency activities carried out to protect the heritage in countries and regions in difficulty (owing to political crisis or natural disaster) in order to prevent or stop the theft and export of cultural property,

Thanking Belgium, the United States of America, Italy, Monaco, Netherlands, Czech Republic and Switzerland for their extrabudgetary contributions, enabling effective implementation of the 1970 Convention,

Aware of the need sustainably to stabilize and strengthen the secretariat's human and financial resources so that it can meet States Parties' expectations and needs more effectively,

Taking note of the report on the implementation by the States Parties to the 1970 Convention,

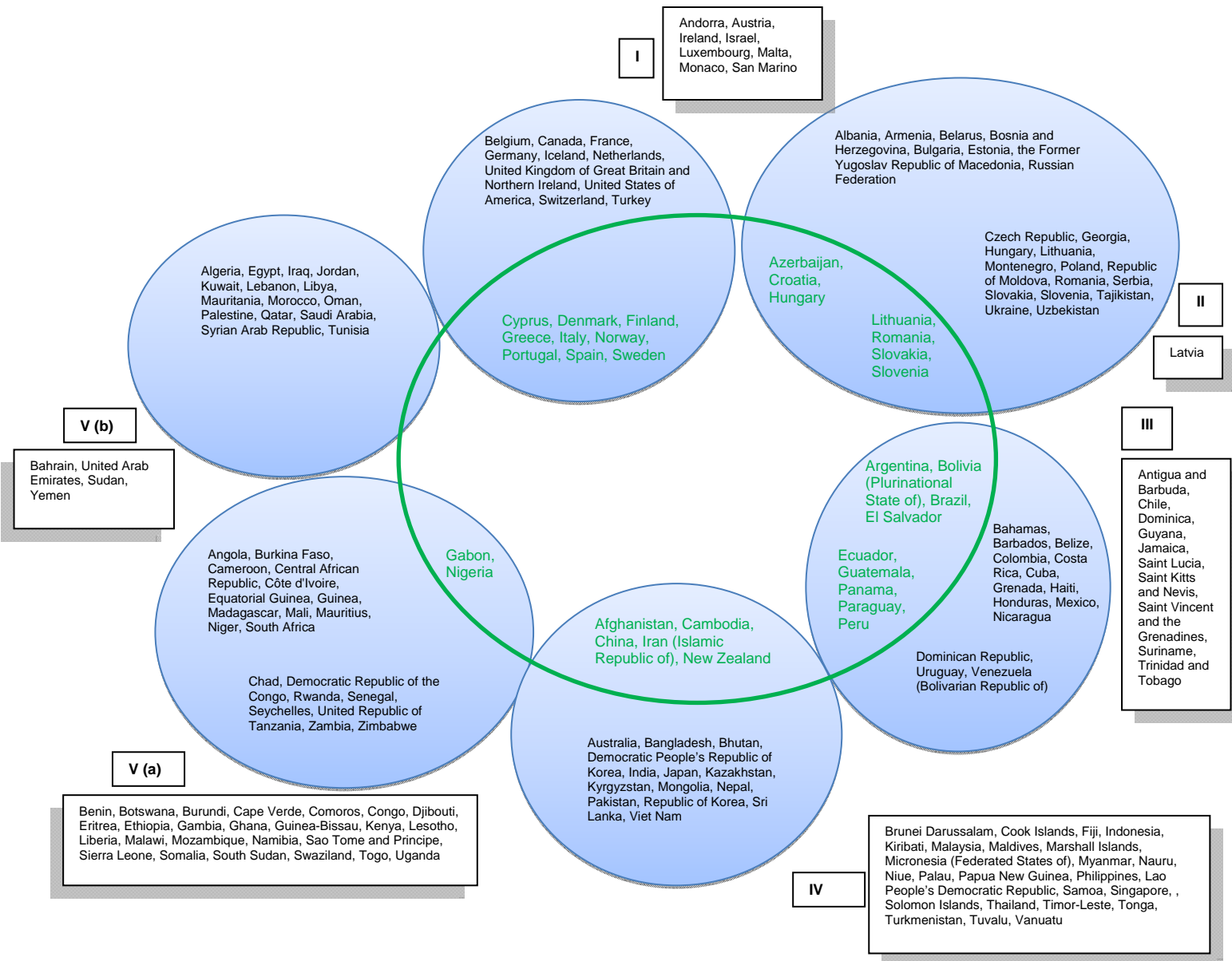
1. *Invites those countries which have not yet ratified the 1970 Convention and the 1995 UNIDROIT Convention to do so as soon as possible;*

2. Encourages the use of existing tools and the development of new ones in order to continue work to implement the Convention;
3. Urges the secretariat and States Parties to increase training activities to combat trafficking in cultural property and to protect the cultural heritage as a whole, and thanks the Director-General for making an allocation from the special fund for that purpose;
4. Encourages intergovernmental and non-governmental organizations to work together, in accordance with their terms of reference, to achieve the common goal of combating trafficking in cultural property and securing its return to its countries of origin;
5. Invites the Secretariat to continue to take part in UNESCO's emergency action plans in partnership with intergovernmental and non-governmental organizations in order to react appropriately, effectively and rapidly to political-crisis and natural-disaster situations that might arise;
6. Encourages donor countries to continue to give financial assistance for the implementation of the 1970 Convention and calls for the effective provision of additional support;
7. Decides to establish a special fund for the sole purpose of building the secretariat's human capacities, invites States Parties to make additional voluntary contributions and authorizes the secretariat to use, on receipt, all monies paid into the fund in accordance with the applicable financial regulations and the Organization's Staff Regulations and Staff Rules and Human Resources Manual;
8. Reminds States Parties of the need to comply with their legal obligations, as enshrined, in particular, in the Constitution of UNESCO, with respect to periodic reports on the implementation of the 1970 Convention.

ANNEX I

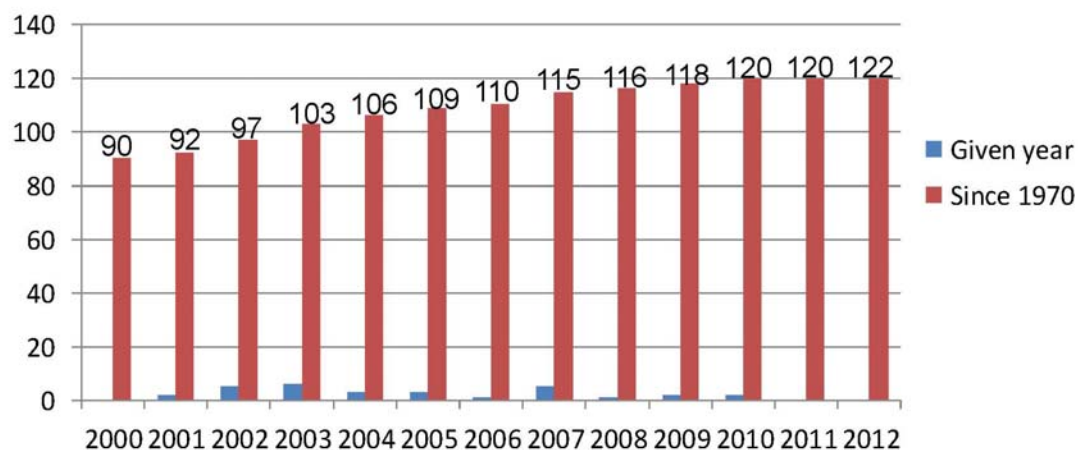
RATIFICATIONS OF THE 1970 and 1995 CONVENTIONS
(Breakdown of Member States, by UNESCO Executive Board electoral group)

- States Parties to the 1970 Convention
- States Parties to the 1995 Convention
- States not party to the 1970 Convention



ANNEX II

**States Parties to the 1970:
Ratifications worldwide since 2000**



	Number of Ratifications	Country(ies)
2000	0	0
2001	2	Rwanda, Serbia
2002	5	Albania, Barbados, Bhutan, Japan, United Kingdom
2003	6	Denmark, Gabon, Morocco, South Africa, Sweden, Switzerland
2004	3	Iceland, Paraguay, Seychelles
2005	3	Afghanistan, Venezuela, Viet Nam
2006	1	Zimbabwe
2007	5	Germany, Moldova, Montenegro, New Zealand, Norway
2008	1	Chad
2009	2	Belgium, Netherlands
2010	2	Haiti, Equatorial Guinea
2011	0	0
2012	2	Kazakhstan, Palestine