

UNESCO 1970 Convention - Periodic Reporting Form 2019

Respondent Information

Name: Claudia Cabouli

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|-----------------------|--|
| Position : | National Director |
| Organization/Agency : | National Directorate of Cultural Goods and Sites |
| Country : | Argentina |

Policy and Legislative Framework

1. Did your country implement the 1970 UNESCO Convention, and if so, how?

| | |
|---|--------------|
| | Civil Law |
| | Criminal Law |
| X | Specific Law |

Please describe the specific law(s) used by your country.

National Law 19.943 (1972). Ratification of «UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property».

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

| | |
|---|-----|
| X | Yes |
| | No |

3. Please provide the name and year the policy was passed (and web link to the policy/strategy if available).

The Federal State, through the National Secretary of Culture, www.cultura.gob.ar, is the enforcement authority in matters of preservation and conservation of cultural property, not only for Federal Property but for private as well, if it deserves a special attention when it concerns public order and general interest. Considering the ratification, approval and adoption of bi national, regional, multi-lateral and inter governmental agreements, conventions, and codes the Argentine Committee Against Illicit Trafficking of Cultural Property was created in 2003 (Decree P.E.N. N° 1166/2003) <http://servicios.infoleg.gob.ar/infolegInternet/verNorma.do?id=85068> extended in 2004 through the Decree P.E.N N° 1073/2004 <http://servicios.infoleg.gob.ar/infolegInternet/verNorma.do;jsessionid=81C91D7B0A7A17514583C5E1062294D9?id=97666> The Committee is presided and coordinated by the National Directorate of Cultural Goods and Sites, and composed by the National Institute of Anthropology and Latin American Thought -dependent on the National Directorate for Cultural Goods and Sites-; Directorate for International Organizations, dependent on the Ministry of Foreign Affairs and Worship; the Argentine National Commission for Cooperation with UNESCO; the National Directorate for Gendarmerie; the Airport Security Police (former National Aeronautic Police); Argentine Naval Prefecture; the Federal Administration of Public Revenues – Directorate for General Customs and the Federal Argentine Police's INTERPOL department. Also participants of the Committee are the National Library; the National General Archive; Argentine Natural History Museum «Bernardino Rivadavia»; the Financial Information Unit -UIF; Economic Crime and Money laundering Public Prosecutor's Office; and the Delegation of Church Cultural Heritage, dependent on Argentine's Episcopal Conference's Commission for Faith and Culture. In addition, a representative of the Ministry of Security is involved since security and crime prevention forces dependent on that Ministry, are part of the Committee. Regular attendants to the Committee as permanent advisers also include Argentinian Committee of ICOM (International Council of Museums), the National Academy of Fine Arts and the National Academy of History. Furthermore, since the creation of the Committee, the establishment of provincial Committees for internal control of illicit trafficking of cultural property has been under implementation throughout the country, as those constituted in Catamarca, Córdoba, Jujuy, Mendoza, Neuquén, Salta, San Juan, Santa Cruz, Santiago del Estero y Tucumán, with whom the National Committee regularly gets in touch.

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

Law 9080 (1913) : Ruins and Archaeological Sites (repealed by law 25743). National Constitution : Article 41° (1994). Civil and Commercial Code of Argentina (2015) : Article 235. Law 12655 (1940) and amendments : Creation of National Commission of Historical Monuments and Sites. Law 15930 (1961) National General Archive. Law 19943 (1972): UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. Decree 159/1973 Regulation for Import/Export of Cultural Property (repealed by Law 24633). Law 23458 (1986) : 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict. Law 24633 and amendments (1996): International circulation of Artwork (updated by Law 27444, 2018). Decree 1321/1997, regulatory of Law 24663 : International Circulation of Artwork (repealed by Decree 217/2018). Resolution 279/1997, AFIP, Duty exemption regulations for artwork importation. Law 25197 (1999) : Regulations for Cultural Heritage Registration. Law 25140 (1999) : Berne Convention for the Protection of Literary and Artistic Works - The World Intellectual Property Organization Treaty (WIPO) - Phonograms and Performances Treaty (WPPT). Law 25246 (2000) : Amendment to the Penal Code. Concealment and Laundering of Proceeds of Crime. Creation of Financial Information Unit (UIF). Inclusion of legally bound informing parties such as legal and/or natural persons dedicated to the purchase and sell of artwork, antiques or other sumptuous goods, philatelic or numismatic investments, or to the export, import, manufacturing or industrialization of jewelry or precious stones and metals; Law 25257 (2000): UNIDROIT Convention on the International Return of Stolen or Illegally Exported Cultural Objects; Law 25478 (2001): Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict, Law 25568 (2002): Convention on the Protection of the Archaeological, Historical and Artistic Heritage of the American Nations – San Salvador Convention approved by OEA – Adopted in Washington on June 16th, 1976. Resolution SMC 4/2002 – Regulation on the Accession of Movable Cultural Property. Law 25743 (2003): Protection of Archaeological and Paleontological Heritage. Decree 1022/2004, Reglamentation of Law 25743 Protection of Archaeological and Paleontological Heritage. Law 26155 (2006): Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict, Law 26306 (2007) : Amendment to Article 2 of Law 25197 about Cultural Heritage Registration Regulations. Law 26556 (2009) : Convention on the Protection of the Underwater Cultural Heritage. Decree 1999/2009 about tax exemption relating return, restitution or repatriation of illegally traded cultural property. AFIP General Resolution no. 3730/2015, Fiscal Regulations for artwork dealers. Law 27444 (2018) : Amendment of Law 24633 about International Circulation of Artwork. Decree 217/2108, regulatory of Law 24633 amended by Law 27444 about International Circulation of Artwork. Resolution 323/2018, Ministry of Culture. Regulation for Proceedings of Import/Export of Cultural Property. Resolution 543/2018, Ministry of Security. Protocol Action for criminal activity as appointed in Law 25743 of Archaeological and Paleontological Heritage protection. Action of Police Forces and Federal Security for Cultural Property traffic prevention. Ordinance no.8/2018 (DJPM), Argentine Naval Prefecture. « Cultural Property Handling Regulations » (Underwater Cultural Heritage).

5. To what extent does your country's policy and legislation on this issue address the following topics (Please

rate the degree of achievement in accordance to options available in the drop down boxes below).

| | |
|---|--------------|
| 5 | Excellent |
| 4 | Very Good |
| 3 | Good |
| 2 | Satisfactory |
| 1 | Poor |

| | |
|-------------------------|---|
| 3 | Clear definition of cultural property |
| 5 | State ownership of undiscovered cultural heritage |
| 3 | Regulations on trade of cultural property |
| 4 | Export controls |
| 5 | Export certificates |
| 1 | Certificate of authenticity |
| 5 | Import controls |
| 5 | Establishment of national services |
| 4 | National inventory of cultural property |
| 4 | Inventory requirements for museums, public institutions, private collections |
| 3 | Protection of archaeological sites and regulation of archaeological excavations |
| 4 | Public education and awareness raising |
| 4 | Measures to prevent museums and similar institutions from acquiring illegally exported cultural property |
| 5 | Prohibition of import of cultural property stolen from a museum or religious/secular institution |
| 1 | Regulation of the diplomatic pouch |
| 5 | Provisions for the return of cultural objects stolen from a museum or other public institution |
| 4 | Sanctions (criminal and/or administrative and/or civil) of illicit activities related to destruction and illicit trafficking of cultural property |
| 2 | Requirement of register of sales for antique dealers, auction houses, dealers of cultural heritage and art galleries |
| 5 | Protection of underwater cultural heritage |
| 2 | Regulations regarding the use of metal detectors |
| 2 | Regulations regarding the trade of cultural artefacts on internet |
| Other (please specify): | |

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

| | |
|---|-----|
| X | Yes |
| | No |

7. What laws were passed or changed as a result of ratification? (Please provide the name of the law and the year it was passed)

Decree 159/1973 Regulation for Import/Export of Cultural Property (repealed by Law 24633). Law 24633 (1996) : International Circulation of Artwork. Law 25743/03 (2003) : Protection of Archaeological and Paleontological Heritage. Decree 1022/2004, regulatory of Law 25743 on Protection of Archaeological and Paleontological Heritage. Decree 1999/2009 about Tax exemption relating return, restitution or repatriation of illegally traded cultural property. AFIP General Resolution no. 3730/2015, Fiscal Regulations for Artwork dealers. Law 27446 (2018) : Amendment of Law 24633 about International circulation of Artwork.

8. Please add any additional comments on the legislative/policy framework

□

9. Has your country implemented a policy to prevent the illicit export of cultural property?

| | |
|---|-----|
| X | Yes |
| | No |

Please specify :

The creation of the Argentine Committee against Illicit Trafficking of Cultural Property in 2003 allows the collaboration and the development of joined strategies among several national organizations that contribute with their own skills to the protection of cultural property. Training activities for borders control forces (Gendarmerie, Naval Prefecture and Airport Security Police) as well as for General Customs Directorate contribute to prevent illicit exportation and importation of Cultural Property. Both laws 24633 and 25743 state that without an export certificate borders control forces may confiscate the goods. In the case of archaeological and paleontological goods, only temporary exportation is allowed but just for exhibition, education or investigational purposes. Permanent exportation is forbidden, except in the cases where the items will be exported for invasive test practices and therefore destroyed.

10. Does the implemented policy include the requirement of a legally issued export certificate of the country of origin and/or transit?

| | |
|---|-----|
| X | Yes |
| | No |

Please specify :

Law 24633, amended by Law 27444 and Regulatory Decree 217/2018 and Resolution MC no. 323/2018, establishes the binding presentation of the Export Certificate by the country of origin. In the event of a lack of Certificate, the import party must apply for a notice/license of importation at the National Directorate for Cultural Goods and Sites, which in turn is submitted to the country of origin in order to verify the legality of the exportation. In the case of archaeological and paleontological artifacts, the submission of the Export Certificate by the country of origin is compulsory; otherwise the artifacts will be confiscated.

11. **Has your country encountered difficulties in returning/restituting cultural property to its place of origin due to incompatibilities with national judicial decisions?**

| | |
|---|-----|
| | Yes |
| X | No |

Implementation and operative framework

Institutional Framework

12. **Does your country have a specialized service for the protection of cultural property (as described in Article 5 of the Convention) whose functions may include drafting laws and legislation, establishing national inventory, promoting establishment/development of scientific and technical institutions, organizing the supervision of archaeological sites, establishing rules for curators, antique dealers, etc., developing educational activities and/or publicizing the disappearance of cultural property?**

| | |
|---|-----|
| X | Yes |
| | No |

13. **Please describe this service's major roles and responsibilities.**

Argentine Committee Against Illicit Trafficking of Cultural Property, an interministerial board. The Committee's functions are: a) To establish procedures and proper means to prevent and fight against illicit trafficking of cultural property. b) To launch campaigns in order to raise awareness of the population regarding about the need to protect and preserve the local cultural heritage and to collaborate in the fight against illicit trafficking of cultural property. b) To elaborate the "Argentina Red List" about cultural goods at risk of illicit trafficking based on ICOM's model "Africa Red List", to be included in the next ICOM's "Latin American Red List". c) To urge to keep updated the currently databases of cultural Heritage goods, to contribute to the prevention of Cultural Property traffic. d) To propose a training program destined to all sectors of the population, but specially appointed to government and private agencies, agents whose functions may substantially contribute to the prevention of and fighting against illicit trafficking of cultural property. e) To disseminate the procedures and proper means to prevent and combat illicit trafficking of cultural property. f) To propose, through the appropriate means, measures to prevent illicit trade of cultural property to official and private national, international and intergovernmental organizations, g) To create and implement a training program through local regional workshops dealing with prevention and fight against illicit trade of cultural property, with the agreement of provincial Culture authorities. h) To articulate the participation of the Committee's participant organizations – irrespective of their nature and character- through the exchange of information and interinstitutional training.

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

| | |
|---|--|
| | Magistrates and/or judges |
| X | Police, gendarmerie, and/or Department of Interior |

| | |
|---|-------------------------|
| X | Public prosecutor |
| X | Customs |
| | None |
| | Other (please specify): |

15. **Please describe the roles and responsibilities of these specialized services in more detail.**

Argentine Federal Police. Within the sphere of Argentina's Federal Police works the Department for the Protection of Cultural Heritage since 2002, under the INTERPOL Department, as was established in UNESCO Convention of 1970. The Department for the Protection of Cultural Heritage has as goal prevention and fighting against illicit trafficking crime actions committed both in Argentina's territory and worldwide. The Department is head of two sections: Custody of Cultural Heritage Property and Cultural Crime Investigation. The first one is focused on the administrative issues of requests of seizure of cultural goods –public or private property- in the national area and its subsequent communication to the international O.I.P.C. - INTERPOL; to organize and develop training programs for national and international organizations if required; to evaluate and register the cultural goods within the agencies of Argentine Federal Police. On the other hand, the Cultural Crime Investigation Section aims to investigate and clarify those crimes affecting national cultural heritage, and to recover those goods that were stolen in national territory, irrespective of its origin. Its key tool is the National Database of Stolen Cultural Objects in Argentina, with access through www.interpol.gov.ar site, co-designed by INTERPOL Department and former National Directorate for Museums and Heritage -today National Directorate for Cultural Goods and Sites – and ICOM Argentine Committee, which considers the guidelines established by UNIDROIT's Convention - International Institute for the Unification of Private Law-. The Database is functional since 2002. Customs. Within the Customs General Directorate functions the Group of Cultural Goods, dependent on Non-economic Prohibitions Division of the Specialized Investigations Department – Investigations Directorate on of the Custom Control General Subdirectorate. The group's main objective is to control the customary circulation of cultural property, to cooperate with other national custom offices and governmental dependencies. Serves as a connection between the standard practice of foreign trade import-export control, the process of discrimination between cultural property items and traditional commercial goods and the relevance of import-export custom control as a protection of cultural heritage strategy. National Gendarmerie. The National Gendarmerie is the national border control force, who has a Cultural Heritage Division. The investigations arose from cultural goods proceedings are processed by a Special Unit of Legal Investigations. Airport Security Police. PSA is the national Argentine force for air border control. It deals passengers' entry and exit control actions, both from national and international transit, including hand and checked luggage control in order to verify that there is not illicit importation/exportation of cultural goods. Argentine Naval Prefecture Naval Prefecture is in charge of water border control and has implemented a specific area for cultural goods protection, specialized in underwater cultural heritage.

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

| | |
|---|--|
| X | Formal coordinating committee, working group, etc. |
| X | Coordination lead by specialized service (as described in Article 5), antenna or focal point |
| X | Communication and meetings as necessary (i.e., for specific cases) |
| X | Cross-trainings (i.e., trainings for police from Ministry of Culture staff) |
| | No Coordination |
| | Other (please specify) : |

17. **Please provide more detail on this coordination, including how it functions and who is involved.**

Argentina's National Committee holds bimestrial plenary meetings, on the first working Tuesday of even months. It has a Record Secretariat, hosted by National Directorate of Cultural Goods and Sites, responsible for producing every meeting's report for the approval of the Committee's members and in charge of preparing the agenda of topics to be discussed. In addition, sectorial meetings are organized with participation of some members of the Committee in order to deal with specific subjects involving just those organizations. The work of the Committee is stipulated in the Regulation adopted at its first meeting, held in 2003. The member agencies appoint annually their representatives - incumbent and substitute - through their own normative instrument. All appointments are valid for one calendar year. Frequently, other agencies participate in the meeting as guests, when a subject to discuss demands it. For example, Association of Antique Dealers, National Directorate of the Antarctica, High Mountain Committee, Geological and Mining Resources Directorate, Argentine's Art Galleries Association. During the time between meetings, members of the Committee communicate by email for exchanging and distributing information, procedures, legal claims and others, as well as meet in person when the circumstances so require. Members of the Committee -see point 3 ut supra – put their own human, administrative and financial resources at disposal of the institutional's mission; and have included, among their respective main responsibilities, the prevention and fighting against illicit trafficking of cultural goods as part of their attribution.

18. **Does your country use a database of stolen cultural objects?**

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

19. **Please provide additional details on how your country uses such a database.**

The National Database of Stolen Objects in Argentina, with access through Interpol's website (www.interpol.gov.ar), has unrestricted access and an update of more than 5000 cultural objects requested for seizure. This database is official - linked to OICN INTERPOL's base- and among other purposes can be used to prove the due diligence applied to the verification of legal provenance for cultural goods acquisition, as well as for the seizure of reported cultural objects as stolen, and for their proper identification.

Protection and Prevention Systems

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

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

21. **Please provide additional details on these inventories, specifying whether they are digitized, and including any challenges in creating/maintaining them.**

The National Cultural Heritage Inventory Service <https://senip.cultura.gob.ar/> was originally created to gather records and inventories of the agencies dependent on that Government Secretariat of Culture. Agencies with custody of cultural property belonging to other jurisdictions joined later the Service and more participating organizations have been included in the past few years in order to succeed in creating an exclusive database of national cultural heritage property. There are other provincial and municipal databases, not linked or integrated with each other. Although many of them are not digitalized they are still in used. SeNIP's main aim is to offer accessibility for inventories and registers existent, and to provide with practical and normative tools to inventory development.

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

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

23. **Please provide additional details on this inventory, including any challenges in creating/maintaining it.**

The National System of Cultural Property Management, which includes the Museums' Collections Management System - CONar/Argentine National Collections – and the Museums' Historical Documents Register -MEMORar-, is operational in national museums and all dependencies involved in cultural property within the Secretary of Culture of Argentina. They have been also transferred at no charge to other jurisdictions and non – governmental Museums. Such is the case of Santa Fe's and La Pampa's museums, of the Ministry of Defense's museums. Both database include a public interface where information about argentine museums' collections is accesible. Registers and Inventories are available on <https://senip.cultura.gob.ar/> National Service of Cultural Heritage Inventories. On the other hand, law 25743 on protection of archaeological and palaeontological heritage, stablishes the regulatory register of archaeological and palaentological deposits, sites, collections and objects in National, provincial and Autonomous City of Buenos Aires offices. To this effect, each provincial administration must create its own register and submit the information to the National Register, which in turn process and collect public and private collections of archaeological artifacts under national territory jurisdiction, and centralizes the information received from the provinces. The archaeological artifacts National Register is operated by the National Institute of Latin American Anthropology and Thought (INAPL) whereas the Argentine Museum of Natural History "Bernardino Rivadavia" operates its equivalent for paleontological property.

24. **Please describe the extent to which looting/pillaging/illegal excavations of archaeological and ethnological objects is a challenge, including actions taken to combat it.**

Law 25743 on archaeological and paleontological heritage protection establishes that archaeological and paleontological excavations without authorized research or rescue procedures, (articles 39 to 45) are considered illegal and subject to penalties, in accordance to the damage caused. Argentine Republic has a large territory and shares huge extensions of borderlands with 5 countries. The northwest zone of the country, bounded by Chile and Bolivia, illegal archaeological artifacts trafficking prevails, as numerous archaeological sites are located around the area. The essential mean of transportation in this area is the land transport. As regards the southern part of the country, bounded by Chile, fossils illicit trafficking prevails, since plenty of paleontological fields and sites can be found easily in this area. In this case, land and air transportation are mainly used. Different and diverse sort of challenges have to be faced. Among others, increasing both material and human resources for prevention and control the long and huge bounds, some of which of difficult geographical access, is essential. The Argentine Committee Against Illicit Trafficking of Cultural Property, together with the other national agencies involved in the subject, make considerable efforts to train personnel in cultural goods recognition within their control tasks. However, it is of great importance to intensify and increase training programs and courses to enhance security force's abilities and standards of illicitly traded cultural property detection. With regard to law enforcement authorities (Public Prosecutor Office and Judiciary), it is also convenient to implement training programs to promote awareness of the delicate and grave implications of this phenomenon, specially among agents and different areas of the country's Judicial Power. In addition, and despite the Argentine Committee's promotion for federal coordination with the Provincial Governments and the encouragement to create provincial Technical Committees (Catamarca, Córdoba, Jujuy, Mendoza, Neuquén, Salta, San Juan, Santa Cruz, Santiago del Estero, Tucumán), it is advisable to strengthen and consolidate the commitment and coordinated work from every provincial and municipal competent agency with the Federal State. Thus, specific mechanisms to prevent illicit trafficking can be implemented and fully operational such as real-time communication to national enforcement authorities of archaeological and paleontological property register and every development or change occurred in local registers, related to an specific good or person.

Knowledge, Skills and Values of Stakeholders and the Public

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

| | |
|---|-----|
| | Yes |
| X | No |

26. **Please describe, including methods, target audience, etc.**

□

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

| | |
|---|--------------|
| 5 | Excellent |
| 4 | Very Good |
| 3 | Good |
| 2 | Satisfactory |
| 1 | Poor |

| | |
|---|--|
| 4 | Protection of local archaeological and heritage sites by the public (eg. assistance in monitoring of sites, support in documenting etc.) |
| 4 | Return of objects to relevant authorities |

| | |
|---|--|
| 4 | Sharing information on stolen objects with authorities |
| 4 | Placing pressure on museums to change acquisition policies |
| 3 | Advocating for policy change |

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

| | |
|---|--------------------------|
| | To a great extent |
| X | To a considerable extent |
| | To some extent |
| | To no extent |

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

| | |
|---|--------------------------|
| | To a great extent |
| | To a considerable extent |
| X | To some extent |
| | To no extent |

30. **What type of training do police receive on cultural property crime?**

| | |
|---|---|
| | No specific training on this issue |
| | Training has occurred in the past, but is not ongoing |
| | Training occurs periodically |
| X | In-depth, specialized training for officers working on this issue |
| | Assistance is required from UNESCO and its partners |
| | Other |

31. **Please provide additional details on the content and frequency of these trainings.**

The Department of Cultural Heritage Protection, dependent on Argentine Federal Police yearly develop an Annual Professional Technical Training Program with the participation of specialists of the Secretary of Culture, the Economic Crime and Money Laundering Public Prosecutor's Office (PROCELAC), the Department of Written Documents of the National General Archive, the Economic Crimes Oral Courts, the course Director of Intelligence and Crime Investigation Analysis graduates of IUPFA, and the Argentine Committee Against Illicit Trafficking of Cultural Property.

32. **What type of training do customs officers receive on cultural property crime?**

| | |
|---|---|
| | No specific training on this issue |
| | Training has occurred in the past, but is not ongoing |
| X | Training occurs periodically |
| | In-depth, specialized training for officers working on this issue |
| | Assistance is required from UNESCO and its partners |
| | Other |

33. **Please provide additional details on the content and frequency of these trainings.**

The training program aims on the recognition of cultural objects and the use of detection scanners in transported luggage. Moreover, information on national legislation and regulations and on international conventions adopted by Argentina is included.

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

| | |
|---|--|
| | All or almost all have adopted such a code of ethics |
| | Most have adopted such a code of ethics |
| X | Some have adopted such a code of ethics |
| | None/only a few have adopted such a code of ethics |
| | Other (please specify) : |

35. **Please provide additional details on the degree to which museums adhere to such a code of ethics.**

The Government Secretariat of Culture has adopted ICOM Deontology Code, as well as its posterior amendments by internal resolution (Res. SC No. 1101/2005), mandatory for the agencies dependent on the Secretariat, serving as a guideline for those actions lacking a specific regulation. It was also suggested to Argentine provinces the adoption of a similar mechanism as a complementary tool for the personnel's performance in Museums and for the proper operation of institutions, and some provincial jurisdictions have embraced the initiative. Other public agencies with cultural property collections were invited to join the suggestion.

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

| | |
|--|---|
| | All or almost all follow such practices |
| | Most follow such practices |

| | |
|---|---------------------------------------|
| X | Some follow such practices |
| | None/only a few follow such practices |
| | Other (please specify) : |

37. **Please provide additional details on the policies and practices of dealers and auction houses in your country.**

UNESCO International Code of Ethics for Dealers in Cultural Property has been distributed among art galleries, antique shops, and auction houses, as well as associations that gather and coordinate all said activities were invited to adopt it formally. Given that those are private entities and that the Code does not constitute a normative text, there is no compulsory formality for its adoption.

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

The Financial Intelligence Unit / UIF - member of the Argentine Committee Against Illicit Trafficking of Cultural Property- is the enforcement authority for law 25246 on prevention and control of illegal revenues and money laundering and the financing of terrorism. This law retains cultural property dealers as required subjects to fulfill with the terms and dispositions regarding the prevention and combat against money laundering. Furthermore, UIF holds regular meetings with cultural property dealers in order to share update regulations information and to circulate UNESCO's Ethic Code. However, since these are deontological codes they do not contain control procedures and thus cannot be considered a legal rule, and as a result, its fulfilment is dependent on the individual and/or institutional inclination to adopt such suggestions as a principle of action.

39. **Do you regulate the trade of cultural objects on internet?**

| | |
|---|-----|
| | Yes |
| X | No |

40. **Have you entered into a specific agreement with an internet platform?**

| | |
|---|-----|
| | Yes |
| X | No |

International Cooperation

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

PERÚ - Law 25832- Agreement between Republic of Argentina and Republic of Peru for protection, conservation, recovery and return of cultural, archaeological, artistic and historical property stolen or illicitly traded. Subscribed 26.11.2003. COLOMBIA- Agreement between Republic of Argentina and Republic of Colombia on prevention of illicit appropriation, importation, exportation and transfer of cultural property. Subscribed 20.09.2012. ECUADOR - Agreement between Republic of Argentina and Republic of Ecuador on prevention and fight against illicit trafficking, and restitution of illicitly transferred, appropriated, imported or exported of cultural property. Subscribed 09.12.2015.- CHINA- Agreement between Republic of Argentina and People's Republic of China on cooperation for prevention and fight against cultural property illicit trafficking, and restitution of illicitly transferred, appropriated, imported or exported property. Subscribed 28.11.2018.- Agreements in subscription process: Bolivia, Egypt, Mexico and Paraguay.

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

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

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

In restitution requests, the ratification of 1970 Convention by Argentina and the other country part is one of the legal arguments sustained. Nevertheless, Argentina have not achieved successful results as could be expected from State Members of 1970 Convention. Most of restitution claims presented by Argentina were worked out by diplomatic and/or legal interventions.

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

| | |
|---|-----|
| | Yes |
| X | No |

45. **How has your country promoted this system and ensure the international community is aware of it?**

□

Overall

46. **Yearly statistics**

Thefts

| | | |
|--|-----|-------------------|
| 1st Year reporting | 167 | Number of objects |
| Additional information : Year 2014. Stolen objects: 167. Information provided by Argentina´s INTERPOL Cultural Heritage Protection Department, collected from police demands registered. | | |
| 2nd Year reporting | 156 | Number of objects |
| Additional information : Year 2015. Stolen objects: 156. Information provided by Argentina´s INTERPOL Cultural Heritage Protection Department, collected from police demands registered. | | |
| 3rd Year reporting | 66 | Number of objects |
| Additional information : Year 2016. Stolen objects: 66. Information provided by Argentina´s INTERPOL Cultural Heritage Protection Department, collected from police demands registered. | | |
| 4nd Year reporting | 268 | Number of objects |
| Additional information : Year 2017. Stolen objects: 268. Information provided by Argentina´s INTERPOL Cultural Heritage Protection Department, collected from police demands registered. | | |

Illegal Excavations

| | | |
|--------------------------|---|-------------------|
| 1st Year reporting | 0 | Number of objects |
| Additional information : | | |
| 2nd Year reporting | 0 | Number of objects |
| Additional information : | | |
| 3rd Year reporting | 0 | Number of objects |
| Additional information : | | |
| 4nd Year reporting | 0 | Number of objects |
| Additional information : | | |

Seizures (cultural objects originating from own country)

| | | |
|---|-----|-------------------|
| 1st Year reporting | 102 | Number of objects |
| Additional information : Year 2015. Number of objects: 102. Cause no. 4300/2014, "Bravo JC and others. About Law 25743 infraction". Among other materials, 15 objects were confiscated (13 made of stone and two wooden masks). Cause no. 2736/14, "Molina Salas, J.M, s/ inf. Ley 25743" Confiscation of pieces offered for sale over the Internet: pictures with projectile points and ceramic pots of different Argentine cultures. (87) | | |
| 2nd Year reporting | 700 | Number of objects |
| Additional information : Year 2016. Number of objects: 700. Cause FSM 62949/16 "Olivares, C. about Law 25743 infraction" (Olivos, Buenos Aires province). One Condorhuasi stone pipe and other quantities of lytic undefined material were seized. Cause 87719/ 14 "Funcia, R.H. about Law 25743 infraction" (Bahía Blanca, Buenos Aires Province) Confiscation of lytic objects (projectile points, etc) – 699 pieces from prehispanic groups of La Pampa. | | |
| 3rd Year reporting | 16 | Number of objects |
| Additional information : Year 2017. Number of objects: 16. Cause CPF 7536/17- Campana (Buenos Aires province). 16 "boleadora balls" were confiscated. | | |

| | | |
|--------------------------|---|-------------------|
| 4nd Year reporting | 0 | Number of objects |
| Additional information : | | |

Seizures (cultural objects originating from another country)

| | | |
|---|-----|-------------------|
| 1st Year reporting | 818 | Number of objects |
| Additional information : 1st Year reporting : 2015. Number of objects: 818. | | |

| | | |
|--|----|-------------------|
| 2nd Year reporting | 14 | Number of objects |
| Additional information : 2nd Year reporting : 2016. Number of objects: 14. Cause FSM 62949/16 "Olivares, C. About Law 25743 infraction" (Olivos, Buenos Aires) Seizure of Egyptian objects (among them animal mummies and ceramic and china objects) as well as Chinese items. All objects remain under INTERPOL guard. Two (2) fossil fishes from Brazil. | | |

| | | |
|--|----|-------------------|
| 3nd Year reporting | 23 | Number of objects |
| Additional information : 3nd Year reporting: 2017. Number of objects: 23 Cause 9844/16. 11 pieces of Colombian origin were confiscated. Twelve (12) fossil objects from Morocco. | | |

| | | |
|--|----|-------------------|
| 4nd Year reporting | 77 | Number of objects |
| Additional information : 4nd Year reporting: 2018. Number of objects: 77 Seizure of archaeological Mexican artifacts in Gualaguaychú (Entre Ríos province) by Custom Office. Five (5) fossil objects from Bolivia Twenty-five (25) fossil pieces from India. | | |

Restitutions

| | | |
|---|------|-------------------|
| 1st Year reporting | 4585 | Number of objects |
| Additional information : 1st Year reporting : 2015. Number of objects: 4585 In accordance to every sentence delivered, a first restitution of 4150 pieces to the Republic of Peru was executed, and another of 435 artifacts to the Republic of Ecuador. In every case, the restitution process was effective following the pertinent diplomatic means, and with the inclusion of 1970 Convention in the arguments given. Cause no. 10877/00 "Janeir Aude, N. and others about public action crime" (4136 pieces). Cause no. 934/2011 "Suarez, S.P. about infraction of Law 25743" (4 pieces); cause no. 6394/09, "Makarius, C. about Law 25743 infraction" (1 piece). Cause no. 11411/05 "Croizat, P. and Mercovan SRL about smuggling activity" (8 pieces). Cause no. 107/09 "Paravano, J. about Law 25743 infraction" (1 piece). Proceeding no. I.I.P 14/00/8679/09 about report of Law 25743 infraction" (12 pieces). | | |

| | | |
|---|----|-------------------|
| 2nd Year reporting | 60 | Number of objects |
| Additional information : 2nd Year reporting: 2016. Number of objects: 60 Restitution of 55 archaeological artifacts to the Plurinational State of Bolivia, Cause no. 10877/00 "Janeir Aude, N. and Others about Public action crime". From the same cause, 5 pieces were restituted to United States of Mexico. | | |

| | | |
|--|-----|-------------------|
| 3nd Year reporting | 204 | Number of objects |
| Additional information : 3nd Year reporting: 2017. Number of objects: 204. Restitution of 44 archaeological objects to the Republic of Peru, as result of the conclusion of Cause no. 4708 "Cigoj, D. n/h about Law 25743 infraction". 160 archaeological objects restituted also to the Republic of Peru, under Cause no.10877/00 "Janeir Aude, N. and Others about Public action crime". | | |

| | | |
|---|----|-------------------|
| 4nd Year reporting | 87 | Number of objects |
| Additional information : 4nd Year reporting: 2018. Number of objects: 87. Restitution to Republic of Peru of archaeological objects involved in cause No. 9921/04 "PAEZ, César about Law 25742 infraction" (5), cause No. 5723/201, De los Santos C.M. Law 25743 infraction" (3 pieces) and cause no. 1898/16 "Volpi, G. about Law 22415 infraction" (3 pieces). Devolution to the Republic of Peru of a 76 piece ceramic collection by the Argentine citizen Mr. Lucas Pérez Alonso. | | |

47. Please rate the extent to which each of the following is a challenge your country faces in preventing theft and

illicit exportation of its cultural property.

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

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

Cultural property restitution is one of the most complex and problematic matters, as it deals with very long, expensive and intricate procedures that not always result in positive outcomes. While restitution sceneries are impossible to generalize -as every case constitutes a specific situation- the most often difficulties are the lack of assistance from import countries and a somehow absence of international cooperation for cultural heritage restitution. Thus, conveying a lack of commitment and non-compliance towards international cultural property protection agreements, particularly as regards archaeological property restitution. An inventory and a formal stolen report of archaeological and/or paleontological goods accomplished prior to the restitution request is expected, even though the artifacts were looted from undiscovered sites by the State at the time. still if the petition is made by Member States of 1970 Convention. At present, there is no positive results record involving archaeological property restitution procedures. A paradigmatic case. On March 27, 2018 it was received a report of an auction taking place in France the following April 11th, with Argentine Cultural Property items allegedly involved. As law 25743 enforcement authority, the National Institute of Latin American Anthropology and Thought (INAPL) intervened and started effective actions. Since they were not items' temporary exportation certificates, it was presumed that their residence in France was illegal, in accordance to Argentine law. In addition to this, Custom Office Directorate -also member of the Committee- informed that there was no exportation record in their registers as well. On Tuesday, April 3rd, Argentine INTERPOL filed a federal judiciary objection requesting French INTERPOL to confiscate the objects. Federal Court included the correspondent Federal Prosecutor in the case. Simultaneously, the Argentine Embassy in France was informed about the actions taken in the matter through the Directorate for International Organizations/DIOIN. On April 5th, INAPL attended court to demand confiscation and restitution of the property, as enforcement authority of law 25743. On April 6th 2018, the hearing Judge sent a statement to French judicial authorities, denouncing the illicit establishment -according to Argentine law and International Agreements on the subject- of said assets. Both the inhibition of such auction was then petitioned, together with the removal of the collection from European custom territory. On April 9th, 2018 the judiciary request entered French Judicial system. On April 11th, the pieces were auctioned. The identity of the purchaser is unknown. By contrast, Argentina regularly instruments restitution and/or return procedures of property that illegally entered the country, without any difficulties. The numerous cases of restitution implemented with Bolivia, Mexico and Peru, among others included in this report make evident so.

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

□

UNESCO Support for the Implementation of the 1970 Convention

General awareness raising and communication strategies

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

| | Not helpful | Somewhat helpful | Very helpful | Extremely helpful |
|--|-------------|------------------|--------------|-------------------|
| Object ID Standard (ICOM, the Getty, and UNESCO) | | | X | |
| UNESCO International Code of Ethics for Cultural Property Dealers | X | | | |
| ICOM Code of Ethics for Museums | | | X | |
| UNESCO Database of National Cultural Heritage Laws | | | | X |
| Basic Measures Concerning Cultural Items Offered for Sale on the Internet (INTERPOL, UNESCO, ICOM) | | X | | |
| Model Provisions Defining State Ownership of Undiscovered | | | | |

| | | | | |
|--|--|---|--|--|
| Cultural Property (UNESCO and UNIDROIT) | | X | | |
| Model Export Certificate for Cultural Objects (UNESCO and WCO) | | X | | |

51. **Please provide additional details on how your country has used UNESCO's tools.**

These tools are explained in every training program activity, and their use or formal adoption is suggested, as applicable. Object ID has been adopted as an identification tool by those institutions with no cultural objects inventory. The Code of Ethics for Dealers in Cultural Property has not shown positive results so far, as mentioned above. The Code of Ethics for Museums constitutes a very important administrative measure, as it is implemented when the institution faces an absence of regulation or specific legislation. UNESCO Database of National Cultural Heritage Laws is regularly consulted in order to verify valid legislation of the restitution involved countries. However, it has been noticed that the database is frequently inaccessible for consultation. As regards to the standard procedures related to cultural property internet sale, its impact is relative, due to the weak national legislation on the subject. In relation to Model Provisions Defining State Ownership of Undiscovered Cultural Property, the Argentine legislation contains specific dispositions regarding undiscovered objects, particularly about archaeological, paleontological and underwater cultural property. As respects Model Export Certificate for Cultural Objects (UNESCO and WCO), Argentina holds exportation certificates since 1973. By the time of its dissemination (2005), Argentina already had three exportation certificates for archaeological artifacts, paleontological goods and historical/artistic objects. The existent certificates were partially or fully adapted to those proposed by UNESCO and WCO.

52. **Please indicate whether your country has uploaded relevant national laws to the UNESCO Database of National Cultural Heritage Laws.**

Yes. In the year 2005, UNESCO granted Argentina with an extra budgetary contribution for the official translation of the national cultural heritage legislation into English, which allowed the inclusion of legal standards regarding UNESCO's National Cultural Heritage Regulatory Database.

53. **What additional tools would be helpful for UNESCO to develop ?**

Revise the UNESCO International Code of Ethics for Cultural Property Dealers.

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

| | |
|---|-----|
| X | Yes |
| | No |

55. **How did these workshops or projects contribute to the implementation of the 1970 Convention in your country? Please provide specific examples where possible.**

This experiences and methodologies exchange among countries has proven to be of great significance and promoted communicational networking, which is very useful for the development and implementation of joint strategies.

56. **There are a number of ways the UNESCO Secretariat could support State Parties in the implementation of the 1970 Convention in the future, in addition to servicing the governing bodies of the Convention. Please indicate the extent to which the Secretariat should give priority to the following activities :**

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

57. **Please provide any additional suggestions for how UNESCO should focus its work on this topic going forward.**

Promoting policy dialogues between countries could be included as a matter discussion in the Agenda of the Meeting of States Parties in order to arise awareness on the need to strengthen international and bilateral cooperation.

58. **What difficulties did you State encounter while implementing the Convention during the last reporting cycle period ?**

59. **How has your country used the Operational Guidelines of the 1970 Convention adopted in UNESCO during the Third Meeting of States Parties (2015)?**

No.

60. **Any other additional issues or comments you would like to share.**

□