

# UNESCO 1970 Convention - Periodic Reporting Form 2019

## Respondent Information

Name: Wetzig, Alex

Position :	Deputy Permanent Delegate
Organization/Agency :	Delagation of Chile to UNESCO
Country :	Chile

## 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.

In 2104, through Decree No. 141, Chile ratified the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, assuming that year the commitment to implement legislative and regulatory measures.

### 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 Board to work against the illicit trafficking of Cultural Heritage, henceforth "the Board" (Mesa de lucha contra el tráfico ilícito de Bienes patrimoniales), year 2013. <http://www.sngp.gob.cl/sitio/Contenido/Institucional/76445:Trafico-ilicito>

### 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).

Article 19 No. 10 subsection 5 of the Political Constitution of the Republic of Chile, 1980. Law No. 16,441 of 1966, which creates the Department of Easter Island. Law No. 17,236 of 1969 approving rules that favor the exercise and dissemination of the arts. Law No. 17,288 of 1970 on National Monuments. Law 19,253 of 1993 that establishes norms on protection, promotion and development of Indigenous peoples or law N° 19 253, promulgated on September 28, 1993, which creates the National Corporation of Indigenous Development. Decree No. 3858 of 1970, which establishes the rules of procedure to Law No. 17.236 Supreme Decree No. 484 of 1990, which establishes the rules of procedure to Law No. 17.288, on archaeological, anthropological and paleontological excavations and / or surveys. In addition, Chile has signed the following bilateral agreements: - Convention on the protection and restitution of cultural property between the Republic of Chile and the Republic of Peru (1978) - Agreement on the prevention of theft, clandestine excavation and illegal importation and exportation of cultural property between the government of the Republic of Chile and the government of the People's Republic of China (2008) - Agreement between the Republic of Chile and the United Mexican States on the protection and restitution of cultural property (2013)

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

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

2	Sanctions (criminal and/or administrative and/or civil) of illicit activities related to destruction and illicit trafficking of cultural property
3	Requirement of register of sales for antique dealers, auction houses, dealers of cultural heritage and art galleries
4	Protection of underwater cultural heritage
1	Regulations regarding the use of metal detectors
1	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)**

Law No. 17,236 of 1969 that approves norms that favor the exercise and dissemination of the arts is being reviewed and analyzed to identify the aspects that need to be modified. The protection measures suggested by the 1970 UNESCO Convention have been taken into account. Law No. 17,288 of 1970 about National Monuments is also being modified. It will be sent to Congress during the first semester of 2019. Along with updating the protected monuments' categories, it will incorporate the crime of illicit trafficking of cultural property, as recommended by the 1970 Convention. It will increase the penalties and fines for infringement of the law and regulate the confiscation and restitution of the assets.

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

The modification of Law No. 17,288 on National Monuments began in 2018 and a proposal will be presented to the National Congress during the first semester of 2019. This modification contemplates the creation of a National Inventory of Cultural Heritage, which includes all the assets of cultural interest declared under the different monuments' categories. Regional Registries will also be created and will include all assets deemed of cultural interest. In addition, in January 2019, the Illicit Trafficking Unit of the National Cultural Heritage Service is created; it complements the work done to date by the Board, which was created by Exempt Resolution No. 582 of 2013, of the Dirección de Bibliotecas, Archivos y Museos, currently the National Service of Cultural Heritage. Another major modification that will take place during 2019 will concern the regulation on archaeological, anthropological and paleontological excavations and / or surveys (Law No. 17,288, Decree No. 484). Since November 2018, several working groups have been set up to carry out the diagnosis and identify the aspects to be modified.

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

	Yes
X	No

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

	Yes
X	No

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.

Law No. 21,045 created the Ministry of Cultures, Arts and Heritage, which began its functions on March 1, 2018. As a new Ministry, it has undergone an installation, implementation and strengthening process. Article 3 of Law No. 21,045 establishes the following functions and attributions related to cultural heritage: No. 3. To contribute to the knowledge and safeguarding of cultural heritage, promoting its understanding and access, and encouraging the participation of people and communities in the processes of collective memory and heritage definition. No. 4. To promote and collaborate in the knowledge and safeguarding of indigenous heritage, in agreement with competent public organisms. No. 18. To study, formulate and implement policies, plans and programs in cultural and artistic matters, as well as to study and formulate policies, plans and programs in heritage matters. No. 20. To ensure the fulfilment of international conventions on cultural, artistic and heritage matters in which Chile participates and to explore, establish and develop international alliances and programs in cultural and heritage matters, in coordination with the Ministry of Foreign Affairs. The Undersecretariat for Heritage, the National Service of Cultural Heritage and the National Monuments Council all depend upon this Ministry. Responsibilities of the National Monuments Council: 1. The tuition and protection of National Monuments in its five categories, including the Typical or Picturesque Zones. 2. To authorize modifications to National Monuments and grant permits for archaeological or paleontological excavations and research. 3. To authorize the installation and removal of Public Monuments. 4. To manage the acquisition by the State of Historical Monuments that belong to private owners. 5. To prepare the projects or rules of intervention on National Monuments and propose the Government the regulations of Law No. 17.288, as well as the administrative measures aimed at the conservation of National Monuments. 6. To execute, alone or through another agency, restoration, repair or conservation works, or signage on National Monuments. 7. To edit publications and exhibitions to promote the heritage. 8. To authorize loans of movable cultural goods and museum collections that have National Monument status, as well as their exit abroad. 9. Combat the illicit trafficking of cultural goods. 10. To prevent and manage complaints so that damages to and destruction of National Monuments are properly penalized. 11. To participate in the Environmental Impact Assessment System (SEIA), established by Law No. 19,300 of Environment Bases, regarding the protection of the monumental cultural heritage. 12. To ensure the application of the UNESCO World Heritage Convention, which is the Law of the Republic since 1980.

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.

The specialized brigade of investigation of crimes against the Environment and Cultural Heritage (BIDEMA) depends on the Chilean Investigations Police. The Public Ministry maintains a Specialized Unit in Money Laundering, Economic Crimes and Organized Crime (ULDDECO), which provides comprehensive support for the investigations carried out by prosecutors, whether from the financial, economic or tax areas (patrimonial investigations), and from a legal perspective. In the same way, its functions include analysis, training, registration and promotion of inter-institutional relations. The crimes supported by this Specialized Unit include cybercrime, environment, cultural heritage, public health, illicit associations of the Criminal Code, terrorism and their financing, among others. The Online Inspection Department of the National Customs Service of Chile is in charge of studying, proposing and executing programs for the control of the rights, taxes, levies, franchises and illicit trafficking, which by law are responsibility of the Service. It conducts direct audits at Customs, to users and other people; carries out investigations on dispatchers, stockists and other persons who are subject to the disciplinary jurisdiction of the National Customs Service. It can inspect at any time the offices occupied in primary inspection areas and perform other functions entrusted by its Director.

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.

The Board to Work against the illicit trafficking of Cultural Heritage of the National Service of Cultural Heritage organizes periodic meetings and working sessions with the institutions involved in the control and inspection of cultural property. It organizes and delivers training on recognition of cultural heritage and its protection, to officials of related institutions such as Customs and Police. It approves protocols and procedures for objects held under suspicion of illicit trafficking, for the promotion of theft alerts. Finally, it provides support material on the relevant regulations and agreements. The Board works across three main areas: legislative, operational/technical and training and media campaigns. Professionals from the National Service of Cultural Heritage and the National Monuments Council integrate the working groups for each area. In addition, various counseling institutions and related ministries act as advisory members. The Board will modify its composition according to the new cultural institutional framework in force across the country.

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

X	Yes, we have our own national or/and regional database that is not linked with the INTERPOL database
	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 Interpol National Central Office (OCN) in Santiago de Chile depends on the Chilean Investigations Police (PDI) and acts as a link with all other member countries. The PDI maintains a public access database for missing or stolen cultural property <http://www.pdichile.cl/pdi-busca/obras-de-arte-robadas> However, this database contains only the data of assets that are currently under investigation by this Police and not those cases that are under investigation by another police force, such as Carabineros de Chile, whose database is not public. There is great need for a global database containing all the objects sought by the previously mentioned institutions, including those long-time stolen objects that have not been published in any of them.

## 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 Museums belonging to the National Service of Cultural Heritage keep an inventory of their objects in analog and digital formats. The SURDOC database (<http://www.surdoc.cl>) includes not only State museums but also some collections from University museums, semi-private foundations, ministries, the Presidency of the Republic and the Navy Museum, among others. However, inventories of some important collections for the country are not available to the public, as for objects belonging to the Catholic Church. There is no unified registry in Chile of all cultural, tangible and intangible, movable and immovable property, which is protected, listed or recognized under the different protection categories. As for private collections, there is no record either, and therefore, there is a lack of knowledge of both their numbers and provenances. This situation facilitates smuggling and an associated informal market. In order to solve this problem, the project to modify Law No. 17,288, which regulates National Monuments, proposes the creation of a National Inventory of Cultural Heritage and Regional Registries of Cultural Heritage. In addition, objects, collections and other archaeological or paleontological material that are not incorporated in this Inventory must be registered within five years following the date of the amendment's publication.

**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 Monuments Council keeps a registry of the objects declared National Monuments and therefore protected by Law No. 17,288. This law contemplates that all archaeological objects and paleontological specimens are national monuments, but for historical or artistic objects, only those that are specifically named. Therefore, the challenge is the construction of a National Inventory of Cultural Heritage that integrates all assets of heritage interest, not just those declared as national monuments. The amendment to Law No. 17,288 proposes the inclusion not only of the cultural interest assets declared under all categories, but also of those assets that are protected by the only ministry of the law – either belonging to the State or to private collectors.

**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.**

Given the great archaeological and paleontological wealth present on the national territory, as well as the nonexistence of a registry of all the sites and their boundaries, the development and implementation of actions focused on their protection, conservation, and management is a great challenge for the State. Strengthening the measures aimed at the registration and inventory of the cultural assets, as well as broadcasting and raising awareness among the general population about their value and importance are much needed actions. Improving the coordination between different public and private organizations, in order to prevent damage and looting to archaeological and paleontological sites, is also important.

## 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?**

X	Yes
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No
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26. **Please describe, including methods, target audience, etc.**

The Cultural Heritage Day is an annual activity established in 1999. Coordinated by the National Monuments Council, it allows citizens to understand and enjoy national historical and architectural heritage. All cultural institutions, ministries and individuals adhere to this activity, which reaches high participation figures each year. During 2017 and 2018, the National Monuments Council carried out the campaign "Take care of your summer love", designed for heritage sites during the holiday season. It was organized in conjunction with the Chilean Investigations Police, Customs and the National Council of Arts and Culture, which is now the Ministry. It was viralized in Social Networks, through the National Monuments Council's Facebook Page, and on Twitter @consejomonumentos.cl. It sought to bring netizens relevant information on the characteristics of each National Monument, as well as the main forms of damage and vandalism. The initiative also included awareness-raising workshops for the population and training in heritage protection for police officers, tour operators and public employees. In addition, it included days for volunteers to clean sites and install warning signs at Nature Sanctuaries. In 2019, the National Monuments Council will focus on the protection of paleontological sites in two regions of the country: the Metropolitan Region and the Tarapacá Region, in the north of the country. It will teach citizens the importance of these sites and their specimens. Both campaigns have had the backing of the Board, which provided brochures and publications about heritage protection.

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

3	Protection of local archaeological and heritage sites by the public (eg. assistance in monitoring of sites, support in documenting etc.)
2	Return of objects to relevant authorities
4	Sharing information on stolen objects with authorities
1	Placing pressure on museums to change acquisition policies
4	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
	To a considerable extent
X	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.

Officials of the brigade of crimes against the environment and cultural heritage (BIDEMA), of the Chilean Investigations Police, receive training on heritage through a blended course. The Board trained a group of Carabineros de Chile officers in patrimonial matters through an induction in 2018. Ten of them were sent to Rome, Italy, for a month-long course with the Comando Carabinieri per la Tutela del Patrimonio Culturale. For its part, the Board provides regular workshops to police officers, which complement their basic training, in the legislation on the protection of heritage, along with workshops for the recognition and conservation of various types of heritage assets. It should be noted that the Board provides permanent advice, especially when police officers require it in person, or by remote communication.

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
	Training occurs periodically
X	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 officers of the National Customs Service of Chile only receive the training courses related to illicit trafficking and its protection that the Board periodically provides across various regions of Chile. Training sessions began in 2008, on an annual basis, with theoretical and practical workshops in museum storages. Since 2013, three workshops have been held per year on average. They cover legislation matters relating to the protection of heritage, as well as recognition and conservation of various types of heritage assets. The National Customs Service receives permanent support from the Board; especially when seizures occur, as the supervising staff need quick answers to identify and follow cases. There is a fluent communication by cell phone or email; this facilitates the exchange of information and photographs of the seized objects, among others.

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
X	Most have adopted such a code of ethics
	Some have adopted such a code of ethics
	None/only a few have adopted such a code of ethics
	Other (please specify) :

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

More than twenty state and private institutions, cultural foundations and corporations – some of which manage numerous museums – are partners of ICOM Chile. It is understood that the personnel working for them know and adhere to the "Code of Ethics of ICOM for Museums".

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
	Some follow such practices
X	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.**

There is no background on the knowledge and practice of the Code of Ethics in the guild of art dealers and auction houses in Chile. Antique dealers and auction houses must record all acquisitions, their origin and provenance, in a record book. The Chilean Investigations Police (PDI) checks this book periodically. The depth and effectiveness of this record and control are unknown to the Board.

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

property?

The Board has convened dealers of antiques and other cultural objects in its trainings and seminars on the fight against illicit trafficking and its regulation. As a task, it has to promote the UNESCO "International Code of Ethics for Cultural Property Dealers" and its application. In particular, a Legislative Seminar held by the Board in November 2018, which dealt in depth with Law No. 17,236 and export permission processes, convened art galleries and ministry officials that promote the knowledge of Chilean artists abroad. Through their participation, they contributed diverse opinions towards the future improvement of this law.

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.**

Chile has signed binational agreements with numerous countries. The following are those for the protection of assets and their restitution: - Convention on the protection and restitution of cultural property between the Republic of Chile and the Republic of Peru (1978) - Agreement on the prevention of theft, clandestine excavation and illegal importation and exportation of cultural property between the government of the Republic of Chile and the government of the People's Republic of China (2008) - Agreement between the Republic of Chile and the United Mexican States on the protection and restitution of cultural property (2013)

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**

The 1970 Convention has been invoked in cases of restitution, as for the following ones in recent years: - 720 books and bibliographical material were confiscated in Peru at the end of the 19th century. They were returned to Peru in 2017. A previous restitution was made in 2007. - A skull was returned from New Zealand to Chile, specifically to Easter Island in 2017. - 42 fossils seized by the National Customs Service were returned to Bolivia in 2018.

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?**

X	Yes
	No

**If yes, please specify**

Latin American countries collaborate and have an international warning system for reporting thefts from other countries, thus sharing these to police and customs. There is also collaboration around experts' opinions about objects questioned or seized by some countries. This "unofficial" network was formed in a meeting organized by ICCROM and IILA in Cartagena de Indias in 2008; it works quickly, it is reliable and efficient. It is a good example to apply officially in all continents.

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

This "unofficial" network was formed in a meeting organized by ICCROM and IILA in Cartagena de Indias in 2008; it works quickly, it is reliable and efficient. It is a good example to apply officially in all continents.

## Overall

46. **Yearly statistics**

### Thefts

1st Year reporting	0	Number of objects
Additional information :		
2nd Year reporting	4	Number of objects
Additional information : 1 sword made of steel, gold and precious stones stolen from the National History Museum. 3 large religious sculptures representing the Immaculate Conception, Sain Ignacio de Loyola and Saint Luis Gonzaga or Estanislao Kostka, carved in wood, were stolen from the church of Calera de Tango, Metropolitan Region. Police Part N° 00913		
3rd Year reporting	2	Number of objects
Additional information : 1 Monoxila or Wampo Canoe made of wood, stolen from Lake Caburgua, Huerquehue National Park, IX Region of Araucanía. Complaint No. RUC 1700499245-8. 1 Cetacean Fossil from Lomas del Sauce. One container containing a whale skeleton was stolen in the Coquimbo region. Police Part No. 486		

4nd Year reporting	0	Number of objects
Additional information :		

### Illegal Excavations

1st Year reporting	0	Number of objects
Additional information :		

2nd Year reporting	0	Number of objects
Additional information :		

3nd 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	0	Number of objects
Additional information :		

2nd Year reporting	0	Number of objects
Additional information :		

3nd Year reporting	0	Number of objects
Additional information :		

4nd Year reporting	0	Number of objects
Additional information :		

### Seizures (cultural objects originating from another country)

1st Year reporting	22	Number of objects
Additional information : 22 seizures made by the National Customs Service with a total of 106 objects.		

2nd Year reporting	12	Number of objects
Additional information : 12 seizures made by the National Customs Service with a total of 180 objects.		

3nd Year reporting	10	Number of objects
Additional information : 10 seizures made by the National Customs Service with a total of 194 objects. It includes 42 paleontological specimens seized by the National Customs Service upon entering the country. The National Monuments Council expertly determined their origin.		

4nd Year reporting	26	Number of objects
Additional information : 26 seizures made by the National Customs Service with a total of 329 objects.		

### Restitutions

1st Year reporting	0	Number of objects
Additional information :		
2nd Year reporting	0	Number of objects
Additional information :		
3rd Year reporting	720	Number of objects
Additional information : 720 books and bibliographic material belonging to the National Library of Peru were found in the National Library of Chile, and returned to Peru in 64 boxes.		
4nd Year reporting	0	Number of objects
Additional information : 42 fossils (paleontological specimens) seized by the National Customs Service of Chile were returned to Bolivia after a long research to identify their provenance.		

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.).**

The three biggest needs are: 1) Coordinated, collaborative and agile work among national public bodies with competencies in the subject, with clearly defined protocols and criteria, and a fluid communication with the foreign counterpart. This would help identify the specialized technical units in the other States Parties for each type of protected asset (e.g. responsibility in the elaboration of expert reports that identify the assets and their origin); 2) Funding that allows to assume the costs associated with each procedure (e.g. legal procedures, hiring of experts, insurance, shipping, etc.). In addition, funding to strengthen the units / departments that manage these processes; 3) Technical ability to check the provenance of heritage assets exported from a country after illegal excavations or illegal trade. This is a major problem with neighboring countries. For example, a group of heritage assets belonging to a widely distributed ancient culture may be found in several countries and it may not be possible to identify the exact place of origin, since such distribution does not correspond to current boundaries. There is a lack of knowledge around the provenance of certain collections of Chilean origin, which are housed in museums abroad. Many times these objects were acquired legally, but sometimes they were not.

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.).**

It is difficult to recognize the legality of the acquisition of claimed property belonging to private owners; few objects in these collections can prove to have been legally acquired. Private individuals generally do not have collecting history documents. It is difficult to verify the origin of archaeological objects and paleontological specimens, specifically of those that were illegally excavated. Unlike objects and specimens that are found in museums, the former do not have a textual and visual record for their collecting history.

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

Tools such as the Object ID Standard (ICOM, the Getty, and UNESCO) are fundamental in the recognition and registration of cultural goods developed by the Board. Registration exercises are carried out in the workshops the Board delivers. Other tools are also consulted and analyzed by the Board and cultural institutions are evaluating the possibility of applying them to a larger scale in the country. Other museums and institutions also consult these tools on matters concerning the protection of heritage goods. We think that these tools should be translated into Spanish so that Spanish-speaking countries can use them more widely. The UNESCO Database of National Cultural Heritage Laws must be updated regularly, as it has been unavailable for some time. Moreover, the changes that we experienced due to the creation of the Ministry of Cultures, Arts and Heritage do not allow us to update the national laws that were incorporated into this database. <http://www.unesco.org/new/es/culture/themes/illicit-trafficking-of-cultural-property/unesco-database-of-national-cultural-heritage-laws/>

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

Yes, Chile has contributed to this database with the following national legislation: - Law No. 17,236 of 1969, which approves rules that favor the exercise and dissemination of the arts. - Law No. 17.288 of 1970 on National Monuments As stated in the previous point, we have not been able to update these laws in order to change the names of the institutions.

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

We suggest building a network of illicit trafficking managers in each continent, for quick online alerts – such as the Latin American Network with which the theft alerts are shared and promoted – and queries related to illicit trafficking. By not having a special email to make quick inquiries about seizures and / or thefts, precious time is lost in reaching the person in charge of illicit trafficking in each country.

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?**

	Yes
X	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.**

□

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 :**

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	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.**

Regional meetings and workshops should be a priority because the needs among different countries and continents are similar. They allow knowing other systems and applying good experiences to our own country. Moreover, knowing other people personally allows for greater fluidity in relationship and information exchange. UNESCO should draw up a publication with a basic textual and visual Object ID learning toolkit, to teach inspection officials how to register objects. This would facilitate sharing with experts those reports with information collected by them. Photographs are often not properly taken and unclear information prevents experts from acting effectively.

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

The existence of several public bodies related to the cultural field, their structural weakness and centralism were problems that had to be addressed at the legislative level. They were solved through the creation of the Ministry of Cultures, Arts and Heritage, which entered into force in March 2018. This Ministry will strengthen various cultural institutions, join forces and improve coordination and communication between national public bodies with competencies in heritage. The human and financial resources allocated to the Board have been insufficient. However, after the creation of the Ministry and the Illicit Trafficking Unit of the National Cultural Heritage Service in January 2019, a substantial improvement is projected. On the other hand, procedure and communication-related difficulties have been identified around the Board's work. These include knowing neighboring countries' regulations on illicit trafficking to promote possible collaboration or establish quick communication channels at the national and international levels.

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

The 2015 Operational Guidelines of the 1970 Convention are followed by Chile mainly in these measures: - As a national service the strengthening of the Board and the coordination with units and the Cultural Ministry for its activities - Modification of national legislation - Interest in strengthening the registration of cultural assets and the development of a National Registry of cultural assets - Dissemination of measures to protect cultural heritage, its national and international legislation - Good practices from all types of institutions in the management of heritage assets - The publication of stolen objects in a wide way, nationally and internationally - Chile is considering ratifying the UNIDROIT Convention - Chile is working with the United States of America on a bilateral agreement, that is, a Memorandum of Understanding

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

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