

COLOMBIA

NATIONAL REPORT ON THE IMPLEMENTATION OF THE 1970 CONVENTION ON THE MEANS OF PROHIBITING AND PREVENTING THE ILLICIT IMPORT, EXPORT AND TRANSFER OF OWNERSHIP OF CULTURAL PROPERTY

2011 - 2015

Introduction

The illicit trafficking of cultural property is a serious problem that affects all nations and undermines the identity of peoples. Powered by theft, looting and all kinds of illegal transactions, illicit trafficking encompasses practices that mainly harm archaeological sites, churches, museums, cultural institutions and private collectors. Works of art, archaeological objects and utilitarian pieces are purchased as an investment, not only by collectors, but also by those who launder money through them. This reality increases market prices and encourages illicit transactions and speculation.

Although in Colombia cultural heritage is protected legally since the late nineteenth century, movable property has become the target of organized crime and unscrupulous traders. The archaeological objects are continuously looted and, after passing through a long chain of intermediaries, are auctioned or sold in the black market or online. Religious goods are stolen from their sites and passed into the hands of collectors or are the subject of commercial transactions abroad.

Following its own progress, regulation around this issue has been strengthened by the structuring of the National Program for Cooperation Against the Illicit Trafficking of Cultural Property, designed as a strategy for institutional and citizen cooperation, the scope of which is to raise awareness in the national public of the volume of illicit trafficking and its consequences for the symbols of identity of the regions and localities and for the different ethnic and cultural groups that make up the nation. The project is promoted by the National Program against the Illicit Trafficking of Cultural Property, which was launched in 2002 with the signing of the first cooperation agreement to combat this phenomenon, initially involving the Ministry of Foreign Affairs, the Ministry of Culture, the ICANH and the General Archive of the Nation, among others. This campaign has gone further with the signing, by member states of the Andean Community of Nations, of Decision 588 of 2004 to counter the import and sale of cultural property belonging to these nations, and with the Inter-Agency Cooperation Agreement 1881-01 of 2005, signed by 11 public institutions and 2 advising entities to generate mitigation strategies and punish illicit actions taken against cultural property.

The program consists of the following lines of action:

- National institutional cooperation by the means of agreements that allow the consolidation of joint actions;
- The inventory and registration of cultural property as the main mechanism of attaining knowledge, protection and dissemination;
- Education, awareness and diffusion as fundamental aspects to promote the knowledge about cultural property in the different population groups;
- The implementation of laws and the development of public policies at the national level, in addition to the implementation of conventions and multilateral and bilateral agreements, as necessary legal support;

- International cooperation as a vital means to strengthen efforts in the country, looking for the commitment and solidarity of the affected countries and those involved in the import and transit of property.

ANNEX I

GUIDELINES FOR THE PREPARATION OF REPORTS BY MEMBER STATES ON THE APPLICATION OF THE 1970 CONVENTION ON THE MEANS OF PROHIBITING AND PREVENTING THE ILLICIT IMPORT, EXPORT AND TRANSFER OF OWNERSHIP OF CULTURAL PROPERTY

As far as practicable, it is recommended that Member States follow all the points contained in this draft. In its contribution, however, the State may disregard any aspect on which no information is available. Lastly, even though some points are framed as questions, the document must be regarded more as a guide than as a questionnaire.

I. Information on the Implementation of the UNESCO Convention of 1970.

1. Ratification of the Convention

- (a) Has this Convention been ratified?

Colombia ratified the Convention on November 20, 1986.

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

- a. Give the references of the principal national regulations adopted in order to implement the 1970 Convention?

Constitution of Colombia, 1991

Article 72: The Cultural Heritage of the Nation is under state protection. The archaeological heritage and other cultural goods that shape the national identity belong to the nation and are inalienable, indefeasible and exempt from seizure. The law will establish the mechanisms to acquire them when they are in private hands and regulate the special rights that ethnic groups dwelling in territories of archaeological wealth might enjoy.

The law will delimit the scope of economic freedom when required by the public interest, the environment and the Cultural Heritage of the Nation.

Laws

Law 63 of 1986

Whereby Colombia adheres to the "Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property", UNESCO Convention held in Paris in November 1970.

Agreement 07 of July 1994

Which adopts and issues the general regulation for archives, and sets forth the obligation to request authorization from the General Archive of the Nation for the temporary departure of documents outside the country for legal reasons, exhibition purposes or special technical processes.

Law 397 of 1997, General Law of Culture

Sets the regulations on Colombian Cultural Heritage. Article 11, paragraph 4, states that "the export of movable property of cultural interest is prohibited", establishes institutional responsibilities for its protection and makes the registration thereof mandatory.

Following Article 15 of Law 133 of 1994, the General Law of Culture provides that the State shall enter into agreements with the corresponding churches and faiths to determine the regulations that will cover this property, including restrictions on its sale and export and measures for its inventory, conservation, restoration, study and exhibition.

Law 470 of 1998

Which ratifies the Treaty between the Republic of Colombia and the Republic of Peru, for the protection, conservation and restoration of archaeological, historical and cultural goods.

Law 594 of 2000

General Law on Archives. The regulations for ownership, management and use of public records are established therein, as well as those for the exit of administrative and historical documents outside national territory. Other measures include: Control and surveillance, prevention and punishment for the export or illegal extraction of documents from public historical archives; the registry of private archives of cultural interest, the declaration of private documents as being of cultural interest, the prohibition of transfer outside the national territory of those documents declared of cultural interest. The role of the state as archivist is defined in its basic tenets and scope.

Law 587 of 2000

Which ratifies the Agreement between the Republic of Colombia and the Republic of Ecuador for the recovery and return of stolen cultural property.

Law 564 of 2000

Which ratifies the Agreement on Cultural Cooperation between the Government of the Republic of Colombia and the Government of the Republic of Lithuania, signed in Bogotá

on April 28, 1995. Article X, dealing with the recovery of goods illegally removed from their respective national heritage.

Law 566 of 2000

Which ratifies the Agreement between the Government of the Republic of Colombia and the Government of the Russian Federation on Cultural and Scientific Cooperation. Signed in Bogota on November 26, 1997. Article 8º, dealing with the legal rights of ownership of cultural property and with its return in case of unlawful extraction.

Law 896 of 2004

Which ratifies the "Agreement between the Government of the Republic of Colombia and the Government of the Republic of Bolivia for the Recovery of Cultural Property and Other Specific Stolen, Illicitly Imported or Exported Goods", signed in the city of La Paz, on August 20, 2001.

Law 1018 of 2006

Which ratifies the "Agreement between the Government of the Republic of Colombia and the Government of the Republic of Bolivia for the recovery of cultural property and other specific stolen, illegally imported or exported goods", signed in the city of La Paz, in 2001.

Law 1185 of 2008

Which amends and supplements Law 397 of 1997 -General Law of Culture- and issues other provisions. Article 11, paragraph 3: "Export. The export of movable property of cultural interest is hereby forbidden. Nevertheless, the Ministry of Culture, in dealing with movable property of cultural interest at the national level, the Colombian Institute of Anthropology and History in respect of archaeological objects and the General Archive of the Nation regarding documentary and archival goods, may authorize the temporary export thereof for a period not exceeding three (3) years, with the sole purpose of being exhibited to the public or studied scientifically [...] The Ministry of Culture and other public entities will make all efforts to restitute goods of cultural interest that have been illegally removed from the Colombian territory". The Ministry of Culture shall regulate for the entire national territory everything related to the procedure and requirements for the temporary export of such property, without prejudice to other customs regulations.

Law 1304 2009

Which ratifies the "UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects", signed in Rome on June 24, 1995.

Decrees

Decree 289 of 1975

Whereby the collection of documentary sources that make up or enter the National Archive is declared a national monument.

Decree 833 of 2002

Whereby Law 397 of 1997, related to the national archaeological heritage, is partially regulated and other provisions are issued.

Decree 763 of 2009

Whereby law 814 of 2003 and 397 of 1997, as amended by Law 1185 of 2008, are partially regulated. This decree regulates the laws related to tangible heritage.

Decree 2941 of 2009

Which partially regulates Law 397 of 1997 as amended by Law 1185 of 2008, regarding the intangible Cultural Heritage of the Nation. Chapter VII establishes regulations regarding the temporary export of Goods of Cultural Interest.

Resolutions

Resolution 0787 of 1998

Which delegates to the Director of Heritage of the Ministry of Culture the function to authorize or deny the temporary exit from the country of movable property of cultural interest.

Resolution 0983 of 2010

Which develops some technical aspects relating to the tangible cultural heritage of the Nation. Chapter V regulates the procedure for the temporary export of goods of cultural interest.

Resolution 0395 of 2016

Whereby certain categories of cultural movable property are declared as of cultural interest.

Customs Regulations Related to Movable Cultural Heritage

Decree 2685 of 1999

Which approved a new set of customs regulations and allows the temporary export of goods for re-importation in the state.

This decree states that for goods that belong to the cultural heritage of the nation, the temporary export thereof may be authorized, in conformity to Law 397 of 1997, in the cases specified and for a period not exceeding three years, prior guarantee of a bank or insurance company that ensures the re-importation in the same state of the goods referred to in this paragraph, in the terms established by the Directorate of National Taxes and Customs (Article 297). Article 9. (...) There will be no place to post collateral in the case of public corporations and other entities or persons covered by international agreements entered into by Colombia, with the exception of the securities lodged in place of seizure or disposal goods.

Resolution 4240 of 2000

Article 511, which regulates Decree 2688 of 1999. It establishes the requirement of a collateral of 100% of the value of the goods that are temporarily exported if they belong to the national and cultural heritage.

Decree 1489 of 2002

Whereby Decree 2685 of 1999 is partially amended by the addition of Article 264 – 1. It establishes that the exit of works of art from the country is possible with the list of the goods, their quantity, description, and value given by the exporter, without need of a customs broker if the author is the exporter.

In the event of the temporary export of goods referred to in the Article, their re-importation may be carried out at any time and by a different customs jurisdiction to that under which its exit occurred.

Decree 1719 of 2002

Whereby a tariff subheading is created which allows works of art that are made directly by the author to be imported with a 0% tariff; this in order to promote cultural exchange and facilitate for artists the entry into the country of artworks for different purposes.

Decree 1047 of 2000

Whereby a tariff subheading of 0% is created for the importation of artworks or art objects and antiques of national and international cultural value, by public or private non-profit entities dedicated exclusively to delivering cultural services.

Police Code of Bogota

Agreement 79 of 2003

Title VIII For the Protection of the Cultural Heritage.

Chapter 1, Article 101: Cultural Heritage. The defense and protection of the cultural heritage is a public concern and its defense and protection is the responsibility of the authorities and the general public. The ownership, knowledge, appreciation and enjoyment of the cultural heritage by the citizens of Bogota is essential for the defense and protection thereof, according to current regulation.

Other Instruments

Agreement on Cooperation and Trade in Goods of the Educational, Scientific and Cultural Areas, sponsored by the Latin American Integration Association (ALADI).

Colombia signed this agreement in the Second Meeting of the Rio Group in March 1997, during which the First Additional Protocol was approved.

b) A definition of “cultural property” agreeing with the definition proposed by the 1970 Convention is important in order to increase the effectiveness of international cooperation. State what definition is used by the national laws of the country concerned.

The Convention was ratified under Law 63 of 1986. Law 1185 of 2008, which amended Law 397 of 1997, defined cultural heritage as: "The cultural heritage of the Nation consists of all the tangible goods, intangible manifestations, products and representations of culture which are an expression of Colombian nationality, such as the Spanish language, the languages and dialects of indigenous, black and Creole communities, the tradition, the ancestral knowledge, the cultural landscape, the customs and habits as well as material goods, both movable and immovable to which is attributed, among others, special historical, artistic, scientific, aesthetic or symbolic value, in plastic, architectural, urban, archaeological, linguistic, sound, musical, audiovisual, film, testimonial, documentary, literary, bibliographical, museological or anthropological contexts."

Law 397 of 1997 establishes which goods and categories of goods belong to the Cultural Heritage of the Nation and for their special value acquire -through predefined procedures- the category of Goods of Cultural Interest. Any movable or immovable property that has the characteristic of representing a sense of identity for Colombians, and as such belongs to the cultural heritage of the nation can be declared a Good of Cultural Interest.

c). Have specialized units been established in order to prevent and combat trafficking and ensure international cooperation for the protection of cultural heritage? Within the Heritage Department? In other government departments (police, customs)?

Since the creation of the Ministry, there is a working group in the Directorate of Heritage that is in charge of movable property among other functions, such as: Developing and updating procedures and instruments to ensure the safety of and control over the procedure of authorization for departure from the country of movable property of the cultural heritage; providing professional and technical assistance in the issuance of concepts on issues related to the authorization of departure from the country of assets of the movable cultural heritage; performing the study and evaluation of the supporting documents submitted to request the authorization needed for this property, issuing its opinion on whether to authorize the temporary departure thereof and submitting the respective decision for the signature of the Director of Heritage. To hold the records necessary for the proper monitoring of the departure authorizations that have been approved or denied. To authorize the departure of movable property when it is determined, after the study of the submitted documents, that they don't belong to the cultural heritage of the nation and therefore are deemed to be of free circulation.

The Ministry of Culture of Colombia signed the Inter-Agency Convention No. 1881-01-05, with the aim of cooperating in the fulfillment of its objectives and functions, combining technical, financial and human resources for programs and activities to combat the illegal

import, export, transfer and other related crimes against movable cultural heritage, implementing national regulations, international agreements signed by Colombia and the commitments arising from international meetings on the fight against the illicit trafficking of cultural property. An update of this agreement is planned for December 2015.

The following entities are current parties in this Agreement: Ministry of Foreign Affairs, Ministry of Culture, Inspector General's Office, National Police, Attorney General's Office, General Archive of the Nation, Colombian Institute of Anthropology and History (ICANH), ICOM - Colombia, Civil Aviation, Directorate of National Taxes and Customs, DIAN, Externado University of Colombia, National Learning Service (SENA).

The Colombian Geological Service and the Port and Airport Control Area of the Narcotics Division of the National Police have also been invited to join the Agreement in order to strengthen the scenarios of the Prevention Program of illicit trafficking of Colombian Cultural Heritage.

The functions of the Technical Committee for the control of illicit trafficking of cultural property in Colombia are as follows: To contribute to the realization of the activities defined in the Inter-Agency Agreement No. 1881-01 of 2005 in fulfillment of administrative functions to counter illicit trafficking in cultural property and of other activities deemed necessary to strengthen the fight against criminal activity involving the cultural heritage of Colombia. To contribute to the implementation of the UNESCO Convention of 1970, of Decision 588 of 2004 and of the agreements and commitments Colombia has entered into in the field; to contribute to the definition of guidelines and regulations related to the protection of the cultural heritage that is subject to theft, sale and illegal trafficking. To support the participating entities in the implementation of their own programs, consistent with the issue of illicit trafficking of cultural property. To promote and disseminate the actions related to the prevention and control of the illicit trafficking of cultural property. To contribute to the necessary steps to obtain logistical and financial support to carry out the activities defined in the agreement and all other activities that correspond to its role.

In this context, the Ministry of Culture, the ICANH, the DIAN and Civil Aviation consolidated the Permanent Control System in airports, ports and border areas, which strengthens the training of officials and airport personnel and increases checks to prevent the illegal departure of goods from the country. Under Agreement 1881-01 of 2005, the Investigative Group for Crimes against the Cultural Heritage was created in DIJIN (the judiciary police). This group has focused its efforts, among others, in the recovery of stolen cultural heritage in the country or that has entered the Colombian territory illegally. It has also promoted the inclusion of the heritage issue in the training provided by the Police School.

d) Describe briefly the administrative coordination of the activities of these specialized units, especially with the police and customs authorities.

On December 12, 2005 the Inter-Agency Cooperation Agreement No. 1881-01 of 2005 was enacted to fulfill administrative functions aimed at countering the illicit trafficking of cultural property; this agreement was created to carry out joint activities aimed at the protection of

the cultural assets that make up the cultural heritage of Colombia and that may be affected by theft, looting, sale and trafficking.

In the wake of this, an advisory committee to support and monitor the agreement was proposed, to be composed by a delegate of each of the participating institutions, among which the National Police. This institution is involved with the following groups:

Investigative Group of Crimes Against Cultural Heritage and Group of International Inquiries (INTERPOL); the Directorate of Judicial Police (DIJIN) and the Department of Protection, Tourism and Heritage; the Directorate of Protection and Special Services to the Technical Committee and the Directorate of Taxes and National Customs DIAN.

3. Inventories and identification

a) State briefly the extent to which inventories provide for the risks of misappropriation and theft.

The inventory is a basic condition for the protection of movable cultural heritage and is the first and foremost action of protection, in addition to being an essential requirement in international treaties. The Directorate of Heritage has created the National Program of Cultural Heritage Inventory and Registration of Goods of Cultural Interest and a manual for the preparation of inventories of movable cultural property, with seven (7) instructional sections and one (1) glossary with the conceptual and methodological aspects for identifying this kind of goods; the Directorate also conducts training courses on the subject in the regions. To systematize all this data the Information System of Heritage and the Arts (SIPA) was created, with information on 15,684 movable goods. This system is putting in place a service to deal with the illicit trafficking in cultural property, where information on stolen, seized or restituted goods is processed. The Colombian Institute of Anthropology and History, ICANH, in the carrying out of its functions, must register the archaeological assets that are in public or private entities and held by individuals. The enactment of Law 1185 of 2008 indicated a deadline of five (5) years for this objective. The Colombian Cultural Heritage Inventory is a document base of primary importance for actions in favor of the conservation, recovery and disclosure of the assets that comprise it. The primary objective of the inventory is to achieve the recognition of cultural heritage as riches and potential. The inventory is the prior and funding stage to the actions of sustainable management, protection, safeguarding and dissemination of the assets and manifestations that comprise it. Likewise, the inventory is an essential means to sensitize all stakeholders on the importance of their cultural heritage.

Conducting inventories of the assets belonging to the movable cultural heritage and of those of cultural interest, is done according to a particular methodology, composed of two phases: the first one is conducting preliminary lists as an initial input, in order to generally identify the amount and type of cultural goods that make up a collection; along with this list, a descriptive memoir of the collection is elaborated, whose content must account for the history of the

collection, its importance and the justification for taking inventory of all the assets or of a selection of them.

The second phase consists of taking inventory of the assets that were selected. This inventory consists in filling the particular fields of information related to the physical characteristics of the works, making a photographic record and an evaluation of the collection in order to consolidate data that might be useful in research and possible processes of declaration as good of cultural interest.

- b) Specify the degree of precision, at the national level, of the definition of “cultural property” covered by international conventions (see above I.2(b)). State whether “national treasures” are identified in an official, tentative or exhaustive list.**

Colombia defined the term of “good of cultural interest” in accordance with international conventions. Goods of Cultural Interest are covered by a special protection regime due to the special values they hold for society. Currently there is a list of goods declared as of cultural interest; however, it has not been possible to enter into this list all movable property of cultural interest, as declared in Resolution 395 of 2006: “...the following properties and set of movable properties that are currently in the country, belonging to persons, natural or legal, and which have been produced before December 31, 1920, by authors identified, attributed or anonymous, and that uphold the values mentioned in the preamble of this resolution, such as: paintings and drawings produced entirely by hand on any support and in any technique and material. Original sculptures made in any technique and material. Monuments and commemorative plaques. Photographs, engravings, lithographs and original plates, and any work of serial reproduction. Liturgical objects, utilitarian objects of religious and secular domestic life. Clothing related to the religious and secular life. Furniture related to religious worship and domestic life. Scientific objects. Musical instruments belonging to public and private museums or public entities. Weapons belonging to public and private museums or public entities. Postage, revenue and similar stamps, belonging to public and private museums or public entities. Inscriptions, coins, banknotes, engraved seals, medals, belonging to public and private museums or public entities. Bibliographic and Hemerographic materials belonging to the libraries of public and private entities. Furthermore, there is an exhaustive list of all assets of the Archaeological Heritage, which are by definition of Cultural Interest at the National Level. | Address: Carrera 8 N ° 8-43. Telephone Number: 3424100. Toll Free Number: (018000) 913079. E-mail: servicioalcliente@mincultura.gov.co. Webpage: <http://www.mincultura.gov.co> Ministry of Culture Republic of Colombia. To consolidate this list, the inventory and registry of property will be strengthened, which in the medium term will become a single system to coordinate and access the information on the status and location of each Good of Cultural Interest.

- c) To what extent is the Object ID standard used? Is the standard adapted to the State’s needs?**

The standard was adapted to the needs of the State in the inventory cards and the Register of Goods of Cultural Interest was created, which is an evidentiary element in restitution processes of those assets, being requested to demonstrate that they belong to the cultural heritage of the nation.

d) Are there systems to combat theft and to train museum staff and have specific measures been adopted for libraries, archival and manuscript repositories, and any specialized units established to monitor them?

Museums, archives and libraries are equipped with security systems that prevent the theft of the assets that they hold. Churches, however, which have a significant number of cultural assets, mostly lack security measures. The strategies for worker training are carried out through the cooperation agreement 1881-01-05. Under the Memorandum of Understanding with the United States, the workshop-seminar "Evaluation and security planning for cultural heritage sites", attended by delegates from the different regions of the country, was held in Medellín in March of 2009. Colombia doesn't have a specialized monitoring unit.

4. Archaeological excavations

a) Summarize the basic principles of the regulations on archaeological excavations and on the monitoring of excavations in force in the country.

Since 1938 ICANH (before that known as National Archaeological Service) has carried out archaeological research activities across the country, to give its proper place to the remains of past societies. In this process, ICANH archaeologists have recovered in different regions representative samples of pre-Columbian cultures that today are part of the inventory (the oldest in Colombia) that lies in their depositories, in the laboratory of archeology, in the exhibitions at the National Museum and in the archaeological parks. So, in accordance with established national law, ICANH must authorize any intervention of the archaeological heritage and determine the measures applicable in case of incidental findings of goods belonging to this heritage. This competence received legal status (before that it was a delegation from the Ministry of Culture) with the enactment of Law 1185 of 2008, regulated by Decree 763 of 2009. According to these regulations, ICANH may authorize interventions on the archaeological heritage, both movable and immovable (Decree 763 of 2009 lists four types), and takes the technical and legal measures that may arise in case of a chance finding of assets. It is noteworthy that under Law 1185 of 2008, any construction work that requires environmental licensing must also comply with having a program of preventive archeology and a plan of archaeological management as a condition to break ground. Since this requirement was enacted there has been a substantial increase in archaeological excavations. The authorization for intervention of the archaeological heritage (excavation authorization), whatever the nature of the latter, must adhere to the criteria previously established by the Institute, among which it's relevant to mention the following: approach and rationale, background and conceptual framework, objectives, methodology, timeline

and budget as well as the requirement to clearly delineate the place of intervention and the composition of the work team. These elements are evaluated by the ICANH, which has the power to grant or deny the authorization, which is granted for a specific term but can be extended if needed. Once a license is granted, the person to whom it was granted must submit a report at the end of the excavation and deliver the archaeological goods to the Institute. This final report is again evaluated by archaeologists at the Institute, which has the power to reject it or ask for modifications and, of course, to initiate sanctions if it detects that the licensee acted outside the framework of the granted authorization.

It is also important to reiterate that since the promulgation of the Constitution of Colombia in 1991, and then with the General Law of Culture 1997, amended by Law 1185 of 2010, the ICANH has carried out the task of making and promoting the inventory and registry of archaeological property in the country. For this it has made use of different mechanisms and categories of property, according to their origin and the nature of their ownership. On the one hand, there is the registration procedure of archaeological collections in private hands before the ICANH, with the subsequent authorization of ownership for individuals. The registration form is available to the public on the website of ICANH: http://www.icanh.gov.co/secciones/tramites/arqueologia_03.htm. Similarly, in joint work with the Directorate of Heritage the Manual for the Inventory of Archaeological and Ethnographic Assets was published in 2006. Once each piece of a collection and the data of the collector are entered, ICANH gives the holder a registration number and monitors its management. This procedure also applies to all the museums holding archaeological assets. This task is developed jointly with the National Network of Museums, through its Colombian Collections database. Moreover, since 2006 the ICANH has implemented the National Network of Archaeology Laboratories, which promotes the inventory of archaeological reference collections that are the result of excavations carried out by universities or research centers. Since the material of these collections consists of both whole pieces and fragments, the inventory procedure is based on scientific reports and a unique number assigned to each excavation. The ICANH, through the national registry of archaeological sites, also includes listings of the existing archaeological materials in them. These same tasks are carried out for ethnographic cultural property. Finally, joint actions between the ICANH and the National Police, through the Cultural Heritage Group, have made seizures related to illicit activities.

b) Is there a recurrent problem of illegal excavations? If so, what are the reasons and when did it begin? What steps have been taken to combat this scourge?

The practice of clandestine excavations is a recurrent problem in the country, due to the high price and demand for these pieces of cultural heritage, especially in the international illegal market. What we describe today as "illegal excavations" is a behavior that can be traced to the colonial days (the "laws of the Indies" rewarded those who found "treasure") and one that was accepted by the law of the land (for example in the Colombian Civil Code of 1873) for much of its history. The practice was banned for the first time by Congress through Law 103 of 1931 and since then both heritage and penal legislation have upheld the ban. It's currently typified as a crime of aggravated damage in property of others (Colombian

Penal Code, articles 265 and 266-4). The illegal excavator or "guaquero" in Colombian slang is the first link in the long chain of illicit trafficking. This is why the measures taken against this phenomenon begin with discouraging illegal excavation. Additionally, both the Ministry of Culture and the ICANH have carried out campaigns among local authorities –who usually are the ones receiving first-hand information–, to ensure that they are prepared to address this issue. This is done through lectures in the municipalities and the issue of a circular letter to local authorities.

5. Monitoring of the export and import of cultural property

a) Give an estimate of the scale of the illicit export or import of cultural property. Are up-to-date statistics compiled on the theft of cultural property?

Regarding the artifacts that are abroad, lost, held by third parties or stolen, it is necessary to mention that the looting of archaeological pieces in Colombia began in the sixteenth century and continued there on, extending to most regions of the country during Colonial and Republican times. The colonization of “Old Caldas” is a clear example of how “guaquería” was upheld socially by its economic appeal, resulting in a deplorable destruction of heritage property. This destruction crosses all social strata (looters, dealers, national and foreign collectors, gallery owners) who profit to a lesser or greater degree of the illicit trade. Only until the first half of the twentieth century, did awareness of the importance of the objects that make up the Colombian archaeological heritage arise and a legal protection regime was defined. However, the volume of business around cultural heritage pieces became more apparent only in the XXI century, when it was shown that after drugs and weapons, it is the third form of trafficking in Colombia.

In view of the above, and especially of the long chain of illicit trafficking, many archaeological pieces have left the country illegally. Because they were not legally registered before this institution it is impossible to determine their actual existence and location.

In recent years the national archaeological parks have seen no cases of guaquería, however it is important to note that due to the high archaeological potential of the country, all regions are susceptible to acts of looting, guaquería and vandalism. Accordingly, the Institute receives tips about incidental findings of which a significant number corresponds to cases of guaquería, mainly from the following departments: Atlántico, Antioquia, Cundinamarca, Boyaca, Cauca, Valle del Cauca, Magdalena, Huila, Tolima, Guajira, Nariño, Risaralda and Quindio.

There are no consolidated statistics to reveal the figures and impact of the illegal practices. In Colombia, individual owners do not usually report these thefts.

	2011	2012	2013	2014	2015 *
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INCIDENTAL FINDINGS	30	39	48	88	57
HERITAGE AFFECTED	19	46	37	65	60
TOTAL	49	85	85	153	117

b) Is the illicit export of cultural property a recurring problem? If so, for which reasons (lack of financial and human resources, shortcomings in the legal supervision framework, etc.)?

It is a recurring problem, a fact which is frequently proven in the discovery of goods of cultural interest at auctions worldwide. It is basically due to the lack of financial resources to enable greater control, to weak security mechanisms, lack of customs staff qualified in handling Cultural Property, and to gaps in international law that hinder an effective control.

c) What are the main rules (administrative and legal) for monitoring the export and import of cultural property (existence of an export certificate, public information about the rules in force)? What categories of cultural property are covered by the rules?

The main rules are: Law 1185 of 2008, which amended Law 397 of 1997, General Law of Culture.

Article 11, paragraph 3: "Export. The export of movable property of cultural interest is hereby forbidden. However, the Ministry of Culture in dealing with movable property of cultural interest at the national level, the Colombian Institute of Anthropology and History in respect of archaeological objects and the General Archive of the Nation regarding documentary and archival goods, may authorize the temporary export thereof for a period not exceeding three (3) years, with the sole purpose of being exhibited to the public or studied scientifically"

Decree 763 of 2009: Chapter VII. Temporary Export of Goods of Cultural Interest. Article 52. "Authorization. Temporary exports of GCI will be authorized by the competent authority as provided in Title I of this decree, when compliance with Law 397 of 1997, as amended by Act 1185 of 2008, is strictly determined. The Ministry of Culture will settle general technical issues to allow the authorizations to proceed without prejudice to customs regulations."

Resolution 0983 of 2010. Chapter V. Temporary Export of Cultural Interest Goods.

An export certificate exists which allows customs authorities to verify that cultural goods have no restrictions for departure.

This certificate is issued according to the category of the Good: unrestricted export for Cultural Heritage Goods which aren't in the category of Cultural Interest Goods.

Temporary export for Cultural Interest Goods that meet the requirements established by law, to be exported outside of the country for a period of time not exceeding three (3) years.

The regulation covers the Goods of Cultural Interest, which have a special protection regime under Law 397 of 1997, amended by Law 1185 of 2008; it determines that the goods and categories of goods which are part of the Cultural Heritage of the nation and which due to the value they hold acquire, through specific predefined procedures, the category of Goods of Cultural Interest. Any good, movable or immovable, that has the characteristic of representing a sense of identity for Colombians, and which therefore is part of the cultural heritage of the nation, can be declared of Cultural Interest.

d) Do the rules provide for the restitution of illicitly imported cultural property?

Yes, through the ratification of international conventions and bilateral agreements.

e) What are the main obstacles encountered in securing the restitution of illicitly exported cultural property? What type of obstacles are they (administrative, legal or political) and why do they arise (legal loopholes, unwillingness by importing countries, lack of international cooperation, etc.)?

The main obstacle is what the UNESCO Convention of 1970 sets forth in regard to the information requirements to be supplied by the requesting State for the restitution of assets.

Lack of information regarding other countries' demands of proof of the precise circumstances under which the goods to be restituted left the national territory. Incompatibility between the legal frameworks of different countries in which Colombian Goods of Cultural Interest are found.

- Crimes against the cultural heritage outside the criminal code.
- Few bilateral agreements against illegal trafficking. Absence of a state policy for the restitution of cultural property.
- Low financial resources to cover court proceedings, expert technical evaluations and transportation costs for the restitution of goods.
- Reduced staff to execute the restitution process. Lack of expert appraisers for Cultural Heritage Goods.
- Absence of clear procedures for entities and embassies to attend each process efficiently. The state does not possess the resources to attend the reclamation procedures.
- Absence of mechanisms and procedures that would allow for funding the purchase of illegally exported goods.

- f) **If the country has succeeded in securing the restitution of a stolen cultural object, describe the circumstances and state whether that involved legal proceedings, arbitration or alternative dispute resolution.**

Ecuador

Triple Santa Ana case : under the *Agreement between the Republic of Colombia and the Republic of Ecuador for the Recovery and Return of Stolen Cultural Property* signed in 1996, the restitution of a religious sculpture called "Santa Ana Triple" was achieved. The piece was stolen in 1985 from the Convent of the Franciscans in Tunja, Colombia, and was found in 2014 at the National Museum of Quito, Ecuador. With support from the Colombian government, the religious community requested before the government of Ecuador the return of the art piece. The issue was handled through diplomatic channels and Ecuador returned the sculpture to Colombian authorities, which in turn restituted its ownership to the religious community.

Stadium Case - Magola Rojas : Under the *Agreement between the Republic of Colombia and the Republic of Ecuador for the Recovery and Return of Stolen Cultural Property* mentioned in the preceding paragraph, the restitution of seven Colombian archaeological pieces recovered by the Government of Ecuador was achieved. The process began with the seizure of the pieces by the Ecuadorian authorities from a private home in Quito. After receiving the technical report and once the pieces were identified as belonging to the Colombian cultural heritage, an Ecuadorian judge ordered their seizure and their delivery by the National Institute of Cultural Heritage of Ecuador to the Colombian authorities through diplomatic channels.

Spain

In 2003, Spanish police seized 691 archaeological pieces of the Colombian heritage from an individual, which were deposited in the Museum of America in Madrid by order of a court. In September 2011, a Spanish judge decided that the collection should be returned to the person from which it was seized. At this time, the Colombian government and the Brigade of Historical Heritage of Spain acted together to avoid this and managed to ensure that Spanish authorities would retain the pieces and open the path for their inclusion in judicial processes. Colombia then requested the restitution of the pieces, giving proof that they were part of the national heritage and had left the country illegally. Finally, in 2014 the pieces were restituted to Colombia.

United States

A close cooperation exists between the United States and Colombia in this matter, given under the *Memorandum of Understanding on the imposition of import restrictions of archaeological assets from pre-Columbian cultures and certain ecclesiastical ethnological*

material of the Colombian colonial era. Under this framework six archaeological pieces were seized in 2011 by agents of the US Bureau of Customs in Miami and restituted to Colombia in 2014.

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

a) Give a brief description of the cultural goods market in the country (financial volume of the market, number and turnover of auction houses including via the Internet).

The country does not have this information. However, it should be clarified that the sale and purchase are allowed in the country, excluding archaeological heritage goods which are owned by the nation.

b) What are the main rules governing trade in cultural goods? Are control measures in place for such trade (maintenance of a police register), in particular through the Internet (for example, reference to the basic measures proposed by UNESCO, INTERPOL and ICOM)?

Law 1185 of 2008, which amended Law 397 of 1997, General Law of Culture. Article 11. Paragraph 4: "If the intention is to dispose of a movable property of cultural interest, the seller must offer it first to the authority which made the respective declaration, giving it the right to exercise a first option of purchase, with prior appraisal and on no less favorable market terms than those for private individuals. This first option may be exercised by any state agency, as coordinated by the authority which made the declaration. The transfer of an ownership title of any kind of all privately owned cultural assets must be communicated by the purchaser to the authority which declared the good as being of cultural interest and within a period of time no greater than six (6) months after the conclusion of the legal transaction. The collections of goods declared of cultural interest cannot be divided or pieces of the collection be individually transacted, without prior approval of the authority that made the declaration." The Goods of Cultural Interest which are property of the nation, such as those of the archaeological heritage, belong to the Nation and are inalienable, indefeasible and exempt from seizure. It should be noted that the purchase and sale of cultural property are allowed within the national territory, with the exception of assets of the archaeological heritage.

c) Do measures exist to control the acquisition of cultural property (for example, mechanisms to prevent museums and similar institutions from acquiring cultural property exported illegally from another State)?

There are no control measures. The Ministry of Culture is a user of the INTERPOL database of stolen goods.

The museums are governed by a code of ethics that prevents them from pursuing the acquisition of illegally exported cultural property from another country.

d) Specify the existing legal system concerning ownership of cultural property:

Is the principle of inalienability applied to cultural items in national collections and objects originating in heritage sites?

This principle applies to Goods of Cultural Interest which are property of the nation; similarly, and by constitutional mandate, to the entire archaeological heritage.

What is the status of yet unfound cultural objects, of cultural items found by chance and archaeological artefacts found during legal or illegal excavations?

Cultural objects that have been stolen and were tipped to the authorities are reported in the INTERPOL database. The objects that have been recovered by chance and belong to the heritage of other countries have been restituted under bilateral agreements. As for archaeological objects, Law 1185 of 2008, which amended Law 397 of 1997, the General Law of Culture, states in Article 6: "Archaeological Heritage. The archaeological heritage comprises those vestiges which are product of human activity and the organic and inorganic debris which, using methods and techniques of archeology and related sciences, allow to reconstruct and bring to public knowledge the beginnings and the social and cultural journeys of the past and guarantee their conservation and restoration. For the preservation of the goods of the paleontological heritage, the same instruments as those set forth for the archaeological heritage will be applied. In accordance with Articles 63 and 72 of the Constitution, archaeological heritage assets belong to the nation and are inalienable and indefeasible and exempt from seizure".

Thus, by express mandate, archaeological goods, even if they have not yet been found, are considered to belong to the nation.

e) Are there special rules on the transfer of title deeds in respect of cultural property? If so, please summarize their content.

No, there are no regulations in place.

7. Bilateral Agreements

a) List the bilateral agreements concluded with other countries on the import, export and return of cultural property and comment briefly on their results.



United Nations
Educational, Scientific and
Cultural Organization



MINCULTURA

Country	Name of Instrument	Date of Signature	Date implemented	Status
Argentina	AGREEMENT BETWEEN THE REPUBLIC OF COLOMBIA AND THE REPUBLIC OF ARGENTINA ON THE PREVENTION OF APPROPRIATION, IMPORT, EXPORT, AND ILLICIT TRANSFER OF CULTURAL GOODS.	September 20, 2012	April 3, 2015	in force
Bolivia	AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF COLOMBIA AND THE GOVERNMENT OF THE REPUBLIC OF BOLIVIA FOR THE RECOVERY OF CULTURAL PROPERTY AND OTHER SPECIFIC STOLEN, ILLEGALLY IMPORTED OR EXPORTED.	August 20, 2001	August 16, 2007	in force
China	AGREEMENT BETWEEN THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA AND THE GOVERNMENT OF THE REPUBLIC OF COLOMBIA ON THE PREVENTION OF THEFT, CLANDESTINE EXCAVATIONS, AND ILLICIT IMPORTS OR EXPORTS OF CULTURAL PROPERTY.	May 9, 2012	October 10, 2013	in force
Ecuador	AGREEMENT BETWEEN THE REPUBLIC OF COLOMBIA AND THE REPUBLIC OF ECUADOR FOR THE RECOVERY AND RETURN OF STOLEN CULTURAL PROPERTY.	December 17, 1996	June 8, 2001	in force
United States of America	MEMORANDUM OF UNDERSTANDING BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF COLOMBIA CONCERNING THE IMPOSITION OF IMPORT RESTRICTIONS OF ARCHEOLOGICAL GOODS FROM CERTAIN PRE-COLUMBIAN CULTURES AND CERTAIN ETHNOLOGICAL GOODS FROM THE COLONIAL ERA OF COLOMBIA.	March 15, 2006	March 15, 2006	in force
Panama	COOPERATION AGREEMENT BETWEEN THE REPUBLIC OF COLOMBIA AND THE REPUBLIC OF PANAMA FOR THE PREVENTION AND CONTROL OF THE ILLICIT TRAFFICKING OF CULTURAL PROPERTY IN COMPLIANCE WITH THE UNESCO CONVENTION OF 1970	April 13, 2007	April 13, 2007	in force
Paraguay	COOPERATION AGREEMENT BETWEEN THE REPUBLIC OF COLOMBIA AND THE REPUBLIC OF PARAGUAY FOR THE RECOVERY OF STOLEN AND ILLEGALLY IMPORTED OR EXPORTED CULTURAL GOODS.	September 29, 2008	November 20, 2009	in force
Peru	TREATY BETWEEN THE REPUBLIC OF COLOMBIA AND THE REPUBLIC OF PERU FOR THE PROTECTION, CONSERVATION AND RECOVERY OF ARCHAEOLOGICAL, HISTORICAL AND CULTURAL GOODS.	May 24, 1989	June 13, 1998	in force
Switzerland	AGREEMENT BETWEEN THE SWISS FEDERAL COUNCIL AND THE GOVERNMENT OF THE REPUBLIC OF COLOMBIA RELATING TO THE IMPORT AND RETURN OF CULTURAL PROPERTY.	February 1, 2010	August 5, 2011	in force

Uruguay	AGREEMENT FOR THE PROTECTION AND RESTITUTION OF CULTURAL PROPERTY AND CERTAIN OTHER SPECIFICS; IMPORTED OR ILLEGALLY TRANSFERRED BETWEEN THE REPUBLIC OF COLOMBIA AND THE ORIENTAL REPUBLIC OF URUGUAY.	November 21, 2008		In process of ratification in Uruguay
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Ecuador

Triple Santa Ana case : under the *Agreement between the Republic of Colombia and the Republic of Ecuador for the Recovery and Return of Stolen Cultural Property* signed in 1996, the restitution of a religious sculpture called "Santa Ana Triple" was achieved. The piece was stolen in 1985 from the Convent of the Franciscans in Tunja, Colombia, and was found in 2014 at the National Museum of Quito, Ecuador. With support from the Colombian government, the religious community requested the return of the piece of art before the government of Ecuador. The issue was handled through diplomatic channels and Ecuador returned the sculpture piece to Colombian authorities, which in turn returned its ownership to the religious community.

Stadium Case - Magola Rojas : Under the *Agreement between the Republic of Colombia and the Republic of Ecuador for the Recovery and Return of Stolen Cultural Property* mentioned in the preceding paragraph, the restitution of seven Colombian archaeological pieces recovered by the Government of Ecuador was achieved. The process began with the seizure of the pieces by the Ecuadorian authorities from a private home in Quito. After receiving the technical report and once the pieces were identified as belonging to the Colombian cultural heritage, an Ecuadorian judge ordered their seizure and their delivery by the National Institute of Cultural Heritage of Ecuador to the Colombian authorities through diplomatic channels.

United States

A close cooperation exists between the United States and Colombia in this matter, given under the *Memorandum of Understanding on the imposition of import restrictions of archaeological assets from pre-Columbian cultures and certain ecclesiastical ethnological material of the Colombian colonial era*. Under this framework six archaeological pieces were seized in 2011 by agents of the US Bureau of Customs in Miami and restituted to Colombia in 2014.

Currently, under the framework of this instrument, the restitution to Colombia of 317 pieces is expected.

- c) **What conditions are set by the importing country with regard to the admissibility of requests for restitution from a country of origin?**

Generally, those established by the UNESCO Convention of 1970.

- d) **Apart from these agreements, is there administrative aid or any other type of cooperation with neighbouring countries, particularly in respect of police and customs services?**

Andean Community of Nations:

Decision 588 of 2004 on the Protection and Recovery of Cultural Heritage Goods of the Member Countries of the Andean Community was signed in order to promote policies, mechanisms and common legal provisions for the identification, registration, protection, conservation, monitoring, restitution and repatriation of assets that make up the cultural heritage of the member countries, as well as to design and implement joint actions to prevent the export, extraction, import, international transit or illicit transfer thereof between member states and third countries.

Considering that antique dealers and merchants of art are not sufficiently regulated, various countries formulated the Andean Decision proposal, under the framework of the Andean Community of Nations, to regulate the Commerce of Cultural Heritage Goods of the Andean countries. This decision was presented by Colombia to the General Secretary of the Community to be evaluated by all member countries. It is expected that through this proposal greater awareness and monitoring of this issue can be achieved.

II. Code of ethics, awareness raising, and education

- a) **Are the "One hundred missing objects" series and the ICOM Red Lists disseminated and read?**

No, that list is not used or disseminated in Colombia. The country has a Red List which contains the following categories of goods: the statues of St. Augustine, the Amazon tombs, the Tumaco - Tolita masks, the religious sculptures and the silver objects of the Church during the colonial era.

The Colombian Red List, published in 2011, was funded by the State Department of the United States and the support of ICOM. In addition to the archaeological and colonial goods referred to in the Latin American list, it defined other goods whose level of vulnerability is very high and are not easily detectable in customs, such as: bibliographic and documentary heritage, and also objects such as: religious paintings, ornaments and some goods produced before 1920, which have the status of cultural assets at the national level and are thus protected by Colombian law.

- b) **Briefly describe activities carried out to raise the awareness of the authorities**

and educate the public, children in particular, regarding the serious damage that can be caused by illegal excavations, theft of cultural property and illegal export. How far can UNESCO contribute to these activities?

Courses, workshops and virtual training, compliant with the institutional mission and the recommendations of the UNESCO Convention of 1970, and aimed at generating a new collective awareness of the value of the heritage, in order to counter the sale and illegal transfer of cultural goods and to mitigate the negative consequences of the trade in the historical and cultural memory of the nations. However, there are no tools for children on the subject.

Workshops and online training

The Directorate of Heritage, with the participation of the General Archive of the Nation, the Colombian Institute of Anthropology and History, the Directorate of National Taxes and Customs, the National Library and the support of the Civil Aviation has offered courses, workshops and inductions in several cities of the country, targeting public and private entities, security and control agencies, museums, the Church, archives, the diplomatic corps, customs agencies, cultural managers, teachers and the community in general. Course contents are oriented to creating awareness and appreciation of cultural heritage goods, the current regulations and state policies aimed at curbing the illicit traffic of cultural objects.

The virtual course "Let's Live our Heritage" began in 2008 with a pilot course for officials from entities connected to the Agreement.

The virtual course and tutorials have been coordinated by the Directorate of Heritage, involving as course tutors officials from entities attached to the Ministry, the General Archive and the ICANH. Up to date, 28 courses have been completed and 704 participants have been certified, for an average of 25 students per course.

III. Cooperation with other international and regional agencies

Police

- a) **What is the state of national cooperation with INTERPOL? What specialized police services can heritage officials call on for enquiries, legal proceedings and punitive measures?**

Interpol, as a unit that belongs to the National Police of Colombia and actively participates in the Technical Committee of the Cooperation Agreement, is currently carrying out the

revision and update of the site dedicated to the theft of Colombian goods, which helps feed the Interpol database.

The objective is to achieve a unified data stream to help the entities that are part of the agreement. The Group of Cultural Heritage in the Directorate of Judicial Investigations of the National Police is working on the development of procedures for making complaints and for the seizure and delivery of cultural property, in addition to criminalizing activities related to the illicit trafficking thereof, still an ongoing process.

b) If a cultural object is stolen, is the INTERPOL database on stolen objects checked? Is information on the persons implicated in the theft of cultural property transmitted to INTERPOL?

The Directorate of Heritage sets forth the procedure for the victims of theft of cultural property in the country. The process starts with the complaint to the competent body and the communication of the crime to the Directorate of Heritage, which is responsible for coordinating and sharing the information with the appropriate entities.

Information on the crime is sent to Interpol and other agencies when it comes to goods illegally removed from the territory of a member state, as it pertains to the Directorate of Heritage to share all pertinent information and ask for cooperation in the disseminating of information and the recovery of the goods. In both cases the Directorate of Customs and Taxes sends the information available to it to other entities in the country.

Similarly, in the export authorization procedure issued by the Ministry of Culture, in cases in which doubts exist about certain goods, the Interpol database is consulted.

c) Do members of police services follow a specific training programme?

This program is under construction; they participate in workshops and virtual courses developed for this purpose under the framework of the Inter-Agency Cooperation Agreement.

d) Do criminal law provisions allow for the punishment of fraud and theft related to cultural property? Are judges specialized in this field?

Law 1185 of 2008 states that "If the act constitutes a punishable offense by the destruction, damage, misuse, theft or receiving of material goods of cultural interest, or by their illegal exploitation, in accordance with the provisions in Articles 156, 239, 241-13, 265, 266-4 and 447 of Law 599 of 2000 - Criminal Code, or any which modify or replace them, it is mandatory to file the pertinent criminal complaint, and if appropriate flagrancy is found, immediately retain the offenders and place them under the orders of the nearest judicial police authority without prejudice of further pecuniary sanctions herein stipulated."

However, in response to identified needs, a document is being prepared on the judicial reach of the crime of illicit trafficking in cultural property and looting of the archaeological heritage.

Unfortunately no specialized judges exist.

e) Does cooperation exist with the United Nations Office on Drugs and Crime (UNODC)?

No, there is no cooperation with UNODC.

Customs

a) What is the status of cooperation with the World Customs Organization and what specialized customs services can assist heritage officials in preventing the illegal export of cultural property?

There is no information on the subject.

b) Do members of the customs administration follow a specific training programme?

This program, like that of the police, is provided by the Ministry of Culture, through virtual and classroom training, courses and workshops.

c) Is the UNESCO-WCO Model Export Certificate for Cultural Objects used?

No. In order to reduce the risk of forgery in the export documents, the Directorate of Heritage implemented the use of security papers and the Information System of Heritage and the Arts (SIPA), where all export applications are recorded and tracked.

European Union

Have particular measures been adopted to apply the Council of the European Communities Directive 93/7/EEC of 15 March 1993 on the return of cultural objects unlawfully removed from the territory of a Member State. No, None.

IV. Emergency situations and heritage at risk

a) What is the strategy in place in your country to face emergency situations for heritage in case of natural disaster or conflict?

The Hague Convention of 1954 allows an exception to the obligation to respect cultural property, if so required by military necessity. If the property is under special protection there are more stringent conditions to allow that exception. The notion of "military necessity" and the meaning that must be given to it, have always spurred controversy among experts in the field. In his article, the author tracks the history of this provision, from the first drafts to the adoption of the Convention in 1954. Subsequently, it examines different proposals to define more precisely the notion of "military necessity". The II Protocol to the Convention of 1954, adopted on March 26, 1999 by a diplomatic conference in The Hague, includes revisions that signify a step forward in the protection of cultural property during armed conflict.

b) More particularly, what are the measures undertaken to implement UNSC Resolution 2199 (paragraph 17, 12 February 2015) for the protection of Syrian and Iraqi cultural heritage?

Not applicable to the country.

V. Other legislative, legal and administrative measures taken by the State

1. Accession to the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects

a) Has this Convention been ratified, in addition to that of 1970?

By Law 1304 of 2009, whereby the "Unidroit Convention on Stolen or Illegally Exported Cultural Objects" is approved, signed in Rome on June 24, 1995.

2. Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation

Describe the extent to which the State concerned is following the work of the UNESCCO Intergovernmental Committee (observer, member, State concerned by a case under discussion, etc.).

Colombia is an observer state. The Ministry of Foreign Affairs is in charge of sending concepts on each one of the issues to be discussed in the meetings.



3. UNESCO Database of National Cultural Heritage Laws.

Indicate action taken to organize the contribution to the UNESCO Database of National Cultural Heritage Laws and to check whether it contains all historical and existing laws and regulations, including successive amendments.

Periodically through its website, the Ministry of Foreign Affairs updates Colombian regulations and related laws.